Intercountry adoption in the Netherlands

Central Authority
International Children's Issues

27 april 2016
Central Authority:

Performs the duties on behalf of the Minister of Security and Justice with regard to three Hague Conventions:

Convention of 1980 on the civil aspects of international child abduction.

Convention of 1996 on international child protection.

Convention of 1993 on protection of children and co-operation in respect of intercountry adoption.
Legal framework

Conventions

• Hague Adoption Convention of 1993 (HAC).
• International Convention on the Rights of the Child (ICRC).

Acts

Act on the placement in the Netherlands of children with a view to adoption.
Act on the implementation of the Hague Adoption Convention.
Civil Code, Book 10 (recognition of foreign adoptions).
Role and responsibilities Central Authority

The Central Authority (CA):

- is responsible for the implementation of and the compliance with the Hague Adoption Convention and the Dutch legislation.
- is in charge of the Dutch adoption system.
- is oriented towards a good co-operation with other Central Authorities.
- takes measures to prevent improper financial gain in relation to adoption (prevention of child trade).
- grants licenses for mediation.

Supervision on accredited bodies by Inspectorate for Youth Care
Basic principles of the Act

• Compulsory general counselling on adoption for prospective adoptive parents (PAP’s), performed by Foundation Adoption Services (adoption of a first child).
• Compulsory participation in the home study in which the suitability and eligibility of the PAP’s for adoption is judged, performed by the Child Care and Protection Agency.
• PAP’s may only adopt after consent from the CA.
• Mediation by a Dutch accredited body is compulsory.
• Adoption of a child is only allowed with a specific approval by CA.
• PAP’s must comply with age limits.
Flow chart

1. Counselling by FAS
2. Home study by Child Care and Protection Agency
3. Permit in principle by CA
4. Mediation by Accredited body
5. Approval of the matching by CA
6. After care by FAS
7. After care by Accredited body
8. Mediation by Accredited body
Developments in the field of adoption (1)

A worldwide decrease of the number of adoptions:

(source: Peter Selman, Newcastle University, UK)
Developments in the field of adoption (2)

Overview of the decrease in the Netherlands, both in the number of applications as in the number of adoptions.
Developments in the field of adoption (3)

Overview of the increase of adopted children with special needs*.

* In 2009 the increase of the number of children with special needs was observed, which led to registration of percentages and varieties of special needs.

![Bar chart showing percentage of children with special needs from 2009 to 2015. The chart shows an increase from 54% in 2009 to 83% in 2015.]
Developments in the field of adoption (4)

- High medical risk: 22%
- < 4 surgeries: 4%
- Surgeries and therapies: 14%
- Permanent disorder: 20%
- Defective background: 23%
- Healthy: 17%
Developments in the field of adoption (5)

Consequences for the Dutch system of the increase of the number of children with special needs:

• Necessity of a complete medical report on the child for a sufficient perception of its disorder;
• Interpretation of the medical report by a paediatrician who advises the accredited body; medical evaluation after the child has entered and resides in the Netherlands;
• Careful matching by accredited bodies as a consequence of the increased amount of care the child may need;
• Extensive provision of information by the accredited bodies to PAP’s about the disorder of the child and of support;
• Careful judging of the matching proposal by the Central Authority;
• Provision of sufficient aftercare.
Developments in the field of adoption (6)

- Reconsideration of the Dutch adoption system as a consequence of:
  - the decrease of the interest for adoption;
  - the decrease of the number of adopted children; and
  - the increase of children with special needs;
- Elaboration of scenario’s for a system of adoption, durable for the future;
- Inform Dutch Parliament of the outcome of the elaboration;
- Inform Dutch Parliament about the intended decision;
- Discussion with Parliament about the consequences of the decision and proposed changes of the adoption act.
Thank you for your attention.