



ANNEX

“SEARCH FOR ORIGINS”

COLOMBIA

ACCESS TO ORIGINS IN COLOMBIA

Historical context of adoption in the country

Adoption was initially defined in the [Civil Code Arts. 269 to 287](#), and the grounds for withdrawing the adoption were the same as those that served as grounds to disinherit a legitimate beneficiary. With the entry into force of [Law 140 of 1960](#), the notion of adoption changed into a protection measure for children, acceding to the fact that, those who had no offspring could have it with the purpose of making the child a beneficiary of the adopter’s parental care and affection, but it denied the possibility of extramarital children being adopted by their father. This changed with [Law 75 of 1968](#).

[Law 5 of 1975](#) proposed the irrevocability of adoption in two ways: **full and simple**. In addition, it provided that only the ICBF and institutions duly authorised by the ICBF may carry out the Adoption Programme. [Decree 2737 of 1989](#) (Juvenile Code) eliminated simple adoption, focusing on the express concept of a protection measure. It also established that all documents and proceedings relating to the adoption process would be kept for a term of 30 years. From this moment on, adoption records began to be preserved and kept in the different archives of the ICBF and IAPAS.

Subsequently, Law 1098 of 2006 aligned adoption with the requirements of the CRC and the 1993 Hague Convention on Adoption, structuring the entire rights reinstatement protocol, leaving adoption as the last resort to provide a protection measure for a child. In addition, the legal reserve was reduced to **20 years**. The only people who would have access to them are those established by law.

For the purpose of a more careful and rigorous approach regarding confidentiality and safekeeping of documents, some years later, all documents pertaining to adoption processes are centralised, either in the Central Archives of the Regional Offices or in the Central Archive at the Headquarters of the Directorate General of the ICBF, where they remain to this day.

Source: [Miryam Alejandra Toro Mesa. Adopción en Colombia: concepto, evolución legislativa frente al consentimiento y trámite como medida de protección dentro del proceso de restablecimiento de derechos](#), Pontificia Universidad Javeriana, 2019; [Questionnaire on the practical operation of the 1993 Adoption Convention Prel. Doc. No. 3 of February 2020 for the Special Commission meeting for 2021, Question 1.](#)

CURRENT SITUATION

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Legislation

The right of the adoptee in Colombia to know their origins is regulated in the following documents:

- Code on Children and Adolescents, [arts. 75 and 76](#).
- Technical Administrative Adoption Process Guideline, [Chapter VI \(p. 222 et seq.](#)
- [Search for origins instructions for C&A and adult adoptees](#).
- [Law 594 of 2000](#), by which the General Law on Archives is dictated as well as other provisions.
- Opinion of the ICBF Legal Advisor's Office [No. 182 of 4 December 2012](#), on adoption confidentiality.
- Opinion of the ICBF Legal Advisor's Office [No. 55 of April 22, 2013](#), on access to information that remains on file in the institutions authorised to carry out the Adoption Process – IAPAS.
- Opinion of the ICBF Legal Advisor's Office [No. 108 of August 15, 2013](#), on the appropriateness of lifting the 20-year legal reservation of adopted C&A after a natural disaster (specific case of the Armero tragedy).

Rights and conditions for access to information

The ICBF, as Central Authority, has been supporting the process of the search of origins for several years. Since 2007, efforts have been made to centralise the sub-registers in all the regions, as well as at the Directorate General's headquarters.

In view of the significant increase in the search for origins' requests received by ICBF, mainly in relation to the active search for the biological family, since 2014, the process was centralised in the [ICBF Adoptions Sub-Directorate](#) and a specific group of psychosocial professionals was allocated for its development. This group works in coordination with CAs of other countries and with the AABs in order to provide comprehensive psychosocial support to the adoptee.

A challenge for people searching for their origins in Colombia is the intervention of private investigators in this type of process¹, who do not have the experience, knowledge and professional training as well as the respectful, contextualised, realistic and empathetic position for all parties involved, in addition to the confidential nature of this process. Hence the importance of coordination, so that adoptees can learn about the services that the ICBF makes available to them and access them easily. The search for origins process is **free**.

Information keeping

Every adoptee has the right to know their origin and the nature of their family ties. Adopters will judge the moment and conditions to decide whether or not is it favourable for the C&A to learn such information. From the adoption judgment, the adoptee's file enters into a **legal reserve of 20 years** ([Art. 75](#) Code on Children and Adolescents), and a copy of the application made directly by the adopters may be issued only through their proxy or the representative of the family or the adoptee who has reached the legal age.

After the 20-year legal reserve, all of the C&A's documents are in the ICBF archives ([SIM](#), ICBF Central Archives and ICBF National Historical Archives), as well as in the [IAPAS](#).

The search for origins can be provided in [three options](#):

- **Option 1:** It consists of access to a copy of the Adoptee's Care History. This request may be made by the adopters, as the adoptee's legal representatives when they are a minor. It may also be requested directly by the adoptee once they are of legal age, or through their proxy.
- **Option 2:** It consists of the active search for the biological family. This can only be requested by the adoptee who is of legal age. However, there may be exceptional cases where the adoptive parents apply when the adoptee is still a minor, but a physical or mental health professional opinion is required to support this application. The adoptee of legal age is provided with information that allows them to come into contact with their biological family and is provided support in a virtual or face-to-face meeting.

¹[Questionnaire on the Practical Operation of the 1993 Adoption Convention Prel. Doc. No. 3 of February 2020 for the Special Commission meeting for 2021, Question 4.](#)



- **Option 3:** The third option may be requested by the family member (mum, dad, siblings, grandparents, uncles and aunts) who is interested in being contacted by their family member who was adopted, so the ICBF may inform the adoptee only if they make a search for origins request in the future, as the right to search for origins is that of the adoptee and not that of the biological family.

Procedure²

The applicant will make the request through any of the support channels (email busquedaorigenesadoptados@icbf.gov.co or via the [online form](#) (also available in English), or in person, attaching the request form and pertinent documents, which are available on the [ICBF website](#).

Upon receipt of the request, and once it has been validated, the confidentiality is lifted and then the Care History is searched for, unarchived, and digitised (ICBF Central Regional Archive and ICBF National Historical Archive). The professional in charge of the application will read, analyse and summarise the information found in the file, and will suggest to the adoptee to make a video call to deliver a digitalised copy of the file and review it in a contextualised way together with them. In cases where the information reported is highly sensitive, the professional may ask the applicant to confirm whether they have psychosocial support before handing over the complete documents. Cross-disciplinary work can even be developed.

Reconstruction of Care History. If no care history is found in the ICBF archives, based on the information provided by the applicant, a search is initiated for documents related to the process that may be in the archives of the external entities involved, such as the National Registrar's Office, Notaries and Courts, among others.

Search for Family of Origin. From the analysis of the documentation, biological relatives of the adoptee are identified in order to initiate the search. Guidance is provided on whether or not to initiate an active search, according to the available information. If any initial findings have been found, they are reported.

Based on the information found, an active search for possible updated contact details of biological relatives begins through various government and private platforms such as the [National Infrastructure Agency \(ANI\)](#), the [National Civil Registry](#), the Integrated Social Protection Information System (SISPRO), the [Single Registry of Affiliates \(RUAF\)](#), [Sisben](#), Healthcare Promotion Entities (EPS), Pension Fund Administrators, the Family Compensation Fund, [Migration Colombia](#), among others. The ICBF does not use social networks to find biological families.

Contact with the biological family. In cases where location information is obtained, the professional contacts them via telephone to verify the person's identity, otherwise, they travel to the address provided (in Bogota, the Adoptions Sub-Directorate is in charge of this and in other cities and municipalities, the Commission in charge of the corresponding Regional or Local Centre). When contacting the person sought, a dialogue based on empathy is initiated to inform them about the adopted relative's process and psychosocial support is provided to establish the viability, and prepare and motivate them for a possible encounter (the information is provided only to the person sought). Their contact details will only be shared with prior permission.

Possible search results:

- A biological relative died.
- Contact information provided by external entities does not allow the person to be found.
- The person sought does not want to contact the adoptee.
- If the person sought wants to establish contact, a virtual or in-person meeting is arranged, with the support of an ICBF professional from the biological family's residence (Local Centres and Headquarters of the General Directorate).

² Technical Administrative Adoption Process Guideline, [Chapter VI \(p. 225 et seq.\)](#), and [Search for origins instructions for C&A and adult adoptees](#) (in the process of updating).



Follow-up by telephone or via e-mail with the adoptee and their biological family to provide psychosocial support in case it is necessary after the first meeting (responsibility of the Adoptions Sub-Directorate).

Biological family seeks the adoptee

A biological relative may request the ICBF to register their data in the Mission Information System as a consultation source in the event that the adoptee requests the ICBF to carry out an active search for their biological family. The family member may attach a letter or photo to their application for ICBF to share with the adoptee.

At present, the ICBF highlights the importance of psychological and social support throughout the search for origins process. The team appointed for this procedure (5 professionals) receive a lot of information daily from biological families (letters, e-mails and objects), who express their intention to be contacted in case the adoptee searches for their origins in Colombia.

Statistics

According to [statistics of the ICBF Adoptions Sub-Directorate](#) (p. 28 and 29), as of December 31st, 2021, there were a total of 270 search for origins' requests, of which the following can be highlighted: 41 cases resulted in an encounter between the adoptee and family, 36 with contact details only, 6 were found to be dead, and in 55 cases it was not possible to locate the family.

In addition, in the period from September 1st, 2019, to December 31st, 2021, a total of 867 search for origins' requests by adoptees have been processed by the Adoptions Sub-Directorate.

