



Education and Culture

Leonardo da Vinci

Community vocational
training action programmes
B Procedure
Second phase: 2000 - 2006
PILOT PROJECTS



EUROPEAN CENTRE
FOR THE INTEGRATION OF
INSTITUTIONALIZED CHILDREN

- **International landmarks and national regulations:
Adoption in Finland, Germany and France**

**Anne Sarja,
Daniela Kroll,
Marion Garnier
Roger Nicolas**





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INTEGRATION OF INSTITUTIONALIZED CHILDREN**

EURO-CHILD-CENTRE

International landmarks and national regulations:

Adoption in Finland, Germany and France

Anne Sarja, Daniela Kroll, Marion Garnier, Roger Nicolas

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- Satakunta Polytechnic Finland
 - Soziale und pädagogische Maßnahmen e.V. Germany
 - IRTS de Lorraine France

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INTRODUCTION TO FINNISH ADOPTION

There have always been abandoned children in need of a home as there have been parents willing to have them live in their family. Up until the 1960-70s talking about adoption meant - almost without exception - the adoption of a Finnish child. The number of children given up for adoption has grown less in Finland with the improving social and financial situation of single parent mothers, with more efficient advice on contraception and with a more tolerant attitude towards abortion. Today all Finnish children in need of an adoptive home get one. This means, however, that fewer and fewer parents wanting to adopt have a chance to become adoptive parents of a Finnish child.

There are many children who do not have a possibility to a child - parent relationship. International agreements and conventions speak about children's rights and a child's right to be allowed to grow in safe circumstances is emphasised. The Hague Convention on protection of children and co-operation in respect of inter-country adoption was signed in 1993 and its foreword states that a child shall be able to grow in a family with a loving and understanding atmosphere so that the child can develop into a well-balanced individual. The convention also states that through inter-country adoption a permanent family can be given to a child for whom a family cannot be found in the child's own country. Finland has ratified the Hague Convention in 1997.

Finland has had a law on adoption since 1925. In the reformation of the law in 1980 the concept of adoption counselling was added and the so-called strong (irrevocable) adoption was introduced. The new law emphasises the adoptive parents' good preparation for the adoption, for example, as well as the judicial rights of the adoptive child, which become equal to those of the biological children of the family. The law was amended in 1985 with the addition of a section on inter-country adoption. The law now includes the concepts of adoption service and permission for adoption.

More than 200 children get adoptive parents in Finland every year. A great part of these children are adoptive children from abroad. Foreign adoptive children come to Finland through service providers. The service providers are Helsinki municipal social welfare board, Interpedia and Save the Children Finland.

Inter-country adoption always includes a certain amount of insecurity and things that may not all be anticipated. The adoption process can be short or long - a child cannot be delivered to order. Primarily, adoption is a means to satisfy a child's need to have parents, and not the other way round.

This article is a brief study on Finnish adoption. It aims at giving information on Finnish practices and authorities therein, all working together for the best interests of the child - by finding the child the right parents.

Anne Sarja

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1. Adoption and related legislation

The foreign word "adoption" is generally translated into Finnish as "taking as a child". In adoption the child is taken and becomes taken, the child is not had or made. Adoption is a situation where the judicial parenthood of the child changes. In this instance a parent-child relation is established between persons who did not have this relation to each other before. A prerequisite to adoption is the certainty that the judicial proceedings either create conditions for or confirms the changing of a psychological and social parenthood.

Adoption creates and builds up parenthood and family relations. The basis of these relations is detached from the biological ones and replaced by the judicially defined relation, the precondition of which is the formation of social and psychological ties. In adoption a reorganisation of the psychological, social and judicial parenthood takes place.

Adoption means judicial proceedings which result in the creation of a stable family to a child whose birth parents are unwilling, unable or judicially incompetent to take care of the child. In a good adoption there is also an intention for a long-lasting welfare of the child. A successful adoption gives the child a safe home or a social foundation to meet his personal needs. At its best adoption unites the hopes of the adoptive family to get a child or children with the child's birth family's hopes in a case where the child cannot be taken care of. The rights and duties are not affected by keeping in contact with the birth family.

Adoption is regarded as a long-lasting relationship, which is by definition associated with some reservations. Adoption can also fail or it may have problems. Similarly, there is the possibility that the relationship between the child and the biological parents remains unbroken in adoption. According to this definition, adoption builds up family-like relations between different people and especially between people from different generations in a way that requires a judicial decision. The adoptive relation is irrevocable.

1.1 The purpose and aims of adoption

1. Adoption can provide a minor child substitute family-care and create new family relations to replace the old ones, when the former family has not been able to take care of the child satisfactorily, or when there is no family to bring up the child.

2. Adoption can also confirm family relations that have changed, so that a certain family relation that already actually exists is confirmed and granted the legal rights and duties pertaining to the relation of the parent and the child.

3. Adoption can be used to arrange the inner relations in a family community, so that the continuity of the family line is ensured.

Adoption is always a matter of social political views, judicial provisions and such social processes that produce "needs" for adoption and new relations between people. At the same time expectations and practices are created as to what kind of psychological dimensions there should be in the relation between parents and children. These dimensions can also be seen in other family relations, such as neofamilies. The same issues are also addressed in child protection that reorganises family and parent relations and especially in cases where a child is taken into custody.

Adoption process means both an inner event and a series of procedures. The parties in the adoption process are:

- o biological family, especially birth mother;
- o adoptive family, especially adoptive parents;
- o adoptive child; and
- o representatives of society in adoption process, especially social workers in charge of adoption process

Adoption legislation:

- o Adoption Act (153/1985) and Adoption Decree (154/85);
- o U.N. Convention on the Rights of the Child;
- o The Hague Convention on Inter-Country Adoption; and
- o The legislation of the target country

The Adoption Act of 1985 includes a provision on inter-country adoption service acting by the side adoption counselling. Inter-country adoption service is provided by the municipal welfare bodies and voluntary organisations which have been licensed thereto by the Ministry of Social Affairs and Health. The duties of the service include counselling during the adoption process and also after it. In addition to this, different practical matters of licences, fees and notifications are also included. According to the law adoption counselling is compulsory in the adoption of a child under the age of 18

both in Finland and abroad. The planning, direction and supervision of the service were decreed to belong to the Department of Social Affairs and an expert authority in the field was named, the Finnish Board of Inter-Country Adoption Affairs (the Finnish Adoption Board). The licences for both adoption counselling and for adoption service are fixed-term, for five years at most.

International civil law provisions were also included in the Adoption Act of 1985. The provisions define the application of Finnish legislation in cases where the adoption has been granted abroad. A revocation of adoption granted in a foreign state is by this law also recognised in Finland on certain conditions. The Adoption Decree (1985) includes more specific instructions as to the contents of adoption counselling and the procedures in conflict situations. The decree also states that the fee collected for inter-country adoption must not exceed the actual costs of the service provider. The Decree on the Board of Adoption Affairs includes regulations more specific than the law on the duties and composition of the Board. The law reform that resulted in the Adoption Act of 1985 was partly due to the adoption of foreign children to Finland that had started in the 1970s.

With the Decree of 1992 the Finnish Adoption Board was made directly subordinate to the Ministry of Social Affairs and Health, and at that time were also changed some word forms relating to the adoption office and inter-country adoption service. The ratification by Finland of the 1991 U.N. Convention on the Rights of the Child as well as the Hague Convention of 1997 required the clarification of the Adoption Act as to the adoption practices and activity of the authorities, which were made in 1996. The new Adoption Decree and the Decree on the Finnish Adoption Board was passed in 1997 and they include some adjustments relating to the word forms and procedures in the Hague Convention and some older decrees. There were regulations relating to adoption in other acts as well.

The changes made in the Adoption Act in 1992 were primarily a result of the discontinuance of the earlier Department of Social Affairs and the reorganisation of its duties and activities, which required the re-definition of the position of the Finnish Adoption Board. Behind the changes made in 1996 and 1997 there was a connection to international agreements.

1.2. Adoption

"The purpose of adoption is to promote the best interest of a child by strengthening the parent-child relation between the adoptee and the adopter."

Adopting a child is regulated by the Adoption Act. Decisions on adoption are made by courts of law. After adoption has been granted by judicial decision, the adoptee shall be deemed the child of the adoptive parents and the legal effects of the family relationship, such as the right to inherit property, shall enter into force.

A person wishing to adopt has to request adoption counselling from the municipal welfare body of his residence or from an adoption agency licensed by the Ministry of Social Affairs and Health. The same applies to a person intending to give her child up for adoption. The granting of the adoption by a written petition shall be instituted by the adopter. Before the matter is taken up for consideration by a court, the applicant shall furnish proof that adoption counselling has been rendered.

Adoption can also legalise actual changed family relations if it is in the best interests of the child. A strong child welfare viewpoint is or can be associated with an adoption.

The purpose of adoption counselling is to ascertain whether the conditions of adoption exist. Here the child is placed with the adopter and the success of the placement is monitored from the child's point of view. The adoption agency shall obtain from the appropriate municipal social welfare body a statement concerning the circumstances of the child and the adopter. The best interests of the child are the starting point of adoption counselling. The purpose is helping the child, the parents and the adopters through negotiations and other measures. If necessary, counselling will also be provided after the adoption has been granted by a court of law.

1.3 Prerequisites for the granting of adoption

The adoption of a minor can be granted by a court of law, if it is deemed to be in the best interests of the child and it has been established that the child will be well taken care of and brought up. A petition for the granting of adoption shall contain proof that the child is in the care of the adopter or that the latter is otherwise in charge of the care and the upbringing of the child.

Before the consent to the adoption is given, a consultation shall be arranged with the parent(s) and the purpose, conditions and also the legal consequences of adoption explained to them. Furthermore, all the social services and benefits that are available to the parent(s) and the child shall be explained to the parents. The consent of the child's mother shall not be accepted until she has sufficiently recovered from the delivery and in any case no earlier than eight weeks after the birth of the child.

1.4 Adoptive parents

Not anyone can become an adoptive parent because an adoptive parent is supposed to have certain qualities. An adopter must have attained the age of 25 years and be either married or single. According to section 7 of the Adoption Act (153/1985) common law couples may not adopt a child jointly, but a single parent may if the main purpose of adoption i.e. the best interest of the child is realised and the child can be expected to have a good care and upbringing. It is not an impediment for adoption if a single adopter lives in a common law marriage or in a homosexual relationship.

The maximum age difference between the adopter and the adoptee lies somewhere around 45 years. The suitable age for the adopter is, however, defined by the native country of the adoptee: in Asia, for example, high age is respected and adopters older than 40 years may be accepted also as parents of a small child. On the other hand, in Latin America the maximum age for applicants of children less than two years may at times be only 35 years.

Adoptive parents are presumed to be in good physical and mental health and their life in general is expected to be otherwise fairly balanced when the adoption process is started. Work, living conditions, financial situation and the relationship of the couple must lie on a stable foundation.

1.5 Inter-country adoption

The number of inter-country adoptions has increased in Finland:

v. 1985	11
v. 1997	192
v. 1999	49
v. 2002	246

The number of inter-country adoptive children is still growing, although it is

small in comparison to that of many other countries. Finland has, however, profiled itself in inter-country adoption because the number of other adoptions is small. In Finland it is more common to adopt than to give a child up for adoption.

If a person resident in Finland wishes to adopt a child from abroad, he will have to request inter-country adoption service. In Finland inter-country adoption service is provided by the municipal social welfare bodies and other adoption agencies, which have been licensed by the Ministry of Social Affairs and Health. (These service providers are covered more closely in Chapter 5.) The service provider may operate in co-operation only with such corresponding foreign authorities, organisations or other bodies that have been approved by the Finnish Adoption Board.

Before an adoption is granted in Finland or abroad, the adopter shall obtain the permission of the Finnish Adoption Board.

1.6 Many kinds of family relations

Inter-country adoption has brought a new global and ethnic dimension to the definition of family. Since the 1960s, inter-country adoption has increased, partly as a demonstration of international solidarity especially, partly as a result of the growth of international tourism and the internationalisation of personal relationships. The most critical opinions relating to inter-country adoption have dealt with child-trade. Selling children, commercial motives and subjugation of children as well as the interests of buying parents and brokers cause anxiety. There are examples of the above both in developing and in prosperous countries alike. This phenomenon has parallels with global caring chain, whose direction is from the south to the north and from the east to the west. These caring chains are based on an asymmetry where some people have money but no time while the others are short of money although they have plenty of time. This is how caring and house work is brokered - just like children, sold and bought over national borders; from those who have to those who do not.

According to studies there seem to be no indisputable risks or threats to the child's psychological or social development connected with inter-country adoption. Experiences of discrimination among adoptive children that relate to racial or ethnic background vary in the same way as they do in general.

This leads to the conclusion that family relations can also cover ethnic, national and cultural differences. With the growth of inter-country adoption it can be expected that global, ethnic and cultural dimensions enter into the dimensions of family relations. On the other hand views are put forward in favour of global adoption and at the same time there are discussions of whether looking different affects the identity of adoptive children. There are present, at the same time, views that break down the family concept based on biological ties and views that stick fast to these biological ties.

The reorganisation of family and parent relations in adoption is moral and social political by nature. That is why the history and the present day practices make visible some thing of a family that are usually left aside in discussions on family matters. Adoption reveals the institutional importance and essence of family relations but also their sensitivity and vulnerability in relation to social interpretations and practices. Especially the position of the child is changing and dependent in adoption.

Not only emotional ties create family bonds but also biological and judicial ties are important. Present day practices in adoption, the small number of children given up for adoption in Finland and the strong regulation related to adoption seem to emphasise the fact that in Finnish civilisation it is not so easy get rid of biological family ties and of the personal and cultural meanings associated with them especially.

2 PREPARATORY MEASURES FOR A PLACEMENT

Many authorities both in the home country and abroad affect the foundation of an inter-country adoptive family. The adoption process is not a private matter like getting a biological child. At a very early stage the adoption applicant has to take a stand to many issues that do not have to be taken into consideration in getting a biological child. Not even the decision on adoption can be made in private among the family but it must always be considered and accepted by authorities.

The inter-country adoption process can be divided into six separate phases:

1. idea / thought;
 2. reflection period;
 3. decision;
-

4. waiting period;
5. child, and
6. family life;

After the reflection period, which may be long and intensive, the family decides on whether inter-country adoption best suits their needs. Even though the process progresses after getting started, the family will have to wait. The waiting period may take a long time, months or even years. However, the waiting almost without exception results in getting an adoptive child in the family. A family wanting to adopt may have to go through all the six phases of the adoption process, and some of the phases may last longer than others, some may be mentally more difficult.

2.1 Adoption Counselling

The families that consider becoming foster/adoptive parents have the right to receive training and information on what foster/adoptive parenthood means. This adoption counselling is given by the social worker of either the municipal social welfare body or Save the Children Finland.. The family and the social workers meet both at the social welfare offices and at the home of the applicant family at least three times in a period of half a year. Based on these meetings the social worker writes out a home report concerning the applicant family which represents the family abroad. The purpose of adoption counselling is by law (153/1985) to attend to the best interests of the child as well as to assist the child and the child's parents before the adoption is granted by a court of law and where necessary, also thereafter.

Adoption counselling shall include:

1. ascertaining whether the conditions of adoption exist;
2. placing the child with the adopter;
3. observing whether the placement of the child proves to be successful in view of the child's best interests and;
4. seeing to that the adopter promptly takes steps to have the adoption granted In inter-country adoptions, adoption counselling mainly concentrates on points one and three. Point two is taken care of by the foreign service provider and point four is the responsibility of both the adoption counselling and the foreign service provider.

The central purpose of adoption counselling is to look after the child's best interest. This is ensured by deciding whether there can be created between the adoptee and the adopter a positive and lasting parent-child relationship and by training the family in the formation of the adoptive relationship. The purpose of adoption counselling is to help different parties also after the adoption has been granted.

During adoption counselling the applicants must reveal their own fears, emotions and expectations. The future the child as well as the relationship of the couple must also be considered. The purpose of adoption counselling is to give information and advice to those considering adoption and help them make a conscious decision. The social worker has to find out whether the applicants meet with the criteria required by the law and whether the life situation of the applicants seems suitable for the adoption. During the adoption counselling the social worker goes through issues concerning adoption parenthood and the growing of the child. During counselling the applicants' motives for adoption, their socio-economic status and their health state as well as their living conditions are discussed. In addition to these, attention is paid to the applicants' view of life, earlier life experiences, educational abilities and hobbies and other interests.

2.2 Adoption Service Provider

Adoption service providers are the prospective adoptive parents' link abroad. Inter-country adoption service in Finland is provided by Save the Children Finland, Interpedia ry and the municipal social welfare board of Helsinki town. These service providers are licensed by the Ministry of Social Affairs and Health.

According to the Adoption Decree a service provider shall:

1. co-operate with foreign service providers;
 2. give information on the prerequisites for inter-country adoption;
 3. see to that the applicants ask for adoption counselling;
 4. assist the adopter in the acquisition of the documents and certificates necessary for inter-country adoption and in having them translated;
 5. see to the sending of the necessary documents abroad;
 6. see to taking care of the tasks of the service producer as stated by the Hague Convention;
-

7. assist in the measures relating to bringing the child to Finland;
8. monitor, together with the provider of adoption counselling, the success of the placement and send the pertinent reports to the foreign service provider;
9. see to that the adopter without delay undertakes measures to have the adoption granted;
10. forward the fees collected in Finland and abroad from the adopter;
11. notify the foreign service provider of an adoption granted in Finland;
12. notify the Finnish Adoption Board and the Population Register Center of an adoption granted abroad, and
13. perform the other tasks assigned by the Ministry of Social Affairs and Health

2.3 Auxiliary services based on adoption

Auxiliary services based on adoption are support services directed to families, which have or are planning to get an adoptive child. These service measures do not include services directed to all child families, such as day care, family clinics or basic education. In many cases the need of support is at its greatest during the waiting period.

2.3.1 Public support services

Adoption counselling consists primarily of statutory municipal support services. In adoption counselling the social workers aim at preparing the applicants for adoptive parenthood and assess the applicants' suitability for adoption. Adoption counselling is given by all municipal social welfare bodies and Save the Children Finland. The central purpose is to prepare the adoption applicants for the adoption, to attend to the best interests of the child and to ascertain whether the conditions of adoption exist (153/1985). At the end of adoption counselling the social worker writes out a statement of the family called a home report. The home report is a document presenting and describing the family to the Adoption Board in order to get a permission for an inter-country adoption. This document is of the greatest importance also because it is translated to the adoptive child's native language and it represents the family in that country. Perhaps the most important public service is the adoption counselling with its home report because of its significance on one hand and because it reaches all families wanting adoption on the other.

2.3.2 Support services offered by organisations

Families considering inter-country adoption are offered various support services by some organisations. These support services include among others training courses for adoption applicants by Interpedia ry, contact person family service, meetings, culture groups for different countries and children's summer camps.

Voluntary adoption training courses are regarded to be an important and essential part of the adoption process. The courses are recommended to families which are in the adoption process for the first time or and at a very early stage of the process. The training course starts from the opening of attitudes and it aims at clarifying for the adoption applicants the differences and similarities of an adoptive child and adoptive parenthood as compared to a biological family as well as to supporting the adoption applicants in growing into a different kind of parenthood. Adoption training courses also aim at creating a network of contacts between adoption applicants in order for them to get support from each other during the application process and even after the arrival of the child.

According to Kujansuu's study (2003) almost all participants (10) of the study had participated in an adoption training course before the arrival of the child in the family. All subjects regarded the course as useful or very useful, the most important thing being the contacts to a peer group. Part of the interviewed subjects felt that they had got practical information on the course; part of them felt that they had benefited more on the emotional side. It was also felt to be important that the course dealt with the adoption not only from the parents' but also from the adoptive child's point of view. Almost all of the participants of adoption training courses reported to have made during the course lasting friends, a kind of network to turn to in different situations. The contacts made during the course were regarded important as regards both the parents and the children. The adoptive parents felt it necessary for the children to get to know other children from as many different cultural backgrounds as possible and to learn this way to understand how different and different-looking people can be.

Adoption training courses are organised on two weekends and the course deals with special questions of inter-country adoption. The training course

primarily concentrates on the child; background, reasons for giving the child up for adoption, the child's adaptation, the attitudes of the environment and the motives for adoptive parenthood. The course also offers opportunities to discuss the feelings aroused by the adoption process with other persons in the same situation. The course diploma will be attached to the application documents sent abroad.

2.3.3 PRIDE training program

Prospective foster/adoptive families wanting to become foster/adoptive parents have the right to receive training and information on what foster/adoptive parenthood means. Since 1994 PRIDE training program (Parents' Resources for Information, Development and Education) has also offered its services to foster/adoptive parents in Finland. The versatile PRIDE-training gives enough information for the basis of decision and competencies to become a foster or adoptive parent. The aim of the training is for the families to be able to make a decision based on solid knowledge of their competencies and willingness to become foster or adoptive parents after the training. This means that PRIDE training is directed to prospective foster or adoptive parents. The training includes nine three-hour sessions in a period of about three months. In addition to providing information, experience-based learning is also essential, because through different exercises one's own emotions as well as those of the child's and his parents' are entered at different stages of the placement. Part and parcel of the training are also home visits, the participants' PRIDE-book and homework.

In PRIDE-training program the training is given by a social worker and an adoptive parent together. At the end of the training the family and the trainers together assess the family's abilities to become adoptive parents. Out of those who pass the training program, approximately 75 per cent continue to become foster or adoptive families and a quarter ends up in the solution that they either do not wish to or do not have the competencies to become foster or adoptive parents or then they do not possess the required competencies according to the trainer's assessment.

PRIDE-program includes a competence-based training and specialisation program for prospective foster and adoptive parents as well as ten separate supplementary training modules. Supplementary training and also Basic

Pillars for Foster Care -training are training meant for foster and adoptive parents as well as for professionals working within foster care and child welfare. PRIDE-training aims at supporting the families and deepening their competencies as well as developing foster care and child welfare.

Originally PRIDE-training program was developed in the U.S. and in addition to Finland it is currently practised also in the Netherlands, Belgium, Sweden, Norway and Hungary. In Finland the program version in use has been modified to fit the Finnish circumstances and practises. The copyright of PRIDE-program in Finland is with Pesäpuu ry. Pesäpuu ry is a national organisation in charge of maintaining a center of expertise in child welfare.

3. FOLLOW-UP

3.1 The right of a child to a well-balanced development and welfare

A Finnish child has a life that is very well secured and protected by law. The purpose of the legislation relating to children is to secure a well-balanced development and welfare in all circumstances. The local authorities are responsible for providing child welfare services of such content and extent as corresponds to the needs in its area. According to the Child Welfare Act a child is entitled to a secure and stimulating growing environment, to a harmonious and well-balanced development and a special right to protection.

According to the Child Custody and Right of Access Act, section 1:

"The objectives of child custody are to ensure the well-being and balanced development of a child according to his individual needs and wishes, and to ensure for a child close and affectionate relationships in particular with his parents.

"A child shall be ensured good care and upbringing as well as the supervision and protection appropriate to his age and development. A child shall be brought up in a secure and stimulating growing environment and receive an education that corresponds to the inclinations and wishes.

"A child shall be brought up with understanding, security and gentleness. He shall not be subdued, corporally punished or otherwise humiliated. The growth of a child towards independence and responsibility and adulthood shall be supported and encouraged."

The purpose of child welfare is to ensure a child the rights by providing good general growth environment, by assisting the custodians in the upbringing and by providing family-oriented and individual child welfare. The law enjoins municipalities to actively follow the children's growing environment and to develop them. The social welfare body of the local authority has an active role in child welfare. The local child welfare authorities work under the supervision of the social welfare board.

A child within the meaning of Child Welfare Act is a person under the age of eighteen; a young person is under twenty-one. If it is noticed that the health or the development of a child or a young person are endangered or not safeguarded by his growing environment, or if a child or a young person endangers his own health or development with his behaviour, the social welfare authority must according to this Act undertake active measures to support him.

Adoption counselling provider has to monitor among other things whether the placement of the child proves to be successful in view of the best interests of the child and, if the placement proves a failure, undertake necessary measures to safeguard the interests of the child and, if necessary, arrange the child a new placement.

3.2 Co-operation after the placement of the child

In adoption process many persons have taken a stand to the future on the child. Children adopted to Finland from abroad were born in a country and civilisation with often different values than those of ours. This is why there has to be a careful follow-up of how the life of the adoptive children goes on in their new home country. The authorities assisting in the adoption process require the social worker to see to the follow-up of the adoption.

Adoption follow-up concerns

1. The adoptive child

Getting new parents, moving from familiar surroundings to a foreign civilisation and the change of language are major changes in a child's life. The child of the new parents may have lived in several foster homes and children's homes before moving to his new home. Occasionally there is no information on the child at all. The child's earlier experiences and his age affect the adaptation to the new family.

2. The adoptive parents

Adoptive parenthood does not come as a surprise. Adoption counselling is an important part in the preparation for adoptive parenthood. In adoption the family feels great happiness in getting a long longed-for child. The love between the child and the parents will not, however, be born at once but it will grow in time.

3. Possible siblings

In every child's life getting siblings is a great change. The child may act jealously and aggressively towards his parents or the new family member. The child may also be happy for having a new sibling and playmate.

4. The family

Starting a new family always involves changes. Occasionally the change may be easy and it may feel that the child has always been a part of the family. Sometimes more time is needed for the child and the parents and possible siblings to find each other.

The social worker has to meet with the family and the child and write out follow-up reports about the situation of the family as well as about the development and adaptation of the child, which reports are to be sent to the country of origin of the child, either to the contact person of that country or directly to the children's home that the child was adopted from. Depending on the country of origin the number of follow-up reports varies and some countries require them until the adoptive child reaches adulthood. The aim is to get a realistic description of the life of the adoptive child and his family. If problems and adaptation difficulties occur, the hope is that they can be accounted for honestly.

The follow-up report tells about, among other things:

The physical development of the child. Changes in height and weight and diet are worth mentioning as well as motoric development. The report tells about the child's state of health and possible illnesses.

Mental development and the child's adaptation to the new environment and the child's possible difficulties therein. Linguistic and intellectual development.

The child's relation to the environment. The child's and the parents' adapta-

tion to each other, the child's relation to possible siblings, relatives, friends and teachers. Emotional development.

Great events. The important events in the child's life, trips and possible changes in the family.

Evaluation. The social worker's overall evaluation about the family and the situation of the child.

Photographs of the child and family.

The persons involved in the placement of the child need information on his present situation because the welfare of the child is important to them. With the help of the information they will be able to detect corresponding symptoms in other children in time. This is why it is necessary to mention both the good and the bad news in the reports.

Some children arrive with an injury or illness that the parents have been informed in advance. Other children may, however, show signs of physically or mentally retarded development or an illness that has not been detected in the child's native country. It is important that the reports are honest about the development of the child in this respect as well.

The persons involved in the placement of the child are interested in possible medical visits, examinations and their results as well as in how the child and the parents have adapted to the new situation. It is also important to tell what kind of assistance has been used when needed.

3.3 Post-adoption service

Children who have arrived through inter-country adoption may want to get to know their country of origin and acquire information on their background. It is, however, often impossible for adoptive children to find their birth parents in a foreign country. It is also important for the adoptive parents to be able, even after the adoption, to discuss the matters related to the adoption and the development of the child with the adoption service provider if they wish to do so. Preparations must also be made to support the parents who gave the child up for adoption, because even after many years some of them want to have information on the child or they want to think again about the matters related to giving the child for adoption.

The social worker in charge of the adoption counselling of the family will

continue with the duties even after the arrival of the adoptive child in the new home. This post-adoption service is assistance and support provided by the adoption counselling provider in matters relating to the adoption, and it is provided for the child, the biological parents, the adoptive parents and possible siblings even after several years or even decades after the adoption. In Finland the post-adoption service of inter-country adoption is taken care of in some parts much in the same way as in domestic adoptions. However, for the growing-up inter-country adoptees the processes of finding their roots are only under formation in the processes of different service providers and in the society as a whole.

An adoptive child shall have the right to receive information on matters relating to his adoption. Adoptive children in puberty especially often want to find out about their background. Some adoptive children want to meet with their own biological parents. The child has the right to receive information in the documents containing information about him. The documents about the child, the birth parents or the adoptive parents drawn up or received in the process of adoption counselling or inter-country adoption service must be preserved at least a hundred (100) years from their composition. The adoptive child and his custodian as well as the offspring of the adoptive child have the right to, under appropriate guidance, receive information in these documents. The delivery of the information may, however, be denied if the delivery of the information may cause harm to the health or development of the adopted child or if the delivery of the information is otherwise against the interest of the adopted child or other private interest.

A kind of post-adoption service is also the service providers' shared adoption counsellor service that was started in 1998. The adoption counsellor project is a supportive service for families who have adopted from abroad. The project is financed by the Finnish Slot Machine Association. The adoption counsellor provides counselling, guidance and support by phone for all inter-country adoptive parents, children and young as well as for inter-country adoption applicants. The services of the adoption counsellor also include training for different professional groups such as the professionals in the social welfare and health services and education, providing them with information relating to adoption.

The time of giving the child up for adoption and the attitudes of the society have had an influence on how openly families and the society are able to talk about adoption. Even today giving a child up for adoption often includes fear of judgement and, as a result, also shame and secrecy. Until the mid-1960s a mother giving her child up for adoption was told that she would never again hear from the child that she has given up for adoption. With post-adoption service more and more adoptive children started to show interest in their own background and wanted to get into contact with their own biological mothers. This resulted in discussions with birth mothers also on the possibility of making it possible for the child to get into contact with the birth mother later on.

For every adoptive person there comes a time when the important questions in life are "who am I", "where do I come from" and "where am I going to". Generally, the youngest persons contacting adoption counselling in matters relating to post-adoption service are in their puberty. If these young people do not want to come to the adoption counselling office together with their adoptive parents, it nevertheless regarded important that the adoptive parents be made aware of these discussions. The young are beginning to get interested in information relating to their own growth and identity; who they look like, who they have inherited their talents from.

Many an adoptee asking questions about his background and finding out about his roots is himself in a life situation where he is about to or has just become a parent (father or mother). Question relating to their own infancy as well as parenthood in general and making it as a parent become topical. The reasons for giving a child up for adoption become interesting in a different way than before and at the same time there is also more understanding to realise the life situation of the biological mother at the time of her giving the child up for adoption. At that time also the wishes to meet with the biological mother and to find out more about oneself and relatives may be aroused. Questions of genetic nature and hereditary illnesses of the family may also trouble the mind.

In post-adoption service, issues relating to background and contacts to birth parents mainly concern birth mothers, but also the situations of the fathers of adoptive children are under examination. In general there is much less infor-

mation on fathers and they have in earlier years especially been much less than mothers involved in the adoption matters of the child.

4.PROBLEMS, TREATING AND DEALING WITH THEM .

This chapter takes a look into some of the problems related to adoption, concentrating mainly, however, on the problems of the adoptive children. The aim is not a comprehensive survey of the problems but rather just to tackle a few.

When looking at crises and getting out of them it has to be kept in mind how different the meaning of the new life situations and problems is for different people. An individual's life history, circumstances, conditions, environment, one's own interpretation of the situation and the current phase of life all have an influence on how difficult the life situation will become. A permanent home, regular job, stable financial situation and good friendship relations help manage. In life's crisis situations many things may often be in confusion, and it may be hard to see what is the reason for something and what is the consequence.

A family's tolerance is tested when many crises occur at the same time. Very often attention is directed to the matter that is felt to be the most difficult, and little attention is paid to other things that wear out the resources of the parents of the family at the same time.

Many even simple things help manage in difficult problem situations. A crisis situation may be overcome with the help of humour, the re-defining of the problems, the reorganisation of tasks, receiving help and co-operation with the neighbours, relatives and friends. The problem may also be helped by a re-evaluation of values, the direction of anger to a constructive activity and the recognition of what has not been lost.

Sometimes professional expert help is needed in the clarification of matters. Because of their outside point of view these experts may bring a sense of proportion and new insights in the family situations and help the family members recognise and take into use the inner resources of the family.

Professional expert help in family crisis situations is provided by the following agencies, among others:

- o municipal family clinics;
- o psychologists at health centers;
- o congregational consultation center of family affairs;
- o family clinics of voluntary organisations;
- o children's clinics, school psychologists, school counsellors and social workers in child welfare, and
- o mental health agencies;

4.1 Problems relating to adoptive parenthood

H.D.Kirk (1964) has studied 2000 American adoptive families. The study extends over ten years of time and there are two different basic types of adoptive families: parents who deny that adoptive parenthood would be any different than biological parenthood and parents who admit that it is different to be adoptive parents than it is to be a biological mother or father. Kirk's study also shows that adoptive parents who admit these differences have succeeded better in their roles as adoptive parents.

Attachment

Both the child's attachment to the parents and the parents' attachment to the adoptive child always take its time. At the beginning the child may only accept one of the parents and become attached to him. During the waiting period the parents build up images about the child and meeting him. Some parents feel the child to be their own right away and sometimes it may feel that the child is a stranger. It may also be difficult to approach the child and the responsibility over the child may feel too heavy a burden. Feelings may cause anxiety and guilt. All feelings are allowed, however - they just have to be given time and space.

The parents may have a feeling of powerlessness if their feelings do not get a sympathetic response from the child. At the beginning the child may be too confused, depressed or distressed as a result of the great change in his life to be able to return the feelings of the new parents. It is also likely that the child is not used to getting attention and closeness. For some adopted children it is hard to let another person come close.

In this situation the support of other adoptive families is valuable. It is easy to talk about even difficult matters with persons who have experienced the same thing. The service providers have contact information on support fami-

lies and the family can always talk with the adoption counsellor about matters great and small.

Depression

Many times a new adoptive parent may suffer from post adoption depression syndrome. At this time the adoptive parent feels inadequacy or straightforward depression in front of the new huge responsibility. For a biological mother post delivery depression may come as a "natural" phenomenon, but adoptive parents are often confused as they experience the same feelings without being able to explain them with a hormonal turmoil.

The adoptive parents' feelings result from the fact that getting a child and the adoption is one of the most important goals in the life of most adoptive families. When at long last the longed-for child comes to the family, the happiness is so overwhelming that it is impossible for the emotions to stay at that level all the time. Sooner or later an event causing disappointment is inevitable.

Another reason for the syndrome may be the adoption process. The adoptive parents may have to deal with their feelings relating to childlessness, for example, over and over again in connection with the home report and the placement of the child. An adoptive parent may mourn the loss of the biological mother who has had to give her child for adoption. Uncertainty about the background of the child and worry about the health of the child may cause stress as does the increasing financial responsibility. In the early stages the life of the adoptive family is troubled with the tiredness of the parents due to lack of sleep.

According to a survey of the Eastern European Adoption Coalition, Inc. more than 65 per cent of adoptive mothers suffer from post adoption depression. The parents of inter-country adoptive children from children's homes and the mothers of children at playing age and close to school age especially have been noticed to tend to show symptoms of depression and mood disorder after the realisation of the adoption. The survey was carried out in the autumn of 1999 and, out of the 145 adoptive parents who took part in it, 65 per cent reported to have suffered from depression. One of the most important causes of the depression symptoms was the long waiting period and the hopes and dreams aroused at that time which caused the parents to

have unrealistic expectations. After the child had finally come to the family, the creation of an emotional tie could take a long time, even from two to six months. In comparison to post delivery depression the post adoption symptoms lasted longer, according to the survey. Of those who had suffered from post adoption depression symptoms 77 per cent reported them to have lasted from two months up to more than a year. 85 per cent reported that the symptoms had affected their health as a change in weight, insomnia or headache, for example. 70 per cent reported that the symptoms had affected the creation of an emotional tie to the child.

The first symptoms of depression are a reason enough to discuss the matter with a professional, such as the nurse or the doctor at the health clinic and to look for solutions for the situation. The most important thing is, however, to recognise the situation and remember that many other people have experienced and still go through the same feelings. Having feelings does not mean that an adoptive parent has made a wrong decision in adopting a child or that he is a deviant parent in one way or another.

It is useful for an adoptive parent to look for information that supports parenthood. The increasing confidence in one's own nursing and upbringing skills alleviates uneasiness. It is also worth the trouble to arrange time for oneself to get used to the new position. It is no use setting too high demands for one because commitments to the child and learning to be a parent do not always take place overnight.

4.2 Problems relating to adoptive child

The adaptation of the adoptive child to the new family and new parents usually goes well but even difficult problems of adaptation may occur. Many times children who have grown in institutions have certain special characteristics that come out at the adaptation stage of the child. The age at which the child comes to the family is not as important as are the things that the child has experienced before coming to the adoptive family.

"Honeymoon"

The first weeks or months especially with a child past babyhood usually go well. The child is very good and wants to please the new parents in every way. During honeymoon the child gets to know the parents, the home and the neighbourhood. The child past babyhood may be busy or excited because

everything is new and wonderful. The child wants to try, touch and explore things many times. In the course of time the child realises that he will not be sent away from the new home. With this realisation he has the courage to express his own opinions and test the limits. This is when the parents need patience and the ability to set clear limits that create a sense of security in the child.

Sadness

The child may be sad in the new home. The child may feel sad because of the loss of familiar growing environment, close friends or nurse at the children's home. In spite of a difficult background every child has also had positive experiences and human relations that the child naturally misses. At first the child may be in a state of "shock" and he has no chance to work off the sadness. The child may be happy and glad, and then suddenly burst into desolate tears and be totally incapable of accepting consolation but try to escape into solitude. In this kind of situation a parent feels helpless but his presence is, however, the best medicine for the child, although the child could not stand physical touch.

The child's sadness must be given room. For an adoptive child sadness, losses and separation are especially difficult experiences because their basic feeling of security has been shaken. The adoptive child has always lost the biological parents. The sadness may show as insomnia, restlessness, regression, aggression or apathy, for example. Going through the sadness helps the child attach to the parents and to other people. If for any reason the child cannot work off the sadness, the contacts to other people may remain superficial and genuine emotional ties are difficult to create. To work off the sadness, the child needs time and a grown-up person who understands him. The sadness may surface at later stages in life.

Activity - passivity

The child may be lively and temperamental which may result from the child's personality, genotype or racial characteristics. Hyperactivity is common in adoptive children. This has been noticed in various studies on both domestic and inter-country adoptions. Hyperactivity may partly be a result of the biological mother's life situation, the emotional stress and the stress during the pregnancy.

At early stages some adoptive children may be passive and lack initiative. This may be a reaction to the change of environment or the child may be in this way working off the sadness caused by the change of environment. It is possible that the child has earlier lived in a poorly stimulating environment and he needs time to get used to new stimuli.

The child needs time and the stimuli have to be offered little by little. Toys suitable for the child are the ones meant for children several years younger. It is very usual that the child is not interested in toys, that he cannot play with them or he does not feel like playing.

Hyperactivity

Some adoptive children are really lively: they move all the time; it is hard for them to concentrate or finish a certain task. These children do not obey parents' advice or orders. They do not, however, misbehave on purpose; they just cannot concentrate and take orders and encouragement as quickly as their peers. There may also be the problem that they cannot stop doing what they have started, and that is why they cannot respond to what their parents tell them to do or not to do. Although the children understand the order to stop they are still driven by a compelling urge to continue the action for a little longer than the other children.

Hyperactive children need a clear day program and very clear limits. Children like this cannot usually stand big groups and noisy places or situations. They may also feel distressed by the great number of things and have difficulty to concentrate on playing if there are many toys to play with. For such a child it is good to offer one toy or type of action at a time. Taking care of a hyperactive child is hard work but the situation usually becomes easier in the course of time as the child himself learns to control his full swing. Hyperactive children can also be treated with medication and different kinds of therapy.

Eating disorders

Especially in the beginning of the adaptation process it is usual for the child to eat all too much, which may lead to devouring and even vomiting. This is when the food portions have to be regulated. Short-term overeating is seldom dangerous. Too much food comes out in vomiting that is not dangerous if it does not continue too long.

Behind food-fixation there may lie a sense of insecurity, for example. The child may be attached to food so strongly that a mere sight of food makes him want it, even if he has just had a meal. Meal situations can be made easier by delivering the portion on every plate in advance and not bringing any extra food on the table, for example. Another alternative is to lay the table in the normal way and then the parents regulate the eating of the children. In time the child understands that the food will not end and it will be available every day. Children may also hide food in the bed, under the carpet or elsewhere in corresponding places. In time also these problems disappear and they need not be paid any undue attention.

Sleeping disorders

It is possible that the child has unpleasant memories related to going to sleep. The child may sleep restlessly and going to bed and falling asleep may be clearly difficult for the child. Although the child is inevitably tired, he does not want to go to sleep. The child may be afraid of falling asleep and possibly associated bed-wetting.

The child may have slept beside somebody in the children's home or foster home or he may otherwise be used to sleeping in a room where there are other people. Being left alone in a dark room is too great a change for such a child.

Children coming from children's homes are used to falling asleep without coddling and fairy tales. The adoptive child may have difficulty in falling asleep in the new family if the parents touch the child when he is falling asleep. Other children are used to falling asleep to their own cry or swinging movements. It is not uncommon for sleep disorders to disappear in time.

Bed-wetting

The child may suffer from night and/or day wetting. The children may have a development retardation of several years in comparison to other children of their age. Thus also the neural age is retarded and even an older child may wet himself when coming to the new family. Usually wetting disappears by itself as time goes by.

The development of adoptive children is, however, often behind the development of their age group and they need more time for the development of the nervous system. Bed-wetting may be a result of the child's livelyhood;

the child forgets or does not have time to go to the bathroom in time. The child may have insufficient ability to understand his physical feelings and is not able to recognise the pee-need. This may also have something to do with the fear of being locked up and left alone.

Wetting may be a result of great changes in the child's life and that is why it must not be paid too much attention. Different damages in the nervous system may also cause wetting. The parents do not always know whether the child has been a wetter in the children's home already or whether the child's health has been damaged. If wetting is prolonged, the child must be examined. Organic diseases, such as infections, neurological and hormonal and structural deviances must first be ruled out. There are several factors causing bed-wetting, such as hereditary inclination, and not all of them have even been identified yet. Hormonal bed-wetting can be remedied by different alarms and/or medication. Medicine is available as tablets or nasal spray. About 10 per cent of Finnish 4-year-old children bed-wet and about 6 percent of school-starters still do. Boys bed-wet more often than girls.

Separation anxiety

Starting from foetus time the child is in contact with both the mother and the outside world. During foetus time the child hears sounds through the mother's abdominal integuments. After the birth at the age of about two to six months the child feels one with the mother or the primary nurse. This state of well-being and symbiotic experience is the foundation for the child's attachment to the nurse and later to other people as well. Any deficiency during the symbiotic phase of the child affects the child's basic security negatively and the child's concept of his own body may remain deficient. The symbiotic phase is repeated in puberty in the attachment to friends among other things. The symbiotic phase also affects adult personal and dating relations, and dependence on other people may occur as well as difficulty in separation situations.

Independent of his age the adoptive child needs time to attach himself to the parents. The attachment requires going through a kind of symbiotic phase usually with another parent. At that time the parent should be near the child, which emphasises the physical closeness. At this stage it is not good to leave the child in the care of others; the most important thing is simply to be with the child. In the course of time the child has courage to let the parent go fart-

her and farther away and also start going around himself.

The child may respond to a slightest separation situation very strongly. He cannot stand a shortest separation and keeps up a guard all the time to have the parent in sight. Even a short separation from the parent makes the child feel restless and anxious, and nobody is able to give consolation to the child then.

A child suffering from separation anxiety feels safe in perpetually similarly repeating routines of everyday life, which bring security to the chaos in the child's mind and help him get used to new situations.

Premature puberty

Sometimes inter-country adoptive children reach puberty too early. This has often happened especially to girls but sometimes to boys as well. Girls as young as eight to nine years of age have had their first period. The signs of premature puberty include things such as sudden strong growth in height, smell of sweat, growing bodily hair and mood changes as well as growth of breasts in girls. The reasons for premature puberty are still unclear and research in the subject is incomplete. Some researchers suspect that one possible reason may be the arrival of the child from a totally different environment to a strange civilisation and standard of living. At this point the child suddenly starts growing fast and life causes imbalance in the control system of the body. If a parent suspects premature puberty, a doctor should immediately be contacted because the treatment of premature puberty requires medication. In Finland there are many families where the adoptive child has had premature puberty. These families are willing to share their experiences and their contact information is with the adoption counsellor.

Learning the language

Many different studies have shown that inter-country adoptive children may have both linguistic difficulties and difficulties relating to learning and concentration. Understanding abstract concepts (relativity, time and dimension) is often hard for inter-country adoptive children. Linguistic difficulties at school may cause harm in the learning of mathematics, for example.

Time must be given for the change of language. The main thing is for the child to become understood and to understand - not in what language or by what other means it happens. It is nice if it is possible to communicate with

the child in his own language but in most cases it is not possible, however. Speech is not the only way of communicating. We also have our facial expressions, gestures and kinetic movements available. Different messages and different situations need different means to be received, so it is useful to utilise everything available. Drawing, different objects and picture boards can also be used. Picture boards could be good helpers in practical situations during the first few weeks. It is also important to name feelings and draw emotion pictures to help dealing with them.

At the first stages it is useful to stick to using the same expression about the same thing all the time. Only at a later stage can the child learn to use language in a more versatile way and be able to use grammatically correct expressions. It is useful to make the learning situations nice because nice things are more easily learned than more difficult ones.

5. INTER-COUNTRY ADOPTION IN FINLAND

Until the mid-1970s Finland was in a situation where children were adopted from us to foreign countries. Gradually the direction of the adoption has changed and Finland has clearly become a country receiving adoptive children. Today about 200 children are adopted from different countries to Finland every year. The number is low in comparison to that of the other Nordic countries, Sweden receives three times more adoptive children than Finland, for example.

Inter-country adoption activity has in many countries started in a situation where not all childless couples could not be offered an adoptive child from their own country, but often a charity point of view has been present as well. The interest in inter-country adoption has increased and become a more acceptable and visible phenomenon. Finnish adoption research and related literature is still rather scarce as compared to the other Nordic countries.

Inter-country adoption as a phenomenon is relatively new in Finland, because the oldest inter-country adoptees in Finland are at the age of about 30 and their number is small. For this reason it has not been possible to conduct a wider research on adult adoptees in Finland. Another reason for the scarcity of research may be, in addition to the marginality of the phenomenon, the professional secrecy of the authorities concerned.

The adoption method used in Finland was the weak adoption of the 1925 Adoption Act up until 1980, after which a strong (irrevokable) adoption has been applied in adoption cases falling under the legislation on domestic adoption. Municipal social welfare authorities and Save the Children Finland acted as adoption agencies in Finland. Since 1985 the official service providers have been Save the Children Finland, Interperia ry and the social welfare board of Helsinki town. Inter-country adoption activity in Finland is under the supervision of the The Finnish Adoption Board.

The beginning of inter-country adoption activity as a result of the wars meant that it was regarded as a means to help children in difficult situations. At the background of inter-country adoption was, however, the motive that families suffering from childlessness wanted to get children and that in most western countries there were practically no more healthy babies available for adoption after the 1950s. The interest in adoption increased in Finland during and after the war. In years 1942-1948 at least 1000 children were adopted through Homes to Homeless Children ry and Save the Children Finland. As a result of the war there were also more children than before in need of foster families and it was no longer possible to place all of them in the countryside only. An increasingly greater part of foster families lived in towns and their professional background was in the working class.

In Finland a record number of children were placed in families in the 1970s and at the same time the concept of adoption started to change. Towards the end of the decade the number of children given up for adoption came crashing down after abortion and contraception became more common. The society became in many parts more liberal and the general attitude towards illegitimate children started to become more positive. In lack of babies families started to adopt also children in playing and school age at the end of the 1970s and inter-country adoptions proper were started in Finland in the 1980s.

There are no coherent statistics on domestic and inter-country adoption activity for years 1970-2000. Adoption agencies, the Central Bureau of Statistics and the Finnish Adoption Board have published their own adoption statistics and in addition to them there are single studies for some years.

5.1 Authorities

The general planning, supervision and control of inter-country adoption service belong to the domain of the Ministry of Social Affairs and Health. The Finnish Board of Inter-Country Adoption Affairs, a body appointed by the Council of State and subordinate to the Ministry of Social Affairs and Health, acts as a special expert authority in inter-country affairs. The Finnish Adoption Board acts also as the central authority referred to in Article 6 (1) of the Hague Convention.

Inter-country adoption service providers provide for the practical procedures in inter-country adoptions. The Finnish legislation on adoption requires that authorised adoption service providers shall be used. Authorised service providers are:

- o The social welfare board of Helsinki town;
- o Interpedia ry, and
- o Save the Children Finland

All the above mentioned service providers are licenced by the Ministry of Social Affairs and Health to provide inter-country adoption service in Finland.

In 2002 there were 2070 inter-country adoptees in Finland who had been adopted in accordance with the Adoption Act that entered into force in 1985. In some cases the adoption of children that come to Finland is granted in a foreign state in accordance with the legislation of that country without the permission of the Finnish Adoption Board. In cases like this The Helsinki Court of Appeal has been able to confirm the adoption valid in Finland. The greatest number of children have come to Finland from Russia, Colombia, Thailand, China and Ethiopia.

The Finnish Board of Inter-Country Adoption Affairs

The composition, appointment and duties of the Finnish Board of Inter-Country Adoption Affairs are prescribed by decree (509/1997). The board has a chairman, vice chairman and a necessary number of members. Every member of the board has an appointed personal substitute member.

The representatives of the Ministry of Social Affairs and Health act as the chairman and vice chairman of the board. Among the other members, there shall be at least one representative of the Ministry of Foreign Affairs, the

Ministry of Justice, the Directorate of Immigration and the municipal child welfare authority. In addition, the licensed service providers (Helsinki town, Interpedia ry, Save the Children Finland) shall have one appointed member each. The board is appointed by the Council of State for a five-year term, The term of the present board is 1.5.2000 - 30.4.2005. The secretary of the board is appointed by the Ministry of Social Affairs and Health.

The activity of the board

According to the decree (509/1997) the Finnish Adoption Board shall:

- o grant the family the permission for inter-country adoption;
- o accept the foreing partners (foreign service providers) of the Finnish service providers;
- o maintain a file on foreign adoption legislation;
- o issue expert statements;
- o take initiatives concerning the improvement of inter-country adoption activity;
- o monitor international development in inter-country adoption affairs;
- o supervise how the Hague Convention is respected in Finland and, where necessary, undertake measures to have it observed;
- o co-operate with the central authorities of the contracting states of the Hague Convention in order to put into effect the objectives of the Convention and to exchange the information referred to in the Convention, and
- o see to the tasks pertaining to the central authority as agreed in the Hague Convention that are not otherwise decreed to belong to the duties of some other body by law, by decree or by the decision of the Ministry of Social Affairs and Health

Since 1.7.1997 the Finnish Adoption Board has been the central authority referred to in Article 6 (1) of the Hague Convention. Of the partner states of the Finnish service providers the Hague Convention has been ratified by Colombia, Poland and the Philippines.

The granting of permissions necessary for adoption is numerically the most important task of the board. During the year 2002 the board dealt with 223 permission applications. Only one refusing decision was made in 2002. In addition, 65 applications for the extension of the validity of the permission

and four applications for the change of the conditions of the permission were dealt with.

The service providers send the adoption permission applications for the consideration of the board. 70 applications were sent by Save the Children Finland, 99 applications came from Interpedia ry and 53 from the municipal social welfare board of Helsinki town.

5.2 The service providers partners abroad

The foreign service providers licenced by the Finnish Adoption Board and the expiry date of the licence:

Save the Children Finland

The Philippines	Intercountry Adoption Board, 9.5.2006
China	China Center of Adoption Affairs, 5.9.2006
Poland	The Warsaw General Adoption and Care Center, 27.1.2005 The National Adoption and Care Center, Children's Friends Society (TPD), 14.3.2006 Warsaw Catholic Adoption and Care Center, 14.3.2006
Thailand	The Department of Social Development and Welfare, 27.1.2005 Holt Sahathai Foundation, 9.5.2006
Russia	St Petersburg Youth Policy Committee, 5.9.2006 Leningrad Administrative General Educational and Professional Committee , 20.4.2008 The Ministry of Education of the Karelian Republic, 15.6.2004

The Municipal Social Welfare Board of Helsinki Town

South Africa	Johannesburg Child Welfare Society, 31.10.2005
Cambodia	Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation 10.2.2007 (contact not active at present)
Colombia	Instituto Columbiano de Bienestar Familiar, 21.08.2005

	Casa de Maria y el Nino, 21.08.2005
	Foundation Casita de Nicolas, 4.12.2006
Thailand	The Department of Social Development and Welfare, 5.9.2006
	Thai Red Cross Children´s Home, 5.9.2006
Estonia	The Ministry of Social Affairs of Estonia, 6.6.2007
 Interpedia ry	
South Africa	Apostolic Faith Mission Executive Welfare Council/Abba Adoptions 21.4.2007
Ethiopia	Children, Youth and Family Affairs Department, 21.8.2005
India	FFC, Families For Children, 16.5.2005
	Delhi Council for Child Welfare, 17.10.2004
China	China Center of Adoption Affairs, 15.6.2004
Colombia	Los Chiquitines, 10.2.2007
	Fundacion "Los Pisingos", 27.1.2005
	Instituto Colombiano de Bienestar Familiar, 27.1.2005
Thailand	Friends For All Children Foundation, 27.1.2005
	The Department of Social Development and Welfare, 27.1.2005

Appendix 1

STATISTICS ON CHILDREN COMING TO FINLAND IN 1985-2002

Year	Children
1985	11
1986	22
1987	45
1988	55
1989	78
1990	54
1991	60
1992	85
1993	103
1994	127
1995	102
1996	144
1997	192
1998	181
1999	149
2000	198
2001	218
2002	246
Yht.	2070

Age of child	Children
under 1 year	515
1 year	513
2 years	305
3 years	200
4 years	150
5 years	132
6 years	243
7 years	4
8 years	2
9 years	1
10 years	
11 years	
12 years	
13 years	2
14 years	
15 years	2
16 years	1

Country of origin	Children
Russia	553
Colombia	383
Thailand	334
China	265
Ethiopia	191
India	97
Estonia	62
Sri Lanka	43
Vietnam	35
Romania	34
Poland	24
South-Africa	22
Guatemala	13
The Philippines	7
Dominivan Republic	6
Taiwan	1

Sex	
Girls	1060
Boys	1010
Total	2070

Adoption granted at present	
In the contry of orgin	1902
In Finland	68
Not granted	100
Total	2070

STATISTICS ON CHILDREN COMING TO FINLAND IN 2002

	Save the children Finland	Interpedia ry	Helsinki social welfare board	Total
Russia	53			53
China	30	34		64
Colombia		28	9	37
Thailand	22	12	11	45
Ethiopia		11		11
Estonia			6	6
India		1		1
Poland	5			5
South-Africa			17	17
The Filippines	7			7
Total	110	86	43	246

Sex	
Girls	130
Boys	116

Age of child	Children
under 1 year	55
1 year	65
2 years	54
3 years	31
4 years	13
5 years	12
6 years	16
7 years	4
8 years	2
9 years	1
10 years	
11 years	
12 years	
13 years	2
14 years	
15 years	2
16 years	1

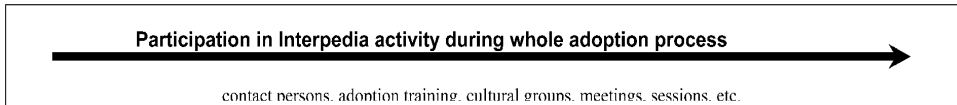
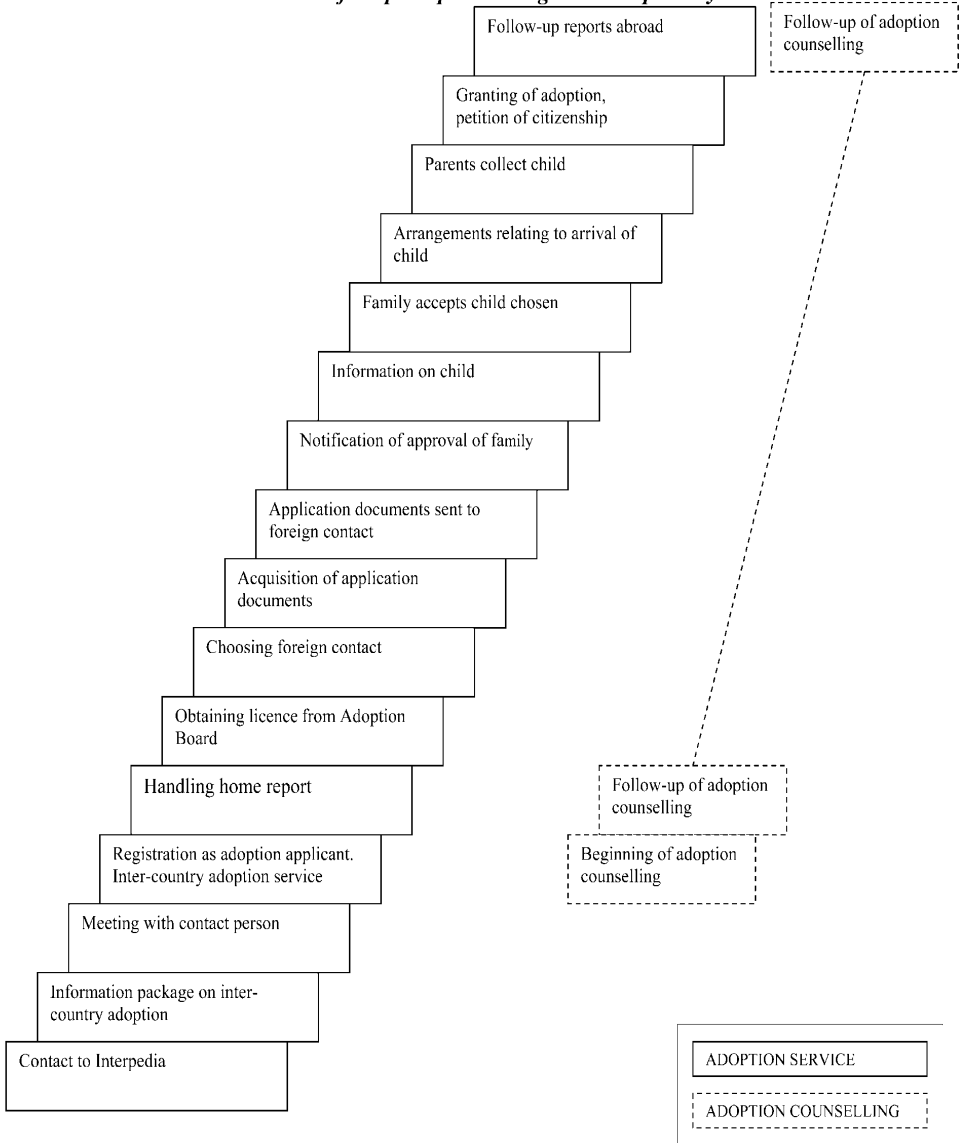
Vocabulary

<i>Adoption</i>	taking as a child
<i>Adoption counselling</i>	Statutory counselling that attends to the best interests of the child in adoption affairs and assists the child, the birth parents and the adoptive parents before the granting of the adoption and also thereafter if necessary
<i>Adoption service</i>	inter-country adoption service. Brings together parents wanting a child and a child wanting parents.
<i>Adoption service provider</i>	bodies giving adoption service that are licensed by the Ministry of Social Affairs and Health
<i>Home report</i>	report on the parents who want to adopt a child. The report is the basis for the decision of the Finnish Adoption Board on granting the permission for inter-country adoption. The home report is also sent to the authorities of the target country.
<i>Provider of adoption counselling</i>	social worker specialised in family affairs
<i>The Finnish Board of Inter-Country</i>	The Finnish Adoption Board. Grants permissions for inter-country adoptions

Appendix

Auxiliary services based on adoption can be divided as follows:			
	Public services	Organisations	Own activity
Financial	adoption counselling, tax-free support funded by the society (KELA)		own income/savings
Mental/peer support	adoption counselling, social worker's, supervision, adoption counsellor	adaption counselling, social worker's supervision, adoption counsellor, conversation groups, training courses, contact person families	relatives, friends peer support
Informative	adoption counselling and services	adoption counselling and services, notices, contacts abroad, publications, magazines, courses, www-sites	media, internet, literature, discussions, studies on the subject, own contacts

Scheme of adoption process stages in Interpedia ry



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I. Legal background

In 1967, the Federal Republic of Germany signed the European Agreement on the Adoption of Children, which marked the country's intention to comply to the minimal international standards for adoption as put forward in the agreement.

Until 1976, the German Civil code in its version dating back to 1900 was the legal background for adoptions in Germany. It regulated "adoption as a relationship controlled by family law, which could be created under the mere legal supervision of the state with limited effects by an autonomous act of all parties involved, and likewise be revoked...." (Oberloskamp 1993).

Today, the adoption of children is regulated by

1. the Civil Code
 - Family law / Adoption law
2. Civil Code
 - Adoption Placement Law

1. Adoption Law

The foremost aim of the adoption law is to provide children with parents. Therefore, the "well-being of the child" is the top priority all other matters have to subordinate to. In accordance with this principle, an adoption is acceptable only "if it promotes the well-being of the child and if it is to be expected that a parent-child relationship will develop between the adopting person and the child" (§ 1741 par. 1 Civil Code).

An adoption requires the consent of the child or its legal representative. The biological parents (if both are known) have to consent to the adoption and can do so when their child is eight weeks old at the earliest. There is a possibility to replace the consent of the biological parents, however:

"By order of the child, the Guardianship Court can replace the consent of a parent to the adoption if this parent has continuously and grossly violated his duties for the child, or if he has shown through his conduct that he is indifferent to the child, and if refraining from the adoption would redound to the child's disadvantage" (Civil Code Book 4, § 1748).

Before an adoption can officially take place, the adopting person must have fostered the child for an appropriate length of time (usually one year). Unmarried people can only adopt a child by themselves, a married couple can only adopt a child together. The adoption of the child is pronounced by the Guardianship Court at the adopting parents' request. There are only very limited possibilities to revoke an adoption.

With an adoption, a child receives the status of a biological child, this includes the family name, the parental care, maintenance and law of inheritance. Any relationships to former blood relations cease to exist after the adoption. The child receives the family name of the adopting person / couple as its birth name.

2. Adoption Placement Law

In order to guarantee that the "well-being of the child" is the foremost aim of the adoption, bringing together people who are willing to adopt and children who could be adopted must not be a private affair, but is controlled by the state. Communal youth welfare offices and state-approved adoption agencies have the monopoly in arranging adoptions. Any violations are punishable offences or infringements of the regulations respectively (Oberloskamp 1993).

§ 1 Adoption Placement Law

"Adoption Placement means bringing together children under the age of eighteen and people who are willing to accept a child (applicants for an adoption) with the aim of adopting the child".

Communal youth welfare offices (adoption agencies) and federal state youth offices are responsible for adoption placements. If authorized by the Head Adoption Agency of the federal state, offices of the Diakonisches Werk (a Protestant welfare and social work organization), the Deutsche Caritas (a

Catholic welfare organization), or the Arbeiterwohlfahrt (a workers' welfare organization) may also arrange adoption placements. Only qualified personnel with psychological or socio-pedagogical training may deal with arranging adoption placements.

Adoption placement agencies are aimed at the following target groups:

- pregnant women who are considering to let their child be adopted
- mothers/fathers who are unable or unwilling to educate their child themselves
- adopted children, teenagers and adults in search of their origins
- mothers/parents who are looking for their children who were adopted
- couples and singles who would like to adopt a child.

The adoption placement agencies have the following tasks:

- Counselling for all target groups as mentioned above
- Preparation and checking of applicants for an adoption
- Writing suitability assessment reports
- Placing children
- Crisis intervention for adoptive families
- Writing suitability assessment reports for adoptions from foreign countries
- Supervising and advising in pending adoption proceedings

3. Adoption Requirements for Applicants

- The minimum age is 25 years. There is no upper age limit, but an age difference of 35-40 years to the child should be observed.
 - An insured income must be proven and allow for support of the child's development potential.
 - Any occupation must be able to be made consistent with parental care.
 - The religion of the child and the parents giving up the child for adoption respectively must be observed.
 - Applicants have to produce a health certificate issued by the Public Health Department.
 - A clearance certificate issued by the police must be produced.
-

-
- If a couple is applying for an adoption, their relationship must have already lasted for four years at least.
 - Personal examination of one's own childlessness must be completed. Any medical procedures must not take place parallel to an adoption procedure.

Adoption Law and Adoption Placement Law are supplemented by the Youth Welfare Service Law which governs the "counselling and instruction during adoption procedures".

4. The Adoption Procedure

Adoption is meant for children who cannot grow up in their biological families. The adoption agencies look for appropriate families for these children. A healthy development of personality on the basis of loving care and security shall contribute to giving adopted children a positive outlook in life. In order to achieve this aim, a reliable inspection and counselling of applicants for an adoption is necessary. This will take approximately nine months.

During this time, several talks and home visits take place. Applicants receive an application form asking about topics relevant for an adoption. They have to produce a detailed description of their life which provides a closer look at different phases in one's own life, familial and emotional bonds, and relations. Applicants are encouraged to visit seminars and to exchange views and experiences with other adoptive parents.

The adoption agency is responsible for the selection of suitable adoptive parents. The decision is made in a team involving the Psychological Service. From a number of existing couples of applicants, the one most suitable for a certain child is to be selected. The chosen couple receives all information available about the child and its history before the adoption of the child is arranged. If they are willing to accept the child's history, they are allowed to meet the child. They can reconsider their decision for or against the child during any stage of the adoption arrangement procedures.

The Adoption Day Care begins on the day they take the child into their household and ends with the board decision for adoption by the Guardianship Court.

As a conclusion, it can be said that that this variety of adoption laws and rules is rather striking and surprising. It is disproportionate to the importance of adoption in Germany. In 1993 for example, there were only 4,069 adoptions in Germany. In addition, the people concerned resemble an untypical target group in social work. The children are often babies or infants who show no distinctive features, and the applicants for an adoption are usually members of the middle or upper class. Still, there are far more rules for adoption than for other fields of social work such as education in homes or education counselling (cf. Dr M. R. Textor, *neue praxis* 1996).

II. Situation of Adoptive Parents

1. Reasons for an Adoption

Around 15% of all married couples today are inadvertently childless. (DS - Das Sonntagsblatt no.20, 1998). For many couples, the desire for reproducing oneself means the realisation of the family concept. Through medical examinations and psychological counselling, they try to find the reason for their childlessness, which means long suffering for many. After having come to terms with one's own infertility, many couples see adoption as a way out.

In a survey, 70% named infertility of one or both partners as the reason for an adoption. In addition, miscarriages and hereditary diseases were also named. Another reason that was also given for the adoption of a second child was the inability of another pregnancy. Humanitarian reasons were named considerably less often (Sorosky, Baran, Pannor 1982).

Around 24,000 couples in Germany annually apply for the adoption of a child. But for only 4,000 of them, this wish comes true. The process of adoption placement is a long and difficult one. Couples are being tested for their suitability and undergo a thorough process of selection. However, chances for an adoption are few, there are 30 applicants to every underage child registered for adoption (Brückner 1987). Due to this, many couples in Germany decide to adopt a child from abroad or to enter a foster care agreement. Foster care differs from adoption in the legal status and that contact to the real parents still remains.

2. The Adoptive Parents

In his paper "Situation of Adoptive Parents under Special Consideration of the Adoption Arrangement Process", Dr Martin Textor writes that there are only few publications on the situation of adoptive parents in German-speaking countries. Concerning demographic data, he explains that most adoptive parents are older than biological parents are when their child is born, they have a better education and earn a higher family income.

For the adoption of a child, adoptive parents usually prepare well, and often over a course of many years. They are forced to come to terms with their own infertility and have to bury hopes of starting a "normal" family. Biological parents can determine the time for the realisation of their desire for a child independent from anyone else, and are being prepared for their role as parents during the pregnancy. Adoptive parents have to undergo a lengthy application process, have to prove their suitability as potential parents, and are dependent on others in their realisation of the desire for a child.

3. The Application

If a couple decides for an adoption, they contact the Youth Welfare Office responsible for them and its Adoption Agency, where a first meeting with the agent will take place. Since chances for an adoption are few in general, applicants are tried to be "scared away", or they are being informed about the possibilities of adopting an older child or a handicapped child. This possibility often contradicts to wishing to adopt a healthy baby and thus starting a "normal" family that many applicants express. The meeting at the Adoption Agency is also meant to find out if an adoption really fulfils the applicants' needs and wishes.

In order to find suitable parents for the children, reliable testing and counselling is necessary. At the end of the lavish process which can last up to one year, an Adoption Care Permission can be issued. This is the beginning of a long period of waiting and hoping if a child can be adopted at all.

There is no waiting list, and a time when a child could be adopted cannot be named. Couples can apply at other Youth Welfare Offices as well, for which a Social Report is being written which is also required for adoptions from abroad.

4. The Adoption

The main reasons for giving up a child for adoption are the complex and very difficult living conditions and socialization conditions of the biological mothers and fathers. Origin and age of the children are just as different (cf. State Youth Welfare Office Berlin, "Adoption. Ein Weg?"). When selecting future adoptive parents, the biological parents' wishes and ideas are taken into consideration as best as possible.

4.1 Forms of Adoption

Incognito Adoption - Semi-open Adoption - Open Adoption

The law existing in Germany assumes that adoption means incognito adoption. In this case, the parents giving up a child for adoption and the adoptive parents do not know each other.

Adoption Agencies try to practice semi-open adoptions. This could mean one single contact can be arranged while keeping the incognito.

Open adoption is very rarely the case. Here, the parents giving up a child for adoption and the adoptive parents know each other personally and have direct contact with each other.

4.2 Adoption Day Care

If a couple has been selected as adoptive parents, it will receive all information available on the history of the child before the adoption is being arranged. The offer of a child and the acceptance of a child is an event accompanied by stress and great strain. The new parents have no time whatsoever to prepare emotionally for this because they will suddenly and unexpectedly learn from a phone call that an adoptive child has been found for them. In case they are interested, they can get to know the child. If an older child is being adopted, the applicants usually receive more time to make their decision about an adoption. Contact is being established much slower in these situations. During the Adoption Arrangement Process, the decision for or against the child can still be reconsidered. Adoption Day Care begins on the day the child is being taken into the household and ends with the board decision for adoption.

5. A Case Study: All's well that ends well?

<http://www.adoptivfamilie.de>

Since February 28, 1996 we have a little son. Nico was eighteen months old when he joined us and he came as surprisingly as most adopted children do. We were informed by the Youth Welfare Office about a little boy, were asked to come for a visit within the next two hours, and saw him for the first time on the following day in hospital.

Nico was a premature baby. The mother had had no medical assistance during her pregnancy. He only weighed 1,375 grams. He was born in the emergency ambulance car. The mother left the hospital on the following day. Until he had reached the weight necessary to be released from hospital, he was only visited twice. In the following months he received neither the emotional care nor the nutrition that an infant needs. He was eight months old when he first visited a paediatrician. At the age of ten months, friends of the family took him to hospital.

Nico had scabies all over his body, he was suffering from malnutrition, and he was way behind in his overall development. With the assistance of the Youth Welfare Office, the doctors tried to find a day care family for him after he had recovered. This was made impossible by his parents' determined resistance. The Youth Welfare Office arranged for supervision for the family which was meant to take care of Nico's special needs. It did not help at all. The child just stayed where it was. Apparently, the Youth Welfare Office just did not take care of a fundamental change for Nico's situation.

At the age of seventeen months, Nico was taken to hospital again. At that time, he weighed just over six kilograms and had completely ceased to grow or to communicate. We would like to spare you the whole dreadful diagnosis here. The doctors could soon see that this child had no chance to survive in the family.

The official paperwork at the Youth Welfare Office was done more or less at utmost speed in these crucial times. As naïve as were, we signed documents and accepted copies of all sorts of papers. The situation was explained to us as being very simple, and we were told that the parents would shortly consent to an adoption, since it was a case of severe neglect and Nico could never go back to his biological parents. This was never being questioned and

was confirmed even at our repeated inquiries. At this point, a day care agreement was out of question for the Youth Welfare Office and us.

After a few weeks, an adoption became more and more unlikely to us. We were still waiting for the biological parents' consent. An adoption would be subject to inspection by the Youth Welfare Office. The father explicitly denied any thought of an adoption. Later we learned that the documents we had signed on that first exciting day deprived us from receiving day care allowances - a voluntary renunciation of course. We were in the middle of the "Frankfurt Adoption Care". This does not mean adoption right away, but neither a day care agreement including the relevant support as provided by law.

Neither was there any counselling for the biological parents. It took almost nine months until the Youth Welfare Office and the parents met to talk. Whenever we inquired about this, there was always talk of difficulties in finding a time for a meeting, or our social worker was on holiday. In October 1996, a meeting between Nico's parents, the social worker and us took place. During this meeting the father explicitly denied to consent to an adoption. He said he wasn't able to and didn't want to think about it, he first would have to argue out the matter of giving up the child for adoption with himself. In the meantime, the Youth Welfare Office was talking of a voluntary giving away of the child.

The parents did not show up for a second meeting with the Youth Welfare Office. The social worker then explained to us that this was surely due to the fact that we had not wanted to bring Nico to the meeting. This had not been an easy decision for us, but our own fears, as well as a visit to the paediatrician who had strongly advised us against it, had made us do so. The conversation with the social worker left nothing but bad feelings. So it had been us who had interfered with the talks because we had not fulfilled the parents' expectations.

Only just now had we been able to come to terms with our prejudices and fears, were willing to build up confidence by having a lot of meetings with the parents and not excluding them; only just now had we understood that these people, too, play a role in our life and in Nico's life to a certain extent, and now our social worker explained that these "simple-minded people" would not join in our plans and were not interested in us or our willingness

to talk to them.

We felt deceived, ill advised and ill cared for by the Youth Welfare Office. Of course we had made mistakes. We had naively trusted in the authorities and saw that this had only done us harm. In addition, we had asked for help and advice too late, since we had believed everything was correct and that we had to do everything on our own.

Our fears regarding the pending legal situation were not taken seriously. Our idea to have further talks with the biological parents to get to know them before we would burden the child with a reunion were regarded as impossible and overdoing it. We were offered a day care arrangement, but at the same time were threatened with regular visits, and, additionally, that the Youth Welfare Office would not deny this right to the biological parents either. Our doctors strongly advised us against allowing any visits. Nico had only just learned to trust us a little bit and made small progress, any visits would stress him too much.

The Youth Welfare Office did not see any way to bring about changes in this dead-end situation. For them, we were disturbing common procedures. Arranging a meeting where we would bring the child along was the one thing that would mean improvements. Our objections to this were put aside because this was thought to be the only measure which would result in advances. We decided to get in touch with the biological parents on our own while we were still in discussions with the Youth Welfare Office. Two attempts to establish contact were unsuccessful, but we called them a few times. Without any assistance from our social worker, we arranged a meeting with the biological parents at their home on March 2, 1997.

We were warmly welcomed, and after about ten minutes the siblings went with a guardian to the playground, so we could have a quiet word. Our conversation went very well. We talked about Nico's place in the nursery school, his health and the treatment that he needs. The biological parents were really interested, but had also prepared themselves well. They completely consented to our proposals and to the decisions we had made. The only thing we disagreed on was the topic of baptising Nico, so we just postponed this discussion. They completely surprised us by suggesting to have custody for Nico transferred to us and offering a change of name for Nico.

The father did not want to consent to an adoption, but apart from that, all things having to be arranged between us should be decided, and they fully put trust for Nico in our hands. A day care agreement was supposed to settle everything. That Nico would remain in our family was beyond doubt for everyone. We consented to this decision, but explained that we still wished to adopt Nico. Nico's parents wanted to make an appointment with the Youth Welfare Office the same week to put everything down in writing. Our visit took more than three hours and left both parties involved with a good impression.

Based on our telephone conversations and our personal meetings, we spontaneously decided to risk a visit with Nico at his parents'. Time and again, we had written them little letters and reports and sent them photographs before. We had been left in peace by them very much. Now we saw a basis to meet together with the child.

We received a call from the biological parents on May 8, 1997, asking if we had heard from the Youth Welfare Office, since they had been waiting for a call from them since April 14, 1997. On May 14, 1997, meaning ten weeks after we had come to an agreement with the biological parents, our social worker managed to visit them and to let the application form for Educational Assistance be issued.

On June 26, my husband decided to drop off two photographs at the biological parents' house. After a short preliminary discussion about the planned steps for transfer of custody and name change, Nico's biological parents revealed that they would consent to an adoption. It took a few moments until my husband realised the full meaning of these words. With his heart pounding, he heard that they had talked a lot about Nico during the last days, and that they had decided to have him adopted by us. They knew what they had neglected to do and now thought they were on the right track. An adoption would be the best they could do for Nico from their perspective. They were just asking us to keep up contact with them in the future.

During these 15 years, we have wasted a lot of energy on battling with insecurity and fears, and on getting rid of frustration about the authorities. Energy that we would have needed for us and our Nico. Despite all this adversity, we managed to grow together as a family. Our child has made tremendous progress during this time. His advances are simply breathtaking.

He has learned to eat and to speak. He has grown by almost 25 centimetres. Appearances only. He trusts us. He is not over-conformist. And he remembers. We allow it. We have told him that he has two sets of parents.

We would like to encourage everyone to demand the help we need as adopting parents at an early stage. Good cooperation with the Youth Welfare Office is important and helpful. We cannot do everything that our children need by ourselves. But please question the work of the authorities. Don't just let anything happen uncritically. Talks must be documented. Employees of the authorities need to feel responsible for the children and to really represent their interests. They don't have to love them, that's a job we can do better.

Postscriptum

Our son was adopted in 1998. Due to our protest, the child was later paid day care allowances as of March 1, 1996. Contact to the family of origin is still being maintained by all parties involved.

Looking back on it, we have to admit that our "solo run" was only successful because of lucky circumstances. Today we would by all means demand assistance from the Youth Welfare Office, the social worker and/or even a therapist. We advise anyone against following our example.

However, we absolutely recommend an examination of the problems in our children's families of origin. Keeping open contact with the child as far as possible was and still is the key to our big success.

III. The Adopted Children

1. Starting Point

Adopted children are children who do not live and grow up in their family of origin. They receive "new parents". In many cases, adopted children are babies who are adopted by a family right after they were born. Older children who have partly lived in their foster families for a long time can be adopted too, provided that all preconditions are in order. Only children whose parents have consented to an adoption may be adopted. Their consent

can be replaced by a court decision only in very rare cases.

Civil Code § 1748 (1)

"By order of the child, the Guardianship Court can replace the consent of a parent to the adoption if this parent has continuously and grossly violated his duties for the child, or if he has shown through his conduct that he is indifferent to the child.....and if the child can probably not be entrusted into the care of the parent anymore."

In many cases, the young age of the mothers at the time of the child's birth is being described. In general, illegitimacy is seen as a reason for giving up the child for adoption. The special social and economic situation of the mothers, as well as a lack of job training, are reasons for giving up the child for adoption; often they are single mothers and have to take care of other children as well (Napp - Peters 1978).

In his article "20 Years of Adoption Reforms - Consequences Derived from Changed Perspectives" in the scientific journal *Neue Praxis* 1996, Dr Martin Textor writes:

Adopted Children

Of all registered adopted children, 77% had German citizenship. 78% of the children were born illegitimately, 23% legitimately. In 72% of the cases, the separation from the real mother took place right after birth, in 13% of all cases during the first year of their lives, in 14% of all cases between the first and the sixth year of their lives, and in 1% of all cases up to the tenth year of their lives. Many of the older children lived in a children's home or with a foster family before, in a few cases with their grandparents or other relatives.

It is today being demanded by nearly everyone to have children placed in their new families as soon as possible. Underdevelopment that can be caused by long stays in children's homes are well known. The reality of adoption practice in Germany has shown clearly that children are placed in foster families much later than in Anglo-American countries or in Sweden. In a 1978 survey, it is being reported that 63.5% of 1,089 adopted children were 1 fi years old when they were registered for adoption. It was not possible to reconstruct when the adoption actually took place (Napp - Peters 1978).

2. The Adopted Baby

The baby which is given away by its real mother experiences immediate separation from its mother right after birth. This is accompanied by an irritation of the child. It cannot make any connection to the sensual impressions, heartbeat, smell and voice it has perceived until then, it loses anything that had provided it with safety. Many adopted people describe their early separation as a violation that lead to a continuous pain of separation. In puberty at the latest, questions about roots and origins appear. Many adopted people begin to search for their biological mothers, this may be helpful, but may also lead to severe disappointments.

3. The Older Adopted Child

When children grow up, no matter whether in an adoptive family or in the family of origin, this is never without conflict. Our culture has defined growing up in one's own family as an ideal. Through its family, the child knows who it is, it receives an identity. In our society, "social" parenthood has a lower status because the essential characteristic of a small family is that biological and social parenthood are linked with each other.

Foster children and adopted children hardly ever come from an "ideal world", or they would not have had to leave it. Via the origin of their children, foster parents and adoptive parents have to deal with violence, harassment, poverty, crime, drugs, psychiatry, and much more.

"It is especially hard for children who come into a new family after their tenth birthday. According to their development, they should become detached from close adults. But they should also get involved and form attachments. This discrepancy of living phases alone can result in severe conflicts in many foster families and adoptive families" (Wiemann, Foster Children and Adopted Children, 1996).

4. Double Parenthood

A superficial look at the adoptive family does not allow to realise any differences to the conditions in a real family. By knowing about the adoption, the child becomes aware of the real parents as well as the adoptive parents. This means that foster children and adopted children have two sets of parents: bio-

logical and social. This fact shapes their whole lives. The interest in their own roots arises early. For these children, the question of identity is posed at different levels of intensity and, depending on their age level, in different forms. Between the age of six to eight, many adopted children suffer from a minority complex because their real family did not need them ... they ask themselves what is wrong with them.

Some children think and dream of their "real" family every day. Children identify with their parents. Girls with their mothers, boys with their fathers. During a critical situation especially, an adopted child identifies with its unknown biological parents. Many adopted children who are adults now, even those who grew up in a safe environment, tell of phases in their lives when they felt very lonely, especially in critical situations (cf. Wiemann, 1996).

5. Open Adoption

For years, incognito adoption was common in Germany. In this case, adopting parents and parents giving away a child did not know each other and did not get in touch with each other either. Deeply depressing reports from parents giving up a child who had problems for years to come to terms with this were published during past years. Many adopted children started to search for their blood relatives in the course of their lives. For many adopted children, the lack of their biological parents and their ignorance about their existence lead to:

- agonizing, manifold fantasies on their origin
- restrictions in finding their identity
- fear of negative consequences of their biological parents' genes.

In a survey done with sixty adults who had been adopted, all except one said that their adoptive parents were their true parents and that this was how they saw them. Nevertheless, they were fighting with a feeling of inferiority. They felt "cut off", "broken off". The continuity of their lives was not given, it had suffered a break (cf. Adoption Today, State Charity Organisation of Baden, 2000).

On her self-aid homepage "adoptierte", Petra writes in an exemplary fashion:

My biological mother gave me up for adoption. Eight months later, I was adopted by my parents (for me, they are my parents). They spoiled me with all their love and I grew up knowing that I was adopted. All my questions about this were openly and truly answered by my parents. That was a good thing. I remember my childhood as being wonderful. If time allowed, we did a lot of things together. The only shadow in "my children's sky" was the sadness that would overcome me again and again. I would withdraw completely then and exclude myself. Nobody could reach me.

IV. Typical Problem Situations in Adoptive Families

According to Dr Martin Textor, no significant differences can be recognized if you compare the development of adopted children and biological children concerning academic progress and social behaviour. Some experts assume immense feelings of inferiority, low self-esteem, and lack of self-confidence in personality development. Especially in puberty, adopted children suffer from identity defects, a negative image of oneself, and talk of feeling different and imperfect.

Families who take in a foster child or an adopted child have to know in advance that family structures will change. The role allocation will be arranged anew, all people involved have to find their new position. During the initial phase after the adoption, the child will usually behave as if it were just visiting. As soon as it begins to feel at home, it will naturally asks: "Do you really love me?" "Will you keep me or will you give me away again?"

The adopted child will now begin to test the parents in order to receive answers to these questions. Problems in school, concentration deficits, and aggressions may develop, children may begin to lie and to steal. Even if a child has lived with a family for many years, set limits are tried again and again.

1. Deprivation

The term "deprivation" describes a withdrawal of love and care. A deprived child had to suffer from severe disappointments, losses, breaking relationships, insufficient care and/or bodily harm in its early years. "Any adopted

child that did not come into the new family as a very small baby shows some signs of a deprived personality" (Wiemann, Foster Children and Adopted Children, 1996).

A Case Study: Holger - The First Weeks

During the first weeks, Holger made a real effort to function in the new family. Though he was forgetful, scatter-brained, and lacking in concentration, he tried to please his new parents and the new sister. During an initial phase, any child that newly arrives in a family will try to fit into it, to put aside its own experiences and rules of life, and to accept those of the new family. In reality, the child is demanding too much of itself. It cannot maintain its strategy of over-conformance. Its own peculiar behaviour will come through again. That's why with Holger, too, the difficulties did not start until after a few months. After a first phase of enthusiastically trying to belong, there follows a second phase during which the child checks if the new family will still love it if it shows its real self. Now is the time where foster children tend to provoke.

During this phase, the Glasers reacted patiently and friendly. But it was exactly this serious offer for a relationship which Holger could not accept. He tested where the tender spots of the new family lay, what hurt and infuriated them most. He especially hurt his foster mother. He hid her jewellery, her scarves, her perfume. Sometimes he would secretly make a mess in his pants, form little balls of the excrements, and hide them everywhere in the flat.

Frau Glaser tried to cajole him again and again. It was in vain. All Holger would react to was pressure. So far, it had been her claim to organise education in accordance with the child. Until then, she had been a democratic, generous, and understanding mother for Kerstin. Now she constantly caught herself in behaviour patterns that she herself considers ugly and worth disapproving.

With Kerstin, Frau Glaser had a relationship dominated by sympathizing and sharing. She did not need to lose her temper with her. She would already have sensed the needs of her mother. Between

adults and children who have lived together for a long time, invisible bonds are formed, it is a natural responding to each other. Time and again, the foster mother tried to establish these bonds. But Holger is lacking this behavioural pattern. Holger does a lot to destroy the offer for a relationship from his foster parents. He consistently deals blows. He keeps closeness and intimacy at bay. The foster parents cannot get close to him.

(Wiemann, Pflege und Adoptivkinder 1996, S.18 - 19)

For families that take in these children, it poses a great challenge. The children can ruin any family with their distinct behaviour, and it can lead to outright catastrophes. In order to find a chance to live together, it is essential for the adopting family to understand the development of deprived behaviour.

All human beings develop trust and distrust in the world and its people during pregnancy, birth, and during the first year of one's life. Adopted children experienced an early loss of a psychological parent which might be followed by others. If it has to experience a number of separations, a little child begins to protect itself from further losses by avoiding attachments. These children have to develop a kind of egotism which for them is a bare necessity for survival. They show behaviour patterns which allow them to receive affection without having to get involved with people.

This can mean negative affection (stealing, running away, provoking...) as well as just the opposite behaviour, like not keeping the distance, extreme closeness, and searching for affection. Children who have experienced even more severe losses are not able to even develop these strategies anymore and remain behind in their mental and emotional development, they have completely lost trust in their environment.

It is a widespread belief among many parents and experts that "if the right foster parents love the child with all their heart, everything will be alright." It is exactly this position which leads to disappointments and the feeling to have failed.

In order to learn living together with a deprived child, there is a need for essential changes in the behaviour and the attitudes of the adopting family (cf. Wiemann, Foster Children and Adopted Children, 1996).

Holger's behaviour is offensive because he tries to avoid closeness and being loved, and he fights against trusting someone. In order to achieve long-term changes in Holger's behaviour, he must be acknowledged as a human being, no matter if he behaves offensively or not. At the same time, he needs clear rules, control, and unambiguous requests, consequences and punishments. Adopting parents should realise that they have to give a child marked by many losses an advance of affection, including the risk that they might not get much back. That part of a normal parent's role based on continuous give and take will not occur. There will not be any short-term success in their educational work. But often, even the most natural things in the world can be seen as a success.

In Holger's case, it is definitely a success if he goes to school every day and never skives. It is important to understand that Holger will keep the basic structures of his personality.

2. Identity

For many adopted children, the development of their own identity is accompanied by conflicts. Today, experts recommend to talk about the adoption as early as possible and not to turn it into a taboo. In case a child know about its adoption, it possesses double parenthood: the biological parents who gave up the child for adoption and the social parents who took in the child. The development of its ego by way of identifying with the role model of the parents will be made more difficult. Adopted children have the possibility to identify either with their real adoptive parents or with their fantasies about their biological parents.

An adoption is not completed when the contract has been submitted - adoption is a lifelong story for all people involved.... Most of the time, there remains a scar, a feeling of "Actually - it - is- not - correct - like - this!" In a lot of cases, those involved in it regard the adoption as a substitute. The attempt to find one's biological parents is the attempt to find one's own identity... (Christine Swientek, In Search of Parents - In Search of Identity).

During puberty, the majority of adopted children develop a desire to find their biological parents. A search for one's own roots, one's origins will begin.

3. The Enlightenment

There are adopted people who have been informed about their adoption too late and, as a result, got into a fundamental crisis. They feel deceived about their most fundamental experiences. Adopted people who were informed about their adoption late in life often get into problems in relationships, with their own children, and with fears.

In Germany, incognito adoption was common practice for a long time. In the meantime, many adopted people have organized themselves in self-help groups and deal with their incognito-related problems of identity. By now, it is commonly agreed that informing the child is a must. However, experts disagree about the right time for it. More psychoanalytic orientated authors strongly advise against telling the child before the age of three to six, others recommend to disclose the adoption in earliest childhood.

It is emphasized over and over again that informing the child should by all means be done by the parents, that the aim should be to give information as complete as possible, and that enlightening the child should be seen as a process that corresponds to the development of the child.

Irmela Wiemann recommends that adopted children are told at an early age that they grew in the womb of another woman and that indeed the day the child came into the family should be celebrated as well as its birthday. Open adoption allows for sufficient information on the biological parents. Thus, as much information as possible can be passed on to the child. The more a child knows of itself and its biological origins, the more identical it will become with itself.

4. The Search

Most adopted people will start looking, or they at least have the intention to do it in the near future. According to my observations, it can be said: the more intensive, even more fanatically someone is searching for his or her biological origins, the worse the parent-child relationship in the adopted family was... The higher the expectations set in the biological mother, the more intensive the search, the higher is often the disappointment when the mother does not fulfil the expectations set in her as a person, as a status holder, or as a fully loving person (Christine Swientek, *In Search of Parents - In Search of Identity*).

For adoptive parents, the search of their children is often a difficult situation. Fears of loss and failure are accompanied by taking offence and reliving one's own childlessness.

5. Puberty

Biological children grow up with two foundations: a biological sense of unity and social attachment. Puberty, the time of breaking away emotionally from one's parents, is always a trying and painful process for parents. A lot of strain is put on the foundations during this period. For foster children and adopted children who are breaking away emotionally, puberty means an especially difficult time. This is the time for strongly enquiring about one's own identity, and finding out which attachment does still exist to the adoptive family.

Parents and children feel that a relationship based on adoption can be revoked much easier than a biological parent-child relationship. This is why many adoptive parents behave much more insecure and anxious than they would with biological children. However, it is especially clear rules and responsibilities that are important for living together during this phase.

V. Helpful Institutions

1. Adoption Agencies

In Youth Welfare Service, the term "adoption triangle", consisting of the real parents, the child, and the adoptive parents has become established. It may be called an adoption quadrangle if the adoption agencies, who play a central role, are being integrated into the process (cf. Dr Martin R. Textor, 20 Years of Adoption Reforms, neue praxis, 1996).

Many, if not all adoptive families feel the need for counselling. Besides the typical problematic situations as described above, the new living situation poses a challenge for all people involved. The adoption agencies play a central role for the family to come into being, and in Germany they also stand by to counsel and to accompany. During the first months after the adoption, there will be regular contacts between the family and the Youth Welfare Office, but this will soon cease on the part of the Youth Welfare Office. In

fact, a family in Germany will be left alone after the adoption is completed. It will only receive help and support from the Youth Welfare Office if it demands for it. The Youth Welfare Office employees do their counselling tasks for adoptive families justice depending on their personal motivation. After a survey among Bavarian adoption agencies, Dr Martin Textor comes to the following conclusion:

The results of the survey show that socio-pedagogical practices still do not live up to the requirements lined out. ... From adoption agents who spend less than one third of their working time on adoption, one cannot expect identification with the job and additional qualifications as they would be needed (Textor 1991/1993).

2. Self-Help Groups

In Germany, adoptive parents as well as adopted children can find help and support in a number of self-help organisations. In regular meetings, parents have the possibility to exchange, discuss problems, and solve conflicts. Adults who were adopted as children are also organized in self-help groups, supplying a wealth of information, and support those who are searching for their biological parents. The huge number of self-help organizations for foster parents and adoptive parents illustrates their immense demand for exchanging ideas and counselling.

3. Educational Counselling Agencies

Municipal and religious as well as charity organizations operate counselling agencies for families. All families who are in critical or conflict situations can find counselling, support and, if necessary, therapy here. At the moment, all counselling agencies still offer their services free of charge.

VI. Closing Remarks

In his report on the state of research on national adoption, Martin R. Textor gives a summarizing outlook. He records that according to these results, the development of adopted children does not pass much worse than that of other children. At the same time, he questions how reliable the results of the rese-

arch are because none of them were representative. He thinks that more scientific studies will be necessary in order to be able to make reliable statements.

Adoptive families are different. Their internal family life is accompanied by conflicts and problems that cannot be found within biological family structures, just as their image in society is being shaped by "different nature". Preceding an adoption, there is a huge amount of legal obstacles, the potential parents are being examined, tested, and examined again. After the adoption is completed, however, the authorities withdraw very much from their responsibilities and leave the families to themselves. Active support of the families is needed in order to do justice to the task the adoptive parents are planning to do, as well as to the responsibilities they have accepted.

The role of the mother giving up the child was deliberately not taken into account in this report. In general, she will not turn up in an adopted child's life until after its successful search for her, and this situation poses a separate problem.

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Introduction to French adoption

All children cannot be adopted and not anyone is able to adopt a child.

We say that a person adopts a child when she or he chooses him as his son, or girl, under some conditions ruled by the law. So, adoption is above all, a legal action which consists to create between two persons the same relationships existing in the natural filiation.

But, firstly, adoption meets a social reality, the one of abandoned childhood. It was during the French Revolution that the Legislative Assembly and then the Convention tackled to this problem and drafted the first decrees that were taken over by Napoléon 1er, in the civil Code : adoption was legally recognized if the adopted was at least 21 and had been previously fed and accommodated during 6 years by the person who adopted. So it concerned only very few children abandoned. But in the XXe century, in reason of the great number of orphans resulting from the First world War slaughters, adoption was the subject of more and more precise laws. So, in France, since the reforms of 1960, the legislator intends to assimilate more and more the adoptive filiation in the normal filiation, in the purpose of favouring the integration of the adopted child in the society.

If adoption corresponds above all to the interest of a child having no family, we must notice that it represents the last solution to the a couple fulfilling the desire of getting a child.

THE LEGAL SETTING OF ADOPTION

The decentralization law of 22 July 1983 grants to the department (Aide sociale à l'Enfance service) under the General Council , the childhood protection mission.

In this institutional setting takes place the department's competency in the taking in of abandoned children and the role of intermediary in the adoption.

A/ THE TWO ADOPTION WAYS

1. The plenary adoption

The plenary adoption is governed by disposals of articles 343 to 358 of the civil Code.

Who can be adopted in the plenary adoption ?

- children in care (these are the children under the liability of social help childhood and who are deprived of family),
 - children whose fathers, mothers or the Board of guardians consented to adoption,
 - children declared abandoned after the court judgement,
- also children from abroad can be adopted in the plenary adoption.

The adopted child must be under 15. If the child is over 13, his personal consent is necessary.

Effects of plenary adoption

The plenary adoption gives the child a filiation that substitutes to his origin filiation. This is a filiation that products the same effects as a biological, legitimate or natural one. In other words, he does not belong blood to his family anymore. The adopted child takes the name of the people who adopt him, the court can modify the first names. The child acquires in the family of the people who adopt him the same rights and obligations as a legitimate child.

The parent authority is exclusively and fully devolved to the parents who adopt.

The plenary adoption is irrevocable.

2. The simple adoption

Another way of adoption is simple adoption.

Who can be adopted under simple adoption ?

The same categories of children as in the plenary adoption can be adopted under simple adoption.

Moreover, minors over 15 can be adopted and even young people over 18. The simple adoption is allowed whatever the age of the child, who has to give his personal consent if he is more than 13 (law of 8 of January 1993).

Effects produced by the simple adoption

Simple adoption is a filiation that overlaps the blood filiation, the child adopted under simple way lives then with two filiations.

The adopted child gets rights and duties similar to those of one legitimate one.

The adoption conditions are the same as in the plenary adoption. This is under the aspect of effects that these two procedures differ : according to the law of 1993, the adopted child takes the name of the person who adopts him and adds it to his own. The court can decide, on request of the person who adopts, that the child will only receive the name of the person who adopts him. If the child is over 13, he must consent personally to this name substitution.

The parent authority is exclusively devolved to the parents who adopt, but the links with the origin family are not broken.

B/ CHILDREN WHO CAN BE ADOPTED

1. The different situations

The article 347 of the civil code (see annex 2) declares that a certain category of children can be adopted because the situation leads naturally to an adoption or whether they have no relatives or no family anymore, either the family "offers " them under adoption.

The applicants to adoption can then adopt either :

- a child whose parents or the Board of Guardians consented conclusively to his adoption ;
- a child is declared judiciary abandoned when his parents showed no interest for more than one year whereas he was in a third partys' care, to the Aide sociale à l'Enfance or to an institution ;
- a child in care.

The candidates to adoption represent generally a couple or a person who wish a complete assimilation of the adopted child to the legitimate one, this is why the plenary adoption of a very young child in care is the most common way of adoption in the cases in question.

We know that maternal affection is essential to a child, especially in the first years of his life. In consequence, it is better to adopt a young child, the most favourable age being between 6 and 12 months. This precaution enables the child to adapt more easily to his new family, and contributes to ensure this way his normal emotional development.

2. When a child does become in care ?

The children in care were children who were trusted to Aide Sociale à l'Enfance (ASE) so that the State can take them into charge, either in reason of the parents 's situation, or on judiciary decision. These children are in the States' care and can be legally adopted.

Articles 55 to 65 of the family Code and social assistance.

A child can become in care under six cases :

- When his filiation is not established or is unknown and when he has been taken in by ASE services for more than two months. It can concern founded children but more generally children whose mother asked, at the moment of the admission in maternity, the secret on delivery (delivery under "X") : the child is then declared under civil state without indication of the mother's identity and is trusted to ASE.
- When his parents consented that he became a child in care because they could not or did not want to bring him up themselves. It concerns a child whose filiation is established or known, who has been trusted to ASE by his parents for more than two months.
- When his filiation is established and known and when he has been trusted by ASE by one of his parents since six months at least, delay when the other parent did not express his intention to take him into charge.

- When the child is fatherless and motherless and when the common guardianship is not possible ; two months after being trusted to ASE, the child will be considered as child in care.

In these four cases, ASE must inform the parents about the measures they can benefit to help them bringing up the child, about the conditions and delays as regards recovery, about the possibility they have, in failing case, when the child is under 1, to ask for identity secret.

Moreover, ASE must ask the parents to authorize their child's adoption :

- When his parents were subject of a measure leading to parents' authority withdrawal
- When the child has been taken in by ASE after having being declared legally abandoned by the court. It concerns children whose parents showed no interest for one year and had not maintained with him the necessary relationships to keep the emotional ties.

3. What happens when a child is declared in care ?

The guardianship of a child admitted as child in care is exercised by the prefect, who trusts the child to the General Council, this one delegating his function to the ASE.

This is the Prefect assisted by a **Board of guardians** who ensures the parents' authority on the child in care. The Board of guardians is composed with two members from the General Council, two members from associations interested in families, a member from an association helping children in care and ancient children in care, a member from a childminder association and two persons chosen accordingly to the interest they have in the child protection and family. These persons decide of the relationships the child can maintain with a relative or not, authorize emancipation, marriage, etc. Moreover, these persons check the child in care 's situation and manage his goods. At least once a year, they make an exam of the child's situation.

The person who takes in charge the child, ASE or the child himself (if he is more than 13) can refer at any time the Prefect and the Board of guardians.

All decisions from the Board of guardians (consent to adoption, placement agreement,...) can be the object of a recourse before the court.

4. The origins secret

The current estimate of people concerned by the origin research is around 400 000. The situation now of an adopted child whose origins are secret entails two cases :

From one part, until the 22 January 2002 law came into force, parents had the possibility to trust their child to "Aide sociale à l'Enfance" in the purpose of an adoption and to ask for confidentiality on identity. On the other part, when a woman delivers, she can decide to let unknown her identity in order to keep no ties with this filiation : this is "X" delivery.

Since the law of 22 January 2002, only women delivering under X can request the secret on their identity and/or the father's one. Moreover, they are invited to let, in a sealed envelope, their identity, also being informed about the possibility of ending the secret on identity at any time, and in failing case, this identity will not be revealed outside some legal conditions.

(art. L22-6 Social action Code and Family).

Moreover, we note that the number of children born under "X" is decreasing since 10 years.

C/ THE ADOPTIONS CONDITIONS

1. Who can be candidate to adoption ?

Since the law of 22 December 1976, adoption can be asked by a couple after a 5 years marriage, or by any person more than 30, this age condition being not required in the case of the adoption of the spouse's child. It is necessary that 15 years separate the child from the people who adopt, and this one must be under 15, except if he was already adopted under simple adoption. If the child is over 13, he must personally consent to his adoption.

When the filiation is established with father and mother, these ones must give their consent to adoption before the Court , or before a French or abroad lawyer, before the French diplomatic or consulate workers. This consent can be withdrawn for a three months period.

The child's placement aiming to an adoption is achieved at the moment of the actual presentation of the child to the future people who will adopt him.

This last one prevents from any child restitution to the family of origin and entails the failure of any filiation declaration or any recognition.

Some conditions are requested and change accordingly to the marital status:

If the person who adopts is married

If the request come from the couple, he must be married for at least two years, except if husband and wife are more than 28.

If the request comes from one of the two spouses, he must receive the consent of the other and must be over 28, except if he adopts his spouse's child.

The **single** who wants to adopt must be over 28.

He can adopt a child if the age difference between the child and himself is at least 15.

If the adopted child is the one of the person he lives with, this gap must be at least 10 years. However, the higher level Court can grant a dispensation.

Having already a child constitutes not an obstacle for adoption.

To obtain agreement

To be able to adopt a child, it is necessary to obtain a previous agreement.

The request must be addressed to the President of the General Council of the residency department. This one grants the agreement after having estimated the welcome conditions in the family, educational and psychological aspects.

If the person who wants to adopt lives abroad, he must address to the General Council of his last residency department or from an department he has kept ties with.

Information

- the psychological, educational and cultural aspects,
- the administrative and legal processes,
- the principles as regards international adoption,
- the number of children who can be adopted, their age, situation...

Request confirmation

After having acquainted with these information, the person who adopts has to send a request confirmation to the President of the General Council.

He can precise the number and age of children he wishes to adopt and whether it concerns children from abroad.

At the moment of confirmation, the person who adopts must bring :

- a copy of the whole birth certificate and the supporting documents if the already has got children (birth certificate, copy of the family book),
- the document N°3 about the police record,
- a medical certificate written by a doctor represented on a list coming from the General Council,
- any material proving his resources.

Decision about the agreement awarding

Before the decision, an enquiry is achieved, partly about his family situation, his welcome possibilities.

An estimate of the psychological context of this request is also carried out.

The President of the General Council decides after having consulted the agreement Commission.

At least fifteen days before this consultation, the persons who adopts must be informed and acquaint with the material drawn up during the investigation.

He can request to be heard by the agreement Commission.

The agreement granting

It is granted for one or more children taken in at the same time, for a five year lasting. The number, the age, the characteristics of the wished children can be mentioned.

During all the agreement lasting, the person who adopts has to confirm every year by a letter to the President of the General Council that he maintains his adoption project.

3. The child's placement

After the issue of the administrative agreement when this one is compulsory, the usual following of the adoption proceedings supposes the connection between the new parents with the child. This connection supposes, except in

cases of children from abroad, the placement procedure of the child by his future parents before the adoption pronouncement.

The intervention of Aide Sociale à l'Enfance or from a recognized organization (OAA) by the department will permit to the future parents who adopt to receive the child they will adopt at home accordingly to their expectations.

We must distinguish two steps in the adoption procedure : the take in of the child and the child's placement.

- **The child's take in** is the procedure observed by Aide Sociale à l'Enfance or OAA and makes effective the child's material and physical take in charge pending his adoption : he is taken in by the intermediary chosen by his parents. From now, he will be placed, in relation with his age, in childrens' home or in a host family (which is not the chosen family for his adoption, even if this family could, relatively to some emotional ties, ask for adoption) until the intermediary prepares for him a an adoption project.
- **The placement aiming at the child's adoption** is the judiciary step that makes concrete the connection of the parents who adopt and the child. The placed child destined to adoption is taken in the home of the family designated by the intermediary she addressed to become his adoptive family.

The child's placement aiming at adoption prevents any restitution request by the parents. The placement thwarts any recognition or filiation declaration. If the placement comes to end or if the adoption judgment is not pronounced, these effects are retroactively set up.

4. The adoption judgement

The judiciary step of the procedure corresponds to the adoption pronouncement that implies a decision from the judge.

The competent court to pronounce adoption is the Higher Level Court (TGI) in the place where lives the persons who adopts ore, if the persons lives abroad, in the place where lives the adopted. If both live abroad, the Court is freely chosen by the adopted.

The adoption procedure is a legality one (the court does not intervene to resolve a scrap but to check the conformity of the adoption request). So,

only the claimants are party in the procedure.

Generally, the request is let by a lawyer at the Office of the Clerk in the Court.

However, if the child was taken in before being 15, the law specifies that the person who adopts can present himself the request, without being represented by a lawyer.

So that the adoption can be pronounced, an adoption request has to be presented before the Higher Level Court competent in the district, with a six months delay at least after the child's take in at the home of the person who adopts. The Court gives a ruling about the type of chosen adoption and about the first name change in case.

5. The case of adoption withdrawal

Adoption is a chosen filiation : a person or a couple "chose" to make a child theirs. So, when this wish has been expressed, even if the adopted child is known from the persons who adopt or if he meets their desires, even if the placement procedure required for plenary adoption and despite the estimate form the judge on the child's interest, the adoption failure cannot be to exclude. Then, the question of withdrawal adoption comes out.

Simple adoption is revocable only for grave reasons. This revocation can be requested by the person who adopts or the adopted. If the adopted is under 18, the withdrawal can be requested by the Public Ministry. The estimate of the reasons gravity is principally influenced by the adoption admissions of failure and by the maintain opportunity.

On the contrary, plenary adoption is irrevocable. The filiation adoptive link replaces in a non retroactively way the blood filiation. Since the law of 5 July 1996, the plenary adoption can however be withdrawn when grave reasons justify it and so it can be transformed into simple adoption.

An adopted child, whatever being the way of adoption, in theory should not be adopted twice, except by two spouses. However, the law permits in some cases a second adoption, whether after the death of one or the two persons who adopt in case of adoption from the two spouses, only if the adoption is required by the new spouse of the surviving parent.

C/ CONDITIONS FOR THE ADOPTION OF A CHILD COMING FROM ABROAD

The number of requests for adoption is highly increasing in France and the number of children in France is not sufficient to satisfy the applicants who turn more and more towards international adoption. In 2003, 20 000 couples who wished an adoption resulted unsatisfied.

In front of the great number of requests and in order to avoid the child traffic, France signed the La Haye Convention on 5th May 1995. This Convention ensures a cooperation between all member countries, guaranteeing the legality of the procedure as well as the preservation of the interest of the adopted child.

Conditions to adopt a child from abroad are similar to those aiming at the adoption of a French child (age, conditions, agreement).

Generally, the adoption of a child from abroad can only be granted when no solutions were found for him in his own country.

The adoption conditions

They are submitted to the national law of the person who adopts, or to the law that rules the union of the spouses. However, adoption cannot be pronounced if the national law from on or the other spouse bans it.

The adoption of a minor is impossible if his personal law bans it, unless he is born in France and usually lives in France.

Whatever being the current law, the legal consent of the child's representative must be free, obtained without compensation and taking into account the adoption consequences, especially those about plenary adoption.

The effects of adoption pronounced in France are those from the French law.

Effects from an adoption decision

The adoption pronounced abroad brings about the effects of the plenary adoption if it breaks the preexisting filiation link in an irrevocable and complete way. If it is not the case, it brings about the effect of a simple adoption. This one can however be transformed in plenary adoption if the required consents have been given expressly and with full knowledge of the facts.

To initiate the steps, you can address :

- to the social programme from the department, Aide Sociale à l'Enfance (ASE),
- to the international adoption mission (Foreign Affairs),
- to the French organizations in charge of international adoption, or directly to the authorities responsible of children waiting for adoption in some countries.

The authorized organizations are in charge of connecting children needing a family with the applicants to adoption.

If the file is accepted, it is transmitted to the competent authorities in the origin countries where they intervene (the central authority if the country entered in the la Haye convention).

The central authorities work together along the procedure, for the countries participating to La Haye Convention.

The central authorities work together, of the countries participating in La Haye Convention. The one of the child's origin country checks the ability to adoption, the French authority checks, before transmitting the file, that the person who adopts fulfils the conditions enabling him to adopt a child.

CONCLUSION

France is placed second country for the most numerous adoption after United States.

Yet, we notice now a cut in the number of children abandons. This is likely due to the legal and social disposals that tend to limit this practice, and partly to prevention measures such as monthly benefits granted to single mothers. Hence a more and more frequent recourse to international adoption.

The main difficulties faced by the people who adopt in their step for adoption, remain the heavy deals with officialdom and the delays (we must count with three years at least before the judgment adoption), the lack for aid and accompanying.

The aim for adoption being to make up for the maternal and father ties that failed, any adoption causes some psychological and moral problems, sometimes hard to overcome by the people who adopt or by the adopted.

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Annex 1 : Figures about adoption in France

Adoption

- 35 % of families having the agreement do not succeed to adopt in France (Marie Claire / 2003)
- In 2002, 8 000 agreements were granted by social services (Marie Claire / 2003)
- 2 500 adopted children in 1990 > 1000 en 2001 (Marie Claire)
- 3 094 adopted in France en 2001 are children from abroad
- The refuse rates change under important proportions from one department to another. They can progress from 0 to 25 %.
- international adoptions represent 75 % of the effective adoptions : around 3 000 each year from a total of 4 000 (SANTE MAG)

Ministry of Justice :

- 3 592 children coming from abroad were adopted in France in 1999.
- 40 % are between 0 et 6 months / 12 % between 6-12 months / 20 %

from 1-3 years/ 12% de 3-5 years / 8 % de 5-7 years/ 5,5 % de 7-10 years/ 2 % more than 10 .

Site du gouvernement

In 2001, (last figures at our disposal), 4000 children were adopted in France among them 1150 are children in care and 3094 children from abroad.

- 4 adoptions on 5 concern children born in a foreign country.
- 1 280 children become each year "children in care", among 700 are new born babies under X delivery.

Adoptive families

- 42 000 adoptive families in France
- 150 000 children live in France in adoptive families (LE MONDE. 2002)
- Children in ASE 's care are trusted up to 55% to households, 21% to childrens' homes, the others are dispatched in different organizations (homes for children...) (Maxi).

Annex 2 "To explain adoption" : Meeting with Serge BOUNAIX, President of EFA 54 / Article from EST REPUBLICAIN from 13 December 2003

Member since 1996 in EFA 54 (childhood and adoption families), administrator since 1999 and President since October 2003, Serge Bounaix has just hold his first meeting as coordinator of a national association existing for 50 years, recognized, he sits to The Superior Adoption Council, also to the National Council for the access to the own origins and representative of the 9000 adoptive families within the public sector.

- Which services do you offer to families ?

We must distinguish two families, from one part the potential family and the existing families on the other part. For the first ones, it concerns families who are wondering about the possibility of adopting or who have already initiated the steps for it, or have obtained the agreement without having any child yet. For these ones, we bring the further information that they receive

from the General Council, particularly opening to real life of the people who adopt. We speak about what we know. This represents a concrete aspect if we compare with the official information received from the General Council. The meetings allow the applicants most in advance to give the lowdown and to reassure the new arrived less experimented. As regards families having already adopted children, we maintain a tie between them, we bring a moral support in case of difficulties with the adopted children and since a month ago we have set up a speech group led by a psychologist, in order to help parents facing sometimes serious problems.

Which kind of services are they ?

Like in the biologic births, some unforeseen circumstances exist. In a limited number of cases, but effective ones, parents face serious difficulties that have the roots in the real life 's child before his adoption. Opposite to what we might think, this is not linked to an age period ; even a baby can experiment important traumas. This is particularly visible in the international adoptions but it also exists in France for children, older children having suffered from mistreatments, sexual abuses or multiple placements. Despite of this, things go well in the case the child identifies with his new family. For the others, this attachment will not find fulfilment, no explanation can be given to this. Some troubles can even appear many years after an adoption which started well. Hence the necessity to recover the maximum information about the child before his adoption.

Serge Bounaix : the principle of our association is that the people who adopt having benefited from our services, help the others to penetrate the way of adoption.

The agreements requests are numerous or not ?

90 agreements were granted in Meurthe et Moselle in 2000, this figure overcame 120 in the summer 2003. This increase has many explanations. Sterility problems seem more and more important. Due to the study lengthening and the necessity to build a career, people have children later, at an age when fecundity is decreasing. Moreover, adoption is becoming common. Nowadays, we can see families with children who don't look like their

parents. Everyone has in his surrounding a neighbour or an acquaintance who has adopted, which induces why not me. In France, if the babies stay only two months in childrens' home before adoption, on the contrary many children in care are to be adopted, there should be people interested in them. Penalized by their age, living with siblings, suffering from disease or from psychological or physical disability, they keep waiting for a family. In the international context, the main difficulty concerns the very rapid growth that a country can show. It can close from one day to the next, modify its placements' criteria. More and more eastern countries, benefiting from a raise of their living standard, tend to increase national adoptions which in consequence induces a reduction about the international possibilities.

Frédéric CLAUSSE.

www.eurochild.ro

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