

Summaries

Justitiële verkenningen (Judicial explorations) is published eight times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (nr. 7, 2008) is *Adoption under fire*.

Adoption and prosperity; an analysis of demand and supply of adoptive children

B.M.J. Slot

Traditionally adoption has been considered as merely an act of social mercy. Adoption would give children without parents and/or in very poor conditions a better future – materially and emotionally. However, economic forces took over when the number of adoptees grew worldwide (to yearly 45.000 – twice as much as ten years ago). The persistently high demand for adoptive children from couples and single parents in Europe and the United States has had an upward effect on the value of abandoned children. The market structure for intercountry adoption evolved from supply driven in the 1970s to demand driven from the 1990s onward. The demand for children provokes supply and inevitably leads to abuses in which the rights of children and interests of their birth parents are violated.

The perverse effects of the Hague Adoption Convention

R. Post

The article summarises the effects of the Hague compliant Romanian adoption legislation of 1997 and the related point-system, on the local Romanian child protection. This led to a full-blown demand-driven market for adoptable children and its eventual closure.

The ongoing initiative for an European Adoption Policy could be considered as an attempt to facilitate Romanian adoptions through the back door. Looking at the wider context it seems that the Hague Convention has turned intercountry adoption into a general child protection measure. This effect was strengthened in the context of a simultaneously growing demand for children. The convention

de facto relieves state authorities from their obligation to provide alternative care for children who can not be raised by their parents.

The development of intercountry adoptees; a research survey

F. Juffer

In the Netherlands several studies have been conducted to investigate the development of internationally adopted children and adults. Two longitudinal studies started more than twenty years ago, one in late childhood and one in early childhood. Other studies examined the adjustment of adoptees from various countries of origin, for example India and China. Furthermore, in a meta-analysis project the following domains were studied: physical development, attachment, cognition, behaviour problems and self-esteem. These studies found that, first, early childhood deprivation is a risk factor for the development of adopted children and adults. Second, the group of adoptees is not homogeneous: children from different countries/generations may function more or less optimal depending on the level of pre-adoption deprivation and the available pre- and post-adoption services. Third, the meta-analyses clearly demonstrated the impressive, although incomplete, catch-up of adoptees. Finally, it is important to offer support to adoptive families and adoptees.

Alternatives for (intercountry) adoption

P. Vlaardingerbroek

Intercountry adoption earned a bad reputation in the last few years, due to a number of cases in which the birth parents had not given permission for the adoption. Or the adoptive parents could not wait for the official permission from the local authorities and adopted a child without taking into account the legal safeguards. The author gives a short overview of the phenomenon of illegal adoption in an international perspective and mentions a possible solution for this problem. The phenomenon of intercountry adoption as such is discussed as well as possible alternatives.

The adoption practice: is it in the obvious best interest of the child?

A.P. van der Linden

The author discusses the developments in the regulation of (inter) country adoption in the Netherlands. The point of departure is the

report *Everything valuable is defenceless* of the Kalsbeek Advisory Committee. A leading question is how we can strike a balance between the best interests of children eligible for adoption and the desire of prospective adoptive parents to start a family. International (adoption) treaties are discussed as well as arguments in favour of relaxing age limits in adoption against the background of a decreasing number of available adoptees. The still ongoing practice of do-it-yourself adoption should be abolished. Government supervision should be tightened to minimise the abuse of adoption. Preferred solutions still focus on facilitating the return of children to their own parents, improving the status of single mothers, promoting adoptions in the country of origin and encouraging prospective adoptive parents to seriously consider foster care.