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EDITORIAL

From respite care abroad... to adoption?

Another facet of adoption on holiday presented in the previous editorial, which is becoming quite common, concerns groups of children from economically disadvantaged and/or disaster-struck countries being hosted temporarily by families in industrialised countries, not infrequently leading to the host family applying to adopt the child in question.

Thousands of children in State care, or living in families with difficulties, are invited for “holidays” abroad each year. They usually stay with host families for periods ranging from 10 days to several weeks. Canada, Germany, Ireland, Italy, Spain and the USA are among the main destination countries cited. These schemes, run by local NGOs, developed in particular in response to the Chernobyl disaster in 1986, then extending to other countries in the region as they embarked on “transition”. The main countries now involved are Belarus, Bosnia-Herzegovina, Kazakhstan, Romania, Russia and Ukraine. Most children concerned are aged between 7 and 16 years.

These holidays are, for the most part, conceived as “respite care” enabling the children to experience an improved living environment during the break, and in some cases have medical treatment during their stay abroad. At the same time, certain programmes are more or less explicitly designed to promote the adoption of the hosted children.

Un-researched and un-regulated area

Very little research has been carried out on the practice and ramifications of this activity. A rare exception is the 2003 study¹ financed by the European Commission’s DAPHNE Programme which attempted above all to map the practice. It found, for example, that most EU countries have associations running such schemes: in 2002,

Italian families hosted almost 31,000 children and Germany has taken in an annual average of 20,000 children since 1989.

There are no explicit international standards or principles governing this “respite care” abroad² and there appears generally to be little management and country regulation³ of these holiday schemes. This becomes particularly worrying when they might not only offer a loophole for by-passing adoption procedures but potentially could be placing children at risk of significant harm.

The best intentions... but no professionalism

Respite care abroad involves problematic issues. In many cases it is organised by people with good intentions but not always the necessary professional experience. Associations are in the best cases approved by the Authorities, but then they would seem to have considerable – and sometimes virtually complete – freedom of operation.

Selection and preparation of children and host families

The selection of the children is usually done by or with the director of the facility concerned or a local official, with the approval of the competent authority, on the basis of broad criteria. The children invariably travel in groups. On the other side, the associations are free to select the families. As there are generally no specific

regulations in this respect, in practice the selection is not done by professionals and may often resemble “self-selection”.

As far as we know, there are no criteria or professional standards to select which child should be placed in which family, and to manage the relations between children and families.

There is no real preparation of the children and families. Both need to be informed - preferably by a professional - about the aims and conditions of respite care and the possible outcomes and implications of the placement in question.

The return and follow-up

Another concern relates to the quality of follow-up and support for these children on return. For those in residential care, the fact that they are suddenly placed into family life and then returned to their original facility has been shown in other contexts (e.g. Romania, Poland) to bring with it the risk of disturbing psycho-emotional consequences.

Similarly, children who normally live with their birth family may form emotional attachments with the hosting family: not only can they be distressed when these attachments are broken, but this may cause conflict in their own families on their return home.

When hosting leads to adoption

An even more difficult question arises when some of the children in the group are subsequently adopted. According to an Italian magistrate⁴ there are around 300 cases of this type in Italian Courts. The magistrate says that while this number would represent only 1% of the children who came in respite care annually, it could represent about 10% of the intercountry adoptions by Italians each year.

As far as we know, no research has been devoted to the results for children when “respite care” leads to adoption, and this constitutes a serious knowledge gap.

The preparation of the prospective adoptive parents, which has to be done once the child is already with the family, is another problem. The experience of the Adoption team of the Padova Unit, Italy⁵, shows that these candidates often refuse inspection. They are often idealising their future child and refuse to admit the potential difficulties. Specific preparation is then very difficult and it is also problematic to invite them to take part in the usual information/preparation groups. As these couples have already in mind the image of the hosted child, they are not very open to discuss

their suitability to adopt. Indeed there is even a risk that other prospective parents decide to imitate them and try to facilitate their adoption process by adopting through respite care.

In addition to the problems already mentioned, the recognised adoptability of children going abroad for respite care is anything but given. This can lead prospective adopters to go to great lengths to secure their hosted child's adoptability after the placement, sometimes enlisting the help of the child him- or herself. The absence of professional “matching” from the start may also prove very problematic.

A chance for older children to be adopted?

Defenders of this system claim that it is very often the only chance for older children to be adopted. They maintain that active efforts are very rarely made to identify adoptive families for these “hard-to-place” children. They also say that older children are unlikely to find adoptive homes if their selection depends only on their dossier, and that the kind of “probationary period” offered by a hosting programme is therefore vital.

Objectively, these arguments contain some truth. Nonetheless, it can never be forgotten that international standards are designed to protect children in the adoption process: they clearly apply in these instances but, as noted, are by no means necessarily being respected by hosting programmes.

An additional cause for concern is the stated aim of hosting programmes. In some cases, notably those involving trips to North America, facilitating adoption of these “hard-to-place” children is at least a declared objective of the programme. But such “transparency” is not necessarily the norm. The adoption-related potential of all too many hosting programmes is unspoken, implicit or deliberately disguised. There is every reason to question the motivation behind such secrecy. Might it not be, for example, a way of putting children “on show” away from the eyes of the competent authorities?

Finally, and more especially regarding hosted children who were abandoned or relinquished into residential care, the impact of “double rejection” experienced by those whose host family chooses not to proceed with adoption, and who see their peers being adopted in this manner, cannot be underestimated.

Some recommendations

Summing up, although this measure can be envisaged as a care option, at this point there is

a significant risk of bad practice and violation of children's rights. In order to avoid this, ISS/IRC would recommend that:

▶ All aspects of good practice (selection and preparation of the child; selection and preparation of the family; matching; follow-up) should apply in the framework of these programmes.

▶ There should be a monitoring of this type of activities⁶.

▶ In line with the recognition of its importance for regulating international placements (including "respite care") falling outside the scope of the 1993 Hague Convention⁷, all countries which allow this type of placement – be they the hosting country or the child's country of origin – should urgently consider the ratification of the 1996 Hague Convention for the Protection of Children which would provide protection guarantees for children hosted in other Contracting States.

The ISS/IRC would be pleased to gather experiences and good practices on this difficult matter.

The ISS/IRC Team

¹ REMATCH Project (Risk Evaluation of Models of Assistance through Temporary Children's Holidays): *Indagine sulle forme di accoglienza temporanea di minori e in particolare sul c.d. soggiorno a scopo terapeutico. Documento di sintesi.* CENSIS, Camino, EPE, Altea España. Rome, 10 November 2003.

² See the initiatives of UNICEF & SSI: **DRAFT** Guidelines for the protection and alternative care of children without parental care, www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/DraftGuidelinesMay06.pdf.

³ **Denmark:** The Local Authorities have to approve the host families. The Ministry of Emigration supervises indirectly this activity as it has to give the visas to the children (Source: Ministry of Social Affairs, 2007).

Germany: There are no particular standards concerning respite care, but the general laws on intercountry adoption apply when the child is subsequently adopted. It seems that there is no formalized monitoring (Sources: ISS-Germany and Adoption Central Authority, 2007).

Italy: the "Committee for Foreign Minors" under the Ministry of Welfare monitors this type of activity (Source: REMATCH Project, 2003).

Netherlands: A policy is being developed regarding the certification of foundations involved in respite care. The idea is to regulate their supervision through a system of regular audits (Source: Dutch Ministry of Justice, 2007).

Spain: The Regulations of the Law for Foreigners (Decreto 2393/2004, art. 93) establishes that the regional Authorities have to give their approval for hosting a child. The Spanish Ministries of Foreign Affairs and Cooperation, Labour and Social Affairs and Interior coordinate the journey, stay and return of the child. The families who host the children have to sign a document stating that they are not going to adopt the child and that they are going to favour his return to his country (Source: Ministry of Labour & Social Affairs, 2007).

Sweden: The local social welfare board is responsible for all the children staying in the municipality. The National Board of Health and Welfare has drawn up national guidelines for respite care. The families that take care of the children do not need a permit or a consent from the local social welfare board although a social worker at the local social welfare board should make a judgement of the family's suitability to take care of a child according to the guidelines (Source: Swedish Intercountry Adoptions Authority (MIA), 2007).

UK: Certain supervisory functions are carried out by public bodies (Source: REMATCH Project, 2003).

⁴ FADIGA, L., "Dall' accoglienza all' adozione", Rivista Diritto di Famiglia e Minorile, 03/10/2006, www.diritto minorile.it

⁵ MORO, A., "Le adozioni in Bielorussia: riflessioni cliniche e ricerca di nuovi percorsi operativi", paper presented in the National congress "Apprendere dall'esperienza" (Learn from experience) organised by the Piemonte Region in Torino, Italy, 22-24/11/2006.

⁶ See footnote n° 3.

⁷ Conclusions and Recommendations of the Second Meeting of the Special Commission on the Practical Operation of the 1993 HC (September 2005), para. 21.