



Journal Homepage: -www.journalijar.com

INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI:10.21474/IJAR01/11310
DOI URL: <http://dx.doi.org/10.21474/IJAR01/11310>



RESEARCH ARTICLE

INTERNATIONAL AND DOMESTIC CHILD ADOPTION LAWS, PROCEDURES, STATISTICS, AND EFFECTS ON ADOPTEES AND ADOPTIVE PARENTS

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Manuscript Info

Manuscript History

Received: 10 May 2020
Final Accepted: 15 June 2020
Published: July 2020

Key words:-

Adoption, Laws, Procedures, Statistics, Reasons, Effects

Abstract

Child adoption laws, procedure and duration for finalization of adoption vary between and within countries, and adoption agencies. There are different types of adoption. Birth and adoptive parents have various reasons for choosing adoption. Information on adoption were accessed from documents and websites of adoption agencies and government departments in charge of adoption in the different regions of the world; research articles and in-depth interview of social workers. Reasons for adoption include voluntary relinquishment by birth parent who feel unable to adequately take care of the child, gender preference, societal stigma of single parenthood, death of parents, removal of children from their homes by Government Social Services as a result of maltreatment by their biological parents and one child policy in China when it existed. Other reasons are infertility, empty nest syndrome, to avoid passing on inheritable diseases to birth child, or out of health concerns relating to pregnancy and childbirth. Adoption can be domestic or international; closed (confidential), open or semi-open; private or public agency; newborn or embryo adoption. Generally, adoption procedure includes the dossier or paperwork, home study, referral and court hearing. Most countries permit couples to adopt, but do not permit single individuals because of the need for a mother and a father figure. Some countries, however, allow single adults to adopt same sex children. Some countries have age limits and minimum standards of education, financial capability and health status for adoptive parents. Adoption fees also vary widely. It may be free or cost a lot of money. Some transracial and international adoptees feel less integrated into their families, including difficulties associated with the lack of resemblance to their adoptive parents, resulting in low self-esteem. However, a series of meta-analyses found no difference in self-esteem between adoptees and non-adopted comparisons. Prospective adoptive parents should find out about the adoption laws and procedures for the country of origin of their proposed adoptive child.

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Introduction:-

Child adoption is the permanent placement in a loving substitute care, of a child deprived of natural home care (Okunola, 2002). It is the procedure by which people legally assume the role of parents for a person who is not their biological child. After the finalization of an adoption, there is no legal difference between adopted children and those born to the parents (Kiff, 2007). Adoption was recognized by Roman law but not by common law until 1926. The common law is the unwritten English law that prevails in Britain and in those countries that were colonized by English settlers. Adoption was first introduced into United States law in the mid-19th century and today it is permitted in all states of the United States and Great Britain. An adopted child assumes the rights and duties of a natural legitimate child. Similarly, the rights and duties accompanying natural parenthood generally accompany adoptive parenthood (e.g. the right of custody and the obligation of support). The natural parents of an adopted child have no right to control, nor have they any duties toward him or her (Anon, 2006).

Reasons for Adoption:

There are several reasons why children are adopted. Biological parents may place their child for adoption because they are unable to adequately care for the child or if doing so would interfere with their future plans and goals (Birthmother's choice, 2005). Other reasons include gender preference, societal stigma of single parenthood, death of parents and empty nest syndrome. In the United States and United Kingdom, the commonest reason why children are placed for adoption is removal from their homes by Government Social Services as a result of maltreatment by their biological parents. In China, one child policy which existed between 1979 and 2015 required couples to have only one child. This led to the placement of large numbers of children in orphanages, some of whom were then adopted (Kiff, 2007).

Couples who are unable to have children may choose to adopt. Some single people and same-sex couples adopt children because of the lack of a partner of the opposite sex or a lack of desire to use a surrogate mother or sperm donor. In many western countries, step-parent adoption is the most common form of adoption as people choose to cement a new family following divorce or death of one parent (Kiff, 2007). Some fertile couples or individuals choose to adopt children. Some may do this instead of creating a new life, in order to avoid contributing to perceived overpopulation, or out of the belief that it is more responsible to care for otherwise parent-less children than to reproduce. Others may do so to avoid passing on inheritable diseases, or out of health concerns relating to pregnancy and childbirth. Furthermore, some feel that given the challenges of carrying a baby to term, adoption is the best way to grow a family. Some believe that it is an equally valid form of family building, neither better than nor worse than the biological route (Kiff, 2007).

Types of adoption:

Adoption can be domestic (within a country) or international (inter-country). Adoption can also be closed (confidential), open or semi-open; private or public agency; newborn or embryo adoption. In the past, confidential (anonymous) adoption was the standard and virtually all adoptions were closed or confidential (American Society for Reproductive Medicine, 2003). A closed adoption means that there is no contact whatsoever between the birth parents and the adoptive parents and child after the adoption takes place. In certain instances, there is exchange of non-identifying information and contacts between birth parents and adoptive parents (semi-open). However, the trend in adoptions in the United States is toward open adoptions, in which all the parties to an adoption meet and often remain in each other's lives (Findlaw, 2007). The more "open" the adoption, the more potential access to a child's birth family history. Since the 1970s, a growing number of adopted children have attempted to identify their birth parents, and "open adoption," in which adoptive and birth parents maintain a relationship, has become more accepted (Child Welfare Information Gateway, 2003).

Methodology:-

Information on child adoption laws, procedures, statistics, types, reasons for and effects of adoption were accessed from documents and websites of adoption agencies and government departments in charge of adoption in the different regions of the world; research articles and in-depth interview of social workers.

Adoption Statistics:

Though child adoption is practiced in many countries, it is more common in the developed countries. China recorded the greatest number of adoptions in the world (U. S. Department of State, 2007). The number of adopted children in China was 7,044 in 2004 and 7,906 in 2005, an increase of over 12%.

Ethiopia saw a 153% increase over 2004 with 441 adopted children. In 2005, the number of adopted children in India was 323, a decline of 83 compared to the previous year. Other countries ranking tops according to international adoption statistics 2005 were Columbia (291), Philippines (271), Haiti (231), Liberia (182), Taiwan born Chinese (141), Mexico (98), Poland (73), Thailand (73), Brazil (66), Nigeria (65), Jamaica (63), Nepal (62) and Moldova (54) (U. S. Department of State, 2007).

In 1993, 7,348 foreign-born children were adopted in the United States. According to the records for immigration visas issued in 2006 to orphans adopted by United States citizens, the top countries of origin are China (6,493), Guatemala (4,135), Russia (3,706), South Korea (1,376) and Ethiopian (732) (U. S. Department of State, 2007). Overall, Korea was the greatest source for international adoptions, followed in descending order by Russia, Guatemala, Colombia, Paraguay, the Philippines, India, China, Ukraine, Peru, Honduras, Brazil, Bolivia, Bulgaria, Vietnam, and El Salvador. Number of children adopted from Liberia to United States of America by year was 8 in 2015, 10 in 2016, 20 in 2017, 30 in 2018 and 51 in 2019 (U. S. Department of State, 2018).

A retrospective study of the pattern of adoptions in Enugu, Nigeria between January 1991 and December 2001 revealed sixty-one adoptions in the eleven-year period giving a prevalence of 5.5 adoptions per year. Eighteen (29.5%) of those were kinship adoptions while 43 (70.5%) were adoptions of abandoned babies and children. The mean age of the adoptees was 4.2 years, 33.3% of them were aged 5 years and above. All adopters were Nigerians but 32.0% of them resided outside the country. The duration of the marriages prior to adoption was 15-19 years (Aniebue, 2008).

A review of adoption cases in Lagos State, Nigeria by Odujirin and Lawson (1993) showed a total of 236 adoptions over an 18-year period (1972 – 1990) given an average of 13 adoptions per year. An upward trend in the number of adoptions was noticed over the years. The adoptees were 119 males and 117 females, aged 0-17, most (41.6%) of them were 0-4 years old. The adoptive parents were aged 26-70 years, 80.5% were married and 71.2% were literate. The duration of marriage before adoption was 5- 38 years. Some of them (11.9%) already had children of their own but adopted to make up their desired number and 7.6% had more than one adoptee. Some of the adopters (3.8%) were foreign nationals (Odujirin and Lawson, 1993).

Adoption laws and procedure:

Adoption is a legal proceeding requiring a hearing before a judge. The process involves paperwork or dossier, home study, referral or matching with an appropriate child and court sessions. The procedure and duration for adoption varies between countries and adoption agencies. The dossier is a set of documents containing information about the adoptive persons. Home study is a written report of the findings of the social worker who has met with the applicants on several occasions, usually at the social worker's office. At least one meeting will occur in the applicant's home. The social worker will also interview other people living in the home, if any. The document highlights items such as relationships, interactions with children, neighbourhood, and childhood. The home study helps the court to determine if a stable environment exists for a family to receive an adoptive placement. The cost of a home study can vary greatly depending on the area of the country and the agency that completes it. After matching the applicant with an appropriate child, he or she is referred to the prospective adoptive family. Pictures, medical reports and an acceptance document will be sent to the intending adoptive parents by the agency. When the forms are signed and returned, travelling arrangement will be made. The adoptive parent(s) would be required to appear in court for the court hearing and for the final adoption papers to be signed (Heritage Adoption Services, 2007a).

Laws governing domestic and international adoption vary between countries and states. Most countries permit couples to adopt, but do not permit single individuals because of the need for a mother and a father figure. Some countries, however, allow single adults to adopt same sex children (Commonwealth Adoptions International, 2006). There are different age limits for the adoptive parents and adopted child. Adoption fees also vary. The adoptive parents must meet certain minimum standards of education, financial capability and health status (International Adoption Guides, 2006). Local and international adoption agencies assist prospective adoptive parents in identifying the children they desire and with processes involved in adoption. For the adoptive parents, adoption costs and

assistance vary between countries. The cost for domestic adoption ranges from free in Oyo State, Nigeria (Adejumobi, 2001) to \$40,000 or more in America depending on a number of factors including the type of adoption, the type of placement agency or facilitator, and the child's age and circumstances (Child Welfare Information Gateway, 2003). Many adoption programmes will give financial assistance to adopters, especially with their expenses. Some jurisdictions offer tax credits to offset the cost of adoption. In the United States there is a \$10,000 tax credit for adoption of special needs children. Adoptions through the child welfare system typically do not cost the adopting family anything beyond minor legal or other types of documented fees. The same is true in Canada (Kiff, 2007). International adoption costs \$7,000 to \$30,000 or more, depending on the country and number of trips the parents are required to make (Child Welfare Information Gateway, 2003).

Gibbs et al, (2006) reported that most children adopted from foster care in the United States in recent years received an adoption subsidy. Several characteristics of adopted children were associated with subsidy receipt and amount, including age, race and ethnicity, and special needs status. Subsidy receipt and amount also varied with adoptive families' characteristics, such as pre-adoptive relationship with the child, family structure, and maternal race and ethnicity.

In the United Kingdom, a child must be under the age of 18 when the adoption application is made. The adoptee should not be (or have never been) married or in a civil partnership. Both birth parents of the adoptee should give consent to the adoption, unless they cannot be found or incapable of giving consent, for example as a result of a mental disability or if the child would be put at risk if he/she were not adopted. The applicant should be aged 21 or over. Single, married, those in a civil partnership, unmarried couple (same sex and opposite sex), the partner of the child's parent may adopt. One does not have to be a British citizen to adopt a child. However, you (or your partner, if you're a couple) must have a fixed and permanent home in the UK, Channel Islands or the Isle of Man. You (and your partner, if you're a couple) must have lived in the UK for at least 1 year before you start the application process. Adoption funding may be obtained from the Adoption Support Fund (Gov.uk, 2020).

The adoption fees in China are among the lowest for international adoption (International Adoption Guides, 2006a). Most of the adoptable children are girls under 18 months but older children are also available. China accepts applications for adoption from married couples only. Applications from homosexual individuals are not acceptable. Each parent must be over age 30 but under age 50. The family's income should be about \$10,000 per family member (including the new child), per year. Assets including equity on a home, vehicles owned, and all material possessions must be over \$80,000 in value. No more than four children may reside in the home when the family applies to adopt. Children over age 18 are not counted even if they live in the home. Parents must not be on medication for any mental issues including depression; must not be on a disability pension; and the Body Mass Index must be 40 or less. There must be no history of drug addiction. Parents must have graduated from high school. They must be married for at least two years. If either parent is divorced, then the current marriage must be at least five years. To adopt from China, an adoption guide will assist in preparing the necessary paperwork. In about ten to twelve months, the family will be matched with a Chinese baby or toddler. Several photos of the child, a medical report, and an acceptance document to be signed and returned will be sent to the individual. Within one or two months, the individual will be able to travel to China to receive his/her child (International Adoption Guides, 2006a).

In a newborn adoption programme, infants are usually placed with the adoptive parents directly from the hospital after birth. Birth parents make their choice from a profile of prospective adoptive parents while pregnant. Colombia encourages couples to adopt sibling groups and prospective parents may find greatly reduced fees if they are interested in adopting siblings (International adoption guides, 2006b and International adoption stories, 2007).

Open adoption is practiced for both domestic and international adoptions in Australia. Adopted children grow up knowing that they are adopted and, where possible, are supported to have knowledge or relationship with their birth family and cultural heritage. Some Non-Government Organisations (NGOs) are commissioned to provide out-of-home care (OOHC) and adoption services, where it is not safe for them to return to their families and where adoption is deemed the best option for that child (Adopt change, 2020).

Kazakhstan children who end up in the orphanages are typically abandoned at the hospital, often at birth, due to poverty. Older children may have been orphaned. It is also possible to adopt more than one child at a time if they are siblings, but the adoption of two unrelated children at the same time has been outlawed. More boys are available than girls, so shorter waits are expected for boys. Applicants must be between the ages of 25 and 55 years, must

have been married at least two years, and must own their homes. There should not be a history of more than one divorce, and no criminal record. Single applicants are not considered. The adoption process usually takes families approximately ten to fourteen months from start to finish (Heritage Adoption Services, 2007).

Couples eligible to adopt from Vietnam must be at least 25 years of age and must have been married for two years. Single women are also eligible. An adoption can typically be completed within 6-8 months from the time the documents are submitted to Heritage Adoption Services. Only one trip to Vietnam is necessary to complete the adoption. (Heritage Adoption Services, 2007b).

In Poland, the authorities are fairly flexible regarding the requirements for the adoptive parents. They accept married or single (women). One parent must not be more than 40 years older than the child. Both parents are required to fly to Poland to meet the child. Both adoptive parents must be present for at least part of the court procedure, which generally involves two hearings. Once the final hearing has been held, and the adoption is approved, a 2-4 weeks waiting period is required for finalization (Children of all nations, 2016).

In Colombia, the law only allows for adoptions by married couples. At least one of the adopting parents should be over twenty-five years of age and be physically, emotionally, and economically capable of supporting the adopted child. In practice, newborns are assigned to younger couples, and older children are assigned to older couples. The older the child, the quicker the adoption process. Couples are encouraged to adopt sibling groups (International Adoption Stories, 2007).

In Brazil, most children are relinquished by the parent, rather than abandoned. Married couples and singles are eligible to adopt. Parents must be at least 25 years old and 16 years older than the child. The time frame is up to 2 years for a child 4-6 years of age, after the dossier is approved. Adoption of older children and sibling groups is much faster. Fees may be considerably reduced when a family commits to a group of children. You may choose to adopt more than one unrelated child at the same time. Families may indicate gender preference. One trip to Brazil is required and the required stay in country is approximately 35 to 40 days. If married, both parents must travel (Commonwealth Adoptions International, 2006).

The Ethiopian government places very few restrictions on prospective adoptive parents. Prospective parents must be 25 to 55 years old and married couples and singles are eligible to adopt. Single men are allowed to adopt male children. The child must not be more than 40 years younger than the adoptive parents. Ethiopia does not have income guidelines nor are there any restrictions on the number of children currently in the family. There is no discrimination based on religion, ethnicity or race. Those requesting a female infant may experience a delay as they are the most frequently requested (International Adoption Guides, 2006c). Ethiopia, like many countries, allows children to be escorted by agency representatives to meet their new parents. Travelling to Ethiopia is not a requirement. The number of adoptions in 2006 grew to 732 children. This was a large increase over the 441 Ethiopian adoptions in 2005. The number of adoptions has grown 6-fold since 2002 (International adoption stories, 2007).

Any adult who has an approved International homestudy may adopt from Liberia. There are no marriage requirements, no age requirements, and no family size restrictions. Boys and girls from infant to sixteen years of age may be adopted. The place of birth and residence of the adoptive parent are irrelevant but at least one of the adoptive parents must travel to Liberia for the adoption process. There must be at least three (3) post placement visits within the first six months of the adopted child's homecoming and annual family updates until the child is eighteen years of age (West African Children Support Network, 2007 and U. S. Department of State, 2018).

Adoption rules differ from state to state: adoptive parents must foster their children for at least 3 months in Lagos State, whereas in Akwa Ibom State they are required to foster for at least one year. The Federal Capital Territory Abuja requires that at least one parent is Nigerian (International adoption - Nigeria, 2006). An applicant is expected to apply to the Social Welfare Department of the Ministry of Women Affairs, Community Development & Social Welfare or its equivalent in the State.

The adoption laws of Oyo State, Nigeria as contained in the Adoption edict of 1984 stipulates that the child must be an indigene of the state and the applicant must be resident in the state and the consent of the applicant's spouse is essential before an adoption order is made. An applicant should be at least 25 years old and 21 years older than the

child and the sole applicant cannot be a male if the child is a female unless the court is satisfied in special circumstances, e.g. the degree of consanguinity (Adejumobi, 2001). Children are available for adoption at the Child Care Unit, Ijokodo which was established in 1981 for abandoned children. These children were usually abandoned in uncompleted buildings, side walks, churches usually after night vigil, hospitals, higher institutions or rescued from mentally ill patients. Most of these children are usually adopted except for the physically or mentally handicapped. The child should be in the continuous care and possession of the applicant for at least three consecutive months during which 21 days advertisement is made so that the parents or relations can claim the child. An adoption order is made to the juvenile court. The final discharge papers are issued after two years. No fees are paid.

A foreigner or a Nigerian citizen resident abroad who desires to adopt a child in Nigeria must do so through an international adoption agency or a local foundation (Resolution Law Firm, 2020).

Adoption Agencies:

Adoption is supported by several international agencies one of which is 'A Child's Hope Foundation'. The foundation built an orphanage as an 'adoption centre' in Haiti in 2001. They are committed to saving the lives of orphaned and abandoned children and bridging the gap between them and adoptive families. They create new and support existing adoption orphanages and ensure a healthy living condition and emotional wellbeing of the children. The children are provided with nutritious food, clean water, abundant care and love. They also reduce the adoption cost and time frame and provide loans to adoptive parents (A Child's Hope Foundation, 2007). Other international adoption agencies are Heritage Adoption Services, Americans for Africans Adoption, International Adoption Guides, Adoption Angel, Commonwealth Adoptions International and the West African Children Support Network. Adoption Angel is the birth parent support program of Heritage Adoption Services.

Unless specified by the country program, a couple must be married at least one year before applying to adopt through Children's Hope International. Divorced singles may apply one year after divorce finalization. Children for adoption may be healthy or may have special physical or mental health needs. Adoption fees for children with special needs may be subsidized or waived (Children's Hope International, 2006).

While several agencies support adoption, some others discourage the practice. Adoption: Legalized Lies is a non-profit organization that is devoted to the preservation of true families and the abolition of adoption since its inception in July 1998. They offer resources and encouragement to expectant families in need, participates in activism against the adoption industry, and provide a forum in which members of the anti-adoption movement can exchange ideas and support for one another. They believe that adoption hurts children and families and adopted children suffer more psychological problems than other children. Mothers who have given up their children for adoption also experience depression, post-traumatic stress disorder, anxiety, and guilt. They also think that adoption is dishonest. Adopters suffer no legal consequences when they agree to remain in contact with a child's true family and then back out of their promise. Also, when an adoption is finalized, the adopters receive a "birth" certificate that lists their names in the place of the child's true parents, falsely stating that they gave birth to the adoptee. They also say that adoption is a Big Business with the America's adoption industry making approximately \$1.4 billion each year. As of 1999, the "average" cost of a private adoption was \$60,000 or more (Adoption: Legalized Lies, 2006).

Effects of Adoption:

A qualitative descriptive study of 44 adoptive parents throughout New England was conducted to find out their reaction to open adoption after two decades. The adoptive parents felt positive about knowing the birth parents and having contact with them. They were comfortable with open adoption, and saw it as serving the child's best interests (Siegel, 2012).

Adopted persons may suffer from the consequences of neglect, abuse, and malnutrition in institutions before adoption. They have to cope with their adoptive status, which often includes difficulties associated with the lack of resemblance to their adoptive parents. Additionally, transracial and international adoptees may feel less integrated into their family, resulting in low self-esteem. In a series of meta-analyses, however, no difference was found in self-esteem between adoptees (N = 10,977) and non-adopted comparisons (N = 33,862) across 88 studies. This was equally true for international, domestic, and transracial adoptees. Across 18 studies including 2,198 adoptees, no differences in self-esteem were found between trans-racial and same-race adoptees. In contrast, in a small set of 3 studies (N = 300), adoptees showed higher levels of self-esteem than non-adopted, institutionalized children. These

findings may be explained by adoptees' resilience to overcome early adversity, supported by the large investment of adoptive families. Adoption can, therefore be seen as an effective intervention, leading to normative self-esteem (Juffer et al, 2007).

Juffer (2006) reported on the associations between children's awareness of adoption and their behaviour in 176 Dutch families with 7-year-old early-adopted children from Sri Lanka, Korea, and Colombia. The adoptive mothers were involved in an interview and both mothers and teachers completed a questionnaire on behavior problems. According to the mothers, the majority of the adopted children did not experience negative reactions from others. All but two children understood the difference between adoption and birth, and 74% of the children showed interest in their adoption. Several children had expressed their wish to be white (Sri Lanka: 59%; Colombia: 32%; Korea: 23%) or their wish that they were born in the family (27%).

A survey involving 144 adult adoptees and 131 non-adoptees in order to investigate the relative contributions of adoptive status and parental variables to measures of adjustment, and possible differences between searching and non-searching adoptees in Australia, found that parental variables were more important than adoptive status in predicting depression, though adoptive status and perceptions of parenting were both significant predictors of emotional arousability. Searchers reported lower levels of parental care, acceptance, and supervision than non-searchers. However, there was also variability among searchers depending on their motives for searching (Passmore et al, 2006).

Rijk et al, (2006) conducted a study on 72 families with 80 children adopted from Romania. The average age at adoption was 2 years, 10 months, and at time of study 8 years. Adoptive parents experienced more family stress than a comparable group of non-adoptive parents. Divided into a group that did not (N = 29) and that did (N = 51) seek professional help, both groups showed less family stress than comparable non-adoptive groups. However, the group of 51 experienced more family stress than the groups (adoptive and non-adoptive) that didn't seek help. It was also found that adoptive parents were committed to their task, and resilient to their children's problem behavior. Parental stress and adoption satisfaction were negatively influenced if the child displayed behavioral problems, but the age or the health of the child at arrival in the family were not related to parenting stress or adoption satisfaction.

There is a belief that adoption is often followed by a spontaneous pregnancy. The logic behind this belief is that infertility causes stress, stress causes infertility and, therefore, if stress is removed, infertility is cured. Although pregnancies occasionally occur following adoption, there is no scientific evidence that adoption cures infertility nor does treatment of stress-related disorders (Rowe and Vayena, 2007).

Conclusion:-

Adoption laws and procedures differ widely between and within countries. It appears that countries and states set their adoption laws based on local prevailing circumstances. Countries with many orphans as a result of war and epidemic have fewer adoption criteria. Some studies reported that transracial and international adoptees feel less integrated into their families, including difficulties associated with the lack of resemblance to their adoptive parents, resulting in low self-esteem. However, meta-analyses found no difference in self-esteem between adoptees and non-adopted comparisons.

Recommendation:-

Prospective adoptive parents should find out about the adoption laws and procedures for the country of origin of their proposed adoptive child.

Authors' contribution:

All authors contributed to information collection and the final manuscript.

Funding statement:

The researchers did not receive any grants for this study. The study was funded by the researchers.

Conflict of interest:

There is no conflict of interest.

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