



Fact Sheet N° 43

Intercountry Adoption

THE CONFIRMATION OF MATCHING, THE MEETING AND THE PROBATIONARY PERIOD

Once the matching has been undertaken (see Fact Sheets N° 26 and 43), and depending upon the agreed system, the child's file is sent, either to the Central Authority or to the competent authority or authorised foreign body, of the receiving State, in order to be examined by the selected family. The latter then confirms whether or not it agrees to adopt the child. If the selected family confirms its agreement, it travels to the State of origin in order to meet the child. Within the framework of intercountry adoption, this very unique moment also requires specific measures to be observed, in addition to those previously mentioned in Fact Sheet N° 29.

The objectives of the stay of the prospective adoptive parents in the country of origin before proceeding to formalising the adoption

The majority of States of origin require a personal meeting with the child in the country of origin and a stay of the prospective adoptive parents in the country before proceeding to the confirmation of the matching and the formalisation of the adoption. The length of the adoptive family's stay in the State of origin and the circumstances of the family-child relationship vary considerably from country to country.

The trip and the stay of the selected family in the State of origin have several objectives:

1. To meet the child and have some time – although limited – to initiate a process of attachment and mutual acquaintance.
2. To give the family the opportunity to acquire some direct understanding of the child's original environment.
3. To give the professionals of the country of origin, and should the occasion arise, the representative of the foreign accredited body the opportunity to participate in the child-adopter meeting, in order to ease

and evaluate – albeit to a limited extent – whether the matching can be confirmed.

4. To ensure safe and reassuring support for the child during his travel to the receiving State.

The States of origin's different practices

Some States of origin have opted to request adoptive families to travel twice. The first visit is designed for the family to confirm its agreement with the matching after having met the child, and for the professionals to confirm that, after a short period of evaluation of the family-child relationship, that the matching seems appropriate. A second stay is intended for the family to be present at the declaration of the adoption. Between these two stays, the drafting of the file, its submission to the legal authority and its examination by the judiciary will take place at the administrative level. Although such an option will undoubtedly have been taken with the interests of the child in mind, by considering the family-child meeting as part of the matching process, and for allowing some time before finalising with the adoption order, it confronts the child (and the family) with a disruption and a period of

separation, which may be extremely detrimental, particularly when the length of this period increases.

In addition, there is a risk of misinterpretation of the first stay by the selected family or some professionals, who may consider it to be an opportunity for the family to accept or reject the child, without sufficiently emphasising the destructive effect that this may have on the child.

A few other States of origin do not require parents to travel to meet the child, but accept that the child travels with a third person to the receiving State, where he/she will meet the family selected to adopt him. These are generally States of origin, which require the child to live with the selected family for a probationary period of several months before transforming the guardianship order intended for prospective adoption – this document being issued initially to facilitate the exit and transfer of the child – into the adoption order, which will be valid for all intents and purposes. This requires the establishment of a cooperation agreement between the State of origin and the receiving State, in order to guarantee the follow-up of the probationary period by qualified professionals and any decision-making in the interests of the child, in cases of failure of the probationary period.

In the States of origin, which are Contracting Parties to the HC-1993, it is indispensable to seek the approval of the receiving State – the Central authority, the competent authority or the foreign accredited body, in accordance with the system adopted by the receiving State – on the proposed matching selection, before proceeding with the adoption.

It is important that the file submitted to the relevant body in the receiving State, be correctly documented, and justify the adoptability of the child and the matching proposal so as to facilitate the decision of the receiving State. It must be borne in mind that, once adopted, the child will be under the global responsibility and protection of the receiving State. In order to be done in the best interests of the child, this transfer of responsibility between the States should respect the receiving State, by involving it in concrete terms into the decision-making process. In an important number of cases, this stage remains very unsatisfactory.

The Central Authority – or the competent authority or foreign accredited body, in accordance with the system adopted – of the receiving State has the right to request that the file be completed before giving its agreement to the matching proposal and to the continuation of the adoption process. However, these additional negotiations have the great disadvantage of considerably delaying proceedings.

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The need to consult the receiving State

For more information:

BYRNE Sheila; *Linking and Introductions: Helping children join adoptive families*. British Agencies for Adoption and Fostering, London, 2000

SCHOFIELD Gillian and BEEK Mary; *Attachment handbook for foster care and adoption*, London, BAAF, 2006, 450 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. We also invite you to share this file with other interested persons in your country. Thanks in advance!

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