



Fact Sheet N° 47

Intercountry adoption

THE FINANCIAL ASPECTS

Intercountry adoption and sometimes domestic adoption are an area where financial aspects are a cause of great concern at the global level. The fees requested, the costs of certain services or documents, the honorarium for the professionals' services, the donations to institutions, the gifts, the tips, etc. are in many cases exaggerated, sometimes to the point of being unacceptable. Furthermore, certain types of payment are very questionable. These circumstances are directly responsible for the pressures exerted, for abuses and trafficking where the child goes back to being just an item for trading instead of a person with rights.

The need to establish clear and strict criteria for the contributions from adoptive families

It is impossible to set criteria that are valid for all countries because the internal arrangements and the cost of living in each country are different. Nonetheless, in each State, be it receiving or of origin, it is particularly desirable for the competent or Central Authority to define clear and strict criteria in matters of:

- The administrative finances of the accredited bodies and the fees or salaries of its staff, of its management and its representative;
- the range of reasonable costs for services or documents that might not be free, considering it entails child protective measures, not a business transaction;
- services that can be undertaken by lawyers in cases where their intervention is possible or necessary and the range of their fees and the costs of their services;
- the same goes for other professionals involved in the adoption proceedings, taking into account that it is a matter of child protective measure, not a business transaction;
- the possibilities, limits, sources and purposes of contributions and donations by adoptive families.

These criteria should be in the public domain and the information should be sent out to the Central Authorities of the other States Parties to

The Hague Convention, as well as to The Hague Conference on Private International Law.

Risks associated with the request for financial contributions from the adoptive family

Some States of Origin have chosen to request a fixed contribution from foreign adoptive families, and sometimes from the adoptive families of their own nationality too (charging a lower rate in this case) for each individual adoption. Such a situation can create risks for the State of origin:

- of being accused of making a business out of its children,
- of being tempted to give preference to placing children for intercountry adoption because it pays more,
- of the difficulty of thinking of future prospects and action plans to reduce the intercountry adoption and encourage domestic solutions for fear of losing income that is already included in the budget of the body that receives them,
- of failing in a way to assume its full responsibility for the children under its protection.

Indispensable principles to be respected according to the type of financial contribution by the adoptive family

The financial contributions from adoptive families should then be strictly regulated, according to their type: administrative costs, structural financing, support for child protection programmes and donations for institutions.

With regard to the usual administrative costs, the following principles should be observed:

- the contribution requested should be limited, "reasonable" and represent a participation rather than a large or even total share of the adoption proceedings or of the national policy of protection of children deprived of their family or at risks of so being;
- the contribution should be the same for all intercountry adoptions, regardless of the origin of the adoptive parents and of the profile of the child placed for adoption;
- the contribution should be a one-off payment and not joined to other requests for payment in the State of origin. It should include all the costs associated with the adoption process in the State of origin, with the exception of the adoptive parents' travel and accommodation costs for their stay;
- the contribution should be made payable to the account of a governmental body officially designated for this purpose, and not to individuals.

For the other three types of financial contribution, The Hague Conference advocates the following principles:

- structural funding: linking child protection programmes with adoption fees should be

avoided as it may exert pressure on public servants and create dependency for operating a sufficient number of adoptions per year.

- support for birth families, child protection services or institutions: on this controversial issue, the following statement was proposed by the Special Hague Conference: "Receiving countries are encouraged to support efforts in countries of origin to improve national child protection services, including programmes for the prevention of abandonment. However, this support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process or creates a dependency on income derived from intercountry adoption. In addition, decisions concerning the placement of children for intercountry adoption should not be influenced by levels of payment or contributions. These should have no bearing on the possibility of a child being made available, nor on the age, health or any characteristic of the child to be adopted"¹.
- Donations: to be acceptable, they should not be in cash but through a bank transfer, they should be announced to the authorities of the States of origin and receiving States and should be duly registered by the institution that receives them.

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For more information:

¹ SPECIAL COMMISSION OF THE HAGUE CONFERENCE, September 2005, *Draft Guide to Good Practice under the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption: Implementation*, 2005, www.hcch.net/upload/wop/ado_pd02e.pdf.

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ONTARIO MINISTRY OF COMMUNITY AND SOCIAL SERVICES, *Expenses of an approved adoption practitioner*, Canada, 2000

MARK Helen, *Adoption Ethics in a World Ruled by Law and Market*, Adoptive Families Association of BC, 2003

TEMMINK J H M, *Harmonization of Donations by Adoption Agencies*, 1995

We are interested in your opinion! Tell us your experiences, ask us your questions about the themes addressed in this file, or 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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