



Australian Government

Attorney-General's Department

## **Information for Prospective Adoptive Parents Realities of Intercountry Adoption**

The fundamental purpose of intercountry adoption is to find a family placement for a child where one cannot be located in the country of origin. Intercountry adoption can be an immensely rewarding and positive experience for the adoptive family and provides a child with the benefits of a permanent family.

### **Purpose**

This document is intended to provide people considering adopting a child from overseas with information about the realities associated with intercountry adoption. Examples provided are not exhaustive but will help prospective adoptive parents make informed decisions about bringing a child into their family through intercountry adoption.

### **Realities and Risks of Intercountry Adoption**

Prospective adoptive parents who choose to apply for intercountry adoption need to be conscious that in addition to the many positive aspects of adopting from overseas, there are also some inherent risks associated with intercountry adoption.

These risks partly arise because of the resource and infrastructure limitations within many countries of origin. In addition, the fees and donations often involved in intercountry adoption processes in the country of origin can create an incentive for unscrupulous behaviour in the country of origin. The need to ensure appropriate safeguards are in place to protect children is a joint responsibility on both countries of origin and receiving countries, and Australia takes this responsibility very seriously. However, in practical terms the country of origin is best placed to ensure that safeguards are maintained, as they determine whether a child is eligible for adoption. While Australia can seek to minimise the risks, they cannot be entirely eliminated and it is important that people considering intercountry adoption understand this.

Australian Central Authorities (which includes the Australian Government Attorney-General's Department and the relevant department within each State and Territory Government) endeavour, together with adoptive parents, to ensure positive outcomes in adoptions, but this cannot be guaranteed. The Australian Government does not have any role in or control over the processing of day-to-day adoption casework (State/Territory function), approval of applications for adoption (State/Territory function), and the giving of consent of a child for adoption (overseen by the country of origin). The country of origin is responsible for ensuring a child is eligible for adoption and verifying the accuracy of information provided about a child.

There are many positive experiences to embrace, but prospective adoptive parents should be alert to the challenges that may arise. The adoption process may cause considerable emotional stress for the prospective adoptive parents and their families and the realities associated with intercountry adoption may have ongoing implications for the adoptive family and the adoptee, including after the adoption has been finalised.

### **Challenges that families may need to manage**

#### *Constantly Changing Intercountry Adoption Programs*

Prospective adoptive parents need to be conscious that adoption programs will always be subject to change and some uncertainty. There can be a number of changes including increases in fees, lengthening of timeframes for an allocation of a child, changing criteria that families have to meet and change to the status of a program.

Factors that influence the status of a program can include the numbers of children in need of adoption, the numbers of applications received across the world, and a range of social, political and cultural considerations within the country of origin. These factors may contribute to a decision by the Australian Attorney-General or a country of origin, to participate in an intercountry adoption program, or to suspend or close a program.

#### *No Guarantee of Placement of a Child*

Importantly, a country's decision to accept an intercountry adoption application from Australian prospective adoptive parents does not provide a guarantee that a child will ultimately be matched with the family. While Australian Central Authorities try to provide the best information possible about programs, there may be occasions where a decision is made to suspend or close a program or a country of origin may indicate that it no longer requires a program with Australia or that the parents whose application has been sent no longer meet the country's criteria.

More specific information about the countries with which Australia has intercountry adoption programs can be accessed at [www.ag.gov.au/intercountryadoption](http://www.ag.gov.au/intercountryadoption). State and Territory Central Authorities provide country-specific information to prospective applicants as they progress through the adoption process, noting that such information is subject to change.

#### *Unpredictable Timeframes*

Timeframes associated with the adoption process both within Australia, and to a larger extent in the country of origin, are unpredictable. The Australian Central Authorities appreciate that this must be frustrating for families to manage but it is the reality of intercountry adoption. It is not respectful or ethical for Australia to put undue pressure or demands on a country of origin to place their children through intercountry adoption.

#### *Limited Information about a Child's Background*

Ideally, adoptive families should be provided with accurate and detailed information about a child's social and medical background, if such information is available. However, it is

important for prospective adoptive parents to understand and accept that information provided by the country of origin about the background, age and health of a child at the time of adoption may not always be complete or accurate.

Some countries of origin have limited capacity to investigate and assess a child's social and medical background. One reason for this may be social stigma attached to unwed birth mothers and the potential for children to be abandoned, or to record very little birth parent information when relinquishing a child in order to protect the mother. Further, in some countries birth parents or local authorities may be encouraged to misrepresent a child's circumstances based on the view that a younger child with an uncomplicated social and medical background has a greater chance of placement through adoption.

Australian Central Authorities provide adoptive parents with all available information on a child's background and encourage overseas partner countries to maintain the highest possible standards. However, the reliability of this information depends upon a range of factors influenced by the processes, facilities, resources and cultural norms within the country of origin. As changes occur over time it is possible that further information may become available which clarifies, adds to, or even contradicts the information originally available at the time a child was matched or placed.

An adopted child could arrive with undiagnosed medical, mental, emotional, social, behavioural and/or developmental problems or conditions. The child may also have medical or congenital defects, some of which may not be apparent at the time of placement or which physicians in the country of origin may not identify. These problems include, *but are not limited to*, difficulties at birth, prematurity, low birth weight, allergies, tuberculosis, hepatitis (A, B, C), cerebral palsy, undiagnosed congenital problems, cardiac problems, developmental delays, foetal alcohol syndrome, attachment disorders, autism, neurofibromatosis and HIV/AIDS. Other risk factors include the possible lack of birth parent history, neglect or abuse (physical, emotional and/or sexual). While you may receive some medical information and/or have the opportunity to discuss medical conditions and risks with a physician of your choice, medical tests can be unreliable and a child's condition may have changed since the time of the exam. Additionally, sophisticated tests may not be available in the country of origin and responses to questions regarding medical information can take much longer in the country of origin than in Australia.

#### *Challenges of Parenting a Child from Overseas*

Despite the best efforts of all involved, there may be complications with bonding and attachment between adoptive parents and an adopted child. Also despite the best efforts of all involved, the adoption may breakdown. Although research has shown that generally intercountry adoption works out positively for most children, there is always a chance things may not work out as families expect. This can be difficult for the child and also for the family.

## *Risks of Trafficking and Irregularities*

Australian Central Authorities are committed to working to ensure the integrity of our intercountry adoption system, and prevent the trafficking of children. This includes working with countries of origin regarding safeguards to confirm the background, social and medical history of children. The Australian Central Authority works with the State and Territory Central Authorities on an ongoing basis to review each of Australia's intercountry adoption programs to look at compliance with the principles of the *Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption* consistent with the [Intercountry Adoption Strategic Plan](#). The Australian Central Authority is also working more closely with like-minded countries to encourage greater dialogue on issues related to child trafficking and child protection in the context of intercountry adoption.

Despite these efforts, many years after the adoption it may be revealed that the adopted child was trafficked or that there were irregularities associated with the adoption process in the country of origin.

Accordingly, whilst Australian authorities endeavour to ensure safeguards for children exist in the overseas country, the nature of intercountry adoption and the legal and administrative frameworks within the overseas countries involved mean that there will always be some residual risks and adoptive parents need to be fully aware of these risks so that they can make informed decisions about intercountry adoption.

### **Disclaimer**

This information statement is issued for the information and benefit of the general public and prospective adoptive parents. Its purpose is to disseminate information about intercountry adoption and its risks and realities. While the Australian Government makes every effort to ensure that the information contained in this statement is up to date and accurate, the Australian Government does not make any guarantees, undertakings, representations or warranties that the information contained or referred to in the statement is accurate, reliable, current or complete.

You should not rely on the information contained or referred to in the statement but rather should exercise your own skill and judgement and make your own enquiries in relation to the operation of Australia's intercountry adoption programs. Where necessary, you should seek your own independent legal advice in relation to the operation of the intercountry adoption program that is relevant to your particular circumstances.

The Australian Government is not liable for any loss relating from any action taken or reliance made by you on the information contained or referred to in this statement.