FRANCE

Form for the compilation of good practises in the post adoption phase for the Seminar on post adoption
Art.9 c) Hague Convention

Post-adoption services

I. Do the social services promote the establishment of a trust relation with the prospective adoptive parents before the adoption is pronounced in particular in the meetings that are aimed at their training and preparation? (so that in case of problems in the post adoption phase the adoptive parents are more likely to contact the social services)

The French « département », or local authority, is in charge of protecting children and their adoption in France. The General Council services have the mission of guaranteeing every day care of children assigned to the Welfare (children under the custody of social services entrusted with the care of children whose filiations is either unknown or not established and/or children whose parents have granted their consent for adoption) as well as drafting the agreement for adoption purposes following the assessment of the request and follow up of the children so entrusted for adoption and/or already adopted.

In a more general fashion, those services that have assessed the request for adoption are available to the potential step-parents to help them ponder their decisions, clear their doubts and answer their questions, and help them – within the limits of their scope of action – go through the procedures to successfully achieve their goals. They have no specific saying in terms of supporting those families whose requests have been granted before the placement for adoption and/or the adoption process for a child from abroad.

Upon candidates’ request, a number of « départements » have enforced rules to follow in order to grant a better support to them, and this was done independently from any legal obligation:

✓ For example, a hotline was set up by one « département » to keep in contact with the candidates whose requests were granted. They may also attend meetings and a special meeting may be attended by affiliation candidates having their child’s file.

✓ In some other « départements », candidates whose request has been granted are put into contact with foster parents associations and/or directly with their adoptive parents.

✓ Others offer – following the granting of the request – informative meetings organised together with adoption organisations and/or parents’ associations. The Reform Act on Adoption dated July 4, 2005 made compulsory by « départements » to organise such meetings.

✓ Others again have been more innovative and have opened « Adoption Centres » gathering adoptive parents’ groups, professional teams as well as authorised organisations for adoption purposes guaranteeing reception, support and backup to both prospect and adoptive families.

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2. Please indicate the possible types of services (counselling, groups of mutual aid, psychotherapy, scholastic support, family mediation, etc…).

Beside the actions enforced by the local services in charge of adoption, adoptive parents’ societies equally play an important role in supporting the candidates during the interim period. Since quite a few years, open support groups meet on a regular basis and allow prospect adoptive parents to enjoy the benefits from the experience acquired by actual adoptive parents as well as exchange views on doubts that might arise after having come to know both parents and adoptive children’s stories and/or backgrounds.

In compliance with the applicable rules and regulations, the mission of the authorised adoption organisations is to prepare and support the families all along their adoption programme. For this purpose, these organisations have to focus on establishing a suitable relationship between the candidates’ projects vis-à-vis their adopted children and the scope of action of each organisation.

These organisations are for the most part made by non-professional members. Members tend to work on a volunteering basis and are mostly adoptive parents. Some organisations employ staff on a permanent basis (administration & finance, social workers, i.e. psychologists, who work on a contract basis). To improve the standard of support services offered, these organisations must train both their volunteers and staff on both legal and social aspects of adoption. Eventually, in order to be close to the adoptive families on an on-going basis, these organisations must have correspondents within all the « départements » they are active into as a party to the adoption process.

3. Who is the subject that has the responsibility of the service?
4. Staff employed in the Service (number, professional characteristics, etc…).
5. Duration of the Service (until when?, until the minor is 18 years old?)

Services at local level are performed by welfare service staff (social workers, specialists in a number of educational disciplines) to guarantee a suitable assessment of the requests filed and support to adoptive families. As far as counselling services are concerned, most of these local organisations have psychologists available who are directly connected with the protection service for children, and specialised in adoption-related issues. These members of the staff are reporting directly to the Chairman of the General Council, the executive authority of the « département ».

In the other « départements », families are advised to turn to a free-lance psychologist or to a psychiatrist. The post-adoption follow-up is compulsory from the time the child arrive to the final decision or the transcript of the decision from abroad. For those children who are under public custody, the minimum compulsory time span of the follow up is of at least 6 months since the enacting terms of the decision are enforceable only after such delay. For foreign children, the duration of the compulsory follow up changes according to the decision issued locally in their mother countries (the decision only needs be recorded on the book of records of the Registrar’s or needs a request to be filed in the event of the terms of enactment of a permanent adoption).
Beside this delay, the General Council must support the family in the event a request is filed by the family. The duration of the support is then decided jointly with the family. At present, the follow up is usually guaranteed for a period of three years which is in line with the requirements from a number of children’s countries of origin.

The follow up is guaranteed by social workers attached to the « département ». The professionals involved change depending on the service provided. In some cases, a social worker and a psychologist may work jointly, while in other cases just one social worker is entrusted with the responsibility of guaranteeing the post-adoption follow-up.

In the event the adoptive family is followed up by an authorised organisation, either volunteering or not (social worker and/or psychologist), the follow-up must be guarantee according to the same criteria as those herewith indicated for the compulsory period. In all other cases, and based upon the commitments undertaken by any authorised organisation with the governments in the countries of origin where they are active, the duration of the follow-up is the one set forth in the laws of such countries.

6. Is there collaboration and integration among the different public subjects involved (services, school, etc..) and between these and the private bodies in the carrying out of the service?

No cooperation may exist between public local services and institutions and/or professionals (schools, independent psychologists, etc.). Yet, according to the specific circumstances, professionals may invite parents to meet with other adoptive parents and/or be supported by other private organisations, such as a medical and/or psychological centre, the reception centre for children and parents specialised in adoption-related issues called « l’Arbre » in the Paris region and/or dr. De Monleon’s overseas clinic in Dijon.

7. Is there an evaluation system of the service? Are data on the use of the service by families available?

There is no private assessment system.

8. Who elaborates the reports on the post-adoption phase required by the authorities of States of origin?

Those families not supported by an authorised adoption organisation have to resort to the professionals attached to the « département » in charge of the follow-up otherwise for the drafting of the reports requested by foreign authorities. Families undertake to mail or otherwise forward such reports to such authorities.

In the event families are supported by an authorised organisation, the OAA volunteers and/or staff shall draft the reports. In the event overseas authorities request information on the child’s
integration skills rather than a more formal report drafted by a professional, parents shall draft a letter with the child’s picture. Such documentation must then be forwarded to the child’s country of origin through the OAA.

9. Are there good practices in the country relating with the beginning of the relation with the adoptive family on the immediately subsequent period after the pronunciation of adoption?

Parents-children reception centre specialised in adoption-related issues « l’Arbre Vert »

This reception centre was opened in 2001 is a further development of the « green houses » concept by Françoise Dolto and yet its specificity has to do with the kind of parental approach followed. Its mission is that of providing a psychological and/or psycho-social support to adoptive families (adoptive parents and adopted children).

Services available:

- A special room where parents and children can meet;
- One-to-one meetings with one of the three doctors or the socio-educational expert in line with parents’ needs and requests;
- As of the year 2004, support groups for adoptive parents.

Meetings take place within the premises. This in order to encourage families to visit the centre on a regular basis as well as give them a better chance to investigating further into any possible issue and/or doubt that may arise as a consequence of the work therein done.

In 2004, active attendance reached 103 families which means a 72% increase if compared to the year 2003:
- 9 families asked the centre to be helped to better focus on their adoption plans;
- 39 families came regularly to the parents-children meeting area;
- 94 families attended one or more meetings.

The team recorded a number of symptoms (behavioural troubles, troubles with sleep, same relational approach with parents and/or other adults, exaggerated anxiety and/or fear of separation) that might be a source of a dysfunctional building of the parents-children relationships. The team has also reported that seemingly families are inclined to show an earlier preference for the meeting area which tends to prove their need for support.

There are 5 people who have a specific background on adoption, abandonment and attachment-related issues in the reception area. Their skills allow for a quality support to be provided to both the adoptive families and their children within a neutral setting such as this centre. This is a remarkable prevention tool as to adoption and attachment-related problems for both families and their children.

Dr. de Monléon’s « overseas » clinic
Some five years ago, Dr. de Monléon opened within the Dijon University Hospital a clinic for adopted children coming from abroad called « consultation adoption outre-mer » (« overseas adoption clinic »). The mission of this clinic is to medically examine the children upon their arrival and assess their potential and/or actual physical and mental development problems. Part of the mission is also that of counselling adoptive parents on the questions they may wish to discuss and their anxieties. Based upon the outcome of the medical and mental assessment process, parents are advised to refer to other doctors and/or a pediatrician and a GP. Parents and children are free to come back to the clinic whenever they so wish also after their first consultation.

Access to the origins

10. In the framework of the support services in the post-adoption phase, is there a service to support those who want to collect information about their origins? (Right to the access to the origins recognized also in the art. 7 (1) of the Convention on Rights of the Child).

12. Who is the competent subject to address the request (public services, the central authority, an administrative office, etc.)?

13. Are there centres and/or services specialized in the assistance in this sector?

14. Does a central organ exist which has to collect and preserve the information on the origins?

In France, a specific rule is enforced by the Act dated January 22, 2002 on people wishing to have access to information about their origins in the event mother requested her identity to remain secret or in the event mother’s name is not mentioned in the child’s birth certificate. Through the Act dated January 22, 2002 the National Council for the Access to Information on Origins was set up. The Council has a Secretariat General and is attached to the Ministry for Social Affairs. In each « département », the Council has representatives whose task is to gather – under a sealed cover – all the pieces of information about the child’s mother and any other detail she may wish the child to know. The Council acts upon request of access to information on the origins by a minor and/or a grown up.

The Council is required to gather the following information:

✓ Identify the woman who has requested her identity to remain secret upon drafting of her child’s birth certificate;

✓ Identity of the person and/or people who has/have requested his/her/their identity/ties to remain secret upon delivery of the child to social services and/or adoption organisation (only for cases prior to January 22, 2002);

✓ Predecessor in title of the child whose name is not revealed.

When, within the framework of the three above-mentioned circumstances, the request has to do with children from abroad, the Council may urge the Central French Authority, the International Adoption Organisation and/or the authorised organisation concerned to gather information from foreign authorities. For those children under public custody, the local services of the General Council may be involved.
In all other cases, the local public services in charge of children under public custody (children in custody with public welfare with consent for adoption) and all the organisations authorised for adoption must keep the files of those children whose custody they are in charge of. They have to guarantee to minors and/or young people who have become adults the access to information on their origins.

11. Are there limits and conditions for the access to the information about the origins (age, consent of the adoptive parents and/or biological parents)?

The request for access to data related to one’s origins must be filed by the minor’s legal representative, by the minor upon agreement with his/her parents, by the minor who has become adult or his/her successors if he/she died.

The child’s biological mother may ask that the secret on her identity data become known, and yet such information will be made known to her child only upon her child’s request for such information.

The child has no age limitation whatsoever as to having access to information related to his/her personal origins. On the contrary, the minor and or person of age may not have access to information related to his/her mother’s origins in the event the mother, once contacted by the Council, refuses to reveal such secret information. In the event the mother on such occasion has not made clear that she refuses to make her identity known to her child after her death, her identity may become known to her child after her death.

15. What are the modalities of functioning and access to the service? What are the professional roles engaged in the support phase in the research on information on the origins?

In the event of secret being imposed on mother’s identity, the National Council must inform the child on his/her mother’s identity together with any information she needs/needed to give her child in the event mother has revealed the secret on her identity. The Council is an administrative service with a staff (magistrates and psychologists) whose mission is to look for the child’s mother, get in contact with her and be authorised to reveal the secret as well as provide support so that both parties may get back in contact with each other.

In any other circumstance, the child can have access to his/her file with the services of the « département », or the authorised organisation for adoption that made his/her adoption possible. Some of these organisations have provided a special training to some of their volunteers who assist the young adopted children who wish to have access to their files.

16. How long has the information on the origins to be preserved?

The « départements », the authorised organisations for adoption and the National Council for the Access to Information on Origins must guarantee filing and preservation of the personal files. After a given time span tough, files may be passed to local archives for preservation purposes.
17. Is it possible to check if and how the valorisation and the preservation of the links with the origins is promoted (cultural and social events with other adoptive parents group, travel opportunities to the country of origin with other adoptive family, etc..)? Is this kind of activity carried out by public or private bodies?

The organisations of adoptive parents abroad and the authorised organisations for adoption organise on a regular basis events where their members meet, often in conjunction with festivals in their countries of origin. Humanitarian actions and programs must be developed in the children’s countries of origin in order to allow them to keep cultural liens with their mother countries.

The organisations of adopted children can also organise trips to countries of origin. These trips are sometime a good chance for the children to obtain information on their origins with foreign institutions active in this context.

18. Are there good practices in the country relating to the support to adopted adults who wish to collect information on their origins?

The National Council for the Access to Information on Origins has set forth a meeting program on information collection between its representative and the woman wishing to keep her identity secret for the purpose of standardising the content of the files. Professionals are being trained in compliance with the Act dated January 22, 2002 setting forth the framework of their mission.

Adoptive failures

19. Who is responsible of the child in case of an adoption failure?

In the event an adoption fails, the child is taken care of by the « département » services in line with their mission of protecting infancy.

20. Which kinds of support and accompaniment for the child and the adoptive family are realised in these hypothesis?

21. Are the authorities of the State of origin informed in the case of intercountry adoption?

22. What are the interventions for the minor protection carried out in case of revocation of the adoption? Is an immediate placing in a new family provided or is a first insertion in a welcome structure for children considered?

Within the framework of the competence vested with the social welfare service for children (the local community department), the following two fundamental actions may be carried out in order to support the child and his/her family:
An educational support service (specialised team) in charge of performing a number of actions having to do with parents, children and home environment education (enlarged family and school);

Temporary stay of the child in a boarding service on a contractual basis with the child’s parents. Parents are still fully responsible and in charge of the child and can take the child back whenever they so wish. In principle, this support service is intended to be suitable for short stays and within a prevention framework.

Within the framework of legal protection, the justice for children can turn to the following two measures:

Educational assistance to child’s home. Whenever this is possible, the child must be kept in his/her home environment. The service is in charge of helping and counselling the family so that practical and psychological issues may be overcome, following the child’s development and draft reports to the justice on a regular basis.

Child’s withdrawal from his/her usual living environment (the « placement »). The justice may assign the child to another parent and/or to a trusted third party, that is to a local welfare service for children. Parents still keep their parental authority.

In extreme cases, parents may – if they envisage a total rupture of their parental liens – return the child to the social welfare service. In such case, an abandonment report is drafted and the child acquires the status of child assigned to public welfare. The filiations lien is not broken after acquisition of such status by the child, but parents no longer have their parental authority over the child. The child is then placed under the service for the protection of children and is placed in a foster home and/or with a foster family. The child may be adopted once more, yet in this case the justice may only decide for a simple adoption.