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EDITORIAL

Parental leave for adoption: one aspect of support for adoptive families often left in the dark

The systems of parental leave for adoption vary considerably from one State to another. Irrespective of how essential they may be in questions of support for adoptive families, they do not always adequately respond to the needs of adopted children and their parents.

Despite the importance of investment by adoptive parents in the pre and post adoption phases being recognised by professionals, support services for adoptive families continues to have gaps at certain levels. An example of such a gap is parental leave for adoption, which can be public (depending upon the law) and/or private (according to the job contract or collective agreements). Given that the choice of family policy naturally implies there is an appropriate budget, the latter must also address the crucial period of the child's arrival in his new family. We note that even though parental leave for adoption is granted by most receiving countries, it is often based on less generous conditions than classic parental leave.

The responsibility of States

An adoption is successful if a strong and lasting attachment bond between the adoptive parents and their child has been forged. But as J. Lemieux, the Quebecer social worker and expert in inter-country adoption stresses, it's a matter of a real, organic, emotive, mysterious process that is slow and often difficult. The latter needs time, sometimes professional support, and

adequate resources. Parental leave for adoption is one of the means that allows one of the parents (or both of them) to stay with the adopted child to get this process up and running. Such leave reflects the spirit of articles 4 and 18 of the Convention on the Rights of the Child and 9c of THC-1993, which oblige States to assist parents in raising their children and ensuring their well being, and in the more specific case of adoption to support them efficiently after the child's arrival in the family.

Very divergent practices

Whether it is in terms of duration, financial compensation, the conditions granted, maintaining certain rights (paid leave, pension contributions etc) or the number and age of the children, the systems of parental leave for adoption are more or less generous depending upon the receiving country and even within the country in the case of federal States. In most cases leave is granted to salaried workers, but its scope can vary according to seniority; the allocations can differ considerably from one State to another, and often a ceiling on income is set. Its duration oscillates between approximately one year or even more, generously remunerated in countries like Sweden,

Norway, Quebec, and three months or even less, sometimes unpaid or scarcely so in countries such as the United States, the Netherlands, etc. Between these extremes, one finds the United Kingdom, France and Spain, where it is granted under the conditions as set out in the table below. Given the difficulty of identifying an ideal duration, it seems that between six months and a year based on proportional pay to income are necessary to bring about conditions that enable a strong and permanent attachment to be established as in Sweden, Norway or Quebec.

Furthermore, numerous systems distinguish between children according to their age or even their number. Thus a large group of European countries limit the benefits of parental leave to the child's maximum age that could range from five in the lowest cases to 15 or 16 years of age. For example, Norway provides adoptive parents with a child who is 15 years old benefits fully equal to those adopting a newborn baby. Such a provision is to be warmly welcomed so as to encourage the adoption of older children. On the other hand, in certain countries like France the leave varies according to the number of children: the more numerous they are the more favourable the leave, even if it's a question of multiple adoptions. The same is true in Luxembourg and the United Kingdom, where leave is applied on an equal footing for each child taken into care. In the Netherlands, on the other hand, in cases of multiple adoption, leave is granted in the same manner as for a single child.

Evolutions in perspective

In spite of these highly divergent practices, minimum standards have been adopted at international and regional levels, particularly by the International Labour Organisation (ILO), thanks to the Convention No. 183 on the protection of maternity that numerous countries have extended to parental protection. In Europe, Directive 96/34/CE concerning the framework agreement on Parental Leave sets the minimum duration of parental leave for adoption at three months, specifying -- unfortunately -- that it will be enforced only up until a certain age that may stretch to eight years of age to be defined by Member States, and/or social partners.

These are certainly positive and necessary advancements that deserve to be followed up. With this in mind, the ISS/IRC strongly urges protagonists in adoption to draw their inspiration from the existing best practices so as to put in place a system of parental leave for adoption, of which the duration and quality guarantee greater success for adoptions. Adoption provisions that grant adoptive families at least equal treatment with that of biological families and to children a treatment at least equal, whatever their age and their number, would be particularly welcome. Furthermore it would be appropriate to take better account of the particular needs of families who have adopted children with special needs. To sensitize adoptive parents to the importance of the quality and the length of time spent with their children, and to give them the means there of, remains one of the major challenges of contemporary adoption.

The ISS/IRC team
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*Summary table of non exhaustive data on parental leave for adoption

	Duration of leave for adoption and conditions	Remuneration/ Payment
France	-10 weeks for each of the first two children; - 18 weeks for taking into care a third child, and fourth or more - 22 weeks for taking 2 children into care or more at the same time, whether there are other children already in the home or not.	Payment of an indemnity intended for maternity insurance
Luxembourg	6 months full-time or a year at part-time for each child. <i>Leave entitlement for children up to the age of 5.</i>	Paid by means of a monthly allowance totalling 1496 € in the case of full-time leave, and 748 € in the case of part-time leave.
Netherlands	4 weeks maximum In the case of multiple adoptions the leave can only be taken once. If the family has taken the child into care for more than 16 weeks before	Paid at 100% with a ceiling fixed at 174,64 € per day.

	the adoption order is declared official, it can longer benefit from the leave for adoption. When the adopted child is less than 8 years of age the parents may opt for another type of leave such as "classic parental leave" which is more advantageous.	
Norway	41 to 51 weeks in the case of <i>adoption of a child of less than 15 years of age, the adopters receive the same benefits as for a newborn child.</i>	51 weeks paid at 80% of the salary or 41 weeks paid at 100%.
Quebec	37 weeks	The adoptive parents are entitled to 70% of their average weekly earnings for the first 12 weeks and then 55% of their average weekly earnings, for the remaining 25 weeks.
Spain	16 successive weeks In the case of adoption of several children, an extension of 2 weeks will be granted for each child starting with the second. <i>Leave entitlement for children up to the age of 6.</i> Furthermore, thanks to Act 7/2007 on the Basic Statute of public employment, the public officials hired under contract have the right to 2 additional months in the case of inter-country adoption so as to be able to travel in the child's country of origin.	Payment of pre-and post-adoption leave as stipulated by the Code of Basic Spanish Civil Law or by the Civil Laws of each autonomous Community.
Sweden	480 days	390 days paid at 80% of the salary (with a ceiling fixed at SEK 874 per day) and 90 days pay at an average daily rate of SEK 180
United Kingdom	52 weeks	Paid at a minimum rate of £117.18 per week up until 39 weeks.
United States	12 weeks	Unpaid leave

Sources: ILO Convention on the Protection of Maternity of 2000, www.ilo.org/ilolex/cgi-lex/convdf.pl?C183; USA, The Family and Medical Leave Act of 1993, www.bna.com/bnabooks/ababna/annual/2000/hale.pdf; France, www.diplomatie.gouv.fr/fr/article-imprim.php3?id_article=14526; ; Ministry of Labour and Social Affairs of The Netherlands, http://internationalezaken.szw.nl/index.cfm?fuseaction=dsp_rubriek&rubriek_id=391637&lijstm=0,334_132_11 Council of Europe Directive 96/34/CE, http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&numdoc=31996L0034&mode=l=guichett&lg=fr; Norwegian Ministry for Children and Equality, www.norway.org.uk/policy/family/benefits/benefits.htm; www.direct.gov.uk/, www.direct.gov.uk/en/Parents/Adoptionfosteringandchildrenincare/AdoptionAndFostering/DG_10029406; Spain, Act 7/2007 del Estatuto Básico del Empleado Público, www.map.es/iniciativas/mejora_de_la_administracion_general_del_estado/funcion_publica/estatuto_funcion_publica/parrafo/0/document_es/Estatuto_BOE.pdf Quebec Government , http://www.formulaire.gouv.qc.ca/cgi/affiche_doc.cgi?query=&dossier=10764&table=4&tableOrg=0; Sweden, www.eoc.org.hk/EOC/Upload/UserFiles/File/thingswedo/eng/twdpwm0004.htm; Luxembourg, www.eurofound.europa.eu/eiro/1999/03/feature/lu9903195f.htm;