

CO-OPERATION PROGRAMME
TO STRENGTHEN THE RULE OF LAW

**LEGAL FRAMEWORK FOR ADOPTION:
PUTTING CHILDREN'S INTERESTS FIRST**
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LOOKING AFTER CHILDREN'S INTERESTS

**"PROCEDURES RELATED TO INFORMATION ON PROSPECTIVE ADOPTION
PARENTS, THE STATUS OF CHILDREN AND THEIR SUITABILITY
FOR ADOPTION"**

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- presentation outline -

A successful adoption placement contains four main elements:

- **Legislation** as a guarantee of the best interests of the child
- **Counselling and preparation** of prospective adoption parents
- **Cooperation** between adoption authorities and adoption organisations in child's birth country and receiving country in all stages of the adoption process
- **Post Adoption Service**

1. Legislation as a guarantee of the child's best interest

Save the Children Finland was established in 1922 for the purposes to find homes for homeless children after the civil war.

Legal framework for the adoption process in Finland:

Adoption Act in 1922

UN Convention on the Rights of the Child (1991)

Hague Convention (1997)

Recent Adoption Act an Decree in 1985 (some changes in 1997)

- Influence on Save the Children Finland
 - large experience in domestic adoptions
 - experience in post adoption service to the adult adoptees searching information about their background
- Prerequisites for Adoption
- Legal Effects of Adoptions
- Adoption Counselling
- Intercountry adoptions
 - duties of the intercountry adoption service providers
 - Ministry on Social Welfare and Health / Finnish Adoption Board
- Permission Procedure in Intercountry Adoption
- Granting an Adoption

Decree about the Finnish Adoption Board

- duties of the Board
- appointment and composition of the Board

Legislations about the name and citizenship

2. Counselling and preparation of prospective adoptive parents

Adoption counselling can be given only by specialized social workers with a university degree

Adoption counselling is a cooperation and interaction process between prospective adoptive parents and the social worker, which purpose is:

- to prepare prospective adoptive parents to becoming adoptive parenthood and changes
- to evaluate the capability of prospective adoptive parents for the adoptive parenthood
- to encourage prospective adoptive parents to the process of self-evaluation

In the adoption counselling process social worker represents the child and his/hers interest

Process last several months, approximately one year and it contains several meetings with the prospective adoptive parents

Themes for the discussion are (among others):

- background of the applicants
- relationship with own parents and other relatives
- relationship between spouses themselves
- recent family situation
- health
- motives for the adoption, wishes
- capability to bring up a child
- capacity for intercountry adoption

The reason to adopt a child is in most cases childlessness because of infertility. Wish to have a child of own is good base for adoption. It must be a common decision of both spouses to adopt a child. Adoption should never be considered as a charity act. Prospective adoptive parents must understand that adoptive parenthood is going to be a special and demanding task.

What we expect from adoptive parent?

- flexibility
- capability to understand changes the child brings and to accept a child as an individual
- capability to give special support for the child in all stages of his/her life
- capability to meet possible special needs in the child's health condition
- capability to understand the meaning of the child's background and open discussion about it

Home study

- personal data
- socioeconomic situation
- state of health
- background information and relationship with the relatives
- motives for adoption and wishes concerning the child
- child upbringing capabilities and preparedness for intercountry adoption
- social worker's evaluation:
 - ➔ impression made during the counselling process about the applicants
 - ➔ an appraisal about applicants' suitability for intercountry adoption
- ➔ an appraisal about applicants' capability possibly to adopt siblings or a child with special needs

Follow-up process and reports for the child's birth country**3. Cooperation between adoption authorities and adoption organisations in child's birth country and receiving country**

At its best successful adoption placement is cooperation process between all parties which respects legislation of both countries and international conventions obligating each party.

The purpose of intercountry adoption service is (Finnish Adoption Act):

- to provide adoptive parents for a child who is residing abroad and is in need of parents
- to assist the parties in taking the steps necessary to have an adoption granted
- to provide help and support for the child and adoptive parents, when necessary also after the adoption

Intercountry adoption service shall be provided by the municipal welfare bodies and other organisations (adoption organisations) which have been licensed (authorised) thereto by the Ministry of Social Welfare and Health

Intercountry adoption service providers in Finland shall:

- ➔ guarantee suitability of prospective adoptive parents for intercountry adoption
- ➔ guarantee legal adoption process with the respect of best interests of the child

Role of the authorities in child's birth country:

- to guarantee legal adoption process with the respect of best interests of the child
- to guarantee the suitability of children for intercountry adoption
 - legal status of children

- background information of the child (both social history and health records)
 - preparation of the child for the adoption and changes
- to guarantee that matching and placement meet the best interests of the child
 - accreditation of foreign adoption organisations
 - monitoring the work of foreign adoption organisations
 - confidence in the professionalism of adoption organisation in receiving country

4. Post Adoption Service

In Finland there are over 3300 adopted children from abroad. Successful adoption placement doesn't end at the moment of homecoming. Legislation, preparation of prospective adoptive parents and the child and cooperation between authorities and adoption organisations ground a basement for the lifelong growth of the adopted child.

The life story of the adopted child begins long before the adoption despite of limited background information or even lack of it. The adoptive child has the right to get information about his/her background. Professional help and support must be available when the adoptive child needs it to process with his/hers background

- ➔ brings new challenges for adoption organisations and authorities in both birth countries and receiving countries
- ➔ need for better documentation of child's background information
- ➔ possibility to visit birth countries and search information

Save the Children Finland has started a four year project to develop post adoption services