



Fact Sheet N° 40

Intercountry adoption

DOMESTIC ACCREDITED BODIES IN THE COUNTRIES OF ORIGIN

States of origin that have opted for the accreditation of domestic bodies to participate in the intercountry adoption process are rare. There are positive experiences, mainly where the bodies already have many years of practice and have gained expertise. There are also negative experiences, linked to the inadequate number and ethics of recently created bodies, which include professionals, previously involved in practices which are disrespectful of the right of the child, and who are motivated by abusive material gain in relation to the cost of life in the country.

Methodology for the accreditation of domestic adoption bodies

Where a State of origin considers the possibility of accrediting domestic bodies for domestic and/or inter-country adoption, several elements have to be taken into account:

- ▶ Evaluate the needs for domestic and/or inter-country adoption that exist in their country: various profiles of children who require an adoptive family, and estimation of the number of children concerned;
- ▶ On the basis of these data, define the profile and estimate the number of families required to respond to the interests of these children;
- ▶ Design the organizational chart of the various activities resulting, in the country, from the process which culminates with the adoption, with the national actors in charge (and, potentially, foreign actors, or their representative in the country);
- ▶ On the basis of this organizational chart, specify the activities which are not covered and which could be functions delegated to a private body through accreditation;
- ▶ Define the profile and estimate the number of desirable national accredited bodies to carry out these functions, in the interest of children.

In this context, the following must be established:

- ▶ One or several sets of terms of reference for these agencies;
- ▶ The scope of their intervention in the country (local, regional, national);
- ▶ The scope of their activity (one country, several countries) and the mechanism of collaboration with other countries;
- ▶ The ethical, professional, and information criteria (for example, knowledge of the national child protection system, knowledge of structures, laws, customs, etc of the receiving State) and economic criteria for the accreditation.

Ethical and professional criteria for the evaluation of domestic adoption bodies

As mentioned above, the criteria used to evaluate actions taken in matters of domestic and intercountry adoption will be, amongst others, of a professional and ethical nature. The ethics referred to herein are those relating to the rights of the child, as set out in the Convention on the Rights of the Child and in the 1993 Hague Convention. They are based on three fundamental points, which are the best interests of the child and respect for his/her fundamental rights, the principle of subsidiarity and the absence of undue gains.

In order to undertake the evaluation of the ethical and professional criteria of the adoption bodies, we recommend particular consideration of the following elements:

- ▶ *Staff employed*: presence or not of a multidisciplinary team; training and professional experience in matters of children's rights and adoption, etc.
- ▶ *List of activities undertaken by the adoption body*: when an adoption body carries out several programmes (care of children in institutions, foster care, domestic adoption, intercountry adoption), it must be assessed in a *particularly scrupulous* manner, so as to ensure that the accumulation of functions does not lead to ethical deviations. For example, if the adoption body carries out programmes for single mothers or families of origin, or domestic adoption activities, in addition to the evaluation of these same programmes, their potential relation to intercountry adoption will also be assessed.
- ▶ *Appreciation of the quality of its work*: in accordance with the functions carried out by the adoption body, it will be a question, for example, of ascertaining the quality of the reports on prospective adoptive parents which it issues; the profile of the applicants which it offers (quality of the information, selection and preparation of these applicants); the quality of the follow-ups carried out (report submitted by professionals on the integration of adopted children in their family and their new living environment, collaboration of the body in case of serious problems in the integration of the child, etc).
- ▶ *The geographical scope* of its intervention within the country.

Supervision and control of accredited domestic adoption bodies

It is important that the competent authority supervises the quality of the intervention of accredited agencies. Thus, a periodic evaluation of the bodies and a control of their finances are indispensable and will facilitate the decision to renew or to suspend the accreditation. When undertaking this evaluation, it is recommended to regularly examine:

- ▶ the work they carry out with families of origin, with the children and/or with adoption candidates;
- ▶ its participation in the matching process (modalities);
- ▶ its capacity to collaborate with public authorities and institutions for the protection and placement of children, and involved in the process of adoption;
- ▶ the professionalism and ethics of the adoption body (detailed above);
- ▶ the exemption from any accusation or allegation relating to its morality in relation to children or to current or past financial management;
- ▶ The reasonable nature of the fees and charges requested from applicants (request for detailed information).

The accreditation is a delegation of power by the State. The manner in which the accredited body complies with its functions involves the State. The possibility exists for competent authorities or accredited bodies of other States Parties to the 1993 Hague Convention to lodge a complaint against a State of origin when the practices of one or several accredited bodies of the State of origin are contrary to the interests of the child or when its fees are unreasonable.

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For further information:

Hague Conference on Private International Law, *A discussion paper on accreditation issues*, 2005 Special Commission to review the practical operation of the 1993 Hague Convention. For further information, see www.hcch.net/upload/wop/ado_pd03e.pdf.

We are interested in your opinion! To share your experiences with us, to ask us your questions about the themes addressed in this document, or to send us your suggestions for amendments, please do not hesitate to write to us at irc-cir@iss-ssi.org. We also invite you to share this file with other interested individuals in your country. Thanks in advance!

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