

Fact Sheet N° 20

Adoption

THE DETERMINATION OF THE ADOPTABILITY OF THE CHILD

Adoptability is determined on the basis of the psycho- medico- social report on the child and his family of origin, prepared to elaborate a life plan for the child. If the conclusions of such a report so justify it, adoption will be the life plan considered desirable for the child. Henceforth the child is considered adoptable at the psycho-medico-social level. Determining the adoptability of the child affects both the child and his biological family: mother, father and the extended family, and sometimes their community. Adoptability is psycho, medical, social and legal. It is essential to determine legally the child's adoptability. This means that the persons responsible for the child must give their consent.

The psycho- medico- social report

The report should be as thorough as possible since the future of the child, his biological family and the prospective substitute family depend upon it. The report makes it possible to arrive at a diagnosis of the personal and family situation of the child.

It is essential to reach a diagnosis of the mental, physical, emotional and relational "health" of the child as complete and correct as possible and not to gloss over it. From these four aspects, one must assess not only the resources (strengths) but also the limitations (weaknesses) of the child. These elements play a basic role in the future development of the child and his capacity to establish a satisfactory adoptive relationship, because they condition the child's ability to bond. Among the factors that condition this "state of health", it is of paramount importance to investigate and describe the number and the circumstances of attachment disruptions the child has experienced, the circumstances of the pregnancy and the delivery, as well as the first months of life,

the episodes of illness and hospitalization, etc.

On the basis of this diagnosis, a prognosis will be determined, as far as possible, of what is reversible in the child's "state of health" and in any case of what is likely to be clearly treatable among problems of physical, mental, emotional and relational health so as to be able to determine

1. if adoption is the appropriate solution for the child,
2. what are the characteristics and aptitudes that the family to whom the child will be entrusted will need.

Adoptability in the adoption process

The adoptability of the child must be determined *before* a specific matching is envisaged, that is to say, before a prospective adoptive family is identified. There should be no claim to determine that a child is adoptable because a family is willing to adopt him. The adoptability should be determined ahead of time. It is one of the conclusions which the social professionals might come to when they

draw up a personalized life plan for the child.

The consent

The consent of the parents (particularly that of the mother) to adoption should not be given before the birth or in the first weeks of the child's life. The mother and father should be given an opportunity to bond with the child and to have time for reflection after the child's birth. During this period and during the pregnancy, it is very important to provide the parents with psychosocial and/or financial support to reduce the risks of abandonment and, in case this actually happens, to help them to distance themselves from their child with dignity.

Consent should be based on the right information: the social and legal professionals should inform the parents and ensure they properly grasp the consequences of adoption that will be either domestic or possibly inter-country, and that they fully understand the implications for the child, for themselves and for the future of their legal ties and their social and personal relationship with the child. It is essential to inform them of the possibility of a renewal of contact with the child in the future in case of a search for his origins when the child becomes adult. It is necessary to gather their possible wishes as to a substitute family so as to respect them to the extent possible and if they correspond to the best interests of the child.

Consent must be freely given, without pressure intended to make the child adoptable when it is not in his best interests. The social services should help the parents and point them in the right direction to envisage alternatives to adoption for their child when keeping or

reuniting the child with the family still seems possible; they should help them to envisage adoption if permanent reunification of the child in his family does not seem feasible.

Steps must be taken to ensure that the child's state of neglect is not the result of abuse, trafficking, or a sale, or of an unjustifiable separation from the family. It is essential to be able to clearly determine the child's origin.

The abusive negation of consent

In numerous countries it is noticeable that "social orphan" children are housed in institutions, and sometimes in a foster family, until they reach adulthood. Their mother, father or the extended family exist but, on the one hand they have no contact or an extremely episodic and completely unsatisfactory contact with their child; on the other hand they refuse to give their consent to the adoption of the child, or are not approached by the social professionals to obtain this consent.

To face up to this situation, the social worker must cooperate with the family (the immediate and the extended family) with the aim of securing a well informed consent to adoption. The need for a family life plan for their child must be explained to the parents of origin, what their parental responsibilities are, the need for their child to grow up in a family environment and make them aware of the fact that, by accepting to entrust their child to a new family, they are making a positive contribution to his life plan (for more information about deprivation of parental rights, please see Fact Sheet n°11).

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For more information:

Intercountry Adoption. A Comment on the Number of "Adoptable" Children and the Number of Persons Seeking to Adopt Internationally - Nigel Cantwell, Senior Project Officer, UNICEF Innocenti Research Centre – in The Judges' Newsletter of The Hague Conference of Private International Law, Volume V, Spring 2003 (<http://hcch.e-vision.nl/upload/spring2003.pdf>)

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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