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'Having to adopt children twice is not in the children's best interests': a reflective case study analysis of intercountry adoption policy in the UK

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In 2007, my husband and I adopted two boys from Russia as New Zealand citizens. We complied with all the detailed legal requirements of New Zealand adoption policy and law, as well as with Russian intercountry adoption (ICA) regulations. In 2009, we decided to return to the UK, our country of birth, where we had lived until 1999. We wished to bring our legally adopted boys to the UK with a view to returning to the UK permanently. The UK adoption and immigration polices, however, did not recognise our ICA as a Hague Convention adoption. Russia is a non-Hague country and we were required by UK law to re-adopt our boys. This article explores the differing policies and practices of ICA in New Zealand and the UK, and the children's rights issues involved, as well as the unintended discriminatory practices of double or re-adoption. I will consider the need for procedural changes in the future to avoid the double-jeopardy faced by families such as my own.

Keywords: intercountry adoption; double-adoption; New Zealand; UK; best interests of the child; children's rights

Introduction

In 2007, my husband and I adopted two boys from Russia as New Zealand citizens. We complied with all the detailed legal requirements of New Zealand adoption policy and law, as well as with Russian intercountry adoption (ICA) regulations. In 2009, we decided to spend 12 months in the UK undertaking research as part of a sabbatical from Otago University. My husband and I have lived in New Zealand for 11 years but we are UK citizens by birth, and generations of our families have lived in the UK. We have dual citizenship and we wished to bring our legally adopted boys to the UK with a view to returning to the UK permanently. The UK adoption and immigration polices however did not recognise our ICA as a Hague Convention adoption (HCCH 2010a). The Hague Convention signed by the UK in 2003 is intended to ensure that ICA is in the child's best interests and that best practice is used to safeguard children with regard to ICA. Russia has not signed the Hague Convention and adoptions occurring in that country by UK citizens are therefore viewed as not up to the standards of the Convention. We were therefore required by UK law to re-adopt our boys (UKBA 2009). In late 2009, we obtained special but expensive visas for our adopted boys (but not our biological child as she did not need one), to travel with us to the UK in 2010. We arrived in January 2010 and for nine months we underwent assessment by social workers before attending ICA court procedures in October 2010. This process allowed our boys to be recognised as our children again, and

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allowed them to live with us as our legal children in the UK. By adopting the boys twice they now have three citizenships – Russian (by birth), New Zealand (by adoption), and UK (by adoption).

In this article I will discuss the differing policies and practices of ICA in New Zealand and the UK, and the children's rights issues involved, as well as the unintended discriminatory practices of double or re-adoption. I will outline the journey undertaken by my own family as a case study and offer an insight into an issue not discussed in the literature or policy domains. I will consider the implications of double-adoption and whether procedural changes in the future could avoid the double-jeopardy and discrimination faced by families such as my own.

Re-adoption/ Double-Adoption

Re-adoption, also known as double-adoption, is not a new idea as it has been the practice of many receiving countries. This procedure approves prospective ICA adopters; provides them with certificates of eligibility to adopt; allows them to travel overseas; allows them to complete adoption procedures in the sending countries; grants temporary visas to the 'newly adopted' foreign children; and then expects that parents will finalise their adoptions through the receiving country's courts. This has often happened in the USA, Australia, the UK and, for some sending countries, in New Zealand. The process of re-adoption happens in the UK for most ICAs including those from Russia, but in New Zealand ICAs from Russia do not have to be finalised in the New Zealand courts. They are accepted as legitimate adoptions on the day parents go to court in Russia to adopt their children. The reasons for this are not fully known but New Zealand has had a long standing relationship around ICAs with Russia since 1992, and as this was before the 1993 Hague Convention on ICA, the practice of accepting the Russian adoptions without further court involvement has remained. In contrast, most ICAs from India, Thailand and the Philippines, however, do have to be finalised in the New Zealand Family Courts. These countries have provided ICAs for New Zealand more recently than Russia.

Re-adoption/double-adoption whilst common is problematic from children's rights as well as policy perspectives. The recent revised European Convention on the Adoption of Children Revised (Council of Europe 2008) Article 8, says that the 'law shall not permit an adopted child to be adopted on a subsequent occasion', save in dire circumstances, such as the death of the adopter or annulment of original adoption. In having the system of re-adoption in the UK many parents are given no choice but to adopt the same children all over again. This is to ensure those children are regarded by UK authorities as the legal children of their adoptive parents. This is regardless of the fact that these same children are already recognised elsewhere as the legal children of their adoptive families. Re-adoption/double-adoption is especially problematic for families if the children have been in their 'new' families for many years post the first legal adoption. In the UK, re-adoption occurs only after parents have been assessed by the relevant central authority (social workers employed by the Department for Education), and recommended as acceptable prospective adoptive parents to the same children. Parents will already have been assessed by social workers in other countries, for example New Zealand, where the system of assessment is similar to that of the UK (see below), so they are repeating what they have already done. It is a complex argument but ultimately begs the questions: in whose best interests are ICA policies and procedures operating – the receiving State's or the Child's? Should children and parents really need to do it all over again?

When searching on this topic I found one other example of double-adoption, a story of a Hungarian adopter who had resided with her UK born husband for many years in the UK and then adopted a Hungarian child under Hungarian law before completing further court procedures in the UK (Toth 2009). Toth underwent full assessment in Hungary by Hungarian social workers and authorities and she was also assessed and approved in the UK with her husband by social workers according to UK procedures. She ended up doing everything twice, and it nearly cost her her job and certainly a lot of money. She experienced significant extra waiting time in Hungary before obtaining permission from the UK authorities to travel back to the UK with her newly adopted son. She argued that one assessment only, rather than two, should be valid across Europe and that adoption orders granted in Europe should be recognised by other receiving European countries. In both the Hungarian and our (New Zealand) case the second adoption could have been refused leaving the child and family in an untenable position, unable to gain additional legal parental status for the children who had legally been in their care elsewhere for quite some time.

Methodology: A reflective case study analysis

In undertaking this personal reflective account of double-adoption I seek to use an auto-ethnographic and case study approach. Auto-ethnography allows the writer to position themselves as their 'own lived experience' as it happens in relation to others. By critically reflecting on my own lived experience I am both able to tell a story or narrative of importance to myself and others, but also to challenge the underpinning assumptions of that story. In auto-ethnography I am using what Denzin (2006:423) calls a *"methodology of the heart"*. Burnier (2006: 414) refers to auto-ethnographic writing as: *"both personal and scholarly, both evocative and analytical, and it is both descriptive and theoretical when it is done well"*. Ellis and Bochner (2006) tell us that one goal of auto-ethnography is to *transform* through evocation. My story is transformative in nature and by telling my family's story I may bring change for other adoptive families. By telling my own story I am also deliberately promoting issues of social justice and children's welfare. By also using a case study approach I am able to use the ideas of uniqueness and particularity that characterise one case, yet at the same time use the illustrative power of that case to reveal new ideas on a topic previously under explored (Stake 1995). In this case study there are lessons to be learnt about policy, legal procedures, discrimination and children's rights. The actual case study data collection involved 12 months of diary keeping and note-taking; reviewing of relevant documents, e.g. immigration, policy, practice and court-related guidance; informal conversations with family members; and both informal and formal conversations with adoption professionals, other professionals and other adoptive parents. The limitation of this piece is that it refers to only one unique situation, which may or may not reflect the experiences of others in similar positions.

In the following sections I review the ICA procedures and requirements of the UK and New Zealand and issues of children's rights and ICA, before telling my own story to illustrate the complications and implications of double-adoption.

Overview of intercountry adoption procedures and requirements in the UK and New Zealand

In the UK, if a person wishes to adopt from overseas he or she must satisfy the requirements laid out in a number of immigration and Department for Education procedures (DCSF 2008), as well as fulfil the requirements of the Adoption and Children

Act 2002, the Adoption (Intercountry Aspects) Act 1999, The Adoptions with a Foreign Element Regulations 2005, and The Family Procedure (Adoption) Rules 2005. In brief, the procedures are designed to ensure that the best interests' of children are paramount and that prospective adopters have been assessed as suitable to adopt a child from overseas. The procedures are extensive and detailed. Adopters will undergo many months of assessment by social workers and others before being allowed to travel overseas to adopt. For adoptions in non-Hague and non-designated countries (see below), any child the parents are matched with and adopt while overseas will need an entry visa to enter the UK. The parents and child will then apply to the UK courts to re-adopt their child, and if the parent is already a UK citizen the child will automatically become a UK citizen on re-adoption. In order to re-adopt their children parents must be visited by social workers once they arrive back in the UK, for at least six months, so that the social worker can prepare an extensive report outlining all the necessary details about the children, the birth parents and the prospective adoptive parents. Medical reports are usually required, also character references, and criminal record checks (see http://www.education.gov.uk/childrenandyoungpeople/families/intercountryadoption/a005786/intercountry-adoption-information-for-adoption-agencies).

The UK has a list of designated countries (UKBA 2009). Most of these countries are those which have signed and acceded to the 1993 Hague Convention on ICA (HCCH 2010a). Others are commonwealth countries. Where a UK citizen has lived overseas and adopted their child and wishes to return to the UK, often years after the adoption, if the country from which they adopted is on the designated list then they do not need to re-adopt or follow any new procedures related to the adoption, although they may wish to apply for UK citizenship for their adopted child. For others who have adopted from non-designated countries, like Russia, they need to obtain special entry clearance by way of visa in a passport. When they arrive in the UK they must notify the UK local authority social service on their intention to re-adopt within 14 days of their arrival in the UK. Once this is done then social workers will visit within seven days and begin the process of compiling information to complete their Annexe A reports (Ministry of Justice 2010)[1]. The Annexe A reports require social workers to write a comprehensive court report focusing on whether or not the adoption of the children in question should go ahead, and includes information about who the original birth parents were, details about the prospective adopters' background, marriage, and ability to parent children and, where appropriate, (depending on age and/or capacity of the child) the views of the prospective adoptees.

The procedures for ICA in New Zealand are somewhat similar but differ at crucial junctures. ICA is covered by two Acts, the dated Adoption Act 1995 (covers Russia) and the more recent Adoption (Intercountry Aspects) Act 2007, for Hague Convention ICAs. New Zealand itself is a Hague Convention country and is on the UKs designated list but Russia is not. However, New Zealand accepts adoptions from Russia, and provided that adoptive parents complete all the necessary paperwork their adoptive children are granted New Zealand citizenship at adoption. Prospective adoptive parents in New Zealand endure a similarly painstaking assessment process by social workers prior to being allowed to travel to Russia to adopt a child. They are assessed for months before approval, undergo police checks and medicals, and provide character references (HCCH 2010b). For Russian adoptions parents may also be required to have a full medical in Russia and be observed by Russian social workers interacting with their prospective children. But once parents have been approved by the New Zealand and Russian authorities their adoptions are finalised in Russia at a Russian court. They are then accepted in New Zealand as the legal adoptive parents of their adoptive children without the expectation of going to court again. There is,

however, a three-year post adoption reporting requirement which ensures that social workers from New Zealand regularly visit the family for three-years after the adoption to provide reports back to the Russian authorities that the children are settling well and healthy.

The child's best interests and children's rights

The need to ensure that adoption is in the child's best interests is enshrined in most official documentation on children's rights and adoption whether Hague Convention or not. The United Nations Convention on the Rights of the Child (UNCRC 1989) Article 3, emphasises that all actions concerning children must make children's best interests a primary consideration. Other articles from UNCRC of importance to the issue of double-adoption include the preamble which prioritises the family as a fundamental group of society where a child has a right to grow up in, Article 12 referring to the right of the child to express their views in matters relating to them, and Article 21 which explores the need for adoptions to be completed rigorously and without financial gain for any parties. Article 21e also discusses the need for countries to reach agreements to promote the best interests of the child, a point to which I shall return to later in the implications section.

In the case of double-adoption, it is the child's rights post adoption that are most challenged by procedures that demand a family is subject to continued scrutiny by welfare agencies once a legal adoption has occurred elsewhere. If a child has been adopted legally in an overseas country it is likely that full parental rights have been granted to the adoptive parents. In our own case our Russian adoption was accepted by New Zealand authorities and our children became New Zealand citizens by virtue of being recognised and accepted as the legal children of New Zealand citizens. Our two Russian-born boys thus gained equal status to that of our birth daughter who was a New Zealander by birth, and a UK citizen by descent. In New Zealand, the boys are entitled to our name, recognition as belonging to our family unit, our citizenship and inheritance, the *same* as our birth child. They are not denied any of the rights that our birth child has. This practice reflects the intention of Article 11 of the European Convention on the Adoption of Children Revised (Council of Europe 2008), that a child who is adopted becomes a full member of the family of the adopters. Article 21c UNCRC suggests only that adopted children enjoy the safeguards and standards equivalent to children adopted in-country, but does not state they are entitled to the same standards and safeguards as birth children (Roby 2007). For children, who already have their 'forever family', who are then forced to go to court again to ensure that they keep their forever family, their welfare or interests are diminished by double-adoption processes.

Roby (2007) has explored children's rights specifically with regard to ICA and she argues that adoptive parents have few rights in the process of adopting until they obtain the adoption order but, after that, when they are responsible for the child, they have more rights, for example, rights equivalent to those of biological parents and, or, legal guardians. With regard to double-adoption some of these assumed rights are removed; under UK law for legal purposes parents who adopt from Russia are not regarded as the legal parents but as 'de facto' parents until they complete procedures again in the UK courts. Roby (2007) also points out that the spirit of other UNCRC provisions are also diminished by not accepting an adopted child as a full member of a family – how can it be in the child's best interests for example to legally belong to a family in one country and then make a plane trip and not legally belong to that same family in that new country? Roby also argues, as I do, that adopted children should have equal rights to those of birth

children, as equal rights will ensure that adopted children can have the same succession rights; they can freely move from one country to another with their adoptive families; and that they can access every benefit, health treatment and social opportunity that a birth child can. The implications of not re-adopting would be potentially to exclude children from living with their parents in a country different from the one they were adopted, and it may also mean, should their adoptive parents die, that they might end up returning alone to the countries where they had permission to reside, even if it meant they were separated from the other birth children of their adoptive parents. The following section describes the journey we made to achieve equal rights for our children.

The double-adoption journey

In August 2009 we began our journey to double-adoption by discovering the web-based UK immigration guidance (UKBA 2009) informing us of the need to apply for visas for our adopted children should we wish to return to the UK with them to live. At this stage we knew we would be in the UK for a minimum of 12 months with the possibility of a longer stay. The visa process involved sending many documents, all of which had been previously checked by the New Zealand government in applications for citizenship and now needed to be checked by the UK Border Agency authorities. Information regarding financial capacity to support our 'extra' children was also required. The visas cost $750 NZ per child. Visas were obtained and we arrived in the UK on 22nd January 2010. Within 14 days we were required by law to notify the local authority of our intention to re-adopt. This turned out to be more difficult than we first anticipated. We had information on a variety of adoption related agencies and advice bodies in the area in which we had found accommodation and contacted them. Few of them were aware of the guidance that we needed to contact someone within 14 days. Initially, the local social services had said they needed to take legal advice as to whether it should be them, but eventually they accepted that it was their responsibility to receive our letter, and their legal responsibility to send a social worker out to meet us with a view to compiling information for an adoption application to court.

The social worker explained that no particular cases such as these had been experienced in their local area, although they were familiar and experienced with ICAs generally. It was decided that our adoption would therefore be treated as a 'normal' ICA from Russia, in effect as if we had recently been to Russia and had begun our 'placement' in the UK. This meant that we would need to have been residing in the UK for a minimum of six months before a report could be ready for court. We took some legal advice at a later stage and we were told if the children had been in our care for longer than this (i.e. more than 12 months in New Zealand with us) then we could have applied to go to court at any time after our arrival in the UK.

The social worker completed the required visits according to Department of Education procedures for ICAs and we also had local adoption panel (LAP) reviews of the placement, and education planning meetings with the boys' teachers, who were bemused by the idea that children already adopted should have to go through it all again. At one of the LAP review meetings I insisted that our family should be viewed as a family and *not* a placement even though I understood this as the adoption terminology for people such as us, and the LAP review member agreed too. The 'Looked after Children' forms completed each time we had a review meeting were wholly inappropriate for our situation. Our children were described as having been in a 'care episode' since 25th April 2007 – the day they became our legally adopted children in Russia and New Zealand. The placement was

described as 'very stable' – as opposed to 'approaching breakdown'. This type of labelling whilst appropriate for looked after children made us feel uncomfortable as we viewed ourselves as an intact family unit.

The social worker spent the visits building relationships with the family, observing our family interactions and compiling information for the Family Court initiated Annexe A report (Ministry of Justice 2010). We found the social worker respectful and professional - we could not have asked for more - although we would have preferred not to be undergoing assessment again. We were also under the impression that social services were reluctant to use valuable resources on a case that was already a settled family unit but, like us, were constrained by law and procedures to do otherwise. The social worker was clear that we were not being reassessed as suitable for adoption in terms of first adoptive parents but that we were viewed as more like a step-parent adopters and, as such, they would be supportive of this kind of new adoption. Nevertheless, the Annexe A report required a great deal of information, much of which was a repeat of previously shared and available information via the New Zealand authorities. In providing information to the social worker we handed in our original Home Study from the New Zealand social work authorities, including our approval to adopt, and our Post Placement Reports. We also provided our New Zealand referees' contact details and they were contacted again for their opinions as to our suitability to be parents. Email conversations with our referees left us in no doubt of the referees' frustration at having to repeat the process. We also provided an additional new UK character reference. Police checks once again were completed in both countries.

We were a little anxious about what to say to our children throughout the whole process, especially when the social worker visited. Our nine-year-old daughter worked it out very quickly and asked: 'Are the boys going to be sent back to Russia?' We reassured her that this was not the case, but she became frustrated by the attention on the boys, as in her opinion had not this already been done before? I also discussed matters with my older boy aged seven, before we left for the UK and he became very tearful: 'What! Have another mummy? I don't want another mummy!' he said. I realised then that I should not talk about re-adoption or new adoptions as it was most inappropriate, and I asked the social worker as far as she was able, to not discuss this either, in order to protect the children. The social worker again respected our wishes and was careful to avoid directly questioning the children about their views on adoption, instead interacting with them informally, and ensuring overall that the children were not unduly upset by the procedures. As the potential court day drew closer I told the children that the social worker was visiting to write a report to ensure that the boys were treated the same as their sister, and would become UK citizens like her.

At one stage I contacted my local MP who agreed to pursue the option of whether, in cases such as ours, an agreement of some sort could be reached between New Zealand and the UK adoption authorities. The MP wrote to the Secretary for Education and we received a reply stating that procedures in the UK were rigorous and designed to protect the child's best interests, and that there were no current plans to seek a bilateral agreement with New Zealand.

The court application for adoption (HMCS 2010) was submitted in June 2010 and the Annex A report was compiled by the social worker by mid-September 2010 recommending that the adoption be approved. The court form itself, while short, was very difficult for us to complete because, again, it assumed that our family had just returned from Russia. It asked for details of the parents which we assumed to be us but were told by advisors 'not so' – this section was reserved for biological parent details. It then asked for details of a 'guardian', especially if the children had been resident

elsewhere and had been looked after elsewhere. In the end, as we had been looking after them for three years in New Zealand, we claimed to be guardians and, as such, we were able to tick the box giving permission for the adoption to go ahead! We also had to justify in a statement of facts why the parents could not give consent to the adoption. We spoke informally to one solicitor by telephone who stated the amount for assistance in cases of re-adoption such as ours was £3,000 to £6,000. We decided to avoid legal representation as we had already spent tens of thousands of pounds completing the original adoption. The court procedure, in October 2010, was relatively straightforward, as our paper-based application had been approved in advance by the judge, and was more a celebration of the adoption. The Adoption Ceremony, as it was known, allowed the judge to meet our boys, congratulate them on their adoption, and stamp the official paperwork. This confirmed that my husband and I were the legal parents and could begin the process of applying for the children's new UK birth/adoption certificate and eventually UK passports. This we did and now the boys have three citizenships. We were very relieved that the whole ordeal was over.

The impacts of double-adoption

The impact of this process has been mixed for the various parties involved. It has been extremely time consuming for the family and stressful. For the various government bodies involved, including visa officials, social workers, team leaders, legal advisors, court officials, teachers, LAP review members, it has been quite costly in time and financial resources. It would be difficult to give an accurate figure of the financial cost but adoptions in England and Wales on average cost around £35,000 (Selwyn and Sempik 2010). It is doubtful our new adoption cost the full amount but when one adds in court time, teacher time, and adoption panel review time it would amount to a substantial cost that could be saved if a simpler process was in place.

The impact on the children is the critical test of such processes: were their best interests served?; were they harmed? At times, our two older children expressed genuine anxiety, asking questions about possible returns to Russia, not wanting to have 'another mummy', wondering why we were fussing about with documents, and then being unsure about going to court. The younger child expressed his anxiety through his action, exhibiting uncharacteristic behaviour when the social worker visited. He would try to hug, climb on her shoulders and cling to her, in ways that characterised his behaviour when he first began his new, post institutional family life with us; this Rutter (2005) calls 'indiscriminate friendliness'. It was almost as if his behaviour reflected the concerns of his parents to present a typical happy family life to the social worker in order to ensure we were all viewed positively, and that the new adoption would go ahead. It is not surprising in some ways that the stress of the whole situation did 'reactivate' old attachment behaviours; no matter how hard we worked as parents to promote 'family business as usual' there was no way of avoiding the fact that something significant was happening.

My husband and I felt a whole gamut of emotions: anxiety, anger, fear, determination, and strong feelings of protectionism towards our children. We sometimes managed humour for example, when accepting that we could not put down that we were the parents on the court form. It is difficult to imagine not being parents when every ounce of all that we could give had gone into being the boys' parents for three years.

The situation also challenged us to re-consider our own citizenship. Our logic went that if we were turned down to adopt our own children (not likely, but a possibility) then we may be 'forced' to leave the UK and not return; if the boys could not be viewed as our

legal children in the UK then we would need to return to New Zealand where we were viewed as a 'true' legal family. Hence, at one stage we felt rejected by our country of birth despite the fact that three of us, as UK citizens, had a right to reside in the UK indefinitely. We did feel that we could not resettle in the UK after 11 years away, even though we wanted to do this. The language used to reinforce our exclusion: 'not legal parents', 'de facto parents', 'guardians', 'a care episode', 'looked after', and 'placement' did little to reassure us.

The positive impact of the double-adoption it would seem is a benefit of being adopted in the UK courts. As the parents are UK citizens at the time of the adoption then on top of being legally recognised as our children the two boys have gained UK citizenship. This is a bonus for them as it means that they will be citizens of Russia, New Zealand and the UK, and in fact better off nationality-wise than their parents or sister. In addition, they will also have rights of movement, residence and employment across all the 27 EU Member States, which they did not have before!

Implications for policy and procedural changes

Whether it is called double-adoption or re-adoption the process we experienced proved coercive and time consuming. The process incorporates legal and policy guidance which is primarily designed to safeguard children and ensure that illegal adoptions do not occur. However, at no time were checks made to find out if we had inappropriately abducted our children from Russia. The procedures that were followed only checked back on the New Zealand approvals, and updated our criminal records and referees' reports. There are two reasons why this occurred; one is that the Russian authorities will not give further information to UK authorities about a child already adopted, and two it would have been assumed that the New Zealand authorities would have ensured that procedures were safeguarding the children. But the reality is that the process we experienced did not ask the question 'What is in the children's best interests?' If it had, then perhaps it would not have happened at all. The New Zealand process could have been accepted and the first adoption recognised without the need to do it all over again. These children had been with us for three years, living in a commonwealth and Hague signatory country, as New Zealand citizens. Article 21e of UNCRC could be used to justify an attempt by designated authorities in the two countries to reach a specific agreement to prevent a long and expensive double-adoption. A bilateral agreement could be used to find a compromise of some sort, e.g. – shorter re-adoption timescales, briefer investigations by social workers, less legal procedure, or, no additional criminal record and referee checks. Apart from a bilateral agreement Russia could be further encouraged to sign the Hague Convention which would mean that the adoptions there would be recognised by UK authorities.

The court forms, and social worker report forms and guidance, need to be updated to incorporate 'peculiar' cases, as no-doubt there will be more like ours in the future. Forms could avoid the labelling of families as looked after or as placements, when clearly families are long-standing family units. Shorter forms, not having LAP reviews with yet more form filling, ensuring the language used is appropriate and so on. Precious resources of social worker time, and other official time could be saved, let alone the hours wasted by my family when we could have been enjoying our time together in other ways.

Another option, but again this is time and cost consuming, could be for UK citizens like ourselves, to go to court in the initial receiving country (NZ), to have the adoption 'validated' or 'rubber stamped' in a Hague Convention country, so that the UK would automatically recognise it when UK citizens returned to the UK. This would be like

treating our adoptive boys as if they had been 'born to us' in New Zealand, like their sister, and they would then be granted UK citizenship in the same way as she was.

It is vital that adopted children have the same rights as children born to their parents. The revised European Convention on Adoption 2008 allows for this (Council of Europe 2008) but the UNCRC 1989 does not. Families who adopt intend for their adopted children to have equal status with biological children and it is offensive when this is challenged. Until our family arrived in the UK this was the position - equal status and equal rights - but this was changed by the double-adoption procedures and was only rectified after the new adoption was approved. Surely this seems to go against children's welfare? Once the UK has ratified the revised European Convention on Adoption (Council of Europe 2008), it is possible that double-adoption in the way I have described it in this paper might be deemed illegal.

The story I have recounted is not completely a unique situation as many families returning to the UK with their newly adopted foreign children have to undergo the same procedures and re-adopt their children through the UK courts. About half of the 250 ICA adoptions occurring overseas from the UK will need to be undertaken again in the UK courts. Through informal networks other families have told me of their resentment, and their emotional distress of having to adopt their children again.

Conclusion

Adoption procedures applied to the same children and the same parents by way of dual assessment and approval by the central authorities of the UK and New Zealand are not in the child's best interests. Potentially, they breach a variety of rights and conventions, and they also demand resources of professionals and others that could be used on alternative service provision. Adopted children should gain equal rights as those of birth children; they should not have to prove themselves as re-adoptable or the legitimate children of their adoptive parents several times over; and they should not be denied the citizenships of their parents or adoptive siblings.

Note

1. Annexe A reports are reports completed by the local authority (social workers) involving the assessment of suitability to adopt and recommendation as to whether the proposed adoption should be approved. The reports are requested by the Family Court in the jurisdiction where the Adoption Hearing will take place. The content for the reports is given in a practice direction available from: http://www.justice.gov.uk/family/procrules/practice_directions/pd_part05c.htm.

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