



Published by the International Reference Centre for the rights of the children deprived of their family (ISS/IRC)

# NEWSLETTER



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## INTRODUCTION

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For some time now, the term *support* has taken on increasing importance in the field of alternative care and adoption (see also Newsletters N° 255 [September-October 2021](#); N° 250 [March-April 2021](#); N° 254 [August 2021](#); N° 253 [July 2021](#)). Far from being the prerogative of the associative sector, the support of adoptees and their families is the object of numerous developments and strengthening initiatives.

This support, or accompaniment, takes many forms, recognising the diversity of persons who may need it during their life journey. As we will see in this Newsletter, States are involved in this field, and are developing tools (see p. 7), adopting legislative changes (see p. 5), and joining forces with associations (see p. 8, but also, for example, the Racine project presented in our Newsletter n°256 of November 2021), some of them founded and carried by adoptees (see for example of [Back to the Roots](#) in Switzerland; see also brief on p. 3) and enrich their knowledge through the sharing of know-how and insights of professionals and persons with lived experience, thus accompanying adoptees and their families on a daily basis (see p. 10 but also Newsletters n° 255 and 260 of September-October 2021 and May-June 2022).

ISS/IRC strongly encourages all support structures, whether State or non-State, to forge links between them with the objective to offer the persons of the adoptive triad the most comprehensive support, so that, when it occurs, an adoption takes place in the most secure and caring environment.

**The ISS/IRC Team**  
**August 2022**

## ACTORS IN INTERCOUNTRY ADOPTION AND CROSS-BORDER CHILD PROTECTION

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- **Canada, Chile, China, Niger, United Kingdom:** these countries have updated the contact details of their Central Authorities, competent authorities and/or accredited adoption bodies designated under the 1993 Hague Convention.
- **Ireland, Portugal, United Kingdom:** these countries have updated the contact details of their Central Authority designated under the 1996 Hague Convention.

*Source: Hague Conference on Private International Law, [Latest updates](#).*

## BRIEFS

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### [2022 Special Commission on the practical operation of the 1993 Hague Convention](#)

The Special Commission (SC) on the 1993 Hague Convention took place from 4 to 8 July 2022 and was held online. Despite its online nature, the meeting was attended by nearly 400 participants, composed of government representatives from HCCH Members, non-Member States, and Observers from intergovernmental and international non-governmental organisations, as well as by members of the Permanent Bureau. For the first time, a significant delegation of representatives of adoptee-led organisations as well as persons with lived experience from different countries and diverse professional background participated in the SC. Adoptees took a very active role, and shared nuanced and diverse personal experiences but also precise recommendations for States to consider. Over the course of five days, delegates discussed a number of questions in relation to the practical operation of the 1993 Adoption Convention, that HCCH Members and Contracting Parties had identified through their responses to questionnaires distributed in advance of the meeting.

The agenda of the meeting, preliminary and information documents can be accessed on the dedicated [HCCH website](#). The Special Commission adopted over 50 Conclusions & Recommendations (C&R), available [here](#).

Based on the needs expressed by stakeholders in 2020<sup>1</sup>, discussions mainly turned around the following topics:

- 1) How to prevent and respond to illicit adoption practices based on the work done through the HCCH Draft Toolkit.
- 2) How to best provide quality post-adoption services, including adoption breakdowns, post-adoption reports and search for origins processes.
- 3) Benefits and challenges related to open/simple adoption and intrafamily adoptions.
- 4) Benefits and challenges of the use of technologies in the context of intercountry adoption.

ISS has observer status with the HCCH. Hence an IRC delegation composed of 3 representatives took part in the online meetings: Carlotta Alloero, Juliette Duchesne-Roulez and Jeannette Wöllenstein-Tripathi. ISS/IRC is thankful for the opportunity to participate in the enriching debates. It will continue follow-up on interesting promising practices that were shared in the above-stated areas, with the aim to publish articles via its newsletter, to follow-up on certain requests for technical assistance emitted by State delegations and to take discussions and recommendations made into consideration when determining future IRC activities.

**Source:** *Fifth Special Commission*, [HCCH News section](#).

### Recent policy and legislative developments in relation to children's rights around the world

- **Australia – Government of the Australian Capital Territory (ACT)** : [Next Steps for Our Kids 2022-2030](#).
- **Commonwealth** : [Kigali Declaration on Child Care and Protection Reform](#) (June 2022).
- **India**: [Mission Vatsalya – Implementation Guidelines](#) (July 2022).
- **Kenya** : [Children's Act](#) (12 July 2022 – entry into force 26 July 2022) and the [National Care Reform Strategy for Children in Kenya 2022-2032](#).

### Recent developments in relation to surrogacy around the world

- **Ireland**: In July 2022, the Joint Committee on International Surrogacy published its [final report](#) and recommendations. The Joint Committee was established to consider and make recommendations on measures to address issues arising from international surrogacy. Several expert hearings were held ([recordings](#) are available on the website).
- **New Zealand**: The Law Commission has published a paper on surrogacy (domestic and international surrogacy arrangements). The Report *Te Kōpū Whāngai: He Arotake, Review of Surrogacy*, was presented in Parliament in April 2022 and can be found on [this link](#) (Report 146).

### ICAV: List of of adoptee-led and non-adoptee-led formal post adoption services located in Canada

[On its website](#), ICAV has published a list of adoptee-led counselling therapy services in Canada. Further, it has shared an overview, provided by Canadian Central adoption authorities, of [Canada post adoption supports](#) and [Québec post adoption support](#), available to intercountry adoptees and families, in both French and English (not adoptee led) as well as a list intercountry adoptee led informal peer supports.

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<sup>1</sup> Discussions took also place on draft Recommended Model Forms for use under the 1993 Adoption Convention, and approved them, in principle, subject to certain amendments (see points 19 and 20, C&R).

## RECENT DEVELOPMENTS IN UKRAINE

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### Recent changes to the adoption legislation

[Resolution No. 907](#) of the Cabinet of Ministers of Ukraine dated 16.08.2022 amends the procedure for adoption activities and for the applicability of the rights of adopted children. In particular, a new section "Specificities of conducting adoption activities during martial law" was added:

#### ***Domestic adoptions***

- Children who live or stay in the Ukrainian territory temporarily occupied by the Russian Federation, are entered into local, regional and centralised registration systems for adoption after the resumption of activities of Ukrainian local executive authorities and executive bodies.
- Children who have been temporarily displaced or evacuated outside of Ukraine but who were declared adoptable by Ukrainian authorities during their stay abroad, are registered locally after their return to Ukraine.
- The procedure for renewing documents in the event of their loss or expiration is also regulated.
- Citizens of Ukraine who have temporarily moved or were evacuated outside of Ukraine during the martial law are registered as adoptive parents after their return to their habitual residence in Ukraine. That is, in order to become a candidate for adoption, it is important not only to be a citizen of Ukraine, but also to be permanently on the territory of Ukraine at the time of adoption.

#### ***Intercountry adoptions***

Likewise, paragraph 134 contains certain clarifications about intercountry adoptions from Ukraine:

- During martial law (and within three months after its termination or cancellation), procedures for the adoption of children by citizens of Ukraine who temporarily or permanently reside or stay outside of Ukraine, and by foreign citizens in general, including the registration of such persons as adoption candidates and the issuing of referrals for getting to know and establishing contact with the child, are still not to be continued. Exceptions to this general principle apply in case of intrafamily adoptions and adoptions of a child who is the biological brother/sister of a child previously adopted by the same adoptive parents.
- Likewise, intercountry adoptions may proceed or be finalised in accordance with the legislation of Ukraine, in the event that citizens of Ukraine who temporarily or permanently live or stay outside of Ukraine and foreign citizens have met and established contact with a child based on a referral from the National Social Service. Such referral must have been issued prior to the introduction of martial law in Ukraine.

### Multilingual form for Ukrainian children leaving Ukraine

Following the Russian invasion and many Ukrainian children crossing borders, the [Council of Notaries of the European Union](#) (CNUE), in cooperation with the Ukrainian notaria, has developed, in June 2022, a form allowing Ukrainian parents or legal representatives to declare who is responsible for travelling with the child leaving Ukraine and exercising parental responsibility. This form, which can be downloaded from the [European Notarial Network](#) (ENN) portal, is fully bilingual (Ukrainian/English and Ukrainian/French). Additional 17 other EU languages have been added to make it even more available.

### ISS participation to international fora on Ukrainian children

In July 2022, ISS participated to the event on 'Ukraine response and children with disabilities' organised by Better Care Network and Disability Rights International which took place on 7 July. The event focused on the situation of children with disabilities in residential care in Ukraine (including those who have been returned to families or evacuated from facilities) and saw the participation of many key actors, practitioners, technical experts, and policymakers who explored how best to direct support and funding to address the challenges faced by these children.

Also, on 19 of July, ISS participated to the Parliamentary briefing organised by the International Bar Association's Human Rights Institute and Lumos on 'The Situation of Children in Ukraine: The Need for A Comprehensive Action Plan'. UK Lords, the Ukrainian Ombudsman, Ukrainian lawyers, and human rights activists took part in the conference. Discussions turned around the current situation of children in Ukraine, the existing gaps, and also possible solutions to identify a comprehensive action plan on how to support the most vulnerable groups of children.

### Germany: new legal provisions raise the applicable adoption standards

*In this article, Wolfgang Köhler, Director of the regional Central Adoption Agency (Zentrale Adoptionsstelle – see box) at Landesjugendamt Rheinland, outlines the key points in the new legal provisions for adoption support services in Germany, which raise the standards for domestic and intercountry adoption.*

Significant changes to legislation on adoption came into force in Germany on 1 April 2021. The amendments mainly relate to the nature and extent of the responsibilities of public and private entities for national and intercountry adoption (*Adoptionsvermittlungsstellen*, in German). In addition, the issue of recognising foreign adoption decisions has been fundamentally revised in the German legal arena. Through these new regulations, German legislators have aimed to achieve the following:

#### **Improve guidance for all individuals involved before, during and after adoption**

With respect to improving guidance, it should be emphasised that adopted children, birth and adoptive parents have a right to receive support from a public and private entity. This general right was already in place, but without any concrete breakdown of the duties involved in providing professional adoption support. The new legal provisions have now established a clear list of duties. In addition to providing guidance and general support on adoption issues to the prospective adoptive parents, birth parents and children involved, there are now additional information requirements. For example, the public or private adoption entity must inform all individuals involved about the requirements and process for adoption, and the legal effects of adoption. Birth parents must be informed about welfare support for children and young people as an alternative to adoption. All parties involved must also be informed about the rights of the child and the importance for the adoptee's development to know their origins.

At the same time, the law assigns some specific support responsibilities to the public or private adoption entity. For example, the birth parents must now receive explicit support in managing the social and psychological effects of the child's consent to adoption,

whether this is pending or already given. As for the adoptive parents, the public or private adoption entity must ensure that the child is informed from the start, in an age-appropriate way, about their origins and that the child's right to know their origins is thus respected.

The law also introduces a right for all parties involved to receive support from an adoption entity after the adoption is approved. This right must reflect the fact that adoption accompanies the individuals involved throughout their lives.

In the case of adoption of a stepchild – the most common type of adoption in Germany – the adoption entities have introduced mandatory consultation with the parents, step-parent and child. This must take place prior to filing of the required notarised declarations and applications.

#### **Promote an open approach to adoption and potential contact between the adoptive and birth families**

The new law encourages an open approach to adoption in several ways. In addition to supporting adoptive parents to inform the child about their origins early on, adoption entities have a responsibility to discuss with the birth and the prospective adoptive parents, right from the start of the placement procedure, if and how an information exchange or contact between them will take place in the best interests of the child. With the consent of the birth and adoptive parents, this discussion must be repeated at appropriate intervals until the child reaches the age of 16. If all parties agree to an information exchange or contact, it is up to the adoption entity to discuss with them all how to organise this and to support them along the process. If the parties disagree on how to implement the

agreements reached, the adoption entity must strive to find a solution.

The birth parents have a right to receive from the adoption entity general information on the child and their circumstances that the adoptive parents have voluntarily provided. The overall aim of these provisions is to encourage a more open and natural approach to adoption within the adoptive family, and to give greater consideration to the needs of the birth parents. However, the latter's wishes for information or contact cannot be legally enforced. Moreover, these provisions do not apply to intercountry adoptions.

### **Strengthen mediating adoption entities**

Youth services, which host public adoption entities in Germany, now have much greater obligations to carry out adoption duties in their area. State-recognized independent or private adoption bodies (*Adoptionsvermittlungstellen in feier Trägerschaft*) are authorised to undertake adoption duties but cannot be forced to do so.

The introduction of an obligation for adoption entities to cooperate will improve the exchange of information. It should guarantee professional interaction and networking with other specialist services, such as pregnancy advice, educational guidance centres and general social services at youth welfare offices. At the same time, it gives adoption entities a steering role in supporting adoption processes, through establishing contacts with other specialist services at the request of those they are advising.

### **Prohibit 'unsupported' independent intercountry adoptions**

Even – and especially – in the case of intercountry adoption, the best interests of the child must always be at the forefront. Intercountry adoption procedures are now only allowed in Germany with the support of specialist services; 'unsupported' intercountry adoptions are forbidden. The mandatory support also applies to stepchild and intrafamilial intercountry adoptions. Moreover, the new law stipulates that the

international standards set by the 1993 Hague Convention must be applied to all intercountry adoptions, regardless of whether or not the children are habitually resident in a Contracting State.

A procedure for mandatory recognition of foreign adoption decisions made outside the rules of the 1993 Hague Convention, which cannot be automatically recognised, should provide greater security and legal clarity. In principle, adoptions approved abroad without the intervention of a German specialist entity are not recognised in Germany. However, the law makes an exception for cases where adoption is necessary in the best interests of the child.

### **Assessment and perspectives**

The new legal provisions will alter and realign the work of adoption entities in Germany in several ways. The prohibition on unsupported intercountry adoptions (which should have been declared long ago) and the clarification of the duties of adoption entities in providing advice and support before, during and after the placement of a child are particularly welcome. In practice, these duties are already performed in various ways. In this respect, the legislators have simply used examples of good practice to set consistent, binding standards for the support and guidance of adopted children, and birth and adoptive parents. For adoption entities, the legal amendments are ultimately accompanied by a significant increase in their mandatory duties. They will only be able to fulfil these duties with adequate staffing, which they are currently still lacking.

It remains to be seen whether this will truly curb the number of unsupported intercountry adoptions, given the exceptions referred to in the legislation. Finally, due to generous transitional regulations on applying this provision, Germany has not yet developed any consistent case law on the recognition of unsupported adoptions.

*By Wolfgang Köhler, Wolfgang.Koehler@lvr.de*

### Quebec: Launch of an online programme to prepare intercountry adoption candidates

*In a few months' time, applicants in Quebec wishing to embark on the adventure of intercountry adoption will have to complete a preparation programme developed by the Quebec Central Authority in conjunction with the virtual university TÉLUQ.*

The programme, entitled *L'adoption internationale : les premiers pas de ma réflexion* (First steps in considering intercountry adoption), is funded by the Ministry of Health and Social Services. It has been designed for people interested in undertaking an intercountry adoption process, in response to an observation that prospective adoptive parents may receive different information from different organisations. The programme aims to inform them and make them aware of the realities of intercountry adoption, and to support them in their decision on whether or not to undertake this life plan. More broadly, the programme may also be useful for those close to the prospective adoptive parents – whether family members (grandparents, uncles and aunts, etc.) or family friends – to refine their understanding of intercountry adoption and work towards the most successful adoption possible.

The programme is already available in French and due to be released in English during 2023.

#### **Background**

The programme draws on several research projects conducted in Quebec or around the world, as well as on Quebec experience in this field, in relation to children's needs, the profiles of children currently in care in Quebec, information needs, and questions asked by intercountry adoption candidates.

#### **Delivery method**

Delivered entirely online, the programme is designed so that participants can complete it independently, at their own pace and to suit their own schedule. As soon as they enrol, they have access to the welcome section and the first module. They must complete various activities (reading, watching videos, etc.) and answer a questionnaire to unlock the next module, and so on until the final questionnaire gives them access to their certificate of attendance.

In case a couple wishes to adopt, each person must complete the programme individually and obtain their own certificate of attendance.

The programme is particularly valuable due to the variety of professionals involved. Participants will receive guidance and information from paediatricians, social workers, psychologists, lawyers and nutritionists to name but a few. They are also given plenty of opportunities for reflection.

Through nine major topics (see box), the programme aims to help participants to:

- identify their expectations, capacities, limitations and challenges in relation to a planned intercountry adoption;
- be aware of the needs and specific characteristics of an adoptee;
- appreciate the range of attitudes and skills needed for adoptive parenthood;
- better understand the rights of children in general, and of adoptable children in particular;
- familiarise themselves with the rules applicable to intercountry adoption, the stages in the process, the role of the various actors involved, and other essential information;
- consider the benefits, disadvantages and limitations of intercountry adoption in relation to their personal plan;
- make an informed decision on whether or not to proceed with an intercountry adoption;
- if appropriate, set out their personal plan to fit within the prevailing social and international framework.

#### **Conclusion**

Quebec is proud to provide this programme, which will result in persons interested in intercountry adoption being better informed and, if they decide to proceed, better prepared to embark on this process.

### Topics covered in the preparation programme

1. Reasons behind the desire to adopt a child
2. The experiences of adopted children, as well as myths and beliefs about adoptive parenthood
3. The social and emotional development of the child, pre-adoption risk factors, and protective factors
4. Various aspects of the overall health of an adopted child
5. The circumstances of children around the world and the laws governing intercountry adoption
6. The pre-adoption experience of the child and their quest for identity as an adoptee
7. Intercountry adoption as experienced by adoptive parents
8. The process involved in intercountry adoption
9. Deciding whether to proceed with an intercountry adoption

## The search for origins: *Where policy meets deep emotions*

*By Catherine Jeambenoit, Psychologist, Espace A, Swiss association reuniting professionals in the field of psychological health and acting in favor of persons concerned by a particular filiation, whether it is adoptive or resulting from medically assisted procreation.*

### **Adoption is a policy issue.**

Perceptions of it are slow to evolve. There is an enduring myth about the adoptive family rescuing a child who is a victim of economic or geographic circumstance. Testimonies from adoptees, through books, documentaries, and organisations, draw attention to the impacts of abandonment and adoption. They also spark policy change by calling on the authorities of both receiving countries and countries of origin to develop services to manage the search for origins. These searches are provided for in Article 30 of the 1993 Hague Convention, which stipulates that contracting States must preserve information concerning the child's origin and ensure access to it as far as permitted by the law of that State.

Switzerland legally recognises the right of any adoptee, on reaching adulthood, to access data on the identity of their birth parents (Article 268c of the Swiss Civil Code). Since January 2022, the canton of Geneva has been running a pilot project under which the SASLP<sup>2</sup> and the non-profit Espace A<sup>3</sup> have signed an agreement to work together. This coordinated approach is innovative but essential. Espace A is covering the costs of cases handled in 2022, to ensure the service can be provided free of charge.

### **An adult who wants to rediscover their birth parents or the child they gave up for adoption goes through the following process.**

- They approach Espace A, where an initial meeting is held to record the details of their enquiry and to complete administrative procedures.
- The file is sent to assessors at the SASLP responsible for search for origins.
- Counselling is provided at Espace A, focusing on expectations and the variety of potential outcomes.
- When items come to light – e.g. adoption file, contact details for the individuals sought – the SASLP team forwards them to the professionals at Espace A, who let the applicant know.
- The file is read in the presence of the advisers from the SASLP and Espace A.
- If the individual who initiated the process wishes to contact the individual sought, the SASLP sends a discreet letter to the birth parents (or to the child given up for adoption, in the case of searches by biological parents), to let them know that they can contact the service.
- If both parties agree to it, an initial meeting is held in the presence of both advisers.

<sup>2</sup> SASLP: Service for authorization and supervision of child placement providers

<sup>3</sup> Espace A: *Adoption, Accueil familial, Accompagnement* [adoption, foster care, support]



Counselling continues while they piece together their history. The process can be interrupted at any point and does not necessarily result in finding the individual sought.

This linking of a State institution with a non-profit specialised in adoption is a recognition that this administrative process is intertwined with the deep emotional life of the individual. It proposes that a talking space designed by professionals is crucial at this moment in life where a person's story is retold, with its share of hopes, frustrations, and surprises.

### **This search may happen at various points in the individual's life.**

At adolescence, or later when they become parents themselves, when they face serious illness, or when their adoptive parents die. Even when it has been dreamed of for a long time, this search is destabilizing for the individual. There is risk involved: of finding nothing, or of finding a painful history or a parent who has died or who refuses to meet them.

There are four recurring questions:

#### **Who do I look like? Why me? What life would I have had?**

##### **Did I mean something to somebody in my previous life?**

The first question refers to the face and body image. The individual is looking for a mirror to recognise themselves in. The second and third questions cannot be answered but they touch on the meaning of life. The final question highlights the importance of having been wanted. One woman was relieved to hear that a caregiver at the orphanage remembered her. She had meant something to somebody before her adoption. Her search ended there; it was what really mattered to her.

#### **As professionals, how can we approach this search so we can provide the best support?**

If we are not aware that this enquiry can be double-edged, we could be led to try to achieve an ideal: that of reuniting the birth parents, their offspring/the adoptee, and the adoptive family in one big "happy ending". As if finding the biological family was like adding the last missing piece of the puzzle; as if

meeting them could be taken for granted as a final destination. But in reality, there is more psychological complexity. The role of a professional is to help formulate the initial enquiry, to bring underlying feelings to the surface. It is about listening to expectations and then exploring the complexities so we can prepare the individual for any potential outcome. One man spoke of *discovering* rather than *rediscovering*, as he felt no connection to his birth parents.

Some people are hesitant whether or not to go ahead with meeting up; some stop the process once they have assured themselves that it is possible to do. Those who commit themselves to the search keep going while feeling fear, longing, and contradictory feelings. They have created a fantasy to explain why they were given up. This fantasy may vary between two extremes: from having been born of an illicit relationship with a faraway princess to having been conceived through rape. One individual explained that dreaming about his birth parents left him a wide range of options. Once he found out the identity of his parent, the possibilities shrank through a disappointingly banal discovery (his father was the local farmer). The move from fantasy to reality is a momentous step.

#### **Do those who biologically conceived us define the origins, our origins?**

It is the will of the intentional parents that is fundamental for the child. That is the starting point for anybody's story. Although it is important to distinguish origins from genetics, we must not forget that joining an adoptive family means having dual belonging. Symbolic bonds can create a family without having to erase what came before adoption – the back story. How can we support individuals to reconcile This life with That life while paying attention to the real underlying psychological issues? It is vital to respect the lived experience of all the protagonists in this story, and to support them in recreating their life story. **Here, the professional from Espace A – in conjunction with State professionals – represents a third party who helps to create the setting for this new narrative.** At the same time, it is essential that more countries of origin and receiving countries work in coordination to make this supported search for origins possible.

## How may an adopted child's past impact on their learning, and how can we support them?

*This article was written by Marie-Hélène Delorme, Vice-Chair of Enfance & Familles d'Adoption (EFA) and chair of its schooling committee. She also teaches at a primary school in Paris. The article is a follow-up to her presentation at the annual conference of the Mission de l'adoption internationale (the French Central adoption authority) in December 2021.*

### May adopted children have more problems at school due to their pre-adoptive history? Are they failing at school?

The EFA's 2015 investigation into what happens to young people who have grown up in an adoptive family<sup>4</sup> in France showed that most (53%) of them achieve at least a baccalaureate.<sup>5</sup> Among adoptees without health problems or risk of emotional deprivation and who have not had to repeat a year of primary school, 70% achieve a baccalaureate, which is close to the national average in France.

We therefore need to make less drama about the issue of adoptees' education, as most of them have a 'normal' education: **adoption is not synonymous with academic failure.**

Nonetheless, a large minority of them encounter ongoing problems throughout their school years, partly due to their experiences prior to adoption. For these children, education is more complicated, and it can sometimes affect relationships within the family and impact all aspects of the young person's life.

The problems encountered at school are inherent to the act of learning and may be experienced by any child, whether or not they are adopted, due to:

- specific language and learning disorders (dyslexia and other 'dys-' conditions) or attention deficit disorders with or without hyperactivity (ADHD);
- health problems or disabilities.

The child may also have ongoing problems at school with learning, attention or behaviour due to their experiences prior to adoption and their abandonment. Before adoption, they may have experienced health

problems (e.g. malnutrition, illness) or emotional deprivation (e.g. neglect, successive foster placements, abuse). They may also have experienced problems related to conditions in utero, such as alcohol or drug use or high stress levels in the biological mother. The undeniable trauma of being given up for adoption may result in distrust and insecurity. For those adopted as an older child, through domestic or intercountry adoption, their pre-adoptive past may weigh even heavier on them. On arrival in the new adoptive family, the child may feel disorientated (new environment, new culture, sometimes new language, etc.).

We should not distinguish adopted children as a separate category of students at school, or we risk stigmatising them and their families. Instead, we need to better understand their learning needs and issues and help their parents and teachers to provide them with better support and guidance.

### What are the main specific learning difficulties experienced by some adopted children?

- *High level of anxiety and stress.* When under stress, the child's body produces a substance called cortisol, which at chronic high levels has negative impacts on the brain. High stress levels will hinder or even block a child's understanding, short- and long-term memory, distinctions between what is and is not important, and assimilation of new information.
- *Problems with paying attention and managing emotions* that are not always due to ADHD<sup>6</sup> and that may cause behavioural problems in the classroom and school.

<sup>4</sup> *Le devenir des jeunes ayant grandi dans une famille adoptive : enquête sur les adoptés et leurs frères et sœurs* [What happens to young people who have grown up in an adoptive family: a study of adoptees and their siblings]. Summary available (in French) on the website [www.adoptionefa.org](http://www.adoptionefa.org)

<sup>5</sup> However, 90% of biological children of the same adoptive families achieve at least a baccalaureate, in line with statistics for children of managerial staff in France.

<sup>6</sup> ADHD: attention deficit disorder with or without hyperactivity. It is characterized by three symptoms – impulsivity, hyperactivity and inattention – and needs to be diagnosed by a specialist (e.g. psychiatrist, psychologist, paediatric neurologist).

- *Problems with structuring space and time* because the child has experienced malnutrition or neglect (e.g. no regular care or meals, lack of ‘attachment’ figure).
- *Emotional deprivation which impacts on availability for learning*<sup>7</sup>: The child is absorbed by their thoughts and worries and is afraid of taking the risk of learning and making mistakes.
- *Attachment problems or disorders which impact on the relationship with the teacher and the quality of learning*<sup>8</sup>: A child who has an ‘insecure–avoidant’ (solo) profile thinks they have to work things out for themselves without asking for the teacher’s help. If they cannot manage to do the task required, they will pretend to be working and will not do what they were asked to. A child with an ‘insecure–ambivalent/anxious’ (*velcro*) profile is unable to initiate or continue cognitive effort independently; they are dependent on reassurance from the teacher. They remain passive faced with the task and are in a hurry to ask for help without trying to do it themselves. Finally, a child with an ‘insecure-disorganized’ (*sumo*) profile does not trust adults. They are in survival mode, either opposing the teacher or running away and avoiding all learning.
- *Problems with re-establishing their identity, particularly during adolescence, with a focus on the search for origins*: This can affect self-esteem and result in difficulty looking ahead to the future and in disengagement with school.

### **How can we support adoptees and provide them with the conditions for successful learning?**

There can be no quality learning without a ‘secure’ and caring environment. It is important that the parents make arrangements for the child’s education before they join the family. Where a child is adopted at an older age<sup>9</sup>, especially through intercountry adoption, it is essential that they spend some time with their family before attending school. This is because building an attachment to their adoptive parents will make them

**In conclusion, we need to give our children time to find their way. School is not everything!**

feel secure and valued and give them a desire to learn, which will have a positive impact on their education. In France, this recommendation conflicts with compulsory education from the age of three, and the requirement to integrate the child into a class based on their age rather than their academic level. Exemptions may be granted on a case-by-case basis<sup>10</sup> by the regional inspector for State education. Parents can choose to home school, but an exemption is now also required for this.

The parents should then strive to maintain a good dialogue<sup>11</sup> and positive partnership with State education staff, to ensure the child can take up their place at school and be supported as they progress, as with any child with specific needs. When the child first attends the school or college, it is important to discuss with them what details of their background should be shared with the teachers, other parents and classmates.

Each parent must judge the right distance to take from their child’s education, and must not hesitate to seek help from outside the family circle. This may take the form of delegating help with homework to a third party if necessary, or attending a group for adoptive parents to discuss their children’s successes and setbacks, both in and out of school. It may also be a good idea for parents to adapt their expectations about academic success to their child’s actual abilities.

Some children encounter long-term difficulties requiring support from professionals (e.g. psychologists, psychomotor or speech therapists), within or alongside school. They should also access the provision<sup>12</sup> for assistance and educational adaptation and accommodation at their school or college, based on their needs and issues. It is important for parents to be familiar with this provision<sup>13</sup> so they can discuss it with the teachers to ensure their child benefits.

<sup>7</sup> Serge Boimare, *L’enfant et la peur d’apprendre*, Dunod 2019 (3<sup>rd</sup> edition) and *Ces enfants empêchés de penser*, Dunod 2019 (2<sup>nd</sup> edition).

<sup>8</sup> *L’enfant adopté en difficulté d’apprentissage*, Marie-Josée Lambert, available secondhand as a pocket book published by de Boeck (2015). *La normalité adoptive* by Johanne Lemieux, published by Québec Amérique (2013).

<sup>9</sup> *Les enfants grands et l’entrée à l’école*, article in *Revue Accueil* No 200, October 2021, Enfance & Familles d’Adoption website.

<sup>10</sup> For newly arrived children who do not speak French as a first language, apply circular 2012-141 of 2/10/2012, which allows children to be placed in a class one or two years below their age.

For all adopted children, see Conseil National de la Protection de l’Enfance, Note 2018-3, *Adapter la scolarisation aux besoins de l’enfant : les enfants adoptés*.

<sup>11</sup> *L’adoption: le guide à l’intention des enseignants*, EFA – a guidebook to be given to the school director or teacher when meeting with them. Can be purchased from the website [www.adoptionefa.org](http://www.adoptionefa.org)

<sup>12</sup> **The EFA parent factsheets on education** provide information, ideas and solutions, case studies and resources (in French). Topics covered include: What provision for assistance and adaptation is available at school to support children during their education? My child has a disability: what educational pathways are available? What if my child has dropped out: what can we do?

<sup>13</sup> For example, see the French Ministry of Education website <https://eduscol.education.fr/1137/ecole-inclusive>.

## FURTHER READINGS AND MATERIAL

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### Recent resources on specific topics related to child protection, alternative care, and adoption:

#### Resources related to the Ukraine-Russia conflict:

- The Ukraine Children's Care Group (2022). [Responding to Children's Care in the Context of the Ukraine Crisis](#).
- A. Brydon, R. Smith & M. Raverdeau (2022). [Ukraine's invisible children: the urgency of care reform](#).
- Euronews (2022). ["Left behind": How war is hitting the disabled in Ukraine](#).
- BBC (2022). [Ukraine orphanages: Children tied up and men in cots](#).
- The Washington Post (2022). [Fleeing war, Ukrainians find open arms but a closed border](#).

#### [AIMJF'S Research on Child Participation in Family and Protection Matters](#)

This paper presents a comparative analysis of more than 30 countries on the procedural aspects of the child's hearing in two areas: family and child-protection matters.

#### [Handbook on European law relating to the rights of the child](#) - 2022 edition

This handbook aims to illustrate how European law and case law accommodate the specific interests and needs of children. It also considers the importance of parents and guardians or other legal representatives and makes reference, where appropriate, to situations in which rights and responsibilities are most prominently vested in children's carers.

#### ACERCW (2022). [Continental Assessment Report on the Impact of COVID-19 on the Rights and Welfare of the Child](#)

The assessment provides an overview of the situation of children in Africa during the COVID-19 pandemic and assesses the extent to which African Union Member States addressed children's needs. The findings shed light on children's major challenges during the pandemic. In particular, the assessment finds that most of the fundamental rights of children, including their best interests, were either swept up into general approaches to the pandemic or tacitly ignored in the name of "the greater good".

#### Slaatto A., Kleppe L. C., Mellblom A. V. & Baugerud G. A. (2022). [Youth in Residential Facilities: "Am I Safe?," "Do I Matter?," and "Do You Care?"](#)

To better understand how youth perceive safety and experience residential facilities, the researchers conducted a qualitative study involving eight youths between 16 and 18 years of age living in Norwegian public residential facilities.

- BBC (2022). [Ukraine orphanage struggles as children flee war](#).
- Al Jazeera (2022). [Russia-Ukraine war: "Not all refugees are treated the same"](#).
- CNN (2022). [Millions of women and children have fled the war in Ukraine – Traffickers are waiting to prey on them](#).
- Sesame Workshop. [Educational resources for families affected by the crisis in Ukraine](#) (available in Ukrainian and Russian).

#### IRISS (2022). [Care experience and friendship](#).

This *Insight* draws on research and policy, as well as practice experience to explore friendship, why it matters and how it can be better supported. It looks critically at the nature of friendship and the impact that aspects of the 'care system' can have on children and young people making and maintaining friends. It highlights how significant friendships can be for children and young people who are 'looked after'.

#### Movie by Amandine Gay [Une histoire à soi](#)

Their names are Anne-Charlotte, Joohee, Céline, Niyongira, Mathieu. They are between 25 and 52 years old and come from Brazil, Sri Lanka, Rwanda, South Korea or Australia. These five persons share an identity: that of adoptees. Separated from their families and countries of origin since childhood, they grew up in French families. Their life stories and archival images take us into an intimate and political history of international adoption.

#### Podcast *Mother Country*

Passing down culture is an important part of parenting. But how do you do this when your child's culture is not your own, and you have only ever experienced it as a tourist? *Mother Country* looks at intercultural adoption through the lives of Australian families who have adopted children from other cultures. Parents and children with Korean, Ethiopian, Colombian, Cambodian and Cook Islands heritage share their thoughts on the complexities of intercultural adoption, and how they help their kids understand their birth culture.

## FORTHCOMING CONFERENCES AND TRAINING

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- [Meeting on Foster Care and the Ukraine Crisis Response](#), 7 September 2022, Better Care Network et Humanitarian Development Partnerships.
- *Lo íntimo, lo público y lo privado – dificultades y desafíos para el trabajo con NNyA en acogimiento residencial*, 8 September 2022, Doncel. For further information and registration, please contact: [cursos.cuidadoalternativo@gmail.com](mailto:cursos.cuidadoalternativo@gmail.com).
- [Working with schools: supporting the emotional needs of \(previously\) looked after children in education](#), 27 September 2022, CoramBAAF.
- *La recherche des origines et le projet Racine*, 23 September 2022, ISS France. Please contact: [ssifrance@droitdenfance.org](mailto:ssifrance@droitdenfance.org).
- [Narrativité et migration](#), 3-5 October 2022, COPES, Paris.
- [Unconscious Bias – Understanding Diversity and Discrimination](#), 4 October 2022, CoramBAAF.
- [Life Story Work: Enhancing confidence in direct work with children and the creation of good quality Life Books](#), 5 October 2022, CoramBAAF.
- [Transgender applicants: assessment and analysis](#), 18 October 2022, CoramBAAF.
- [Making Good Adoption Assessments – two-day open course](#), 26 October 2022, CoramBAAF.
- [Neurodiversity in Adoption, Fostering and Kinship care – half day course](#), 4 November 2022, CoramBAAF.

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ISS/IRC would like to specifically thank Wolfgang Köhler, Caroline Dubé and the team of the Quebec Central adoption authority, Catherine Jeambenoit et Marie-Hélène Delorme, for their valuable contributions to this Newsletter.



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ISS/IRC wishes to thank the governments (including of some federal States) of the following countries for their financial support in the preparation and distribution of this newsletter:  
Andorra, Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, Malta, Monaco, New Zealand, Norway, South Africa, Spain, Sweden, Switzerland, The Netherlands.