



## Fact Sheet N° 31

### Adoption

#### THE SEARCH OF ORIGINS

Every human being may feel the need to know his/her origins in order to build his/her identity and to grow in the best possible conditions. In general, the term 'search for origins' covers the series of steps which an adopted person takes in order to revive his/her pre-adoptive past. The adopted child does not only wish to know the identity of his/her mother and father of origin, but also (and sometimes only) wishes to obtain *general information (sometimes unidentifiable)* about his/her background and socio-economic community until his/her entry into his/her adoptive family.

##### **A right to know one's origins?**

Although access to this information is increasingly being recognised by practitioners as *an indispensable psychological need for some children* in building their identity, the question of the existence of a right to know the identity of one's parents of origin is not explicitly formalised in the Convention on the Rights of the Child and in the 1993 Hague Convention on intercountry adoption. Its existence is still the subject of debates fuelled amongst specialists and the responses provided vary in accordance with the legal tradition of the countries.

Thus, some countries recognise a *right of absolute veto* of the parents – essentially to the mother, on the disclosure of their identity (anonymous birth or a similar system), whereas others explicitly provide the adoptee with a right to information on the identity of his/her biological parents. These differences of conception can raise specific questions of international private law during the search for origins within the framework of an international adoption.

##### **Current situation**

Today, adopted children more easily have access to their origins than in the past. In

addition, an increasing number of countries keep information on the children's origins. Despite this progress, a high number of children have little or no information on their origins or on their life before having been adopted.

Regarding adult adoptees, the search for origins is often even more difficult as past practices were different and favoured anonymity. In many cases, information is limited or is no longer available.

##### **Implementation of the search for origins**

Practices followed in numerous countries show that effectively granting the adoptee access to his/her origins and to his/her walk in life presupposes *a systematic and coherent policy which can ensure the collection and preservation of personal and family data*, from the first contacts of a protagonist with the mother in difficulty or with the child. The keeping of a « *life story diary* » reflecting the evolution of the child throughout his/her placements; *the sharing of information* between the successive protagonists in charge of the child (including between different countries, in cases of intercountry adoption) and *access to information by the adoptee*, whether he/she be an adult, an

adolescent or even a child if necessary, must equally be guaranteed. In cases of intercountry adoption, the adoptee's access to his/her origins can also occur through visits to the country of *origin*; such trips of discovery are already being organised by some adoption protagonists, as well as by some countries of origin.

### Guidance in this search

It is important that the adoptee's access to information, which he/she is looking for, goes hand in hand with *preparation, counselling and psychological support* provided by professionals. If *contact with the family of origin* is wished, the *intervention of a third-party professional* is often very useful. It must enable the interests of all parties concerned to be taken into consideration, to contact the parents of origin in confidentiality and with the possible support of professionals, and to inform the adoptee in a suitable fashion in relation to their wish for, or refusal of, contact. In certain countries, «*contact registers*» have been set up officially. Adoptees and parents, as well as brothers and sisters and other members of the family of origin, can record their wish for contact, so as to inform any other interested party who could consult it. But the issue of future contact should be subject to discussion with professionals *as soon as the adoption is concluded*, and the record of the wishes expressed at that time should be registered in the files.

In practice, some adopted persons sometimes contact a specialised agency in the search for families of origin. However, ISS-Germany states that it is very rare that

the adoptee and his/her family of origin express the need to meet in person or to remain in touch on the long term. It seems that the need for information is the most common ground for initiating such proceedings. However, the latter must equally be the subject of adequate framing.

### When the parents of origin search for the adoptee

The situation is even more complex when the *biological parents*, or even other members of the family of origin, wish to know the adoptee's new identity (if it has not been communicated to them during the adoption procedure), to receive news or to contact him/her. *A problem of balance between the rights and interests involved* also occurs here. However, the interests of the child should prevail in order to preserve the stability which has been built in the adoptive family.

Most legal systems in Europe *do not recognise the right of parents of origin* to impose their wishes to see a child again. Through the psychosocial work of specialised bodies, however, a certain number of States provide support services for parents of origin and *services of professional mediation* or «*contact registers*» in order to ascertain, as far as possible, whether or not the wishes of the parents of origin meet the current interests of the adoptee, with the respect for the private and family life of the adoptive family

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### For more information:

FEAST Julia, "Searching Questions: Identity, origins and adoption", London, British Association for Adoption and Fostering, 2003, 100 pp.

SCHOOLER Jayne. "Searching for a Past: The Adopted Adult's Unique Process of Finding Identity". Colorado Springs, USA: Piñon Press, 1995, 199 pp.

**We are interested in your opinion!** To tell us your experiences, ask us your questions about the themes addressed in this file, or to send us your suggestions for changes, don't hesitate to write to us at [irc-cir@iss-ssi.org](mailto:irc-cir@iss-ssi.org). We also invite you to share this file with other interested persons in your country. Thanks in advance!

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