Adoption

Handbook for the Swedish social services
Preface

In Sweden, investigations, assessments and reports in conjunction with adoptions are carried out and collated by the municipal social services. The assessment work is normally performed by qualified social workers, and the formal decisions in such matters are taken by the municipal social welfare committees.

The Swedish National Board of Health and Welfare has produced this handbook on adoption (including its General advice on adoption) after consulting the MIA, the Swedish Intercountry Adoptions Authority. The original Swedish handbook contains guidance for the Swedish social services as to administrative practice and procedures for both intercountry and domestic adoptions. This English translation/adaptation comprises only part of the handbook, however: the introduction and part 1, entitled Intercountry adoptions.

The purpose of the English translation/adaptation is to enable authorities and organisations in the children’s states of origin to study what procedures have to be followed and how the suitability of prospective adopters is investigated and assessed in Sweden. In addition, this is a field in which national authorities responsible for adoption issues, procedures and assessments all benefit from an international exchange of knowledge and experience.

In the handbook there are various references to SOSFS 2008:8. This refers to statute number 2008:8 of the Swedish National Board of Health and Welfare, entitled ‘General advice on the administrative procedures of social welfare committees in adoption cases’.

There are a number of forms which are used by the social services in connection with adoption cases, of which only two have been translated into English. The forms are available on the Board’s website, www.socialstyrelsen.se.

As a basis for the section on adoption assessments, the Board assigned Karin Lundén Ph.D. the task of reviewing and compiling information on how assessments or their equivalents are conducted in Sweden and in a number of other countries and which topics are important for further consideration, in the light of current theory on the subject.
The guidelines and corresponding recommendations for assessments and adoption procedures from Great Britain, Norway, Denmark, the Netherlands and the USA form another important basis for our handbook, as do the guidelines for support, or Post-adoption service in the Netherlands.

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Introduction

This handbook, covering the Swedish social services’ administrative practice and procedures in adoption work, is part of a long tradition in Sweden. Just like the first national guidelines, which were drawn up in 1955, this handbook is based on current legislation, proven experience and present-day knowledge. The spirit of the times and socio-cultural influences are just as important today as they were then. The following quotation from 1955 still holds true today:

Most adoption workers probably have an idea of who would make ideal adopters, but not many applicants actually manage to fit the description. And perfection is not what it is all about, either. Simple, uncomplicated people with reasonable expectations and ambitions are often the most successful adopters, provided they have good intentions and a cheerful sort of generosity, and provided they do not expect parenthood to be a bed of roses. Good adoptive parents, we hope, would manage to accept a child just as he or she is, taking the good with the bad, and without too many comments and too much analysis; they would not attempt to mould a child to be like them, but show tenderness and understanding while trying to help him or her develop as an individual; they would be tolerant and able to overlook certain things but still be firm when necessary; and above all, they would give the child the security of always feeling loved and always belonging. (1)

Our knowledge and approach to such topics are continually subject to change. It is important for recommendations to be substantiated by fact as far as possible. Research to support recommendations as to the qualities necessary for adopting or the procedures and methods for assessing the suitability of prospective adopters is quite scarce, however. Nevertheless, the assessments and conclusions of the Swedish social services need to be structured and conform to uniform standards, substantiated by current research and theory on child development and parenthood (e.g. attachment theory).

Looking back at 20th century views on the prerequisites for parenting in adoption or how assessments should be conducted, it is clear that a significant number of those ideas still hold true today. The spirit of the quotation above, and in many respects the entire contents of the guidelines from
1955, could easily have been included in the current handbook with only a modicum of rephrasing.

At the same time the focus of the assessments has shifted over the years, influenced by changes in society and by the psychological theories of the day. In a thesis on the history of adoption in Sweden, Lindgren points out how cultural conceptions of family and relationships, the drive to make adoption a generally accepted way of creating a family, together with supply and demand have been important factors for change in the field of adoption. ‘Adoption is a process where different actors and bodies take part, both private and public, and where the significance of family, parenthood and “the best interests of the child” is negotiated. It is staged within a social context characterised by political decisions, scientific perspectives and culturally based conceptions of children, family and parenthood.’ (2)

A historical review of the assessments and conclusions of the Swedish social service authorities

For a long time, the tasks of forming conclusions based on adoption guidelines, interpreting the law, drawing up criteria for adopters’ suitability and developing methods for carrying out assessments have rested mainly upon individual social workers.

In the first Swedish Adoption Act from 1917 it was already clearly stated that an adoption had to ‘benefit the child’ in order to be approved. The court ruling in an adoption case was to be based on a report from the local Child Welfare Committee. The Committee in its turn based its decision on the report written by the social worker. Neither the act nor the legislative history gave any information as to what was really meant by ‘benefit’. This put the individual social workers from the Child Welfare office in a key position inasmuch as it was up to them to interpret the expression of the law, create the tools they needed for their assessments and decide the standards and criteria for their conclusions. The courts were more like an authority which sanctioned the social workers’ decisions, according to Lindgren. (2)

The social workers’ interpretations of the law and the conclusions they reach have changed over time. At the beginning of the 20th century, choosing adopters was based on criteria such as health, household finances, the home and surroundings, ‘kindness’ and ‘uprightness’. After World War II psychodynamic theory came to play a decisive role on the conclusions reached in assessments. (2) In the handbook from 1955 referred to above we find the following:
When investigating whether or not the prospective adopters had the necessary requirements for taking care of a child, the emphasis was previously placed on the adopters’ finances and social position, their uprightness, housing standard et cetera. The general improvement of our standard of living and the knowledge we have simultaneously gained on the subject of child development and personality have given rise to a pronounced change. The emphasis in assessing prospective adopters’ suitability as parents has shifted from outer, material requisites to conclusions as to factors such as their personality, their interpersonal relationships and their attitudes towards the world in general and children in particular. (1)

The assessment was to endeavour to find any hidden, underlying feelings and motives. Prospective adopters were expected to be willing to explore their innermost thoughts and be examined by the authorities; they were expected to be able to ask for help and advice and welcome it when it was given. In the guidelines from 1955 it says that the person in charge of the assessment should ‘discover what lies behind the human and material façade’. Looking through the assessments included in reports from the Stockholm Child Welfare Committee to the courts during 1958, we can see that the focus lies on the adopters’ relationships, feelings and motives. The relationship between husband and wife, their ways of coping with infertility and their motives for adopting are also central themes.

In the 1970s the scope of the assessments was widened – in keeping with current public debate – to include the applicants’ wider family circle, their social network and participation in the community. (2)

Adoptions in Sweden and social progress in general

The 1917 Adoption Act arose from a need to minimise the numbers of children in Sweden who were growing up in adverse circumstances – i.e. partly as a humanitarian measure and partly to solve the problems of financing and promoting the children’s welfare. The children in need of parents far outnumbered the would-be adopters, and up until the 1950s the number of adoptions taking place was regarded as inadequate.

Around the middle of the century, perspectives changed: instead, adoption became a solution for childless people who wanted to have a family. No longer were there thousands of children in need of parents: on the contrary, there was a queue of would-be adopters. Fewer and fewer children
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were put up for adoption in Sweden, due to improvements in family planning and socio-economic resources (among other things broader financial support for families with children and a stronger legal framework for child welfare work). Voices were raised in support of social and political action to remove obstacles for intercountry adoption, which is exactly what followed. The numbers of children adopted were no longer determined merely by circumstances within Sweden but were increasingly the result of co-operation with other countries.

The importance of that co-operation led to growing international collaboration to respect demands and expectations from abroad. (2)

The Swedish legal framework and the assessments and conclusions of Swedish authorities as to the suitability of prospective adopters are not the sole determinants in cases of intercountry adoption nowadays either. The children’s states of origin have demands and criteria based on their view of what is in the child’s best interests. Certain criteria limit the chances of e.g. single applicants or same-sex couples adopting. More stringent requirements also become more commonplace when there are fewer children available for adoption and a wider choice of prospective adopters.

Fewer children and increasing numbers of applicants

For a long time now, Sweden has had one of the highest intercountry adoption rates in relation to its population. There is a fast-growing interest in intercountry adoptions in the Western World. Between 1998 and 2004, the total number of intercountry adoptions worldwide increased by close to 42 %, compared to an approximate increase of 20 % in Sweden. In several countries (e.g. the Netherlands, Italy and the USA) the number of intercountry adoptions increased by 50 % or more during the same period. In Spain, the increase was an amazing 273 %. (3) This has led to a significant drop both in Sweden’s overall rating regarding intercountry adoptions and in the number of children actually adopted and brought to Sweden each year.

The Hague Convention was drawn up in The Hague in 1993 to address the issues of the protection of children and co-operation in respect of intercountry adoption. Under the Convention, authorities in the children’s States of origin are to consider a child for intercountry adoption only when no adopters can be found in the state of origin. In several of these countries there is a general trend towards making it easier for single mothers to take care of their children. This is a trend to be welcomed, reminiscent of the way things developed in Sweden in the 1950s and 60s and it will undoubt-
edly lead to fewer children needing new parents from other countries.

The political situation and the state of different countries’ economies steer what happens in the world of adoptions. After the Second World War, the children available for adoption came above all from the countries which had suffered dreadful losses during the war. After the Korean War, adoptions from South Korea became frequent. During the 1980s, a large number of adoptees came from Latin America. During the 1990s there were numerous adoptions from Romania after the fall of Ceaușescu. At the start of the 21st century, adoptions from the People’s Republic of China and the countries of the former Eastern bloc became common. (3) In 2007, the People’s Republic of China drew up new, more stringent criteria for applicants for intercountry adoption. This has great importance for intercountry adoptions in Sweden, since a large number of adoptees come from the People’s Republic of China. Many states of origin have their own criteria, which can change over time. New bonds are forged and new forms of international co-operation agreed on when the Swedish adoption associations contact, or are contacted by, the adoption authorities or agencies of other states.

The escalation of intercountry adoptions has led to the ratio of would-be adopters to children available for adoption world-wide being estimated at 3:1. (4) The number of would-be adopters is increasing, even in Sweden. At the same time, there has been a significant drop in the number of intercountry adoptees who have come to Sweden in recent years, as mentioned previously. This leads to fewer applicants being able to adopt and to longer periods spent queuing and waiting. Children who are available for adoption nowadays are frequently older than before, and our experience is that more of them suffer from some sort of disability.

During 2007 approximately 2,500 adoption assessments for intercountry adoption were carried out in Sweden.¹ This century, the number of assessments has increased slightly each year.

Just under one thousand children are adopted annually, the majority from 30 or so countries, mostly from Asia. There are less than 200 domestic adoptions a year in Sweden, roughly 20 cases a year involving infants and an equal number involving children in foster care.² Of the remainder, most involve the adoption of stepchildren.³

¹ The population of Sweden is just over 9 million. In the year 2007, 800 children were adopted from abroad.
² In the year 2007, there were just over 107,000 births in Sweden.
³ Current statistics on domestic adoptions can be found at www.socialstyrelsen.se
About 48,000 adopted children have come to Sweden since the end of the 1950s and around half of them are now adults (in 2008).

Research on adoptees

**Domestic adoptees**

Research about domestic adoptees in Sweden is quite scanty.

In a survey of 19 infants adopted within Sweden during 1992 and 1993, one of the chief reasons for the adoption, according to the children’s birth mothers, was that they had no means of taking care of the child (usually the case with young mothers). Other motives were that the family was unable to care for another child, that the mother wanted to keep the birth secret from everyone in her home country for sociocultural reasons, or that the child was the result of abuse or violence. (5) Domestic adoptees in Sweden form one of the reference groups in Swedish register research into suicide and attempted suicide in different groups. The risk of suicide and attempted suicide was greater among domestic adoptees than among the majority of the population, but lower than for the group of intercountry adoptees. How much of these differences might be explained by difficulties in comparing the cohorts remains uncertain, however. (4)

**Intercountry adoptees**

The reasons why children are put up for intercountry adoption are many and varied. They might have been born to unmarried parents or abandoned because their mother was very young, poor, socially vulnerable and deprived of any means of support. Their parents might have died, or a widowed or divorced mother might want to remarry. Their parents might have substance abuse or mental health problems to contend with and the children might have been taken into care by the authorities. Children born to parents of different ethnic backgrounds are unacceptable in certain states. In other states children who are ill or disabled are handed over to orphanages. Some children are put up for adoption because they are the result of rape or incest. (6) One thing which all intercountry adoptees do have in common is their difficult start in life. Some have been separated from the people who provided them with security and some have never had a secure person they could form an attachment to. Some have been well cared for, while others have been subjected to privation and enormous hardships in early life. The older the children are when they are adopted, the more they have experienced and the greater the readjustment necessary when they
leave everything they are used to. Some have been living with their birth mother and siblings, perhaps; some have been living with foster-parents; others might have been living at orphanages, where standards of conditions and care can vary widely. Some children have a known history; others have been found abandoned and nothing is known about their background. By reason of their past history, intercountry adoptees share a particular vulnerability and need for special support.

**Signs of special vulnerability**

How do children from other countries fare when they are found new parents in Sweden? Nowadays we have access to a considerable amount of research, which has been published in an anthology compiled by the Swedish Institute for Evidence-Based Social Work Practice. (4)

In the anthology the authors establish that generally speaking, adoption cannot be regarded as a risk factor: on the contrary, it should be seen as a factor tending to protect and benefit the children concerned. Two main conclusions can be drawn from the research on intercountry adoptees in Sweden. The vast majority of intercountry adoptees develop well. Among the intercountry adoptees a small number of children do have serious and complex problems, however. This in turn leads to their being overrepresented in certain areas of unfavourable development, with unusual but serious difficulties as teenagers or young adults.

Children adopted prior to the age of six months⁴ usually form attachments to their adoptive parents just like children in general. In the case of children adopted at a later stage and children who have spent a long period in institutions prior to being adopted there is an overrepresentation of insecure attachment patterns. These can have an adverse effect on the children’s social skills and have repercussions on other developmental areas. (4)

Some adopted children have suffered from prenatal and postnatal undernourishment or from their birth mother having been a smoker, an alcoholic or substance abuser during pregnancy. This can harm the baby and amongst other things hamper cognitive development. Studies have shown that intercountry adoptees run a greater risk of encountering learning difficulties. Some have educational difficulties which are due to language problems. (4)

Some young intercountry adoptees have a complex and problematical sense of ethnic identity. (4)

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⁴ As matters stand today, it is unusual for children adopted in Sweden to be this young.
Comparison to the general population, intercountry adoptees in Sweden as a group are more at risk regarding behavioural problems, serious mental health problems, suicide and attempted suicide as adolescents and young adults. Difficulties in getting established on the labour market and making a living are more common among young intercountry adoptees. (4)

It is not surprising that children who have had a difficult start in life also risk running into difficulties later on: as a group they are particularly vulnerable – some individuals more so than others. The evidence of research is quite unequivocal: the younger the children are when they are adopted, the more easily they can adjust to their new situation. (4)

Providing a child with new parents is an immense responsibility

Why should adults who want to adopt be subjected to such thorough vetting and assessing when there is no such stipulation for people who have children ‘normally’? The answer is that society takes on an immense responsibility in selecting new parents for these particularly vulnerable children, with their need for special support – and in providing a completely new setting for their subsequent growth and development. As far as possible, society must ensure that every adoption conforms to proper legal and ethical standards and that each child comes to parents who are well prepared, eligible and suitable to take care of an adopted child.

Adoption means that a child with no parents (or other carer who could look after him/her) is provided with a new family and a whole new set of relatives to belong to, both emotionally and legally. At the same time, the child’s legal ties to his/her birth family are severed, even though a certain sense of belonging will always linger.

Regarding adoption, the UN Convention on the Rights of the Child states that no other matters or interests can be given precedence over the best interests of the child. The child’s best interests are the paramount consideration. In cases where it is doubtful whether the prospective adopters will be able to cater for the special needs of an adoptive child, the adults’ longing for a family will therefore have to take second place to the (normally) unknown child’s need for competent parents. (7)

For a child, adoption is a definitive decision of vital importance. The measures taken by the social services after the adoption are aimed at providing continued support for the adoptive family, so that the end result is as positive as possible for the child.
Complex procedures and a multifaceted assessment process

Conventions, Swedish and foreign legislation

The procedure for intercountry adoptions is regulated by international conventions, Swedish and foreign legislation. Directions as to how to assess applicants’ suitability are to be found in the Social Services Act, and Swedish court rulings in adoption cases are governed by the Children and Parents Code, amongst other statutes.

Domestic adoptions on the other hand fall solely under national legislation, and assessments of applicants’ suitability are based first and foremost on the provisions of the Children and Parents Code.

The Social Services Act stipulates that special attention must be paid to the child’s best interests in any measures taken by the authorities. This applies to assessments of prospective adopters prior to intercountry adoption, for example. An adoption must always be in the best interests of the unknown child. (7)

Assessment reports serve several different purposes

In intercountry adoption, the assessment process is complex because it has several different purposes. During the process, applicants especially can find it difficult to understand the exact responsibilities of the various people and authorities involved. This makes it even more important to provide a clear definition of the role of the social services and the part they play in the adoption process.

The assessing social worker is the representative of the (usually) unknown child, but normally only meets the adults who want to adopt. Social workers might often find it easier to identify with the adults they meet and their longing for a child, rather than with an unknown child in a far-away country. It is important that they constantly remind themselves that the child’s best interests are the vital question, and to maintain the child’s perspective, even though discussions during the assessment process will centre on the applicants’ feelings and wishes.

It is natural for applicants to want to present a favourable picture and perhaps play down certain qualities in order to attain their goal of being allowed to adopt. Being assessed involves laying yourself open to close external scrutiny centred on a very delicate personal issue. Applicants can feel completely at the mercy of the good judgement of the adoption worker in charge of the assessment, whose conclusions can decide the question of whether or not they will be allowed to become parents.
Social workers in charge of assessments have the delicate task of making it clear that they represent the child’s best interests without this being interpreted as doubting the applicants’ ability. At the same time, the social worker in charge of the assessment must treat applicants with respect and pay close attention to their personal situation, thoughts and feelings about the adoption they are hoping to achieve.

After going through the assessment, most applicants are considered eligible and suited to adopt. In the case of some applicants, however, there is a risk that their parenting would not be good enough. In cases like this it is important that the social welfare committee’s decision includes a clear explanation of the reasons for refusing their application. Therefore all applicants have to undergo the same thorough examination. The only significance of an application for consent to adopt is that the applicants have offered to become the parents of a child in need of parents. The committee’s consent allows them to be entrusted with such a child, but does not give them the ‘right’ to become parents. On the other hand, all applicants do have the right to expect fair, impartial assessments which keep to recognised standards regarding the conclusions drawn.

The assessment for ‘general consent’ for intercountry adoption (i.e. to adopt an unknown child) is the first of several processes of selection. Its aim is to draw conclusions as to whether or not the applicants are suitable as adoptive parents (‘eligible and suited to adopt’). The conclusions drawn must be in keeping with Swedish legislation and guidelines, and the written report forms the basis for the municipal social welfare committee’s decision as to whether or not applicants should be granted consent to adopt. Only applicants who are granted consent (either by the municipal social welfare committee or by a court, if an appeal is made against the committee’s decision) can be considered for the next stage in the selection process. Mediated by one of the authorised Swedish adoption associations, their application will now be considered by adoption agencies or authorities in the children’s states of origin, as they select suitable parents for each individual child. Their selection is normally based on the specific principles and criteria particular to that country.

However, the Swedish social workers’ written report of the assessment is the basis for both steps of the selection process: first for the decision of the municipal social welfare committee (or of the court), viewed in the light of Swedish legislation. Then, if the applicants are granted consent to adopt, the organisations and authorities abroad use it again, in the light of their own particular regulations, which differ from country to country.
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Long-term responsibility for help and support

The decision of the municipal social welfare committee to grant prospective adopters consent to adopt and the court’s finalisation of an adoption do not mark the end of the duties of the social services. Particularly in view of the challenges of becoming adoptive parents and the adjustment and developmental difficulties adoptees sometimes encounter, the social services have been given the responsibility of following up adoptions. They are also responsible for providing counselling services, help and support, so that an adopted child is ensured the best possible chance of thriving in his or her new family.
Intercountry adoption: general background

An intercountry adoption involves a child who is domiciled in a foreign country. One of the prerequisites for being permitted to take charge of (or ‘receive’) a child domiciled abroad with the aim of adopting is the official consent of the municipal social welfare committee, which can be given only after the applicants have been through an assessment to establish whether or not they are suitable as adoptive parents. In order to be granted consent to adopt, applicants who have not adopted previously are required to take part in a parenting course (Social Service Act Chap. 6 Section 12).

All contact between Sweden and the children’s states of origin regarding children who might be adopted in Sweden (‘the mediation of adoptions’) is handled by the Swedish adoption associations authorised by the Swedish Intercountry Adoptions Authority, the MIA. In the majority of cases, anyone wanting to adopt from abroad must engage one of these associations as an intermediary. Applicants who have been granted consent to adopt by the social welfare committee hand copies of their papers into one (or several) of the adoption associations. The applicants and the authorised association draw up an agreement, whereby the papers are then sent to only one state, from which the applicants would like to adopt and whose conditions they meet. Sweden has acceded to both the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (the Hague Convention) and the United Nations Convention on the Rights of the Child. Under the conventions, the authorities in the child’s state of origin can only consider a child for intercountry adoption when all other alternatives in that country are exhausted. The authorities or agencies in the child’s state of origin are normally the ones to select suitable parents for a particular child, basing their selection on information on different applicants – from Sweden and from other countries. (Some states delegate this ‘matching’ to the relevant adoption association in Sweden.) The whole process can take several years. The responsibilities of the Swedish social

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5 cf. Section 3 of the Intercountry Adoption Intermediation Act (1997:192)
6 Section 4 of the Intercountry Adoption Intermediation Act, (1997:192)
7 Article 4 of the Hague Convention and Article 21 of the UN Convention on the Rights of the Child
services do not stop when applicants are granted consent to adopt. If the applicants’ circumstances undergo any substantial change, the social welfare committee must consider the impact this has on the basis for their original decision to grant the applicants consent to adopt, and whether this merits a new formal investigation. In certain cases, the committee’s consent to adopt must be revoked (Social Services Act Chap. 6 Section 13). When the applicants have been proposed as adoptive parents for a specific child, the municipal social welfare committee reviews the case before it agrees to allow the adoption to proceed (Social Services Act Chap. 6 Section 14).

After the adoption, there is an ongoing responsibility for the social services to provide any support needed by the child or parents (Social Services Act Chap. 5 Section 1) in this newly formed family which society has actively helped create.

International conventions to oversee the rights of the child

Intercountry adoptions are regulated by the international conventions which Sweden has ratified, and by Swedish and foreign legislation. Sweden has ratified the Hague Convention, which is recognised as law in Sweden. Its aim is to ensure that intercountry adoptions take place in a secure, legal and ethically acceptable manner. The Convention assigns the responsibility for this to the receiving states (where the children are to be adopted) and to the children’s states of origin. The Convention stipulates that each state must have a central adoption authority (the Central Authority referred to in Article 6). The Central Authority in the receiving state is responsible for ensuring that the prospective adoptive parents are eligible and suited to adopt, for example, and that they have been given any necessary counselling before taking charge of an adopted child from another country. In Sweden, this responsibility rests with the municipal social welfare committees. An example of the responsibility that rests with the Central Authority in the child’s state of origin is that of establishing whether or not the child is adoptable (Article 16). The Convention also contains a number of rules on procedure. An adoption in accordance with the Hague Convention carried out in a Convention country is automatically recognised in Sweden.

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8 Conventions are legally binding for the states which have ratified/acceded to them.
The Convention on the Rights of the Child also contains articles referring to adopted children and their particular interests and needs. Both the Hague Convention and the Convention on the Rights of the Child stipulate that the child’s best interests must be considered. The Convention on the Rights of the Child has more stringent requirements regarding adoption than in the case of many other actions or measures involving children. The best interests of the child are to be the paramount consideration. This signifies that in cases of intercountry adoption no other interests should be regarded as more important than – or even equally important to – the child’s. (9) The importance of the family for a child’s development and well-being is underlined in the introductory passages of both conventions. Children, for the full and harmonious development of their personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. The Hague Convention charges the states of origin to first consider all possibilities of finding a suitable family within the children’s state of origin if they cannot stay with their families of origin. Only then can intercountry adoption be considered. Under the United Nations Convention on the Rights of the Child, the possibilities of providing a child with suitable care in the child’s country must be exhausted before intercountry adoption is considered.

Both the Convention on the Rights of the Child and the Hague Convention state that children have the right to know about their origins. Under the Convention on the Rights of the Child, the Convention states are to ensure as far as possible that children know their parents. Under the Hague Convention, the contracting states are charged with ensuring that information held by them concerning the child’s origin, in particular information regarding the identity of his or her parents, as well as the medical history, is preserved. The contracting states are also charged with ensuring that the child or his or her representative has access to such information, under proper guidance.

Swedish legislation

Swedish legislation on the subject of adoptions is to be found primarily in the fourth chapter of the Children and Parents Code and in the fifth and sixth chapters of the Social Services Act. Swedish legislation governing international civil law in adoption cases is to be found in the Act (1971:796) on International Legal Relations Concerning Adoption. The various acts will be covered in more detail in their proper context later in the handbook.
The authorities and organisations involved in the best interests of adopted children

A variety of authorities, organisations and individuals are involved in the adoption process, especially in intercountry adoptions via the Swedish authorised associations. Apart from the individuals concerned (the child, birth parents, perhaps foster carers and/or orphanage staff) an adoption usually also involves authorities and organisations in the child’s state of origin. In Sweden, in addition to the prospective adopters, the process might involve all of the following: the social workers at the family law unit of the municipal social services, the municipal social welfare committee, the MIA (the Swedish Intercountry Adoptions Authority), one of the authorised Swedish adoption associations, the Social Insurance Agency, the Migration Board, the Tax Agency and the district court. The following pages will contain descriptions of some of the Swedish authorities and organisations which play a central part in adoption cases. The duties and responsibilities of the municipal social welfare committees are covered in the following chapter.

The Swedish Intercountry Adoptions Authority: the MIA

The MIA is the Swedish government authority for intercountry adoption issues and is the Central Authority as referred to in the Hague Convention. It performs the tasks incumbent on such an authority, except where otherwise indicated by law or other statutes (Incorporation Act, Section 2).

Its objective is to ensure high standards in intercountry adoption work in Sweden.

The MIA decides matters of authorisation for Swedish adoption associations and monitors their work. In particular, the MIA must ensure that the associations’ operations in the field of intercountry adoption are conducted in accordance with the law and the principle of the best interests of the child, as expressed in the UN Convention on the Rights of the Child and in the 1993 Hague Convention, and that the associations’ operations are otherwise conducted in an ethically acceptable manner.

In its supervisory capacity the MIA has several tasks. If an authorised Swedish adoption association has refused to arrange the mediation of a particular adoption application, the MIA can nevertheless commission the association to arrange the mediation of the adoption at the request of the applicants. (There are certain exceptions: see below under ‘The authorised Swedish adoption associations.’) The MIA can also order an authorised adoption association to remedy any deficiencies in their adoption media-
tion operations. If the authorised adoption association does not comply with such an order, its authorisation will be brought into question and can be revoked.

The MIA observes international development in the field of intercountry adoptions and gathers information on matters involving the adoption of foreign children. The MIA also provides information for the general public, answers enquiries and provides expert help for other authorities and organisations.

In some cases adoptions which have been completed in a foreign country are automatically recognised and therefore valid in Sweden. In a number of other cases, the MIA officially approves the adoption order which has been passed abroad. In the case of adoption from certain other countries, the adoption has to be finalised at a Swedish district court.

In cases involving the adoption of related children, or where there are other special reasons for adopting without the mediation of one of the authorised Swedish adoption associations, the MIA has to consider whether the proposed procedure is acceptable. (The applicants must already have been granted consent to adopt by the municipal social welfare committee.)

The authorised Swedish adoption associations

The adoption of children from abroad may be mediated only by associations authorised by the MIA. Therefore anyone wishing to adopt a child from abroad has to engage one of the authorised Swedish adoption associations. (For exceptions to this, see above.)

Authorisation may only be granted to associations whose main purpose is the mediation of intercountry adoptions and which will mediate in an expert and judicious manner. Their mediation must be on a non-profit basis and with the best interests of the child as their foremost guiding principle. An adoption association can be authorised for one or several specified countries. The authorisation is valid for a specified length of time. The associations are allowed to charge reasonable fees to cover their costs.

Authorised adoption associations are sometimes also actively engaged in development assistance programs. However, this must not be allowed to jeopardise confidence in their adoption operations. They also act as interest groups in the field of adoption and provide various sorts of activities for their members, such as courses, information and other services.

The Swedish adoption associations convey Swedish adoption applications to the organisations and authorities they collaborate with in the children’s states of origin. Their foreign counterparts, in their turn, are licensed
by their own country to work with intercountry adoptions.

An authorised Swedish adoption association is obliged to mediate (convey an adoption application to a foreign adoption mediation agency) if the applicants have been granted consent to adopt by their municipal social welfare committee.

It is not obliged to do so, however, if none of the association’s contacts abroad could act as mediators for a particular applicant, or if applicants have not fulfilled their obligations to the association: for instance not paid the stipulated fees.

Normally it is the foreign adoption mediation agency which then selects parents for each specific child. The foreign authorities and agencies can have different views of what constitutes a suitable adoptive family and what characterises good parents. When an applicant has been suggested as adoptive parent for a specific child, the information from the foreign agency is usually conveyed to the applicant by the Swedish adoption association.

The MIA publishes a list of the authorised Swedish adoption associations containing information as to which countries they operate in. For an up-to-date list, please consult the MIA website, www.mia.eu.

**The Swedish National Board of Health and Welfare**

The National Board of Health and Welfare publishes the Swedish handbook, containing information and guidelines on adoption work for the social services. It also issues statutes, known as ‘General Advice’, and the statute ‘General advice on the administrative procedures of social welfare committees in adoption cases’, SOSFS 2008:8 is referred to throughout this English version of the handbook, as it is in the original Swedish version.¹⁰

The National Board of Health and Welfare is also responsible for the course material for prospective adopters (available in Swedish and English from www.socialstyrelsen.se) and for the manual with guidelines for the trainers in charge of the parenting courses.

When they are preparing assessment reports for the municipal social welfare committees, the social workers in charge of the assessments sometimes need help in drawing conclusions about applicants’ health or disability issues, interpreting medical certificates, prognoses et cetera. Guidance is available from a special committee under the National Board of Health

Intercountry adoption: general background

and Welfare: the Committee for Social and Medical Legal Questions, commonly known in Sweden as the Legal Committee. The Legal Committee issues statements on request from courts of law or other authorities, regarding e.g. the state of a person’s health in conjunction with an inquiry into the individual’s suitability to adopt a child from abroad.\footnote{Decree (2007:1212): General instructions for the National Board of Health and Welfare, Section 14.} The Committee generally meets once a month.

The Legal Committee bases its statements on a comprehensive medical appraisal of applicants’ medical certificates and statements from the Swedish Social Insurance Agency. The Committee’s statements are short and concise, stating whether or not it considers that there are medical impediments which are relevant for intercountry adoption.
The duties and responsibilities of the municipal social welfare committees

Anyone wishing to adopt a child domiciled abroad must have been granted the consent of the municipal social welfare committee before the child leaves the country where he or she is domiciled. Before granting its consent, the municipal social welfare committee makes a comprehensive assessment of whether or not the applicants would be suitable as adoptive parents. The assessment pays special attention to the applicants’ knowledge and insight concerning adopted children and their needs and implications of the planned adoption. It includes information about the applicants’ age, health, personal qualities and social network. Applicants must have participated in a parenting course for prospective adopters, assigned by their local municipality (Social Services Act Chap. 6 Section 12).

When the prospective adopters’ application for consent to adopt has been received by the municipal social welfare committee, its Social Services department starts an investigation (Social Services Act Chap. 11, Section 1). The social worker in charge of the investigation (an assessment which comprises collating information, analysing it and drawing conclusions) presents a written report of the assessment to the committee, which will include a recommendation as to whether or not the committee should grant the applicants consent to adopt. The formal decision is then made by the social welfare committee in the municipality where the applicants live (Social Services Act Chap.6, Section 15).

If the applicants’ circumstances undergo any substantial change, they are obliged to notify the municipal social welfare committee. The committee then examines how the changes affect the basis for its original decision to grant consent to adopt. In certain cases, the committee’s consent to adopt must be revoked (Social Services Act Chap. 6, Section 13).

When applicants have been selected as prospective adoptive parents for a specific child, the social services have to review the case promptly – within two weeks. The review is to consider whether certain preconditions for the adoption are satisfied and whether the social welfare committee can allow the adoption to proceed (Social Services Act Chap. 6, Section 14).

When the child has arrived in Sweden the committee is responsible for providing any support needed by the child and parents (Social Services Act Chap. 6 Section 7 and Chap. 5 Section 1) in this newly formed family which society has actively created.
Another of the tasks of the social services is to provide support and to help adopted teenagers or adults if they wish to find out more about their origins. (7)

The duties of the Swedish social services in conjunction with applications for consent to carry out an intercountry adoption can usually be summed up as follows:

- Holding a preliminary interview to provide prospective applicants with necessary information.
- Assigning suitable parenting courses for adopters.
- Reviewing the parenting course together with the applicants (during the assessment process), to pinpoint what has been learnt.
- Conducting the adoption assessment, which leads to the written assessment report. This includes the social worker’s conclusions as to the applicants’ suitability as adopters, based on the best interests of the child, together with a recommendation as to whether or not the applicants should be granted consent to adopt.
- Reaching a formal decision about whether or not to grant the applicants consent to adopt.
- Examining the case to consider whether the adoption can be allowed to proceed in conjunction with a ‘match’ or referral, when a specific child is proposed for adoption.
- Notifying the local child health clinic when a child is about to be adopted from abroad (with the consent of the applicants).¹²
- Offering support in conjunction with and after the adoption; arranging monitoring and home visits after the child has arrived in Sweden.
- Monitoring the adoption to ensure that it is finalised in Sweden; writing a formal report and recommendation to the court, in cases where the adoption is to be finalised in Sweden.
- Conducting post-adoption reviews of the child’s situation and development, and of the family’s need of support or help.
- Collating information and writing post-adoption reports to the child’s state of origin (depending on the rules and regulations of that specific country).

¹² All preschool children in Sweden are offered regular free check-ups at the local child health clinic, according to a special schedule. Whenever a child is born in Sweden, the staff of the maternity unit where the baby was born notify the relevant child health clinic.
Information to applicants

Whenever someone contacts the social services in connection with inter-country adoption it is essential to give them basic information about the prerequisites for adoption and the procedure involved as soon as possible.

The Hague Convention (which is recognised as law in Sweden) stipulates that the authorities of the receiving state must have ensured that prospective adoptive parents have been counselled as necessary (Article 5b). A good deal of the counselling and informatory work is carried out within the framework of the compulsory preparatory parenting course for prospective adopters. Nevertheless, certain issues need to be covered at an early stage in the adoption process.

Knowing and understanding the adoption process in Sweden

Couples or single people who contact the family law unit of the municipal social services to ask questions or apply for consent to adopt can do so at various stages of their decision-making process. The information on adopting and the adoption process which they are given at their first meeting with the adoption workers is very important. It needs to be tailored to the knowledge and insight the applicants already have and how far they have travelled on their road towards reaching a decision. Through friends, books, the Internet, adoption associations and so on, many applicants will have already obtained a great deal of information and studied various other people’s experience. In this first preliminary interview it is a good idea to form a general impression of the knowledge and preconceptions the applicants have about adoption, the preparatory parenting course and the role and duties of the social services. This is particularly important as regards the assessment and conclusions about applicants’ suitability as adopters. At each stage of the proceedings it is important to further the applicants’ understanding of the purpose of the assessment process and to clarify the roles and responsibilities of the various authorities and bodies involved.

The interview can promote insight into the way that the preparatory parenting course and the assessment are parts of the same process: developing a greater understanding, preparing on a psychological level, and finally reaching a well-founded decision on adoption. All of these aspects are intended to give a future adoptive child and his/her adoptive parents
the best possible chance of success. The interview can also promote understanding of the need for authorities in the child’s state of origin to have detailed information about applicants, so as to be able to select suitable parents for each child. Thus social workers can help foster a positive approach to the preparatory parenting course and the assessment process, if the prospective adopters choose to carry on and formally apply for consent to adopt.

The adoption process, prerequisites and conditions

Prospective adopters need detailed information about the whole adoption process, starting with the preparatory parenting course, their formal application for consent to adopt, the assessment and the social welfare committee’s decision. If they are granted consent, they then contact an authorised adoption association to act as their mediator; after the referral has arrived, they notify the social welfare committee so that it can agree to allow the adoption to proceed. Finally there are the post-adoption reports and the social services’ responsibility for post-adoption support and counselling for adoptive families.

The knowledge and insight concerning adoption and the needs of adoptive children which they gain during the preparatory parenting course are vital when prospective adopters weigh up whether or not to apply for consent to adopt.

When a person wishes to apply for consent to adopt, the municipal social welfare committee should normally recommend that the applicants participate in a preparatory parenting course for adopters before they formally apply (SOFS 2008:8).

It is important to inform prospective adopters that the two-year period for which the committee’s consent is valid might not be long enough for them to be proposed as adoptive parents for a specific child. In the children’s states of origin, it can often take quite some time before individual applicants’ papers reach the top of the pile and can be processed. This is an especially important fact to bring home to applicants who are close to the Swedish recommended age-limit for being granted consent to adopt and who will probably not be granted consent a second time, when the first has expired.

Another important point to inform applicants about is that authorities and organisations in the children’s states of origin can have their own requirements concerning the health, age etc. of prospective adopters, and that these can change over time. Some of these requirements might mean that applicants might not be selected to adopt a child, even though they have been granted consent to adopt in Sweden. Applicants also need to be
informed that any restrictions they include in their application would also be included in any formal decision to grant them consent to adopt, thereby possibly limiting their chances of being proposed as adoptive parents.

If the applicants are a couple who are intending to get married, it might be to their advantage to do so as soon as possible: in order to be allowed to adopt from some countries, applicants must have been married for a certain length of time.

The authorised Swedish adoption associations have details of the conditions and requirements set by the various states of origin. A general picture of these requirements and which countries individual prospective adopters might be able to adopt from are the sort of important topics which they need to research for themselves.

There is also printed material which can be handed to applicants, e.g. the brochure Så går det till att adoptera (How to Adopt in Sweden), which is also available for download (in Swedish only) from www.mia.eu.

If the applicants are considered to have limited possibilities of being proposed as adoptive parents, for some reason, despite the fact that they have been granted consent to adopt, it is crucial to clarify the requirements of the states of origin. At present, in 2009, this is the case for single applicants, as well as for gay, lesbian and bisexual applicants, and it will continue to be the case while other countries decide not to place them on a par with heterosexual applicants. All this is to enable applicants to form a realistic idea of their chances of actually adopting when the time comes for them to decide whether or not they wish to make a formal application. Prospective adopters need to be informed that the written report of the assessment will include everything relevant to the issue of whether or not they are suited to adopt.

**Applicants who already have a relationship with the child they wish to adopt**

When applicants wish to adopt a child with whom they already have some sort of relationship (usually children related by family or marriage) it is often advisable to cover several other issues as well. The institution of adoption does not have the same significance in every country, and in certain countries adoption does not exist. Therefore it is crucial for prospective adopters to be given information about the significance and legal implications of adoption in Sweden. If spouses or registered partners adopt, Swedish law would be applicable if they were to separate, for example. The Swedish authorities’ ruling in matters of parental responsibility/legal
Information to applicants

custody, residence/physical custody, and contact/visitation rights would be based on what is best for the child, irrespective of the child’s previous family ties or state of origin.

Another aspect which needs sensitive handling is whether or not the spouses’/partners’ desires and motivation for adopting tally. (See below under the heading ‘Special aspects of cases involving children with whom applicants already have a relationship’.)

When fundamental conditions for being granted consent to adopt cannot be met

If it transpires during the preliminary interview that applicants in all probability cannot meet the conditions for being granted consent to adopt, it is important to provide them with full information. Applicants might not want to take part in the preparatory parenting course; they might not wish to get married or register a civil partnership, even though they want to adopt together. Other issues might be e.g. their age, a medical condition which immediately disqualifies them from adopting, or a criminal record.

If applicants nevertheless wish to hand in an application for consent to adopt then the social welfare department must start an investigation. This will be a normal, full investigation, so that the written report of the assessment, forming the basis for the municipal social welfare committee’s decision, can also form the basis for the subsequent decisions of the administrative court(s), if the applicants lodge an appeal. In order to be granted consent to adopt, applicants must naturally have taken part in a preparatory parenting course for prospective adopters.
Assigning preparatory parenting courses for adopters

It is crucial that children are adopted by parents who are well prepared. Taking charge of a child whose background and circumstances prior to the adoption are more or less unknown makes enormous demands on parents. As mentioned previously, the Hague Convention charges the competent authorities of the receiving states with ensuring that prospective adopters receive any counselling which may be necessary (Article 5b). When drawing conclusions as to whether or not an applicant is eligible and suited to adopt, the social workers in charge of the assessment must pay special attention to the applicant’s knowledge and insight concerning adopted children and their needs and the implications of the planned adoption. This is why the preparatory parenting course for prospective adopters is compulsory and indeed a prerequisite for being granted consent to carry out an intercountry adoption (Social Services Act Chap. 6 Section 12).

One of the purposes of the preparatory course is to give prospective adopters knowledge and insight into adoption. The other is to begin the emotional and psychological preparation work they will need to have done before they grasp what adopting really means. Many prospective adopters feel that the preparatory parenting course has strengthened their wish to adopt, and they are prepared to enter into the adoption process; others gain insight which leads them to put aside all plans of adopting.

Whether or not the parenting course is compulsory

As mentioned previously, anyone applying for consent to carry out an intercountry adoption must take part in a preparatory parenting course for adopters, assigned by their local municipality in order to be granted consent to adopt (Social Services Act Chap. 6 Section 12, paragraph 2). If a couple are making a joint application, then both spouses/partners must take part in the preparatory course.

Applicants who have already adopted a child from abroad can normally be assumed to have gained the necessary knowledge and experience through that adoption. Couples such as these can be granted consent to adopt without participating in a preparatory parenting course (Social Services Act Chap. 6 Section 12, paragraph 3). In such cases deciding whether
or not applicants need to take part in a preparatory parenting course is one of the tasks of the social worker in charge of the assessment. (7)

If applicants have already adopted from abroad, the social worker in charge of the assessment should find out whether they actually possess the necessary knowledge and insight concerning adoptive children and their needs and the implications of the planned adoption. This will enable him or her to draw a conclusion as to whether or not the applicants need to take part in the preparatory parenting course (SOSFS 2008:8).

When applicants’ earlier experience of intercountry adoption is regarded as having given them the necessary knowledge and insight, the social worker in charge of the assessment can nevertheless give them information about the course normally assigned by the municipality. They can then decide for themselves whether or not they would like to take part on a voluntary basis.

The local municipality assigns a suitable parenting course.

The local municipalities are responsible for assigning applicants a suitable preparatory parenting course for prospective adopters (Social Services Act Chap. 6 Section 12). Each municipality can decide whether to organise such a course by itself, in collaboration with the county council or other municipalities. Organisers of preparatory courses for prospective adopters must have no vested interest in any part of the adoption process. (7) According to the Government Inquiry into Intercountry Adoptions, the majority of municipalities used to give the responsibility of organising preparatory parenting courses to the authorised Swedish adoption associations, relying on them to make sure that prospective adopters had the necessary knowledge of adoption. This way, the municipalities had no means of controlling the content or the quality of the courses. The Inquiry concluded that it was completely inappropriate for society to rely on bodies with vested interests in the mediation of intercountry adoptions to provide preparatory parenting courses. It proposed instead that the municipalities should provide preparatory courses for prospective adopters. (12) The government was dubious about increasing the tasks of the municipalities and went no further than deciding that the municipalities were to be responsible for assigning prospective adopters to suitable preparatory parenting courses. The government was also of the opinion that bodies providing preparatory parenting courses should have no vested interests in any part of the adoption process. (7)
In its discussion and summary of the proposed Act, the Swedish government indicated that increased collaboration between the municipalities would be desirable e.g. in areas such as preparatory parenting courses for prospective adopters. Amongst other things this would have the effect of guaranteeing competent trainers and ensuring that the courses kept abreast of developments in the field of adoption. (7) In spite of the government’s intentions, parenting courses in 2008 still varied greatly in terms of the trainers’ qualifications, the framework of the course (e.g. the number of lessons) and the participants’ fees. A number of municipalities organise the courses on their own or in collaboration with other municipalities. Some have social workers from the Family Law unit as trainers; others engage specialised trainers from various other professions and there is a variety of combinations. Other municipalities refer prospective adopters to courses run by educational associations or private companies. When social workers from the Family Law units are in charge of the course, experience has shown that the social workers’ knowledge develops and deepens, showing a positive effect on both the course and the subsequent assessments. In its discussion and summary of the proposed Act, the government pointed out the necessity of making preparatory parenting courses, equally available throughout the country, amongst other things. (7) The availability of courses, in terms of the period participants have to wait for a new course to begin, differs from one municipality to the next, and varies over time. Lengthy periods spent waiting for the preparatory course the municipality assigned them to are problematcal for applicants, since they are unable to choose an alternative course.

Preparatory parenting courses for prospective adopters are one of the services for which municipalities are permitted to charge a fee (Social Services Act Chap. 8 Section 2).

The quality of the preparatory parenting course

In its discussion and summary of the proposed Act, the government proposed a set book for the preparatory course. This was one way of ensuring that all prospective adopters would participate in a course which would focus on the particular needs of adoptive children and conform to uniformly high standards throughout the country. (7) The MIA (the Swedish Intercountry Adoptions Authority) has produced the course material for prospective adopters, in collaboration with the Swedish National Board of Health and Welfare. (6) The Swedish National Board of Health and Welfare is responsible for the course material and for
Assigning preparatory parenting courses for adopters

making it generally available. There is also a manual for trainers, which is available to preparation course trainers on request.

Municipalities should make sure that the courses to which they assign prospective adopters are lead by trainers who follow the set course material (SOSFS 2008:8).

Trainers’ qualifications and profile

Municipalities should make sure that the courses to which they assign prospective adopters are lead by trainers who, in compliance with SOSFS 2008:8,

- have academic qualifications in behavioural science such as a degree in social work or psychology, teaching or preschool teaching,
- have detailed knowledge of the various topics covered by the set course material,
- know the stages of the assessment process and how an assessment is carried out,
- have previous experience of leading groups and are able to recognise and handle group processes and
- have relevant knowledge and training as instructors/teachers/trainers. Apart from the above, municipalities should ensure that trainers
- follow the set course material,
- keep abreast of developments in the various fields covered by the set course material,
- do not participate in the same supervision group as the social workers who are responsible for individual participants’ assessments and
- are not involved in the mediation of adoptions.

Course contents and design

The purpose of the preparatory parenting course, as previously mentioned, is to provide participants with knowledge and an opportunity to gain insight into adoptive children and their needs, and to realise the implications of adoption, for them and for an adoptive child.

The trainers’ manual for the preparatory parenting course mentions that information can make it easier to cope with the sometimes unforeseeable process of adopting. The preparatory parenting course aims to provide participants with information about the particular needs of adoptive children.

It can be ordered or downloaded (in Swedish or English) from www.socialstyrelsen.se
and about the adoption process in Sweden. They need to be prepared and able to recognise various situations which might arise as an adopted child grows up, and they need to be certain about where to go for help in the case of difficulties. Participants are to be given the opportunity to gain a better understanding of the special challenges involved in adopting, so that they can gauge how competent and how ready they are to cope with them. (13) Gaining insight concerning the implications of adoption – for the adopted child and for themselves as prospective adopters – is a process which takes time. It calls for reflection and needs to be worked through psychologically. This means that the course has to be scheduled so that there is time for reflection between the sessions and between the different sections of the course. The preparatory parenting course is designed to comprise seven three-hour sessions (i.e. 3 x 60 minutes) alternatively two complete weekends or four days on different weekends, allowing enough time between sessions for reflection.

The applicants' knowledge about adoption and insight into the needs of adopted children are a vital topic during the adoption assessment. During the preparatory parenting course, however, they need the security of knowing that their thoughts and feelings as they process the subject will not be passed on to others. It would be unsuitable for the trainers in charge of the preparatory parenting course (if they are social workers from the local municipal social services) to also undertake adoption assessments for any of the participants, or to participate in the same group supervision as anyone else assessing them.

The course organisers issue a certificate to each participant who has completed the course; the minimum attendance for this is laid down in the trainers' manual. Nevertheless, it is the social worker(s) in charge of the assessment who, in the course of discussions, judge whether or not the applicants really possess the necessary knowledge on the subject of adoption and insight into the needs of adopted children.
Adoption assessments

Applying for consent to adopt
When a person wishes to apply for consent to adopt, the municipal social welfare committee should normally recommend that applicants participate in a preparatory parenting course for adopters before they formally apply (SOFS 2008:8). Anyone who decides to apply for consent to adopt has the right to file an application whenever s/he wishes. But it is important that applicants have been informed about the adoption process, the aims and purpose of the preparatory parenting course and the assessment.

The case is opened and the whole assessment process begins when the applicants file an application for consent to adopt a child from abroad. Some applicants might wish to restrict their application for consent in some way, stating that they wish to adopt one specified child, a child from a specific age group, from a certain country or suchlike. In such cases the proposed restrictions will be discussed in the written assessment report and referred to in the social welfare committee’s formal decision. It is important that applicants are informed of how such restrictions might ultimately affect their chances of being able to adopt.

The authorised Swedish adoption associations and the Swedish Intercountry Adoption Authority, MIA, have up-to-date information on the various states currently involved in intercountry adoptions and on the conditions and requirements for adopting from them.

Fundamental principles for the assessment
One fundamental principle is that the assessment is a collaboration between the applicant(s) and the social worker(s) in charge, based on frankness and active participation. In the case of single applicants and same-sex couples the social workers will need to cover certain topics in more detail. It will be crucial to explain why this is necessary, to avoid giving applicants the feeling that they are being insulted or treated unfairly. Another case in point is the necessity of painting a realistic picture of applicants’ possibilities of adopting, if they stand little chance of actually being selected as adoptive parents for a child despite having been granted consent to adopt in Sweden. The requirements of the children’s states of origin can differ from those in
Sweden, and this can affect single applicants and same-sex couples, as well as couples with age or medical issues.

Social workers in charge of assessments will also need to explain that the written report of the assessment will not detail everything which has emerged during the assessment process. It will only contain the aspects which are relevant for conclusions about the applicants’ suitability as adopters, together with certain information which the children’s states of origin have requested.

**Multi-purpose assessments**

The Hague Convention shares the responsibility for intercountry adoptions between the receiving states (where the children are to be adopted) and the children’s states of origin. The receiving state has to determine whether or not applicants are eligible and suited to adopt (Article 5 and 15). In the child’s state of origin, the authorities have to establish whether or not this particular child is adoptable. They must also determine whether or not the proposed adoption is in the best interests of the child, based chiefly on the written reports about the child and the prospective adopters (Articles 4 and 16). Both states have a common goal: finding a child good parents.

As previously mentioned, the Social Services Act (Chap. 6 Section 12) stipulates that ‘A child domiciled abroad may not be received for purposes of adoption by a person who is not the child’s parent or guardian without the consent of the social welfare committee.’ The primary purpose of the assessment is to provide the written report on which the municipal social welfare committee bases its decision about the applicants’ eligibility and suitability to adopt. If the applicants are not considered suitable, they will not be granted consent to adopt and the additional purposes discussed below can be discounted.

If applicants are granted consent to adopt, the written report of the assessment must present all the necessary information for it to then be used by the adoption authority/agency abroad, whose task it is to select parents for a specific child. (7) (Italics ours.) The relevant authorities or bodies in the children’s states of origin need information about the applicants to be able to select the most suitable parents for each individual child. They base their decisions on the descriptions of the various applicants’ characteristics and background.

The talks and discussions during the assessment process are part of the applicants’ preparation for adoption, part of the groundwork to give this adoption the best possible chance of success.
The purposes of the assessment process

- Assembling information about the applicants.
- Analysing the information and drawing conclusions as to the applicants’ suitability to adopt, in the light of what would be in the best interests of a child.
- Presenting relevant information about the applicants and the conclusions of the social worker in charge of the assessment in a report. This includes a recommendation to the municipal social welfare committee as to whether the applicants should be granted consent to adopt.
- Providing a description of the applicants in the assessment report which can later be used in the children’s state of origin to select the best possible parents for each specific child.

Methods for assessing prospective adopters

No structured methods for assessing prospective adopters have been formally tried and tested

Since there is no standard, scientifically established method for assessing prospective adopters, different methods have been developed in different municipalities. These are often based on standardised interviews originally developed for other purposes or on lists of questions developed by individual social workers. Interviews based on autobiographical material written by the applicants, discussions focusing on genograms, and network meetings are common elements in assessments.

The various methods have a great deal in common as regards their scope and the reasoning on which they are based; their main emphasis can differ, however. Some social workers focus primarily on the suitability of the individual applicants, others focus on the relationship between the spouses/partners, or on their social network. When this handbook was published, in 2008, there was a great deal of variety between different municipalities and between different social workers as regards the premises for the assessment, the issues raised and how to cover them during discussions.

‘Home studies’ and adoption assessments are conducted in different ways in different countries; their scope, depth and focus vary to some extent, even though they usually cover similar issues. In the Netherlands, assessments are based on attachment theory, amongst other things, and they are conducted using special methods designed to identify different factors which indicate safety or risks. In Denmark, assessments review the
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different issues included in the compulsory preparatory parenting course, covering them in more depth. Here again, the social workers often base assessments on attachment theory. If necessary, they can decide to refer an applicant to a psychologist, whose report must include an appraisal of the applicant’s personality. In Austria, assessments vary between different provinces, but a psychologist’s report is compulsory. In the United Kingdom, assessments are based on methods such as ASI (Attachment Style Interview) and AAI (Adult Attachment Interview) and social workers in charge of adoption assessments receive training in their use. In the USA, several states use a method called SAFE (Structured Analysis Family Evaluation) for assessing both foster carers and prospective adopters.

There is a great need for special tested methods for assessing and evaluating prospective adopters, bearing in mind the special challenges facing adopters. While waiting for such methods to be developed, assessments and conclusions must be based as much as possible on scientific knowledge and well-grounded experience. The relevance of research and theory on attachment and parenting skills is undisputed when assessing applicants’ suitability for adopting.

**Methods for assembling information**

The assessment of applicants’ resources as adopters must be adapted to each particular case, depending amongst other things on whether it involves a single adopter or a couple, if there are previous children, if the application concerns a specific, named child, or whether they have been assessed previously. (See below.)

The choice of method naturally affects what information the social worker is given or discovers. Information for the assessment report needs to be assembled in a structured manner, keeping in mind whether or not it is relevant for drawing conclusions as to the applicant’s suitability to adopt. The amount of information necessary varies. If there are any doubts in the matter, it will often entail asking for more information from various sources. Sometimes further discussions with applicants are also justified, either as preparation or as part of the process of helping applicants gain insight.

**Structured interviews with applicants**

The main method for obtaining information is by interviewing applicants. During the interview sessions, the social workers must endeavour to be candid about why they pose the various particular questions, and why the answers are relevant for the assessment.

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There are interview instruments such as AAI and ASI\textsuperscript{14} to help social workers with the parts of the assessment related to the applicants’ own attachment history. This does call for specific training however – both for using the instruments and for analysing the results.

If the application for consent to adopt has been filed by a couple, interview sessions should take place with the applicants together and separately (SOSFS 2008:8). In joint interview sessions, both applicants’ thoughts and points of view can surface; they can discuss the different topics covered in the assessment and they have the opportunity of listening to each other’s life stories and reflections. The social worker/s can observe their interaction and discuss what it shows about their relationship. In individual interview sessions the social workers have the opportunity to ask about issues which are difficult when both spouses/partners are present, e.g. doubts about adopting, domestic violence, control and other forms of abuse.

**Continuous reflection**

One useful model for interview sessions is to open them with a reflection on the previous session or one particular aspect of the assessment, and to close the session with a summary. A discussion of what this interview session has brought to light and what further ideas have been provoked is also helpful. In this way the assessment turns into a continuous process of reflection, promoting frankness and active participation, and it can contribute to the applicants’ overall process towards maturity. It gives opportunities to correct misunderstandings and misconceptions and it also paves the way for the final run-through of the whole of the written report, presenting the assessment and the social worker’s conclusions.

During the course of the assessment the social worker in charge sometimes has misgivings about the applicants’ chances of being granted consent to adopt. The delicate question then arises of how to handle the situation. It is crucial to be candid and discuss the question with the applicants frankly. If applicants have not gained the necessary insight for withdrawing their application, the social worker will have the important task of compiling a detailed report of the assessment, on which the municipal social welfare committee will base its formal decision. The report is essential as a means of presenting applicants with clear and well-grounded reasons for the conclusions drawn by the social worker in charge of the assessment (and for the formal decision of the municipal social welfare committee). It must also provide all the necessary information for any subsequent court hearings, if applicants appeal against the committee’s decision.

\textsuperscript{14} Adult Attachment Interview and Attachment Style Interview. ASI also assesses the quality of current relationships.
Home visits
At least one of the interview sessions should be held in the home of the applicant(s) (SOSFS 2008:8). During a home visit, the social worker has a chance to see applicants in their home setting. The applicants can explain how they intend to organise practical matters for the child they hope to adopt, and they can describe their immediate surroundings, the local schools/nursery schools, the neighbourhood and so on.

Applicants are sometimes apprehensive about home visits. A discussion of the purpose of the home visit might be an appropriate way of defusing the situation.

If applicants move after the social welfare committee has granted them consent to adopt, this could signify a substantial change in their circumstances. In that case they are obliged to notify the social welfare committee, and the social worker will decide whether or not another home visit is necessary.

Autobiographical material: life stories
One common feature of the assessment process is for applicants to be given the task of writing a short autobiography, or life story, usually based on the headings on the assessment form. If life stories are to be used in the assessment, the social worker will need to inform the applicants of the purpose.

The applicants’ task is to think and remember, find the right words and phrases to express things and then write about themselves and their motives for adopting; as such, it can help applicants gain more personal insight. It paves the way for the topics covered during the assessment and it is an effective way of setting the stage for discussions on a personal level. It is often a good idea to ask applicants to write their life stories at an early stage, so that their autobiographical material can be used for exploring certain issues in more depth later in the assessment process. Social workers in charge of assessments do need to take into consideration that not all applicants find writing easy.

Interviewing children and observing parent-child interaction
If there are already children in the family then observing the interaction between parents and children will be an important part of the assessment.

The social worker in charge of the assessment should determine whether or not the child and parents have a sound relationship and evaluate their interaction. One way of accomplishing this is to interview the child/children, if appropriate, taking into consideration the child/children’s age and maturity (SOSFS 2008:8). To interview children, social workers need to
have obtained the consent of whoever has parental responsibility for the children.

The presence of at least one parent is usually a good idea, especially when interviewing younger children.

In certain cases, applicants might want to put off telling their older child/children about adopting a new brother or sister, bearing in mind that they might not be granted consent to adopt, and that it usually takes a considerable amount of time for an adopted child to arrive. On the other hand, children often sense that something important is being discussed in the family and need to be involved in the matter.

**Genograms**

Network diagrams and genograms, which illustrate family relationships over several generations, are often used during assessments.

The purpose is for both the applicants and the social worker to form a clear picture of the extended family – with all its strengths and weaknesses – to which an adopted child would belong. They can also provide a useful starting-point for talking about parenting and attachment over the generations.

**References and network meetings**

The applicants’ social network is of vital importance, both as a source of support and, if an adoption does take place, as the social setting for a future adopted child. Having a fully functional network is crucial for single adopters, since it provides them with support and relief whenever necessary.

Details about applicants’ personal characteristics should be obtained by means of references from people chosen by the applicants themselves. The social worker in charge should inform each referee that the details he or she provides will form part of the assessment report. References should be obtained in writing and followed up in more depth in an interview with each referee (SOSFS 2008:8). Naturally enough, information obtained from referees is never unbiased, and it should be viewed as a complement to other information.

Social workers in charge of assessments should investigate whether there are people in the applicants’ social network who would be able to provide support and help after an adoption if necessary. The social worker should interview some of the people in the applicants’ network (SOSFS 2008:8). Making network meetings (where applicants participate together with the people who make up their social network) an integral part of the assessment is one way of giving all the parties concerned a chance of working
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Together to discover what an adoption would imply for each and every one of them. The people in the applicants’ network can be given information about the particular needs of internationally adopted children and about the support they might be called on to provide. The social worker has access to information about the support the network is able to provide and how much responsibility various individuals are prepared to assume for a future child.

Applicants need to give their permission if a network meeting is be organised, and the social worker must inform applicants of the issues their network might be asked to consider. Network meetings, just like interview sessions et cetera, must be written up and kept in the applicants’ file.

Medical certificates, background checks, statements and disclosures

Information included in the assessment is obtained from the applicants themselves, but always supplemented by details obtained from other sources: medical certificates, background checks and so on.

If applicants have older children, the social worker in charge of the assessment should obtain statements from the local child health clinic, the children’s nursery school and/or school (SOSFS 2008:8).

Planning the assessment

The first stage of the assessment process should be the drawing up of a plan for the assessment, in consultation with the applicants. The plan should indicate the preliminary time frame for the assessment (SOSFS 2008:8).

The purpose of the plan is to structure the investigation and make it easier to grasp for both the applicants and the social worker in charge. The investigation/assessment plan makes it clear what information is necessary, how, when and for what reason it must be obtained, and what aspects or issues are being considered.

The purpose of interview sessions and other means of obtaining information is to collate the various sources and analyse them in an appraisal of the individuals’ resources. In this process, the social worker draws conclusions as to the applicants’ strengths and possible weaknesses and how they affect their suitability to adopt a child from another country. What information needs to be obtained can therefore vary. There are different ways of obtaining information, e.g.

• interview sessions with applicants, home visits,
• interview sessions with older children, if any,
• contact with referees and people in the applicants’ social network and
• background checks, medical certificates, statements and disclosures etc.
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The assessment plan should also specify:
• which background checks the social workers will attend to, and which ones the applicants themselves will have to obtain and hand in and
• what medical certificates – regarding applicants’ physical and mental health – the social workers need for the assessment.

Depending on possible changes in circumstances and what comes to light during the assessment, it is quite possible that the plan might need revising. The plan should be supplemented and revised as necessary (SOSFS 2008:8).

The topics covered in the assessment

The Social Services Act lays down that ‘Consent may only be given if the applicant is suitable to adopt a child.’ The assessment of suitability must pay particular regard to the applicant’s knowledge and insight concerning adopted children and their needs and the implications of the planned adoption, as well as to the applicant’s age, state of health, personal qualities and social network. Moreover, prior to the adoption the applicant must have taken part in a parenting course assigned by the municipality (Social Services Act Chap. 6 Section 12).

The social worker in charge of the assessment should try to establish whether or not the applicant has the resources necessary to meet the particular needs of an adopted child, and determine whether there are any risk factors which are relevant when drawing conclusions about the applicant’s ability to meet those needs (SOSFS 2008:8).

In the following pages there is a description of the various areas which need to be investigated and what information needs to be collected, bearing in mind the resources which are vital for parenting and any obstacles or risk factors which must be analysed in an assessment.

The chief requirements as regards suitability are described in the boxes under the different investigation sections indicated in the Swedish BBIC system (see below).

In each section there are lists of different factors which indicate – or might indicate – that the applicant would not be a suitable adopter. These lists are by no means complete. Of the listed factors which indicate – or might indicate – unsuitability, some are immensely more important than
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others. Some are factors which definitely disqualify an applicant from adopting (e.g. personality disorders, violence, substance abuse etc.). Others might be compensated by other factors or be less important in certain circumstances (which need to be judged from case to case).

Some factors which indicate unsuitability are matters which applicants can do something about so that they improve their chances of being granted consent at some point in the future. It might be a matter of insufficient knowledge and understanding of adopted children and their needs, a crisis in conjunction with infertility problems which has not yet been worked through, or health problems which can be corrected by a change in lifestyle.

The general and specific needs of adoptees underpinning the whole assessment

As previously mentioned, the Social Services Act stipulates that ‘Consent may only be given if the applicant is suitable to adopt a child’ (Social Services Act Chap. 6 Section 12). In the act’s legislative history, the sections on consent to adopt mention that adopters must possess the personal qualities and the ability to interact with a child which will enable him or her to meet the particular needs of an adopted child. (7) The applicant must also have sufficient knowledge and insight concerning adoptive children and their needs and the implications of adoption. A couple who adopt should have a stable relationship. Furthermore, anyone wishing to adopt should be healthy enough, physically and mentally, to be able to perform all the functions of a parent. Note that this applies to both spouses/partners during the adoptee’s entire childhood and all the way into adulthood. Furthermore, both couples and single adopters must have a fully functional social network which is prepared to offer the family support whenever necessary. It is essential that any crisis arising from fertility problems has been worked through and that the grief caused by being unable to have a birth family can be handled in a satisfactory way. (Italics ours)

The Convention on the Rights of the Child charges the contracting states which recognize and/or permit adoption with ensuring that the best interests of the child shall be the paramount consideration (Article 21). The Social Services Act also stipulates that special attention must be paid to the child’s best interests in any measures taken by the authorities (Social Services Act Chap. 1 Section 2). The best interests of the child, together with the parents’ resources and parenting skills are generally the focus of all the investigations conducted by the social services. This holds true for child
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welfare cases, cases involving parental responsibility/custody, residence and contact/visitation rights and also for cases involving the assessment of prospective adopters. In the case of assessments leading to a general consent to carry out an intercountry adoption under the Hague Convention, there is one important difference, however. The social welfare committee does not need to investigate the situation and the needs of the child – that falls under the responsibility of the authorities of the child’s state of origin. In assessing prospective adopters, the starting-point and benchmark for judging applicants’ competence and resources is their *knowledge of children’s needs in general* and *adoptive children’s particular needs in a general sense*.

Another difference between the assessments of prospective adopters and child welfare investigations is that the conclusions drawn by the social workers must treat applicants’ suitability in isolation. They cannot conclude that prospective adopters’ deficient parenting skills or inadequate resources might be compensated for in other ways, by supportive measures, for example. Each individual applicant’s resources, as well as the couple’s combined resources and factors in their social network must *all* be considered good enough if applicants are to be granted consent to adopt. Unlike investigations in child welfare cases, the point of an adoption assessment is not to suggest supportive measures, which are limited in time and scope and might be discontinued. If the social welfare committee grants its consent, the subsequent adoption is an irrevocable, life-long decision.

The basic structure for investigating and documenting child welfare cases which is central to the Swedish BBIC system (14) has not been tested on adoption assessments. As a theoretical model, it can be useful for structuring the collating of information to cover essential areas of adoption assessments. There is, however, the crucial extra dimension of the specific resources needed by adoptive parents, which must also be borne in mind.
Details which specifically affect adoptions and adoption assessments can be listed under the headings of the three different sides of the BBIC triangle: 1) the child’s needs,\(^{15}\) 2) the parents’ capacity and 3) the family and environment.

1) *The applicant’s knowledge, insight and readiness to meet the general and specific needs of adopted children, particularly with regard to:*
   - attachment
   - continuity
   - identity
   - grieving as a result of significant losses
   - possible traumatic experiences
   - possible physical and mental damage and disabilities
   - changing languages – promoting the child’s linguistic development.

\(^{15}\) ‘The child’s needs’ in this context involve assessing the applicant’s knowledge and insight concerning the needs of adopted children.
2) The applicant’s parenting skills and capacity: the individual applicant’s characteristics and capacity to meet the needs of an adoptive child, in particular:
- age
- physical and mental health
- how well-founded the decision to adopt is
- openness, sensitivity and responsiveness
- sensitivity to attachment behaviour
- reflective function
- emotional stability
- sound self-reliance
- whether past difficulties and traumatic experiences have been processed, e.g. fertility problems and other losses
- readiness to ask for/accept help.

3) Resources for adoption in the applicants’ relationship, network and environment, in particular:
- the length and stability of the applicants’ relationship
- their ability to be mutually supportive
- their ability to cope with strain and resolve conflicts
- sound relationships with closest relatives, who can be expected to provide support for an adoption
- sound and rewarding close friendships
- satisfactory support and relief available within applicants’ network
- readiness for coping with other people’s views and reactions.

Resources and risk factors
In the final stages of an adoption assessment the material is analysed and conclusions are drawn as to the applicants’ suitability to adopt. In practice, this implies a prognosis: would their skills and resources be good enough? Could they cope with a (usually) unknown child, given the particular demands an adoption involves for adopters and adoptees alike?

Forecasts always pose difficulties when they involve human beings. No-one can predict how a particular child will fit into a particular family or actually ‘measure’ how suitable a particular applicant is. Most people who want to adopt can probably be good parents, and out of all the people who apply, only a small proportion (in recent years only 2–3 percent) are considered unsuitable and therefore not granted consent to adopt.
Gauging whether or not an applicant is suitable to adopt aims at *minimising the risk* of adoptive children, with their particular vulnerability, being placed in the care of parents whose resources and capacity for parenting such a child are inadequate. This might be the case if certain resources are lacking and/or if certain risk factors are present. In such cases there are grounds for refusing to grant applicants consent to adopt.

These are the main questions on which the assessment must focus when considering granting consent to adopt:

- Does the applicant have the resources (as an individual, as part of a couple, within a social network and setting) which are necessary for meeting the needs of a child?
- Are there any risk factors which imply that a child’s needs might not be met?

Any information included in the written report must be justified by having a direct bearing on the report’s conclusions about the applicants’ suitability to adopt.

When additional information is obtained to give a description of the applicants, in keeping with the wishes of the authorities of the children’s states of origin, the purpose of this needs to be made clear.

**The applicants’ knowledge, insight and readiness to meet the needs of an adoptive child**

As mentioned previously, special attention must be paid to the applicants’ knowledge and insight concerning adoptive children and their needs and the implications of the planned adoption (Social Services Act Chap. 6 Section 12). This implies that anyone applying to adopt should also be reasonably knowledgeable on the subject of children and children’s needs in general. (7) One important part of the assessment is to find out how much the applicant knows and understands about children’s needs in general (cf. the BBIC triangle on page 50) This should cover the topics health, education, emotional and behavioural development, identity (which has a special significance for adoptees), family and social relations, social behaviour and self-sufficiency. In addition, the applicant must have insight concerning the specific needs of adopted children.
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1) The applicant’s knowledge, insight and readiness to meet the general and specific needs of adopted children, particularly with regard to:
   – attachment
   – continuity
   – identity
   – grieving as a result of significant losses
   – possible traumatic experiences
   – possible physical and mental damage and disabilities
   – changing languages, promoting the child’s linguistic development.

In addition, the government’s discussion and summary of the proposed act stipulates that the assessment should raise the questions of what the applicants hope and expect of a child and how they view the issue of children’s right to information about their origins. (7)

**Reviewing what the applicants have learnt from the preparatory parenting course**

The discussion and summary of the proposed act stipulates that prospective adopters must have a well-grounded insight concerning the implications of adoption, for both adopter and the adoptee. They must also be conscious of the implications of adopting a child from another country and of what ethical and personal issues they need to have considered before adopting. Furthermore, it states that research into the subject shows that anyone wishing to adopt needs to realise the special vulnerability and the particular needs of adoptees. Adopters need to be prepared and able to recognise various situations which might arise as an adopted child grows up, and they need to be able and ready to ask for help from the start, if there are any signs of difficulties. (7)

The purpose of the compulsory parenting course is to enable prospective adopters to prepare – partly by helping them to consider their own personal motives for adopting, partly by providing them with knowledge and insight concerning adoption and the particular needs of adopted children. The mere fact that they have taken part in the parenting course cannot guarantee that prospective adopters actually have the necessary knowledge and insight concerning the needs of adopted children and the implications of adoption, however.
The social worker in charge of the assessment should identify the applicants’ knowledge and insight concerning adopted children and their needs and the implications of an adoption by reviewing the various topics covered by the preparatory parenting course together with the applicants (SOSFS 2008:8).

The purpose is to review their thoughts and the questions raised by the course, identify the areas where applicants think they have gained insight and knowledge and to attempt to define which areas might need more emotional processing or other preparation work during the assessment.

A review of the knowledge and insight the applicant has gained during the preparatory parenting course can also convey some idea of the quality of the course itself.

**Previous experience of children and thoughts on children in general**

Until recently, it was established practice in Sweden to regard experience and knowledge of children in general as so valuable that it could compensate for an applicant having passed the recommended age limit for adopting.\(^\text{16}\) After the latest reform of the regulations on granting consent to adopt it seems more doubtful whether this will continue to be the case; as yet, it is too early to know what will become established practice. Naturally experience with children is an important aspect, which should be included in the assessment and taken into account when gauging applicants’ suitability to adopt.

If applicants have not yet started a family, they cannot be expected to have much experience of children; if, on the other hand, they work with children, this might well be worth highlighting in the assessment report. The aspects which need covering in the assessment are more to do with what previous experience an applicant has of children, how he or she relates to those experiences and how relevant they are within this context. What are the applicants’ thoughts on children in general, and what are their opinions on how to raise children?

**Hopes and expectations and the applicants’ readiness to become adoptive parents**

A vital apart of the assessment involves talking about the applicants’ hopes and expectations on the subject of adopting.

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\(^{16}\) Yearbook of the Swedish Supreme Administrative Court (SAC) for 1995, case report no. 67
Here there is a risk that applicants might think the assessment spends too much time considering the difficulties an adoption might involve. It is important not to allow the assessment discussions to develop a negative bias. Positive expectations, hopes and joys are a vital part of preparing for a successful adoption and need to be included in the assessment process. At the same time, it involves a balancing act for the social worker, who has to verify whether applicants have a realistic idea of the challenges actually involved in taking charge of an adopted child.

Adopted children may have painful past experiences to contend with. They have often experienced the loss of several important caregivers; they may have been undernourished and understimulated, and some may have had traumatic experiences. The older a child is, the more experiences he or she has already had, about which little or no specific information is usually available. Adoptees need help in dealing with the grief of losing those important people and everything they had previously been accustomed to. They have to adapt to a completely new environment and adjust to new people, and that in itself gives rise to feelings of insecurity. Some children have physical or mental disabilities which no-one is aware of in the initial phases.

Meeting children’s reactions and enabling them to grow and develop
Here, talks must revolve around how applicants view the tremendous change involved for adoptees and adopters alike. How can they be supportive while a child learns to tackle the grief resulting from losing significant carers? How can they help a child develop a secure pattern of attachment, the basis for starting to investigate a whole new world? How do applicants view the possibility of being rejected, or perhaps questioned or doubted at some point in the future, and how do they think they will cope with it? Are the applicants ready to meet a child’s thoughts and feelings about his or her origins? What are the applicants’ thoughts on the challenges the family will have to cope with as the child grows up, especially during adolescence? What about the particular issues raised by identity, separation and individualisation? Are they prepared for the fact that adoption is a lifelong process, involving various tasks for all the members of the family at different times? Are they capable of the long-term commitment and perseverance which are essential for adopters?

Everyday life as an adoptive family
What sort of picture do the applicants have of everyday life with an adopted child? What plans have they made in the short term and long term – from
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their very first days together, through nursery school, adolescence and further into the future?

Do they realise that an adopted child might need a long period to adjust and feel secure in a new family and that they might need to spend a substantial period of time at home on parental leave? How long do they plan on being at home on parental leave? In their opinion, when would it be suitable for an adopted child to start nursery school or school? Will they have time to devote to listening, talking, reading stories and playing with a child? Will they be able to help a child to learn and grow?

How spouses/partners intend sharing the work and responsibility of being parents, parental leave, employment and childcare is another essential issue. How do they think they will share being woken at night or taking time off work to look after a sick child? If this is a single applicant how does he or she intend to solve practical issues like these?

Do the applicants realise that stability and continuity are especially important for adoptees? And that upheavals such as moving house – particularly those involving a change of schools or nursery-schools, making new friends etc. – need to be avoided as much as possible?

**Adopted children and the family’s previous children**

If the family has children already, how have the applicants planned on preparing them for the arrival of an adopted sibling, and have they considered the possible reactions it might provoke? Are they aware that an adopted child might view his or her situation as fundamentally different from that of their birth children? That appearance and other characteristics, for example, background and belonging might prove major preoccupations?

**Being an adopted child**

How do the applicants intend to handle their child’s need for information about her or his identity and origins? What are their thoughts on the subject of a child having the right to grow up knowing about his or her origins? How do they intend to make frankness on the subject of adoption part of everyday life for the whole family? What do they think about adopted children’s birth families? Can they respect them and the choices they have made? What are their thoughts on the possibility of contact with their child’s birth family? Are they aware that their child might start searching for birth parents and other relatives some day? Are they prepared for their child’s birth family possibly contacting them?

What are the applicants hoping for? What do they expect from an adopted child? How open can they be towards the emerging personality and
individual characteristics of an adopted child? How might they react to possible innate differences in temperament et cetera? How do they intend to protect and encourage the development of their child’s personality, talents and mental and physical abilities?

What are their thoughts on an adopted child being different from them and from people round about them (e.g. as regards appearance). Have they thought about the feelings and reactions that might provoke, which a child might need help in tackling?

How do they propose to deal with the prejudice that their child and family might come across? How can they be supportive in such situations?

Special issues for same-sex couples

There are special issues for same-sex couples who wish to adopt. How do they propose handling things if prejudice against gay and lesbian relationships combines with negative reactions to gay and lesbian couples adopting – affecting their child and their whole family? Adults who have already come across prejudice like this are usually better prepared for dealing with it and for helping a child cope in similar situations. How can they explain their relationship to their child? How can they help their child explain things to friends and classmates?

Unanimity or agreement?

If this is a joint application, are the applicants unanimous? To what extent do their views tally on issues like these?

Special wishes, requirements and restrictions

Applicants sometimes express particular wishes, detailing some of the characteristics of the child they would like to adopt. It is common for them to want to specify the child’s age, or which country they would like to adopt from. The applicants’ specific wishes and requirements will need to be discussed in depth during the assessment, to discover both the significance of their choices and their motives for making them.

Discussing particular wishes and choices

It will be necessary to discuss whether or not the applicants’ wishes are reasonable, considering which children are actually available for adoption. Will they be able to stand not knowing the details about the child’s age or health, for example? Will they be able to cope with the unexpected? How important are their preferences – or are they definite requirements? Have they given the matter enough thought and reached a definite deci-
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ion? What would their stance be if they were asked to parent a different child - e.g. a child in another age group? If the applicants have specified a very young infant, it will be necessary to discuss whether this is realistic, and the reasons behind their choice. Are they really ready for an adoption, with all its implications?

Have they specified a particular country, and what are their motives for doing so? One way of handling discussions on the subject is to consider what the difference would be if they were to adopt a Swedish child, in view of the special premises for domestic adoptions. (The social worker in charge of the assessment will need to stress that only a very few children are adopted in Sweden each year. The purpose of the exercise is to examine how the applicants view children from various backgrounds and birth parents who live close to home or a long way away.)

If applicants specify the sex of the child they hope to adopt, the assessment will have to cover their reasons, amongst other things their attitudes to girls and boys respectively, and their thoughts on parenting one or the other.

Special wishes or requirements can be restrictions

When the children’s states of origin are selecting parents for a specific child it will naturally be essential that adopters’ wishes and requirements are clearly stated. Including a restriction in the assessment report and/or the formal decision of the municipal social welfare committee will be a clear statement to the people in charge of selecting adoptive parents in the children’s states of origin. However, it can also restrict the applicants’ chances of being selected as adopters, if few of the children available for adoption actually correspond to the requirements or wishes the applicants have specified. Any discussions of the specific wishes or requirements applicants might have will also have to cover the possible consequences, bearing in mind which children are actually available for adoption.

Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

• insufficient knowledge and insight concerning adoption, adopted children and their needs
• difficulties in envisaging themselves as parents
• set expectations about the child they hope to adopt
• unrealistic expectations about the child or being adoptive parents
• spouses/partners having different views on how to raise children
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• a desire to keep the adoption secret (from the people around them and/or the adopted child)
• difficulties thinking about the child’s birth family and original network.

Applicants’ parenting capacity
Anyone wishing to adopt must possess the personal qualities and the ability to interact with other people which will enable him or her to meet the particular needs of an adopted child. (7) The assessment of applicants’ parenting capacity needs to cover each individual applicant’s resources for meeting the needs of an adopted child.

2) The applicant’s parenting skills and capacity: the individual applicant’s characteristics and resources for meeting the needs of an adoptive child, in particular:
– age
– physical and mental health
– how well-founded the decision to adopt is
– openness, sensitivity and responsiveness
– sensitivity to attachment behaviour
– reflective function
– emotional stability
– sound self-reliance
– whether past difficulties and traumatic experiences have been processed, e.g. fertility problems and other losses
– readiness to ask for/accept help.

Background checks etc.
Background checks of details from the social services’ records and from the Criminal Records Department need to be carried out early in the assessment.

If an applicant has moved from another municipality during the past two years, s/he will be required to ask for copies of details from the social services’ records from previous municipalities (SOSFS 2008:8). If an applicant refuses to comply then that in itself might be a point to be noted in the assessment. As previously mentioned, there might be a reasonable explanation, but the issue needs to be discussed.
It is important to inform applicants that the Swedish police will release details from the Criminal Records Registry of all crimes involving sentences other than a fine, when required to do so by a social welfare committee working on an adoption case. Likewise, the social welfare committee can obtain details from the Criminal Records Registry about crimes awaiting trial.

All applicants should also be requested to provide a disclosure of any details concerning them registered with the Enforcement Authority (SOSFS 2008:8). The purpose of this is to rule out major debts or repeated financial problems.

The information from the various registers needs to be discussed with applicants, taking into account its relevance for gauging applicants’ parenting capacity. Apart from the seriousness of a crime, it is important to consider what any criminal behaviour, for example, implies about an offender’s impulsiveness, bad judgement, lack of empathy and lack of respect for the integrity of others, and how this reflects on an applicant’s suitability to adopt. If certain information is judged irrelevant to conclusions about an applicant’s suitability to adopt, this should be recorded in the chronological case history. This might apply to minor offences committed a long time ago, for instance.

The social worker(s) in charge of the assessment should only take into account registry information which has a bearing on whether or not an applicant should be considered suitable to adopt (SOSFS 2008:8).

One significant aspect when assessing spouses or registered partners is whether the other spouse/partner is aware of the information recorded in the various registries.

If any of the information in any of the registries constitutes sufficient grounds in itself for a refusal to grant applicants consent to adopt, this will need discussing with the applicant(s) in question. If the applicants choose not to withdraw their application, the social worker will have to complete the investigation. For disclosures from the Swedish Social Insurance Agency, see the section on Physical and mental health, below.

17 Decree (1999:1134): Concerning the Swedish Criminal Records Registry
18 Decree (1999:1135): Concerning the Swedish Registry of Crimes Awaiting Trial
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Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:
• disclosures revealing criminal behaviour
• details from the municipal social services’ records which have a bearing on an applicant’s parenting capacity
• information of a serious nature registered with the Enforcement Authority.

Age and its relevance for the applicants’ suitability to adopt

When gauging applicants’ suitability to adopt, special attention must be paid to the age of the applicants, amongst other things (Social Services Act Chap. 6 Section 12). In the discussion and summary of the proposed Act, the authors recognise that not stipulating an upper age-limit in the act is sometimes considered vagueness by social workers and decision-makers alike. It is not at all uncommon for it to cause difficulties in cases concerning consent to adopt. (7) There is also a certain propensity to allow adoption cases to focus on the adults’ interests, to the detriment of the children’s, and this needs to be avoided as much as possible. According to the government bill, an applicant’s relatively advanced age, viewed from the child’s perspective, might constitute sufficient grounds in itself for refusing to grant the applicant consent to adopt.

The government argues that adopters need to have the strength, vigour and flexibility to meet the particular needs of their adopted child for a great many years to come. (Italics ours.) The risk of being affected by serious illness increases as the years pass, and this in its turn can affect applicants’ parenting capacity. The older adopters are, the greater the probability of their encountering health problems, resulting in diminished strength and vigour. In all probability, the family network will be slightly older, too, and it follows that an adopted child might not have access to certain relatives, such as grandparents. (7)

As stated in the yearbook of the Swedish Supreme Administrative Court for 1995, case report no. 67, applicants over 45 years of age should not normally be granted ‘general consent’ to adopt. The amendment to the act stresses the significance of the applicants’ ages. One benchmark should be

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19 The amendment to the Social Services Act Chap.6 Section 12, mentioning prospective adopters’ age etc, was part of the Swedish Code of Statutes, SFS 2004:770 which came into force on 1st January 2005.
that anyone hoping to adopt should be no older than 42 years of age when applying to the municipal social welfare committee for consent to adopt. In two cases, the Swedish Supreme Administrative Court (subsequently referred to in this text as SAC) has refused a married couple’s application for consent to adopt. In one case, the spouses were 46 and 47 years old respectively when they applied for the municipal social welfare committee’s consent to adopt, and they were 49 years old when the SAC reached its judgement. The other spouses were 47 and 49 years old when they applied for the municipal social welfare committee’s consent to adopt, and they were 50 and 51 years old when the SAC reached its judgement. In its explanatory statement, the court emphasized the arguments mentioned above, taken from the government bill. It also referred to the Social Services Act Chap. 1 Section 2, which stipulates that authorities must pay special attention to the child’s best interests in any measures which affect children. The SAC ruled that the benchmark for considering the significance of the applicants’ age should be the one indicated in the government bill, i.e. 42 years of age when applying to the municipal social welfare committee for consent to adopt. In neither of the cases did the SAC find grounds for making an exception to that rule. Therefore the court ruled that the applicants should not be granted consent to adopt.

It has sometimes been suggested that older applicants might be granted consent to adopt if they wish to adopt an older child. In its bill, however, the government pointed out that *a child’s age when adopted is a risk factor for older children, calling for specially qualified, committed parents.* (Italics ours.) Older children have usually been living in adverse circumstances for a longer period and might have experienced the loss of a whole series of carers; this makes great demands on adopters. According to the government bill this also needs to be taken into account when gauging applicants’ suitability. (7)

In these two cases, the two couples who were refused consent had both argued that their application for consent was to adopt a slightly older child. The age difference between them and an adopted child would therefore not be as great as it would if they had applied to adopt an infant. The age structure in their family would be similar to that of a great many other families. The SAC saw no grounds for allowing an exception to the ruling on the age of prospective adopters.

From the rulings of the SAC we can conclude that there must be reasonable grounds for allowing an exception from the benchmark stating that applicants should be 42 years or younger when applying for consent to adopt. In the explanatory statements accompanying the bill, there are
some examples of reasons which might be allowed and lead to a decision to grant applicants consent to adopt, despite their being slightly older (in the context of adoptions). The authors point out that a decision can only be reached after carefully weighing up all the facts in a particular case. In some individual cases, therefore, there might be grounds for reaching a different conclusion. One example of such a situation is when only one of the spouses/registered partners applying for consent is just over 42 years of age. Another is when applicants are proposing to adopt a second or subsequent child. Another example is when they are proposing to adopt a child they already know – e.g. a related child or a child who has stayed with them on recuperative holidays.

If an applicant is already over 42 years of age when applying for consent to adopt, the social worker in charge of the assessment should determine whether there are special circumstances with a bearing on overall conclusions as to the applicant’s suitability to adopt. Examples of such special circumstances might be that

- the applicant has some sort of relationship to the child mentioned in the application,
- only one of the spouses/partners applying is slightly over 42 years of age,
- the application is for consent to adopt a second or subsequent child (SOSFS 2008:8).

This list of examples is by no means comprehensive. It would be impossible to list all the various circumstances which might prove important in an individual case.

The Children and Parents Code also specifies age limits for adopters. Anyone wishing to adopt must be at least 25 years of age. Anyone who has attained the age of eighteen years but not twenty-five years may also adopt, if the adoption relates to his or her own child, the child or adopted child of his or her spouse, or if there are other extraordinary reasons (Children and Parents Code, Chap. 4 Section 1).

**Physical and mental health**

When gauging applicants’ suitability to adopt, special attention must be paid to the applicants’ health, amongst other things (Social Services Act Chap. 6 Section 12). It is important that anyone wishing to adopt (both spouses/registered partners if applying together) should be healthy enough, physically and mentally, to be able to perform all the functions of a parent
Adoption assessments during the child’s entire childhood and teenage years. (7) One spouse’s or partner’s health problems cannot be compensated for by the health of the other. The reason for this is that each spouse or partner must be able to assume complete parental responsibility if the other spouse/partner should fall ill or die.

The government bill stipulates that the applicants’ state of health and medical prognoses are of vital importance when gauging their suitability to adopt. It is impossible to specify exactly when an applicant’s state of health, physical or mental, should be regarded as grounds for refusing consent to adopt. If an applicant is to be granted consent, however, it must be clear that the illness or disability will not impair the applicant’s parenting capacity. (Italics ours.) The support and service available in Sweden to help compensate for the limiting effects of illness or disability will need to be taken into account in the conclusions drawn in the assessment. Keeping in mind the child’s perspective, the social worker in charge of the assessment must include a prognosis in the overall conclusions. (7)

Talking to applicants about health issues early in the assessment process is essential, as is covering both the physical and mental aspects of health. Applicants’ mental stability and health are especially relevant for their parenting capacity. The social worker in charge of the assessment will have the professional qualifications, experience and training to form a general opinion of applicants’ mental health and capacity and to decide when an applicant’s health needs an in-depth analysis which is beyond the scope of the social services.

The social worker will ask each applicant to hand in the following documents (SOSFS 2008:8):

- A health statement and a medical certificate (from a doctor). This should be done as soon as possible in the investigation.
- A disclosure of details in the registry of the Social Insurance Agency, showing any periods during the last ten years when the applicant has been ill and been granted short-term sickness benefit, long-term sickness compensation (for persons aged 30-64 years) or activity compensation (sickness compensation for persons aged 19-29 years).
- If an applicant suffers/has suffered from an illness or disability which might affect his or her parenting capacity, or if there are any doubts about his or her physical health, then he or she should be required to hand in a medical certificate from a doctor who has specialised in the relevant branch of medicine.
• If there are doubts about an applicant’s mental health or a mental disability, then s/he should be required to hand in a formal report on his/her mental health status either from a doctor who has specialised in psychiatry or from a certified/registered psychologist.

If the social worker in charge of the assessment is unable to reach a decision as to how the applicant’s health status would affect his/her parenting capacity, based on the statements already provided, then the case should be referred to the Committee for Social and Medical Legal Questions (‘Legal Committee’) under the Swedish National Board of Health and Welfare and a formal statement requested from the Committee (SOSFS 2008:8).

(These points will be covered in more detail in the following pages.)

The relevance of physical health and possible disabilities when assessing suitability to adopt

Adopting a child is both physically and emotionally demanding; it can take an adopted child a long time to adjust, and the adjustment period can entail a great deal of hard work for adopters. Adopters need to be strong both physically and mentally.

The past history and present situation of adopted children make it imperative to avoid placements in families where illness or disability make it difficult for parents to meet their children’s need for secure attachment, stability, continuity, closeness, care, safety and stimulation. Illness might lead to infirmity and long periods on sick leave or in hospital; medication with particular effects and/or side effects might in turn have an impact on an applicant’s parenting capacity. All are risk factors which might lead to an applicant having difficulties meeting the needs mentioned above.

If an applicant suffers from an illness or disability which might affect his or her parenting capacity, the social worker in charge of the assessment needs to obtain a special medical statement. This should address the medical condition and the prognosis and be written by a doctor who is a specialist in the relevant branch of medicine.

If the social worker in charge of the assessment needs help in reaching conclusions or is in any doubt, there remains the possibility of asking for a statement from the Legal Committee of the Swedish National Board of Health and Welfare, as mentioned previously.

Periods on sick leave, with sickness compensation etc. from the Social Insurance Agency are other important details to consider. The purpose of asking for details covering the last ten years is primarily to see if there have been any prolonged periods of sick leave and to be able to discuss why they
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occurred, even if this was some time ago. At the same time, visible patterns and recurring periods of illness or sick leave might indicate a certain physical or mental vulnerability, substance abuse, domestic violence or suchlike. If an applicant is also asked to hand in a detailed list of sick leave, compiled by his or her employer, any short-term periods will also become apparent to the social worker in charge of the assessment. Even if applicants do not need to state the purpose of such a list, there might be justifiable reasons why they might not wish to ask their employer to compile one. The social worker will need to discuss whether or not there are other ways of obtaining information which might shed light on any doubtful issues.

Based on talks with applicants, doctors’ certificates and statements, details from the Social Insurance Agency and any lists from applicants’ employers, the social worker will now take into account how any medical or mental problems or disabilities can be expected to affect everyday life for the individual applicant, the family or an adopted child – both now and in the future.

As mentioned previously, if consent is to be granted, it should be clear that an illness or disability will not affect the applicant’s capacity for good parenting. (7)

Keeping the child’s perspective in mind, the social worker will have to draw conclusions as to what the consequences of different illnesses might be for everyday life, for the applicant’s energy, strength and parenting capacity, now and in the future, and venture a prognosis as to how things might develop. With the consent of the applicants, the social worker can contact the doctor who has written the certificate, to ask for help in interpreting the medical details, if necessary. Likewise the social worker might need help in gauging how long an applicant should wait after a serious illness. If there is no recurrence of symptoms, when can he or she be pronounced well, or sufficiently fit, with the strength and energy necessary for parenting?

Lifestyle factors such as smoking, obesity, unsafe drinking patterns, stress-related symptoms, etc. need to be analysed from a health perspective, focusing on how they affect the applicant’s health and parenting capacity in the short and long term. Some of these factors would constitute grounds for refusing applicants consent to adopt. If they are actually in a position to alter their lifestyle, this might strengthen their resolve to do so, enabling them to reapply for consent to adopt when the health risks have been dealt with.

Lifestyle factors imply health risks in several respects – those affecting the applicants’ health in the short and long term, and those involved for a
child growing up in the setting of such a family, all of which need to be considered in the assessment.

Obesity, for example (i.e. a BMI\(^{20}\) of over 30, where a BMI of over 35 is a medical disorder) involves a large number of health risks in the long term. Amongst other things, there is a general risk of a sufferer’s future weight gain generally being faster than for people in the normal weight range.

Both obesity and underweight (BMI under 18.5) might be due to an eating disorder. Eating disorders may have a complex background but they can often be seen as indicating mental health problems. (15) This will need special coverage in the assessment, and a specialist’s certificate might be necessary (see below).

Obesity might also be interpreted as indicating an unhealthy lifestyle, with bad eating habits and extremely sedentary behaviour which need to be considered separately in relation to a child’s needs and what constitutes a suitable setting for bringing up a child.

Different disabilities must be considered individually, from case to case. Conclusions must take into account how an applicant’s equipment and aids can compensate for the disability in question, (7) as well as the support and services the applicant receives. A significant disability might be an obstacle to meeting the needs of an adopted child. Applicants (i.e. each of the applicants, when a couple is applying) must be able to engage in close physical and emotional contact with a child and must be able to provide for a child’s care and safety. The explanatory statement accompanying the bill underlines that each of the spouses/registered partners applying together should be healthy enough to be considered able to perform all the functions of a parent during the child’s entire childhood and teenage years. (7)

If the social welfare committee does decide to grant consent to an applicant who is ill or disabled, the applicant must be aware that the children’s representatives abroad might view the illness or disability in a different light. S/he might have difficulty being selected as an adopted parent, despite having been granted consent to adopt in Sweden.

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\(^{20}\) Body Mass Index shows the relationship between a subject’s weight and height (weight divided by the square of the subject’s height) to indicate whether he or she is of normal weight, overweight or underweight. The ratios mentioned above are the ones WHO uses to define underweight, class I and II obesity. Any such methods have their limits. An extremely fit and muscular person can have a high BMI without being overweight. Another method of defining overweight and obesity is based on the subject’s waist circumference.
Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- an applicant who is too old, ill, disabled or in constant pain; lifestyle factors which might indicate diminished parenting capacity, viewed over a period of the next 20 years (i.e. until the child has reached adulthood)
- lifestyle factors which imply an unsuitable setting for raising a child
- applicants who are on sick leave or receive sickness compensation and have done so for a lengthy period
- a history of lengthy or recurrent periods on sick leave, possibly indicating the risk of further periods on sick leave in the future
- disability requiring wide-ranging services and support, which in turn might disturb or hinder a child’s attachment to new parents.

Emotional stability and mental health as prerequisites for suitability

Adopted children need emotionally stable parents who have the inner security necessary for taking care of a child who might reject them, whose signals might be weak or difficult to interpret and whose behaviour might cause them anxiety and uncertainty.

Adopted children are particularly in need of emotional warmth and closeness, attention and support from their parents throughout their childhood and well into adulthood.

So a healthy sense of self-reliance and the emotional stability to cope with stress and strain are crucial prerequisites for adopting. Amongst other things, adopters should not be frightened by the strength of their own feelings and they must be able to cope, with sensitivity and understanding, when their child gives vent to overpowering emotions. (This must never be mistaken for adopters having an unrealistic idea of their own capacity, denying difficulties or having a tendency to handle emotionally demanding situations by avoiding emotional involvement.)

Parents need to be attentive and respond sensitively so that an adopted child can form a secure attachment. This can take time and a great deal of patience and it can be emotionally demanding, because an adopted child might be difficult to reach or to understand, as a result of his/her past experiences. Sometimes a child shows no attachment behaviour and the adoptive parents have to take the initiative, actively and tirelessly building up their interaction. If a child rejects them, for example, it can be painful and give rise to serious doubts about their own resources and capacity for parenting.
A child who has grown up in an environment characterised by stress and strains will have developed constant wariness and suspicion, together with a tendency to react aggressively. A child whose attempts at attachment have been repeatedly rejected or ignored will have developed a negative self-image as a person not worthy of the care or attention of the attachment figure. (16) This is the sort of background that an adopted child might have come from.

A child perceived as irritable can easily trigger a parent’s own aggressiveness or lethargy and lead to the parent not being sufficiently attentive and sensitive. At the same time, temperamentally difficult children can enable parents to practise and become more sensitive and attentive. (16)

Mental disabilities, mental illness, mental disorders, emotional vulnerability, recurrent depression or lengthier conditions characterised by anxiety, compulsive behaviour or psychosomatic symptoms naturally present difficulties as regards parenting and meeting the particular needs of an adopted child. The same is true of individuals who are – or have been – substance abusers or engaged in other forms of self-destructive behaviour.

If an applicant has or has had some sort of mental problem and/or engaged in substance abuse, or if any doubts about mental health issues, mental stability or mental disability emerge during the investigation, the social worker in charge of the assessment might need a statement from an expert on which to base conclusions.

If there are doubts about an applicant’s mental health or a mental disability, then s/he should be required to hand in a formal statement about his/her mental state, written either by a doctor who has specialised in psychiatry or by a certified/registered psychologist (SOSFS 2008:8).

If the social worker in charge of the assessment is unable to reach a decision as to how the applicant’s health status would affect his/her parenting capacity, based on the statements already provided, then the case should be referred to the Committee for Social and Medical Legal Questions (‘Legal Committee’) under the Swedish National Board of Health and Welfare and a formal statement requested from the Committee (SOSFS 2008:8).

Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- mental instability and vulnerability
- lengthy period on prescribed antidepressants
- mental illness
- deficient impulse control
• personality disorder
• serious neuropsychiatric disability
• unsafe use/abuse of alcohol or other substances and other self-destructive behaviour
• tendency to violent behaviour.

**Premises for good parenting**

General parenting capacity (cf the BBIC triangle on page 50) is taken as the ability to show openness, sensitivity and responsiveness and to provide a child with basic care, safety, stimulation, guidance and limits and stability (which is especially important for adopted children).

The specific needs of adopted children which applicants must be able to meet concern the child’s attachment, the child’s grieving for his or her losses, the results of possible traumatic experiences, physical or emotional damage and disabilities. Other examples are coping with deficient communicative skills and destructive survival strategies, providing extra support to promote the development of language skills and an identity with a dual sense of belonging – to a birth family and an adopted family. In this context it is essential to bear in mind that increasing numbers of the children available for adoption nowadays are older than before, and/or have disabilities. The risks are much greater of these children having experienced things which aroused overwhelming feelings of terror, anger and sorrow while there was no trustworthy adult available to help them handle their feelings.

Research into children and parents and the development of undesirable behaviour in children has taught us a lot about the need for parents to be sufficiently attentive and emotionally close to their children. How attentive adoptive parents are and the pattern their child’s attachment forms has proved significant for whether or not the child subsequently develops problems. (20)

Research indicates that adoptive children sometimes have to live up to unreasonable demands, compared with their actual abilities and resources. (4) This is why general parenting skills, such as being able to see a child for who s/he really is, being actively interested and emotionally involved in a positive sense, being empathetic, allowing one’s own needs to take second place, and having realistic expectations of a child’s abilities (21, 22) are all especially important for parenting an adopted child.
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**Applicants’ personal characteristics and ability to interact with others**

When assessing the applicant’s personal characteristics, the social worker in charge of the assessment should try to establish whether or not the applicant has the resources necessary to meet the particular needs of an adopted child, and determine whether there are any risk factors which are relevant when drawing conclusions about the applicant’s ability to meet those needs (SOSFS 2008:8).

Applicants must be able to grow to understand and accept an adopted child’s factual and emotional experiences; be able to make it easier for him/her to settle down and become securely attached. Significant qualities here involve the applicant’s own attachment history, self-esteem, reflective function, emotional warmth (openness, sensitivity and responsiveness) and ability to create and sustain close relationships. All these characteristics and aspects are closely related.

**The applicants’ own attachment history**

*The significance of attachment*

Attachment is all about how a child develops and sustains the ability to use certain chosen people for security and protection when threatened or in danger. A child’s attachment behaviour is geared to activate the parent’s caregiving system. A child’s attachment to his/her parent forms a pattern based on their interactions over time. A child who knows that parents can be trusted to be sensitive, responsive and predictable grows to rely on his/her own ability to interact with others. A child’s early internal working model for attachment, i.e. general expectations of how people behave and treat each other, will affect how s/he behaves when meeting new people outside the family. An internal working model helps a child to notice and interpret events, predict what will happen, plan what to do and how to act. Earlier experience influences subsequent models for new relationships, but the earlier models are also updated with experience gained from the new relationships. (16)

If a parent (or other carer) treats a child in a frightening and unforeseeable way, a child can develop a disorganised attachment pattern which has serious consequences for the child’s subsequent development. (23)

There is a connection between parents’ stories of their own attachment relationships and their children’s behaviour. Research indicates that parents’ own internal working models are expressed in their accessibility and responsiveness to a child’s needs, which can in turn explain the way their child’s attachment pattern develops. (23)
The way parents care for their children depends on how they themselves were parented when they were infants, needing closeness and security. (16) Even if parents have had a difficult childhood, they can still develop a secure attachment with the help of other significant, sensitive and responsive adults. The adult’s reflective function has proved to be a crucial factor in this respect. (17, 24, 25)

Applicants who have grown up with insensitive, unresponsive, inaccessible, unreliable and inconsistent caregivers, e.g. in a setting characterised by serious neglect, substance abuse, violence or mental illness, might have developed an insecure or even disorganised attachment, resulting in problems with close relationships. How they have reflected on their past and processed the deficient care they might have received will be crucial to the development of their own capacity for caregiving. Insecure attachment and, even more particularly, disorganised attachment, appear to be one of the risk factors for anxiety, depression, self-destructive behaviour and psychopathology. (16) Disorganised attachment is particularly problematic, especially with regard to the adult’s parenting capacity. Research supports the idea that disorganised attachment is connected to problems in close relationships, a negative self-image, difficulties regulating emotions etc. (26)

All children would benefit from having parents whose attachment is as secure as possible. Children who have had painful experiences and have attachment difficulties are particularly in need of emotionally accessible parents, (27) who have developed a secure attachment pattern themselves and are able to be sensitive and responsive in encouraging their child’s attachment behaviour. The crucial components in this respect are their openness, sensitivity and responsiveness, and their reflective function. (17, 24)

**Issues to discuss on the subject of attachment**

Applicants’ own attachment history is of vital importance for conclusions as to their suitability to adopt. Applicants’ descriptions of their childhood and upbringing, relationships with parents, siblings and other significant carers are essential parts of the assessment, as are how they affect the applicants in adult life, how s/he views close relationships and parenthood.

Some key areas to explore are which people were important to an applicant as s/he grew up, what characterised their relationship, how close they were, and what positive and negative experiences were involved. What has this meant for the applicant’s subsequent development, outlook on life and approach to other people? An applicant’s reactions to separation and the support received from significant people, other losses and painful experi-
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ences are also important areas to explore in more detail. Other vital areas to cover are how an applicant describes his/her relationship to parents and other important people after reaching adulthood and up to the present day. How would the applicant characterise his/her upbringing, parents and their actions, viewed from the vantage point of the present? Is there anything that the applicant has reconsidered? Are there any issues that the applicant would tackle differently if s/he was a parent?

The special instruments available for attachment interviews (Adult Attachment Interview, AAI, or Attachment Style Interview, ASI) have not been tested for adoption assessments. Nevertheless they are used to assess applicants’ attachment history (and in ASI their present attachment capacity) in Great Britain, for example. An attachment interview can provide valuable information if the social worker in charge of the assessment has the relevant training.

Applicants’ reflective function

The capacity called the \textit{reflective function} can be defined as an ability to look at oneself from the outside, being able to observe, analyse and understand one’s own mental state, one’s thoughts, feelings and intentions, a prerequisite for understanding those of other people. (28)

Parents’ ability to reflect on their inner world is important for their ability to grasp what the world might be like from a child’s perspective. It affects their ability to understand a child’s feelings, to provide the appropriate emotional response to a child’s signals and provide sensitive care. It also enables them to understand their own actions and reactions. Parents who can reflect on their own past history are better qualified for seeing things from the point of view of an adopted child. They can reflect on what is going on inside their child: the different feelings, needs and wishes, and this empathy makes them better equipped to help. They already have the frankness and flexibility to view themselves from various perspectives and they can see their role as parents in a realistic light, without being overly critical or defensive. (16)

Applicants’ ways of talking about their childhood and upbringing provide valuable information about their reflective function. Their behaviour during the interview and how they describe their experiences provides additional information which is just as important as what is actually said, e.g. if they avoid eye contact when touching on delicate issues. The logic and the consistency of what they say, the relevance and clarity of their descriptions, the detail and conciseness of their answers are all significant. (29) If they have difficulty reflecting and offer vague or one-sided answers, con-
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Contradictory or scanty information about their upbringing or their relationship to significant carers/caregivers, this can indicate difficulties which need to be addressed.

Questions to do with self-esteem, identity and sexuality

How would applicants describe their self-esteem? How secure do they feel with their identity, gender identity and sexual orientation? What are their views on people who have a sexual orientation which differs from their own? How would they take it if it eventually transpired that their child had a sexual orientation which was different from theirs? Even if different sexual orientations are much more widely accepted and respected now than a few decades ago, society in general is still predominantly heteronormative (heterosexuality being seen as the norm and other sexual lifestyles as abnormal). People with homo- or bisexual lifestyles still encounter prejudice, negative attitudes, discrimination and even harassment. (30) Discrimination in itself can have adverse effects on health and well-being. (31)

The criteria for assessing applicants’ suitability are the same, irrespective of their sexual orientation. If applicants are gay, lesbian or bisexual, there are however certain additional questions regarding how the attitudes of people around them affect family relationships, everyday life, identity and self-esteem, all of which will be significant if they are granted consent to adopt. (32) When and with whom did the applicants first come out about their sexual orientation and what were the reactions? Is there anyone in their closest circle of friends and relatives who is unaware of their sexual orientation, or has reacted negatively? How have applicants tackled any friction or conflicts resulting from this? How do applicants cope emotionally with homophobia and other negative reactions?

Examples of personal characteristics and factors involving applicants’ interaction which indicate – or might indicate – that the applicants would not be suitable adopters:

- problematical and badly processed relationships with their own parents
- indications of insecure or disorganised attachment
- difficulties with close relationships
- difficulties coping with strong feelings
- weak or shaky self-esteem
- insufficient empathy
- impaired reflective function
• uncertainty about identity and gender identity
• difficulties in handling reactions and conflicts relating to sexual orientation.

Losses and traumas, such as involuntary childlessness, have been properly processed

Another important theme in the assessment is the applicants’ experiences of crises, losses and trauma: how applicants have processed their feelings and reconciled themselves to the facts, integrating them into their life story so that they are able to carry on. Applicants must be able to handle difficulties in life. Previous crises and painful experiences, if they have been properly processed, can be an asset later in parenting.

Parents who have not processed their own painful experiences properly tend to misinterpret their children’s signals to a greater extent, reacting to them with aggression or fear. The child’s strong emotional expressions – crying or clinging – reawaken something in the parents, who react to their own unprocessed experience, rather than to the child’s actual signals. The parents’ behaviour is incomprehensible and frightening for the child. (16)

In the assessment, it is essential to establish that any grief applicants may have felt at not being able to have a birth family has been properly processed. (7) Adoption must never be a means of healing and recovering from the grief caused by infertility. In addition, involuntary childlessness often leads to considerable strain for the individuals concerned and for their relationship. Infertility can affect applicants’ self-esteem and their confidence in coping with parenthood one day. Occasionally, childlessness can be a symptom caused by conflict between the applicants. Discussing the matter with both spouses/registered partners is vital. How do they cope with their childlessness, the disappointment they may have felt? How has it affected them and their relationship, and how have they managed to work through the whole issue? What does it mean to them not to be able to pass their genes on to future generations, not to be able to see their partner’s or their own features/characteristics in a child? In some cases, the reasons for their childlessness might not be biological, but they may be painful nonetheless, and need to be discussed.

An adopted child needs parents who are able to devote themselves whole-heartedly to parenting, helping their child to build up trust, form an attachment and adjust to his or her new family setting. It also follows that an adopted child should never have to share parents’ attention with a newborn baby during this period. Ongoing IVF (in vitro fertilisation) treat-
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ment for example, precludes simultaneously going through the adoption process. What do applicants feel about using contraceptives and actively avoiding pregnancy in conjunction with the arrival of an adopted child?

If applicants have lost a child it will be crucial that they have reached a point in their grieving and healing process where their grief is manageable before they start on the road to adoption.

If applicants are adoptees themselves, preparing to adopt can reawaken powerful emotions and memories from their own childhood. They need to have processed their own adoption, reconciled themselves to the losses it entails and be able to appreciate all the positive things it has led to. Otherwise their own experiences might make it difficult for them to be empathic, sensitive and responsive to the needs of an adopted child.

Other applicants might also have been subjected to painful early losses which have not been worked through properly. Adopted children are especially vulnerable in situations involving separation and parting; their vulnerability might reawaken powerful feelings in applicants, making it difficult for them to respond sensitively to the needs of their child.

**Examples** of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- problems coping with difficulties and crises
- past difficulties and crises which have not been properly processed
- unresolved grief resulting from childlessness or the loss of a child
- unresolved grief resulting from the loss of a parent/parents early in life.

**Motives for adopting**

Applicants’ motives for adopting and their expectations concerning an adopted child are also core issues to address in assessing their suitability.

(7)

Applicants need to feel relaxed about their decision to adopt and the motives that led them to it. As with other major decisions in life, it is natural for them to feel somewhat ambivalent about their decision to adopt. Realising this enables them to work the ambivalence through, rather than denying its existence.

Where couples are concerned, it is also essential that both spouses/partners want to adopt, and that neither of them feels obliged to comply with the other’s wishes or with the expectations of family and friends. It is natural for the joint applicants to be at different stages initially. To be granted
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consent, however, both of them need to be deeply committed to their decision to adopt. Otherwise any difficulties that crop up after the child has arrived might put a tremendous strain on their relationship. Some important questions to put to a couple are ones about which of them first raised the topic of adoption, whether they have any doubts about adopting, now or in the past, and how they have tackled them. Is one of the spouses/registered partners more eager and anxious to adopt than the other?

Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- longing for a child is a way of resolving other problems or meeting other needs
- a marked or unacknowledged ambivalence towards adoption as an alternative to giving birth to a child
- joint applicants have different motives for adopting, or one of them is clearly more eager or determined than the other.

Readiness to ask for help and accept it

Adopted children as a group run a greater risk of developing emotional problems than other children, although such problems are by no means common. Research indicates that adoptive parents in general tend to ask for help rather later than other parents, when they experience difficulties as parents or when their children have problems. (4) They have been anxious to portray themselves as suitable and capable parents during the assessment, in order to be granted the social welfare committee’s consent to adopt. This might make it difficult for them to admit to having problems.

According to the government bill, adopters need to be aware that help is available from the start, if there are any signs of difficulties. (7) It is vital that prospective adopters realise that they might need help in the future, both in supporting and strengthening their child’s attachment and also with other tasks as parents and carers/caregivers. This applies not only to the initial adjustment period but also later on, for instance in connection with various sorts of transitions and children’s different developmental stages, particularly in teenage years.

This is why the applicants’ previous experience of difficulties in life, of asking for and accepting outside help, together with their self-esteem will also be important issues for the assessment.
Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- aiming for self-sufficiency, even when in difficulties
- difficulties in accepting help.

Parenting capacity when applicants already have children

If applicants already have a family, then their parenting capacity and skills, as evidenced in the children’s situation and development, will be a key issue in the assessment. This whole topic provides valuable information about whether the applicants are suitable to adopt.

How would the applicants describe parenthood? What sort of parents are they, and how do they describe their child/children? What challenges and difficulties have they encountered as parents?

If the applicants have already adopted, what was the child’s attachment process like, and how did their relationship develop? What did it feel like when they received the referral, telling them about the child waiting for them, and how did they react when they first met their child? What difficulties have they had to cope with? How has their child reacted in different situations, and where does he or she go for comfort? When have the applicants felt worried, or happy and proud? How has their adopted child developed, physically, emotionally, socially and linguistically? Have the applicants needed to ask for help at all? How have they solved practical issues? How have their family and friends reacted to their adopted child?

If applicants already have children in previous relationships, then their description of their relationship to the children, issues such as parental responsibility/legal custody, residence/physical custody and contact/visitation will be important in the assessment. The same applies to any court orders or agreements out of court: how were they arrived at, how have the children’s parents been able to collaborate and have there been sources of conflict?

If applicants already have children, the social worker in charge of the assessment should first ask for the guardians’ permission and then obtain statements from the local child health clinic, the children’s nursery school and/or school (SOSFS 2008:8).

Interviewing children

The social worker in charge of the assessment should determine whether or not the child and parents have a sound relationship and evaluate their interaction (SOSFS 2008:8). Amongst other things, this covers the child’s
attachment to his or her parents and whether or not a child has special
needs which make particular demands on parents’ resources.

One way of accomplishing this is to interview the child/children, if ap-
propriate, taking the child/children’s age and maturity into consideration.
The same applies to children from previous relationships and children who
are now adults.

If interviewing previous children would not be appropriate, the social
worker in charge of the assessment will need to consider other ways of
obtaining the necessary information.

Interviewing previous children is conditional on permission to do so be-
ing given by the person/-s who have parental responsibility/legal custody
for them. The presence of at least one of the child’s parents is usually a
good idea, especially when interviewing younger children. The interview
should never cause a conflict of loyalties, naturally, or entail any other sort
of stress for the child involved.

Topics when interviewing previous children are their childhood experi-
ences and their thoughts on possibly having an adopted sibling in the fu-
ture. Would the children living at home be able to be specially considerate
and patient with an adopted child? On the other hand, children are seldom
able to imagine what having an adopted sibling would entail. Good sibling
relationships are an important topic, but a child’s stance on siblings cannot
be allowed to decide the matter. Grown-up children and their approach to
adopted siblings are also important for the child who might be joining the
family.

Adoption when the family has children already

Number of children
If the family has children already, how many children could the applicants
cope with? An adopted child will often have a far greater need for parents’
attention and nurturing than a child born into the family. How many sib-
lings can an adopted child reasonably be expected to share parents with?
Can the children who already belong to the family adjust to cope with an
adopted sibling?

The needs of children adopted previously
If the family has adopted previously then another significant topic will be
how the child(ren) have attached, how secure they are and how they inter-
act with their parents. This will be essential to the assessment’s conclu-
sions as to whether another adoption should be approved and if so, at what
point in time it would be suitable for the applicants to adopt again. Since every child is different, there can be no definite ruling as to how much time each adopted child needs.

For how long have the child(ren) been part of the family? Have they all had enough time to settle down and develop a secure attachment? Is it likely that the child(ren) are ready for an adopted sibling who will make considerable demands on parents’ time?

**Children who are being fostered in the family**

If a child is being fostered in the family it will be important to discuss what this might mean for an adopted child and vice versa: what the arrival of adopted child might mean to the child being fostered. Children in care are also in need of extra attention and nurturing. Their stay in the family might only be temporary. If a child is being fostered, is this a short-term or long-term placement? What might it entail for a child who is being fostered, with his or her particular needs, if a possibly challenging adopted child were to arrive and belong to the family on quite different terms?

*Examples* of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- indications of parents failing to build up satisfactory relationships with or failing to give sufficient nurture to previous children
- other children in the family who would have difficulties coping with an adopted sibling in need of considerable attention from parents
- other children with particular needs in the family and/or other difficulties which take up a considerable amount of parents’ energy and attention
- difficulties collaborating and resolving conflicts about parenting previous children.

**What sort of children would applicants be qualified to adopt?**

All adopted children could be considered *special needs children,* bearing in mind their early experiences of separation, their loss of attachment figures and of everything they have ever been accustomed to. Children who have had to cope with additional challenges may be in need of massive support and nurturing and they need adoptive parents who have exceptional parenting capacity and skills. Since it is impossible to predict what special needs a child might have, the basic principle has to be that applicants must
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have the capacity to cope and fulfil a child’s needs even if those needs are extensive.

Research show that a child’s age when adopted is a risk factor for older children. (4) In certain cases, older children have had to live in adverse circumstances for a longer period and they may have experienced the repeated losses of a whole series of carers. The older an adopted child is, the greater the likelihood of him or her having special needs. Are the applicants sufficiently qualified for this?

Do they have the special qualifications necessary to adopt a child with a known disability? Are the applicants prepared to handle the situation if it eventually transpires that their adopted child has a disability? If applicants are intending to adopt a child with a disability, what are their motives? Is it a well-founded wish, or is it merely an attempt to increase the applicants’ chances of being selected to adopt a child? The social worker in charge of the assessment will need to discuss with applicants to what extent they can devote extra time to their child. What resources could their social network offer? What are their views on getting professional help, and is there any such help available within a reasonable distance from their home? Aspects such as the applicants’ home and neighbourhood are also significant for a child who might be physically disabled, suffer from allergies etc.

**Adopting siblings**

Some applicants are positive about adopting a group of birth siblings. Adopting several children at the same time can entail special difficulties and challenges. What are the applicants’ motives, and are their thoughts and wishes realistic? Their resources for adopting siblings need to be assessed. Have they sufficient previous experience of children, and have they had experience of children of different ages? Are both applicants able to take parental leave at the same time, to be able to stay at home and spend time with each child? How long could they stay at home on parental leave? 21

**Beliefs and values**

A description of the applicants’ religion and beliefs is often important for the authorities/organisations in the children’s states of origin and is expected to be included in the written report of the assessment. Some of the questions covering values and beliefs are also relevant to the social welfare committee’s conclusions as to whether applicants are suitable to adopt.

If applicants are members of a certain church, religious community, ideological association or suchlike, an important aspect of the assessment will be to determine what impact this has on their values and beliefs, their day-to-day life and their views on raising children.

Applicants’ views on the freedom of religion and the fact that there are different beliefs need clarifying. Their possible wishes for a future adopted child to embrace the same religion or beliefs that they themselves hold will also need discussing.

Their approach to human rights, equal rights for women and men, chastity before marriage, their views on the concept of honour and on restricting the independence of family members are other important topics.

If applicants come from a group or culture which advocates corporal punishment, or where child marriages, arranged marriages or female genital mutilation occur, the social worker in charge of the assessment must be convinced that applicants have repudiated such traditions and disciplinary methods.

Applicants’ attitudes to child pornography and other sexual boundary violations are extremely pertinent aspects to consider with a view to applicants’ suitability to adopt, but dubious views on such subjects are naturally hard to disclose by means of direct questions. It might be important to talk about applicants’ attitude to children’s and adults’ sexuality during the assessment, however.

*Examples* of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- ideological or religious fundamentalism or fanaticism
- intolerant attitude towards people who express a different opinion
- racist values
- prejudices about the background of adopted children
- discriminatory views on women, men and children and their rights
- vagueness or unsound views on the subject of unlawful sexual activities.

**Migration and language issues**

For applicants who have immigrated there are special issues to address in the assessment, involving their migration process and integration in Sweden, including their knowledge of Swedish.

A migration process involves breaking away from one’s native country and establishing oneself in a new country, in a different society. It entails
a tremendous adjustment, building a new life and in many respects starting again from the beginning. Periodically, immigrants can be preoccupied with what they have left behind, or with their worries and uncertainty about their new situation. How long it takes to adjust, to begin to think about the future and realise what the possibilities might be, varies from one individual to another. In some cases the migration process comes to a standstill and the individuals involved have difficulties making progress. (33) Problems finding a first job, new roles for family members and collisions between the family’s values and those of the rest of the community can all be major stumbling blocks to integration.

Children adopted from abroad by parents who speak the children’s own language and have the same cultural background have the advantage of being able to retain their original language. It is easier for them to maintain and develop their cultural roots and their natural links with their country of origin. At the same time, Sweden is their new home.

Adopted children need stability and parents who feel satisfied with their life in Sweden. Applicants therefore need to have completed their migration process. If adopted children are to have the support and guidance necessary to feel part of society, their parents must be well-informed about Swedish society and feel at home in Sweden. They must be able to support and encourage their children as they start to grasp the values and beliefs prevalent in the community. Otherwise their children risk having to assume the role of mediator and can be caught up in a conflict of loyalties between their parents and the community.

Language issues

A good knowledge of Swedish is necessary for communication with the rest of the community, not least in relation to nursery-school and school. If applicants have not learnt Swedish, it can be a starting-point for discussions about their attitude to Sweden and Swedish society, how integrated they are in Sweden and so on.

An internationally adopted child normally has to change languages when s/he arrives in Sweden (unless the adopters speak the child’s native language). Most adopted children manage to change languages to Swedish with no difficulty, although it might take them some time to catch up, linguistically. (34) Learning two new languages (Swedish and another language spoken in the adopters’ home) is more challenging and takes longer than learning just one language. It follows that adopted children might need extra help and support in such cases. If children are to be able to learn Swedish and more than one other language they need to start at a very
early age, when their linguistic skills are not yet very well developed. It is not uncommon for adopted children to have deficient language skills since they have not had enough opportunities for relating to carers or engaging in dialogue, and they have not received enough linguistic or emotional confirmation. (34) When such children arrive in a multilingual family they might not have the resources for coping. The time it takes to become bilingual (or multilingual) also needs to be taken into consideration. Children whose first language is underdeveloped need an extended period of time to develop language skills if they are now exposed to two languages, and they need linguistic and cultural contact with both languages. (35)

Applicants whose homes are bi- or multilingual need to have thought about and be aware of the impact this might have on a child. S/he will have been through a whole series of upheavals entailing, amongst other things, being removed from the linguistic setting s/he was accustomed to. It follows then that any children adopted into such families should preferably be able to speak one of the languages the family uses, or else be adopted at a very early age, when children’s linguistic skills are still relatively undeveloped. Applicants need to have given some thought to which language they intend to be the family’s common/working language, how an adopted child will learn Swedish and how they can promote their child’s linguistic development. If necessary, social workers in charge of assessments can consult a speech and language therapist to discuss matters and advise applicants and/or in order to include input from the therapist in the assessment.

Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- applicants have little contact with or dissociate themselves from Swedish society
- migration process is incomplete
- insufficient knowledge of Swedish for communicating with school/preschool and for providing the guidance an adopted child needs to understand and feel part of society.

Resources in terms of the applicants’ relationship, social network and environment

Under the heading ‘Family and environment’ (cf. the BBIC-triangle on page 50) the factors to take into consideration are the applicants’ background and present circumstances, their family and network, living conditions, financial situation, work/occupation, social integration and the resources to be
found in their local community and environment. The following resources, to do with the applicants’ relationship, network and environment, are particularly important with regard to applicants’ suitability to adopt:

<table>
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<tr>
<th>3) Resources for adoption in the applicants’ relationship, network and environment, in particular:</th>
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<tr>
<td>– the length and stability of the applicants’ relationship</td>
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<td>– their ability to be mutually supportive</td>
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<td>– their ability to cope with strain and resolve conflicts</td>
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<td>– sound relationships with closest relatives, who can be expected to provide support for an adoption</td>
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<tr>
<td>– sound and rewarding close friendships</td>
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<tr>
<td>– satisfactory support and relief available within applicants’ network</td>
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<td>– readiness for coping with other people’s views and reactions.</td>
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**The applicants’ relationship**

A couple who adopt should have a *stable relationship*. (7) (Italics ours.) Adopted children need families where the parents can give them unconditional love. The adoptive parents’ own relationship must be loving and characterised by mutual respect, so that they can focus on their child without being preoccupied with relationship problems. Their relationship needs to be stable, so that it can withstand the possible strain and challenges involved in parenting an adopted child, keeping the risk of a future separation to a minimum. The stability of a relationship must be gauged from case to case – it is impossible to define stability in terms of a specified number of years or by other criteria.

Discussing the applicants’ relationship will therefore provide extremely important information for drawing conclusions about their suitability to adopt. Some of the aspects to discuss will be the story of their relationship, its *duration and durability*, their *trust* and confidence in each other. How do the applicants look at each other? What characterises their interaction and communication? How close are they to each other, how sound is their relationship and how committed are they to it? Is one of them more dependent on the other? What do they do together or independently of each other? Has their relationship seen trials or challenges, and how have they tackled them? How do conflicts arise, and how do they handle them? Are they able to act together to cope with problems in a constructive way? How do they assign roles and responsibility, and how do they reach decisions?
How do the applicants support each other and meet each other’s emotional needs? Are their family relationships warm, supportive and nurturing? How do they express feelings in their family? How are they answered? What do they particularly appreciate about each other, and what do they find irritating? Are they able to adjust and adapt to change, are they flexible? What are the strengths and weaknesses in their relationship? How might an adopted child affect their relationship? Have they ever considered separating? What has changed since then? What would happen if they did separate?

Other topics which can provide valuable information are *previous close relationships* and why they have come to an end, what applicants have learnt from them and what sort of relationship they have now with their previous partners.

Questions about the sexual side of the applicants’ relationship might be relevant if fertility problems and treatment have caused problems which might affect the stability of their relationship.

Discussions where both applicants are present can provide insight into their interaction, while individual interviews can indicate how their views tally on core issues. Information provided indirectly during applicants’ discussions of their fertility problems, their views on discipline and raising children, their own childhood and how they solve practical issues etc. will be just as important as their answers to direct questions about their relationship.

How have same-sex couples handled their relationship, viewed against the background of possible prejudice in their network and environment? If there is any reticence on the subject of their sexual orientation, what significance does that have for their relationship and for possibly becoming parents some day?

*Examples* of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- relationship is untried, unstable or of short duration
- numerous conflicts and/or difficulties in resolving conflicts in a constructive way
- indications of control, violence or other coercive or degrading behaviour
- lack of mutual respect
- lack of mutual support
- lack of congruity between applicants’ views
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- lack of balance in the relationship
- lack of equality which might lead to conflicts.

Single applicants

When assessing single applicants there is a series of special questions on the subject of close relationships which are relevant to conclusions about an applicant’s suitability to adopt. The purpose of these questions is to be able to form an opinion about the applicant’s views on close relationships, his/her capacity for commitment, and the risk of an adopted child becoming the sole person to meet the adopter’s need for closeness.

Questions about previous and present close relationships to parents, siblings, friends etc. are significant, as are questions covering relationships to previous partners, why they came to an end, and thoughts on possible future relationships. How do applicants make sure that their need for friendship and emotional support is met? How do they feel about not having a partner to start a family with? Do they think they might find a life partner sometime in the future?

If they were to find a partner, either while waiting to adopt or after the event – how might that affect their child? How might it affect their ability to commit whole-heartedly to their child and his or her needs?

People sometimes apply for consent to adopt alone, although they actually have a partner. There might be several reasons for doing so: their relationship might be relatively new or uncertain, or their partner might not be prepared to start a family.

The difficulties involved in such a relationship need careful assessment. The emotional strain of that relationship possibly breaking up just as an adopted child arrives would make it difficult for an applicant to provide the best possible start for a child.

If an applicant does have a partner who, in addition, would be one of the people closest to the adopted child, then it is important for her or him to be included in the assessment. In such cases uncertainty about the relationship and its duration would be a factor indicating that the applicant would be unsuitable to adopt.

The social worker in charge of the assessment will need to inform the applicant that if s/he does enter into a permanent relationship after being granted consent to adopt, this will constitute a substantial change in his/her circumstances and need further investigation.
Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- adult relationships inadequate for providing emotional support
- a longing for a child as a substitute for other relationships
- uncertainty and doubts concerning a partner who is not party to the application for consent to adopt.

Social network and social integration

Adopted children will not just be provided with new parents: they will also belong to a whole new set of relatives and become part of a new social setting. Every child who is adopted needs to feel loved and eagerly awaited by more than just the prospective adopters.

Both couples and single adopters must have a fully functional social network which is prepared to offer the family support whenever necessary. (7)

The quality of applicants’ friendships is of great importance in gauging their ability to create and sustain close relationships. What are their friendships like? How long have they known each other? How close are they? How often do they meet? How much do they trust them as individuals? Which of them would applicants get in touch with if they needed help?

Have applicants discussed adoption with their own parents, siblings, relatives and friends? What do their parents – the prospective grandparents – think about the planned adoption? What is the attitude of the applicants’ siblings and other important people in their network?

The assessment will need to include a survey of their social network in terms of its being a source of encouragement and support in parenting as well as providing respite and practical help whenever necessary.

Social workers in charge of assessments should investigate whether there are people in the applicants’ social network who would be able to provide support and help after an adoption if necessary. The social worker should also interview some of the people in the applicants’ network (SOS-FS 2008:8). This might take the form of a network meeting, for example. Amongst others, some of the key topics to discuss are:

Within the applicants’ network, what are people’s views on adoption in general and this adoption in particular? Do the applicants have a family, relatives and a wider social network which would welcome an adopted child and be prepared to help take care of him/her?

Is there anyone in their network who is sufficiently committed to offer to step in and shoulder responsibility if the applicant(s) should fall ill or
die? (This question is to gauge the strength of their commitment; it does not mean that someone can actually pledge themselves to do so, of course.) If there are people willing to step in – do they have the necessary insight concerning adopted children’s needs?

**Special questions for single applicants**

In the case of single applicants, the questions mentioned above will be decisive in terms of their being approved as suitable to adopt. It is crucial that they have a strong network and active ties with their family and relatives, since these are the people who – apart from the applicant – would constitute an adopted child’s whole life context.

Single applicants do not have the same opportunities as couples of sharing the responsibility, the day-to-day worries and the joys of parenting with someone else. Neither do they have someone to hand over responsibility to when their child needs extra care, e.g. when s/he wakes up at night, or when they themselves are ill. Realistically, how much support and practical help might they get? Is there anyone who is willing to step in and shoulder the responsibility of being an ‘extra parent’, emotionally and practically? Their friends’ generally supportive attitude might not be quite the same as an actual wish to step in and help when they are needed.

How do applicants intend to answer their child’s questions about why s/he only has one parent? How will they tackle possible reproaches on the subject? Have they given thought to what it might mean to a child to feel worried about maybe losing his/her only parent – again?22

Another important question is how applicants can meet their child’s need for sound role models and natural contact with people of both sexes as s/he grows up.

**Special questions for same-sex couples**

Do lesbian/gay/bisexual applicants feel respected by their families (by parents, siblings etc.)? How does prejudice in the community affect their ability to be open about their sexual orientation with other relatives and friends? If there are difficulties, what does that mean in terms of their network providing support for them as parents?

What would it mean for an adopted child, in terms of belonging to or staying in contact with the extended family? How could applicants compensate for possible discord by creating other networks?

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22 In a study of single adoptive mothers in Sweden, interviews revealed that some of their adopted children had been worried about losing their adopted mother and that they were also preoccupied with not having a father (Teiling, 2007).
How do applicants intend to meet their child’s need for sound role models and natural contact with people of both sexes as s/he grows up?

**Integration in society**

In assessing any applicants, integration in society is a significant aspect to cover. This part deals with applicants’ knowledge about society, their participation in it, the extent of their contact with neighbours, colleagues and their local community.

Applicants who live isolated in different forms of subgroups, with little contact with the community and the values and beliefs held by people round about them – or who dissociate themselves from the rest of society – lack the means of giving a child the information and guidance to enable him/her to feel a part of society. Instead of developing a sense of belonging, there is a real risk of such a child being caught up in a conflict of loyalties and feeling an outsider.

*Examples* of factors which indicate – or might indicate – that the applicants would not be suitable adopters:

- no close friends
- no longer any contact with their own parents, siblings or previous children
- lack of support in their social network
- single applicants who have no-one to step in to provide extra help and support
- negative views on adoption held by important people in applicants’ network
- applicants lack knowledge about/contact with the rest of society in Sweden
- applicants dissociate themselves from the rest of society
- isolation, e.g. in an ethnic, religious or ideological subgroup.

**Applicants’ present circumstances in terms of work, financial situation, housing, neighbourhood and local community**

Questions involving applicants’ work, financial situation, housing, neighbourhood and local community are important in terms of the resources they can provide for parenting and for meeting the needs of an adopted child.

Job satisfaction and job security are vital topics inasmuch as they indicate that work-related problems would not impede applicants’ whole-
hearted commitment to an adopted child. The same applies to a financial situation which is orderly and secure. On the other hand, applicants’ work, housing and financial situation can easily change during the period they have to wait before actually adopting. Changes like these after applicants have been granted consent to adopt might constitute substantial changes in their circumstances, and applicants are obliged to inform their social worker of any such changes.

A home visit gives the social worker in charge of the assessment a chance to view the applicants’ home and discuss how they intend to solve practical issues in the home, as well as the resources and services their neighbourhood and local community can offer to families with children. Another possible topic is the adjustments that would be possible if an adopted child had a physical disability or allergies.

If applicants are considering moving, they should preferably do so before their child arrives. Adopted children need stability, particularly at the beginning. Further upheavals and separation must be avoided as much as possible because of their impact on a child who has only recently been through similar experiences, in conjunction with being adopted and moving to his/her new family.

If applicants are considering moving to another country in the future, this will also need discussing with regard to their child’s linguistic development. Starting to learn Swedish and then cutting off the process in order to learn another language might be a considerable strain for their child. In the majority of cases, the arrival of an adopted child just as the new family is planning to move to a new home in another country must be regarded as unsuitable. It would also be crucial to ensure that the adoption would be valid or possible to finalise in the country to which applicants are intending to move.

*Examples of factors which indicate – or might indicate – that the applicants would not be suitable adopters:*

- unemployment or uncertainty concerning job security
- financial difficulties
- shortcomings in terms of applicants’ housing, neighbourhood, local community or environment and how they cater for the needs of a child
- plans to move abroad to live and/or work after the arrival of an adopted child.
Referees

Details about applicants’ personal characteristics should be obtained, amongst other things, by means of references from people chosen by the applicants themselves (SOSFS 2008:8).

If the referees’ statements are to be meaningful, they need to have been written by people who know the applicants well and who have personal experience of parenting. Since applicants choose their referees themselves, referees would inevitably get caught in a conflict of loyalties if they mentioned anything undesirable about the applicants. Their statements should therefore be regarded more as a complement, possibly substantiating the information which has already been obtained in some other way. They cannot be regarded as crucial to the conclusions of the assessment (unless they indicate that applicants would be unsuitable to adopt, in which case they need further investigation.)

The social worker in charge should inform each referee that the details s/he provides will form part of the assessment report. References should be obtained in writing and followed up in more depth in an interview with each referee (SOSFS 2008:8). Interviews can provide nuances of meaning to clarify the written material.

Examples of further questions based on the written statements provided by referees might be as follows:

• What do the referees know about the applicants’ experience of children and the sort of contact they have had with children?
  In what sort of situations have the referees seen the applicants with children?
  How do the applicants get along with children?

• How do the referees think the applicants will cope with the demands and challenges of parenting an adopted child?
  What are the applicants’ strong points?
  What might their weaker points be?
  Is there anything which might give cause for concern?

• If a couple has made a joint application to adopt:
  Does the referee think that their relationship is harmonious?
  Does the referee think that their relationship is stable?
  Is there anything about their relationship that might give cause for concern?
• If applicants already have children:
  What does the referee think of the applicants as parents?
  What sort of things do the applicants usually do with their children?
  What sort of relationship do they have? (Are the applicants sensitive and responsive, for example? Do they understand their children’s needs?)
  Is there anything about the applicants’ children or their relationship to the applicants which might give cause for concern?
• Is there any other information on the subject that the referee believes is significant?

Topics which are important for authorities and organisations in the children’s states of origin, e.g. beliefs and religion

Apart from the information needed by the municipal social welfare committee to determine whether applicants are suitable to adopt, there are other issues which need to be covered because the children’s states of origin want certain information in order to select parents for each individual child. This might be information about applicants’ personal interests and characteristics, which have no direct relevance for their parenting capacity, or details about their beliefs and religion. Different states have different conditions and expectations. In certain cases, applicants must belong to the Christian faith.

Adoption authorities and organisations abroad often ask for a vivid description of the applicants as individuals, their relationship as a couple and how they live, in order to picture them as possible parents. They often expect the assessment to also include information about applicants’ and the extended family’s views on an adopted child’s origins, background and differences and their ideas on how to take care of him/her.

In certain cases, the adopted child’s birth mother helps choose adoptive parents for her child, based on these descriptions.

Sometimes the authorities or organisations abroad ask for the assessment report to be supplemented with special information.
Special questions for cases where applicants have applied to adopt a specific child, e.g. a child related to them

In certain cases, the assessment follows an application for consent to adopt a specific child. These are often children who are related to the applicants, children with whom applicants have some other sort of relationship or children they have come into contact with in some way.

The difference between these cases and applications for general consent to adopt is that the identity of the child is known, and that there is already a relationship between the child and the applicants in some respect. It follows then that the assessment will focus on the applicants’ suitability to adopt this particular child.23

The assessment needs to cover the same topics as for other intercountry adoptions. But it will be necessary to stress certain points in the assessment and in the conclusions drawn (see below). Clear information and the issue of the applicants’ motives for adopting are especially important in cases such as these.

Weighing up all the various issues involved might also lead to somewhat different conclusions about the applicants’ suitability, since the circumstances and best interests of this specific child need to be taken into account.

Motives for adopting

Drawing conclusions about the applicants’ motives for adopting

The assessment should include a careful consideration of the applicants’ motives for adopting. (7) When their adoption plans involve a specific child, applicants might have various reasons and they are often quite different from the ones given by applicants who want to adopt an unknown child. In some cases, the aim of the adoption is not to create a parent-child relationship, but to give the child an education or access to Swedish medical care/community care for people with disabilities. It follows then that the question of applicants’ motives for adopting might be important from several angles. One is whether applicants would be suitable adoptive parents for the child in question. The other is whether a Swedish court would be able to rule in favour of an adoption at all, given that the Children and Parents Code stipulates that the aim of an adoption must be to sustain or create a parent-child relationship.

23 Yearbook of the Supreme Administrative Court (SAC) for 1991, case report no. 70
When reaching a conclusion as to whether or not applicants are suited to adopt, there is a distinction between what needs to be considered by the social welfare committee in an assessment and what needs to be considered by the court when considering an application to adopt a specific child.

The Children and Parents Code is not applicable, formally speaking, when the municipal social welfare committee considers the matter. Even so, as the Swedish government stated in its bill prior to the Incorporation Act (Act [1997:191] consequent on Sweden’s accession to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption): in practice, the social welfare committee probably does verify that the requirements set down in Chap. 4 of the Children and Parents Code are met. (36)

The significance of an adoption
Views held in Sweden about relatives’ responsibility for children differ from the views which are prevalent in many other countries. In cases where the application concerns a related child it is not uncommon for applicants’ relatives to have made the initial adoption plans for some reason. They might have reasoned that a child needs to be looked after by someone within the wider family, that this child needs a better future, that the applicants are childless, and so on. In the child’s state of origin it might be common for this to happen without a formal adoption. All the child’s ties with birth parents can then remain intact (if they are still alive). It is by no means certain that the family and applicants realise that adoption in Sweden severs all formal ties to the child’s original family.

What are their motives for wanting to adopt the child in question? Apart from adoption, are there any alternatives open for the child?

Possibility of external pressure
It is not always certain that applicants really do want to adopt. Sometimes it might be a question of wanting to help or even a feeling of being obliged to help. The child’s relatives abroad, or the applicants themselves, might want the adoption to take place in order to provide the child with better education and a better future in Sweden, or, as mentioned previously, better medical or community care for a child with disabilities, and so on.

If the adoption has been proposed by one of the spouses, or that spouse’s relatives, the other spouse might have difficulties refusing to comply, even if s/he is against the idea. In cases such as this it is especially important to investigate the applicants’ motives for wanting to adopt.
Interview sessions should take place with the applicants together and separately (SOSFS 2008:8). Separate interviews make it possible to talk about the individual applicants’ own thoughts and feelings, although family loyalty can easily prevent them from voicing negative opinions.

How did the idea of adopting crop up and who took the initiative in applying to adopt? To what extent do the applicants agree with each other in wanting to adopt?

Creating a parent-child relationship

If the adoption is to be formalised by means of an application to the district court, then the regulations contained in the Children and Parents Code will be applicable. The court must also reach a conclusion regarding the suitability of the proposed adoption. Apart from the question of whether or not the adoption would benefit the child, the court considers another issue: there must be particular reasons for the adoption, based on the personal relationship between the applicant(s) and the child in question. One such reason might be that the applicants have brought the child up, or want to bring the child up. The usual expression for this is that they ‘intend to create a parent-child relationship’.

What sort of relationship do they have with the child in question? What might happen to that relationship in the future if an adoption took place or if it did not take place?

Even if the social worker and/or municipal social welfare committee reach the conclusion that creating a parent-child relationship is not the purpose of the planned adoption it is still important to assess the applicants’ suitability according to the criteria in the Social Services Act. The reason for this is to collate and present all the information which might be necessary for any subsequent court hearings.

Special care is necessary when there are suspicions that the purpose of the adoption is to sidestep Swedish Immigration laws. Simply wanting to give someone the opportunity of living in Sweden is not sufficient reason for an adoption. This is also applicable when the adoption has no other purpose than enabling the prospective adoptee to be granted residence and work permits. (37)

The child’s needs and present situation

If the child to be adopted comes from a Hague Convention country, the central adoption authority in that country will be responsible for investigating the child’s situation and needs (Article 16). When the child to be adopted comes from a non-Convention country, the details which the
municipal social welfare committee needs to consider have not been specified in law.

The legal provisions for assessments concerning consent to adopt are based on the child normally being unknown. Later, when applicants have been selected to adopt a specific child, they need the municipal social welfare committee to agree to allow the adoption to proceed. When reviewing the case, the committee decides whether the requirements for an adoption taking place are met. Therefore the committee should probably already have considered in the original assessment if there are any circumstances which might be an obstacle to the proposed adoption.

When the review concerns a child whose identity is known, the social welfare committee’s considerations will naturally focus on whether the applicants would be suitable to parent the child in question. It follows, then, that the child’s needs, present situation and circumstances need to be investigated. An adoption must be compatible with the child’s best interests. However it is not quite clear how far-reaching the responsibilities of the social welfare committee are as regards investigating the circumstances of a child in another country. When an application concerns the adoption of a child who is related to the applicants, the social welfare committee sometimes reaches the conclusion that the adoption would not be suitable, since the child has relatives in his/her country of origin. The social welfare committee still has to assess the applicants’ suitability, however, and should not limit its deliberations to the question of whether the child should be considered adoptable. That issue has to be dealt with by the authorities in the child’s state of origin, if it is a Hague Convention country (Article 16).

If the adoption is to be determined in a Swedish court of law, the court has to consider ‘whether the adoption should suitably take place’, under the rules laid down in the Children and Parents Code. As mentioned above, it must consider whether the purpose of the adoption is to create a parent-child relationship, amongst other things.

Since the prospective adoptee is formally domiciled abroad and is normally living there, the Swedish social services will scarcely be in a position to investigate the child’s needs and present circumstances. One source of information is the applicants themselves, and what they can say about

24 Yearbook of the SAC for 1991, case report no. 70

25 The Swedish Government Inquiry examining the question of modernised rules for adoption (whose findings are expected to be published in July 2009) has been instructed to consider whether the regulations need amending or complementing in order to improve the reports presented to the courts and ensure that the proposed adoption is in the best interests of the child. (Government Inquiry Instructions 2007:150)
the child’s circumstances. Another possibility is to apply to social welfare authorities (if there are any) in the child’s state of origin, asking them to investigate and write a report. The child, his/her birth parents, and if possible, other relatives in the child’s state of origin might be further sources of information, which Swedish foreign service officials for example might be able to contact. The main difficulty, however, is knowing what value to attach to the details provided by these various sources, and in knowing what really constitutes the child’s best interests. The child might feel bound by loyalty to accept the decisions that relatives have made about the future; s/he may not want or dare to express any personal wishes or opinions. In some cases the children have parents and siblings, or other people who take care of them, and have no personal wish to change the way things are.

In a minor Swedish survey of 29 children adopted from abroad by relatives in Sweden during a period of ten years, the majority of the children had one or both birth parents alive, but most of them did not live with their birth parents. Many of the adoptees were the adopters’ nephews or nieces. The relationship between the adoptees and adopters varied. Some of them had had a lot of contact and a real relationship prior to the adoption; others had only met occasionally. In most cases there was an agreement within the extended family that this particular child was to grow up with the adopter(s). In many cases that agreement was based on the child’s need for new parents; for a third of the children there were other main motives, however, focusing on the needs of the adults – e.g. that the applicants were childless. (38)

What do the applicants know about the child’s present circumstances? Can they describe the child’s social context and network in his/her own country? What do they know about the child’s own opinion on the proposed adoption? Do they think that the child can express – dares to express – a personal opinion on the issue?

Final interview session

Continually reflecting on the interviews and what they have revealed is a one way of furthering applicants’ participation in the assessment process. In conjunction with the final interview session it might be a particularly good idea to review the assessment together, summarising everything it has brought to light and reflecting on it together. This also provides an opportunity of correcting misunderstandings.

If there are factors which indicate that the applicants are unsuitable and the social worker will probably recommend that they not be granted con-
sent to adopt, the reasons can be discussed. If there is something that the applicants could work on and change, so as to possibly be granted consent sometime in the future if they reapply, this too can be dealt with.

Discussing risk factors which have emerged during the assessment will be a matter of some delicacy, especially if the applicants do not share the social worker’s opinion. One approach might be to highlight the child’s best interests, focusing on adoptive children’s particular vulnerability, the need to optimise circumstances when they are adopted and the special qualities and resources needed by adoptive parents.

When applicants read a description of their weaker points in the formal report of the assessment it might naturally have a negative effect in itself – quite apart from the fact that they will not be granted consent to adopt (if the social welfare committee follows the social worker’s recommendation). If the social worker(s) in charge of the assessment are intending to recommend that the applicants should be refused consent to adopt and the applicants have no wish to see the reasons in writing, they can choose to withdraw their application.

In certain cases, individual factors might indicate that the applicants should not be granted consent to adopt, but the social worker in charge of the assessment might nevertheless be inclined to recommend that they be granted consent to adopt, after carefully weighing up all the factors involved. This might provide a suitable starting-point for a discussion of the applicants’ need of support and preparation.

The social worker’s analysis and conclusions
The whole assessment leads to the social worker’s final conclusions as to whether or not the applicants are suitable to adopt. When the social worker examines the material and draws conclusions, they must be based on the best interests of the (normally unknown) child. Under the Convention on the Rights of the Child no other interests should be regarded as more important than – or even equally important to – the child’s, in cases of intercountry adoption. The child’s best interests are the paramount consideration. (7)

Conclusions: the principles to be found in law and legislative history
The needs of the (normally unknown) child must take precedence over the adults’ longing for a family. The fact that applicants can have an overwhelming longing to become parents must naturally be treated with the utmost respect and understanding. But no-one has right to become a par-
ent; no such right exists – either in Swedish law or under international conventions.

The Social Services Act states that ‘Consent may only be given if the applicant is suitable to adopt a child’. As mentioned above, the assessment leads to overall conclusions, but particular attention must be paid to the applicants’ knowledge and understanding concerning adopted children and their needs, the implications of the planned adoption, the applicants’ age, state of health, personal qualities and social network (Social Services Act Chap. 6 Section 12).

In its bill, the government stipulates that conclusions as to the applicants’ suitability must be based on all the circumstances which are relevant to the adoption. The government observes that it is impossible to give a comprehensive definition of the phrase ‘suitable to adopt a child’ but, as previously mentioned, it does list some of the factors involved. Anyone wishing to adopt must possess the personal qualities and the ability to interact with other people which will enable him or her to meet the particular needs of an adopted child. (7) The applicant must have sufficient knowledge and insight concerning adoptive children and their needs and the implications of adoption. A couple who adopt should have a stable relationship. Furthermore, any individual wishing to adopt should be healthy enough, physically and mentally, to be able to perform all the functions of a parent during the adoptee’s whole childhood and all the way into adulthood. Furthermore, both couples and single adopters must have a fully functional social network which is prepared to offer the family support whenever necessary. It is essential that any crisis arising from fertility problems has been worked through and that the grief of being unable to have a birth family can be handled in a satisfactory way. (7) (Italics ours)

Resources and risk factors
The social worker’s conclusions about the applicants’ suitability for adopting are overall conclusions, taking into account all the aspects which are relevant for gauging their parenting capacity. There are two fundamental questions:
• What are the applicants’ resources for providing an adopted child with a good home and upbringing?
• And are there any risk factors which indicate that this might not be the case?
The following table provides an overview of the fundamental qualities and resources required:

<table>
<thead>
<tr>
<th>Personal characteristics and resources</th>
<th>The couple's relationship (in joint applications): characteristics and resources</th>
<th>Applicants’ social network: characteristics and resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical and mental health</td>
<td>Durability</td>
<td>Sound and rewarding close friendships</td>
</tr>
<tr>
<td>Personal qualities and ability to interact with others</td>
<td>Stability</td>
<td>Well-functioning social network</td>
</tr>
<tr>
<td>Secure attachment</td>
<td></td>
<td></td>
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<tr>
<td>Empathy</td>
<td></td>
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<tr>
<td>Reflective function</td>
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<td></td>
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<tr>
<td>Ability to create and sustain close relationships</td>
<td></td>
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<tr>
<td>Openness, sensitivity and responsiveness</td>
<td></td>
<td></td>
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<tr>
<td>Sound self-reliance</td>
<td></td>
<td></td>
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<tr>
<td>Insight concerning adopted children and their needs</td>
<td>Mutual respect</td>
<td>Positive stance on adoption</td>
</tr>
<tr>
<td>Adoption a well-grounded choice</td>
<td>Mutual support</td>
<td>Support and relief available</td>
</tr>
<tr>
<td>Ability to resolve difficulties and conflicts</td>
<td>Ability to resolve difficulties and conflicts</td>
<td>Ability to resolve difficulties and conflicts</td>
</tr>
<tr>
<td>Spouses in harmony in terms of their motives and eagerness to adopt</td>
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</tbody>
</table>

**Analysis**

The analysis is a process, where the raw material is re-examined in a conscious and structured way, bearing in mind what would support applicants’ being granted consent to adopt (i.e. they have the necessary qualities and resources) and what elements indicate/might indicate that they should be refused consent to adopt (i.e. the various risk factors).

Each of the factors which indicate/might indicate that the applicants should not be granted consent to adopt needs to be analysed; an appraisal
of the importance of the individual factors is part of this analysis. Certain risk factors are sufficient by themselves to disqualify the applicant(s) and justify a recommendation not to grant them consent to adopt. Other risk factors, combined with applicants’ positive qualities and resources, might be considered less important. Several risk factors in combination might turn the scales: there is too great a risk of an adopted child not having his/her needs met. Risk factors sometimes even reinforce each other. (39)

When the application for consent to adopt refers to an unknown child, no-one can foresee the extent of that child’s special needs. The conclusions must take this into account, the basic principle being that applicants must have the capacity to care for a child with needs which will place severe demands on parents.

When the application is to adopt a specific child, the starting-point for any conclusions must be the child’s need for new parents and the applicants’ parenting capacity (i.e. their qualities and resources compared to the risk factors involved) viewed in the light of what is known about the child’s specific needs and the relationship between the child and the applicants.

**Objectivity**

Analysing material as comprehensive as the information in an adoption assessment is complicated. The subjective opinions of the social worker in charge of the assessment will inevitably influence the value s/he attaches to the material. This makes it all the more important for all the arguments to be stated in terms of their relevance to the applicants’ parenting capacity. If the social worker in charge of the assessment ‘has an intuition’ that the applicants should be granted – or refused – consent to adopt, then s/he must examine, analyse and clarify the factors actually underlying the intuition and state them in the assessment report.

Surveys of the logic involved in decision-making have shown that people’s decisions are often less well-founded than one would suppose. Reasoning and arguments which are irrelevant to the question in hand can have a considerable affect on decision-making. (40) British research into the social services shows that social work practitioners often have difficulties modifying the way they see their clients. (41) First impressions and preliminary opinions prove intractable, despite new information. The social worker in charge of the assessment needs to be conscious of possible preconceptions, undertake a critical examination of the assumptions – both negative and positive – that have been made, and test them against other elements which might point to the opposite conclusion.
The written assessment report

The written report of the assessment is the basis for decisions in Sweden and abroad. It will be read by many different readers, whose approach, knowledge or information will vary widely: applicants, authorities, legal advisors, courts, organisations and orphanages among others.

Formal requirements: the contents of the assessment report

According to the government bill, the written report of the assessment must state how the unknown foreign child’s need for security throughout childhood and adolescence can be met by the prospective adopters. (7) Applicants’ stronger points and weaker points must be described and analysed. The assessment should address applicants’ motives for adopting, what they hope and expect of a child and how they view the issue of children’s right to access information about their origins. The whole assessment leads to conclusions as to whether or not the applicants are suitable to adopt a child. It is essential that all relevant information is analysed and included in the report and that recommendations are accompanied by an explanatory statement. (7) (Italics ours.)

Documents drawn up by the social services concerning private individuals must contain sufficient, essential and pertinent information; they must be well structured and clearly presented (SOSFS 2006:5 Chap. 4 Section 1). Any document drawn up by the social services concerning private individuals must detail the source of the information it contains, specifying the facts of the matter and any conclusions reached. It must also include the name and position or title of the person who has drawn up the document and the date (year, month, day) when it was drawn up (SOSFS 2006:5 Chap. 4 Section 2). The Social Services Act contains regulations about documenting cases with respect for individuals’ personal integrity (Social Services Act Chap. 11 Section 6). Documents drawn up by the social services concerning private individuals must not contain irrelevant subjective opinions of a demeaning or offensive nature (SOSFS 2006:5 Chap. 4 Section 4).

The assessment report must be objective; expressions and wording which might be misinterpreted should obviously be avoided.  

Information primarily for the use of authorities/organisations in the children’s states of origin

The written report of the assessment forms the basis for the municipal social welfare committee’s decision on whether or not to grant applicants consent to adopt. At the same time, if applicants are granted consent to adopt, it must provide adequate information for the foreign authorities’ decisions as they select parents for a specific child.

Under Article 15 of the Hague Convention, if the competent authority (in Sweden the social welfare committee) is satisfied that the applicants are eligible and suited to adopt, it must prepare a report including the following:
- information about the applicants’ identity,
- eligibility,
- suitability to adopt,
- background,
- family,
- medical history,
- social environment,
- reasons for adoption,
- ability to undertake an intercountry adoption and
- the characteristics of the children for whom they would be qualified to care.

The official assessment form and the contents of the report

The adoption assessment should be collated and documented in writing as a formal report, using form SoSB 58000, prior to its being presented to the social welfare committee for a decision.

Firstly, the report must follow the regulations laid down in the Swedish National Board of Health and Welfare publication ‘Requirements and General Advice on Documentation of Administrative Procedures and Supportive Measures under the Social Services Act, the Child Welfare Act, the Care of Abusers (Special Provisions) Act and the Act Concerning Support and Service to Persons with Certain Functional Impairments’ (SOSFS 2006:5). Secondly, it must account for any circumstances which are sig-

significant for an overall conclusion as to whether or not the applicants are suitable to adopt a child (SOSFS 2008:8).

The formal written report of the assessment presents whatever is relevant to applicants’ parenting capacity. In addition, as previously mentioned, a description of certain other aspects of the applicants may also be necessary, in order to present them to the authorities abroad.

As mentioned above, under the Hague Convention, the Central Authority in the child’s state of origin, after establishing that the child is adoptable, must prepare a report on the child, giving due consideration to the child’s upbringing and to his or her ethnic, religious and cultural background, among other things. In the child’s state of origin, the authorities have to establish whether or not the proposed adoption is in the best interests of the child, based chiefly on the written reports about the child and the prospective adopters (Article 16). Therefore it is important that the written report of the assessment can provide guidance in reaching such a decision.

The written report of the assessment should also include any information which might be significant for selecting parents for a specific child, e.g. the applicants’ leisure pursuits and beliefs (SOSFS 2008:8).

If applicants have special wishes concerning the child – as to the child’s age, for example – those wishes should be clearly stated in the assessment report (SOSFS 2008:8). There are grounds for distinguishing between what the applicants themselves express in terms of preferences and expectations concerning the child and which children the social worker(s) and social welfare committee consider them to be qualified to take care of. This needs to be clear, not only for Swedish decision-makers considering granting consent to adopt (at committee or court level), but also for the foreign decision-makers selecting parents for each specific child. What are the applicants’ wishes and what are they considered qualified for? (See below, Restrictions included in decisions to grant consent to adopt.)

The structure prescribed for the written report of the assessment is as follows:

- **Applicants’ background, education, work/occupation, interests, beliefs, financial situation, housing, neighbourhood and local environment etc.**
  
  This is where to address topics which have a direct bearing on the applicants’ parenting capacity as well as aspects which convey a picture of them as individuals to the authorities abroad. (This applies to beliefs and interests, for instance.)

- **The applicants’ knowledge, insight and readiness to meet the needs of an adoptive child.**
How have the applicants absorbed and understood the various parts of the parenting course for prospective adopters? What do the applicants hope for – or expect from – a child? How are the applicants intending to prepare? How do they intend to solve practical problems such as parental leave et cetera? What is their approach to the child’s origins and birth family? How do they view the issue of children’s right to information about their origins?

This is where to address any wishes that applicants express on the subject of the child’s age or other characteristics.

- **Applicants’ physical and mental health, age, personal characteristics, ability to interact, reasons for adopting, et cetera.**

  The applicants’ personal characteristics and ability to interact involves their own upbringing and attachment history, their reflective function, their ability to create and sustain close relationships, their openness, sensitivity and responsiveness, their self-reliance, how they have processed previous difficulties and losses, their ability to resolve conflicts, their values and beliefs. If applicants (or one of them) already have children, aspects such as the child(ren)’s attachment, the relationship between child(ren) and parent(s) or step-parent and the applicants’ parenting capacity should be discussed here.

  This is also where to include any information revealed by background checks which is significant for applicants’ parenting capacity.

  In addition, this is the point at which to possibly include details of what children the applicants would be qualified to take care of. It might be a case of concluding whether or not the applicants would be qualified to take care of a group of birth siblings, if they have expressed a wish to do so.

- **The spouses’/partners’ relationship (for joint applicants) and previous relationships (for single and joint applicants).**

  This part of the report describes topics such as previous relationships, the durability and stability of their present relationship, mutual respect and support, their ability to resolve conflicts and how well joint applicants’ reasons for adopting tally.

- **Applicants’ network.**

  This is where to describe such aspects as the applicants’ social network, social integration, their network’s stance on adoption, and the availability of support and relief.

- **The social worker’s analysis and conclusions.**
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The description should focus on the qualities and resources which the social worker considers the applicants to have. Which factors indicate that they could provide an adopted child with a good home and upbringing? Which are the risk factors which indicate that this might not be the case?

A competent assessment generates a vast amount of information about the applicants, both in the form of notes and in the chronological case history, which must now be weighed up and collated. Some of the information has no direct bearing on applicants’ suitability. The assessment report needs to provide a clear picture of the applicants, their suitability to adopt and the grounds for the social worker’s recommendation, without being too lengthy or too terse. Nothing which is relevant to the question of applicants’ suitability to adopt must be kept from the decision-makers – the social welfare committee, possibly the courts and, if the applicants are granted consent to adopt, decision-makers in the children’s states of origin. On the other hand it is important not to burden the report with information which is irrelevant, particularly with details which might be puzzling for adoption workers abroad.

The social worker(s) in charge of the assessment should only take into account registry information which has a bearing on whether or not an applicant should be considered suitable to adopt (SOSFS 2008:8). When registry information is not considered relevant to applicants’ parenting capacity, a note about this in the chronological case history is sufficient.

Applicants must be allowed to go through the whole report before any decision is taken.

The social worker’s recommendation

The government bill states that in cases where the social worker in charge of the assessment is doubtful about applicants’ suitability to adopt, s/he should recommend that they be refused consent to adopt. (7) All the factors indicating suitability or unsuitability must be included, in order to present all the information which might be necessary to reach a correct decision at a subsequent court hearing. The recommendation must be well grounded and characterised by objectivity, frankness and clearness. If the recommendation is to refuse consent to adopt, it must be based on the child’s perspective, highlighting the risk factors involved and the qualities and resources for providing a good upbringing which are lacking. Sometimes the social worker’s overall conclusion, after weighing up all the aspects of the case, is to recommend that the applicants be granted consent to adopt, in spite of certain elements which might otherwise indicate the opposite. In such cases, the underpinning motives, reasoning and conclusions must be laid
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out clearly. The social worker’s *conclusions* are laid out in the formal report which provides the basis for the committee’s decision. The social worker’s *recommendation* should not be included in the assessment report; it should be presented in a separate document (SOSFS 2008:8, italics ours).

When the social welfare committee (or court) decides to grant applicants consent to adopt despite the social worker’s recommendation to the contrary, the adoption workers/authorities in the children’s states of origin need to be able to access the social worker’s conclusions and the material on which they are based. The report of the assessment cannot be rewritten, even if the committee or court decides to override the social worker’s recommendation and grant the applicants consent to adopt.

**If applicants decide not to complete the assessment**

Applicants’ thoughts on the subject of adoption can change and develop while the assessment is being carried out. The assessment itself can provide more knowledge and insight into the significance of an adoption and influence the applicants’ views. While the assessment is being carried out, applicants sometimes arrive at the decision that an adoption is not right for them; in other cases the applicants’ circumstances change and they decide not to complete the assessment.

Some applicants decide to withdraw their application after being informed by the social worker that s/he intends to recommend that the committee refuses to grant them consent to adopt. In some cases applicants do so in order to remedy certain shortcomings before reapplying; in others, applicants withdraw their application because they have no wish to see their strengths and problems laid out in a formal report.

If applicants do not wish to complete the assessment, they can withdraw their application. The case is then dismissed.

**The formal decision of the municipal social welfare committee**

All decisions on granting consent to adopt must be taken by the municipal social welfare committee (Social Services Act Chap. 6 Section 12). Individual social work practitioners cannot be authorised to take decisions on granting consent to adopt (Social Services Act, Chap. 10 Section 4).

Applicants must be informed that they have the right to attend the meeting of the committee (in person, with or through a representative or coun-
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... before their case is decided on (Administrative Procedure Act, Section 17; Social Services Act Chap.11 Section 9).

A decision to refuse an application must include the grounds on which the decision is based (Administrative Procedure Act, Section 20).

If the social welfare committee decides to grant the applicants consent to adopt despite the social worker’s recommendation that the application should be refused, the grounds for granting consent should be carefully explained (SOSFS 2008:8). What qualities and resources does the committee consider applicants to possess, which could ensure an adopted child a good upbringing? How could those qualities and resources compensate for the risk factors which indicate the opposite, according to the assessment report?

If applicants are granted consent to adopt, they should be given an excerpt from the minutes of the committee proceedings showing its decision, together with a copy of the assessment report. Applicants should also be given a certificate showing that they have been granted consent to adopt and containing the same information as the excerpt from the minutes of the committee proceedings (SOSFS 2008:8).

A formal decision to grant someone consent to receive a child for adoption should contain the following information (SOSFS 2008:8):

- the consent lapses if a child has not been received in the applicants’ home within two years of the consent being granted,
- applicants are obliged to notify the social welfare committee of any substantial changes in their circumstances during the period the consent is valid,
- when they have been proposed as adoptive parents for a specific child, applicants must inform the social welfare committee in order for it to formally agree to allow the adoption to proceed,
- anyone wishing to adopt a child from abroad must engage one of the authorised Swedish adoption associations, and
- in cases where applicants do not need to engage an authorised adoption association, under Section 4 of the Swedish Intercountry Adoption Intermediation Act (1997:192), the Swedish Intercountry Adoptions Authority (the MIA) must consider whether the proposed procedure is acceptable before the child leaves her/his country.
Restrictions included in decisions to grant consent to adopt

Applicants have sometimes expressed particular wishes concerning the child they would like to adopt. They might want to adopt a specific, named child, a child in a particular age group or from a particular country. When the children’s states of origin are selecting parents for a specific child, adopters’ wishes and requirements are important. It is essential that such details are clearly stated in the assessment report. The report needs to distinguish between the applicants’ own preferences and the children which the social worker and social welfare committee consider them to be suitable or qualified to take care of. Including unnecessary restrictions in the decision to grant consent can lead to difficulties later on. One case in point is when applicants have been granted consent to adopt a child who is not yet two years of age, but no children that young are available for adoption. This then limits the applicants’ chances of adopting at all. Applicants sometimes realise this during the two-year period the committee’s consent is valid and contact the social welfare committee to have the decision amended.

If applicants have included restrictions despite this, limiting their application for consent to adopt so that it only applies to adopting a child with specified characteristics, then the committee’s decision to grant them consent to adopt can also include restrictions or specifications, in accordance with their wishes. This is particularly valid when the whole assessment has been geared to these specific wishes, which might be the case when applicants wish to adopt a related child, for instance.

Sometimes applicants themselves are not responsible for the restrictions included in the decision granting them consent to adopt: the restrictions are included for other reasons. One example is when the ages of the applicants’ previous children lead to recommendations that an adopted child should be of a certain age.

In such cases it is important not to try to compensate for applicants’ possible shortcomings by including restrictions in the decision to grant them consent to adopt. The special needs an adoptive child might have or develop are rarely known in advance. One example of this is that it has sometimes been suggested that older applicants might be granted consent to adopt if they wish to adopt an older child. The SAC has heard two cases, however, and ruled that an application to adopt an older child does not constitute grounds for allowing an exception from the age-limit for applicants.28

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28 The SAC, hearings dated 22nd May 2007, case numbers 570-07 and 828-07.
If the decision does include restrictions concerning the child’s age, it is important that the specified age-limit is not too restrictive. Suitable wording for possible age restrictions might be ‘a child who is not yet three years of age’, for instance, or ‘a child who is three but not yet six years of age’.

**The period for which the committee’s consent is valid**

The committee’s consent for the applicants to adopt a child from abroad lapses if no child has been received in the applicants’ home within two years of the consent being granted (Social Services Act Chap. 6 Section 12). It has become increasingly common for applicants not to manage to complete the adoption within the timescale allowed. No extension of the two-year period is possible, however.

The committee’s consent to adopt is therefore valid for a set period of two years. If applicants have not completed the adoption and received the child within that period and still wish to adopt, they must reapply for consent to adopt. If they meet the requirements and are granted consent to adopt, this will again be valid for two years from the date of the committee’s decision. This means that applicants again have to comply with all the conditions and requirements and be considered suitable to adopt when their new application for consent to adopt is processed. The mere fact that they have been granted consent previously does not mean that the committee will have different (less stringent) requirements for considering them suitable to adopt the second time round – e.g. in cases where applicants are considered too old to adopt.

**Information about the adoption process after consent has been granted**

The social welfare committee’s decision to grant applicants consent to adopt is usually the appropriate moment to inform them about the subsequent stages of the adoption process. The certificate showing the decision of the social welfare committee states that the consent to adopt lapses two years after it has been issued and that applicants are obliged to inform the social welfare committee of any substantial changes in their circumstances. (See below.) It also states that when they have been proposed as parents for a specific child, applicants must contact the social welfare committee in order for it to formally agree to allow the adoption to continue. (See below.) This means that applicants must notify the social services when the report has arrived, informing them about the child they have been matched
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with. The certificate of the committee’s decision also states that the Swedish Intercountry Adoptions Authority, the MIA, must consider whether the proposed procedure is acceptable before the child leaves his/her country of residence, if the applicants do not intend to engage one of the Swedish authorised adoption associations.

It also includes information about the duties of the social services in monitoring adoptions and providing information on the support available while applicants are waiting to be matched with a child, when they are preparing to travel, and after they have returned with their child. Waiting to be matched with a child after being granted consent to adopt is often a long and emotionally challenging period for applicants. It is important that they realise they are welcome to ask their social worker for support. This can be seen as preparation, so that an adopted child, when s/he finally arrives, will be given the best possible chances of success in his/her new family.

 Applicants’ obligation to notify the committee of substantial changes in their circumstances

During the two years the committee’s consent to adopt is valid, changes can occur which affect applicants’ suitability to adopt a child. It is therefore the duty of the person or persons wishing to adopt to notify the social welfare committee of any substantial change in their circumstances during the time for which the consent is valid (Social Services Act Chap. 6 Section 13).

As mentioned above, if applicants are granted consent to adopt, they should be informed of their duty to notify the committee of substantial changes in their circumstances (according to SOSFS 2008:8). In the relevant passage of its explanatory statement, the government provided some examples of substantial changes: unemployment, various sorts of illness or changes in the state of the family. (36)

Investigating substantial changes in applicants’ circumstances.

If something does take place which involves a substantial change in the applicants’ circumstances during the period the consent is valid, the social worker(s) should conduct a supplementary investigation of the case. Such a substantial change might be unemployment, illness or changes in family affairs (SOSFS 2008:8). Changes in family affairs might include issues such as pregnancy, serious conflicts between spouses/partners, separation,
a new relationship, death, or problems in relationships with previous children.

The support and relief which the applicants’ network can provide is a prerequisite for granting single applicants consent to adopt, since they have no spouse or partner to share the responsibility and challenges of parenting. It follows then that any changes in a single applicant’s network which signify a drastic reduction in the support and relief it can provide would constitute circumstances which, if they had been known when the applicant was assessed, might have led to consent being refused.

The social worker in charge of the assessment should establish whether the original grounds for consent to adopt are still valid or whether the committee’s consent should be revoked, with reference to the Social Services Act Chap. 6 Section 13 (SOSFS 2008:8).

**Revoking the consent to adopt while applicants are still waiting to adopt**

Changes in applicants’ circumstances which occur while they are still waiting to adopt and signify that the preconditions for consent to adopt are no longer satisfied will lead to the social welfare committee being obliged to revoke its consent (Social Services Act Chap. 6 Section 13). Consent must be revoked when applicants would not have been approved if the new circumstances had been known/applicable at the time the consent was granted.

**Revoking the consent to adopt after the child has arrived**

Consent to adopt can be revoked even after a child has been received in the applicants’ home, if continued residence with them is not compatible with the child’s best interests. If substantial changes have taken place after the child has arrived, but before the adoption is finalised, the case must be reviewed to decide what is compatible with the child’s best interests. Here, the circumstances and position of this specific child must be considered, as opposed to the case when revocation is necessary earlier in the adoption process, before a specific child has been proposed for adoption.

Facts can also emerge which were applicable when the social welfare committee granted consent to adopt but which were unknown to the committee/social worker at that time. The Administrative Court of Appeal in Sundsvall has on one occasion revoked a couple’s consent to adopt after it emerged that contact between the spouses and the husband’s daughter
from a previous relationship was problematical. The court decided that the problems were such that the applicants were obliged to notify the social welfare committee about them. In the light of what had emerged regarding the applicants’ attitude to the husband’s daughter and her right to have contact with her father, the Administrative Court of Appeal ruled that the requirements for consent were not satisfied and revoked the consent which had been granted.29

The SAC has heard one case where it ruled that there were insufficient grounds for revoking consent to adopt. The child was already living with the applicants and the court therefore took the child’s own wishes into account, as well as the length of time the child had been with them. The social welfare committee had revoked its consent, stating that facts had emerged which showed the applicants to have deficient knowledge concerning children and their needs, and the committee had been unaware of those facts when it granted them consent to adopt. The case concerned a fourteen-year-old girl who had been fostered by the applicants for just over six years, with one short break; the couple wanted to adopt her and the girl herself wanted to stay with the foster family.30

If consent is revoked after a child has been proposed and the social welfare committee has agreed to allow the adoption to proceed, the whole adoption process is terminated. The committee’s agreement to allow the adoption to proceed also becomes meaningless; it does not have to be revoked specifically.

If the child needs to be transferred to another family/alternative care

If substantial changes have taken place after the child has arrived, but before the adoption is finalised, the social worker(s) must review the case to decide what is compatible with the child’s best interests. If continued placement with the family is not compatible with the child’s best interests, the consent to adopt can be revoked, as explained above.

If the child has already been entrusted to the applicants and arrived in Sweden, the social welfare committee has to take charge of the child and arrange appropriate temporary care while it tries first of all to find an alternative family to adopt him/her. Temporary care follows the rules on care and support for children and young people laid down in the Social Services Act or in the Care of Young Persons (Special Provisions) Act (1990:52). (36).

29 Sundsvall Administrative Court of Appeal, case number 3067-05.
30 Yearbook of the SAC for 2006, case note 83.
This corresponds to the regulations laid down in Article 21 of the Hague Convention. The article states that if it appears to the authorities, prior to the finalisation of the adoption, that the continued placement of the child with the prospective adoptive parents is not in the child’s best interests, they must take the measures necessary to protect the child. For instance they might cause the child to be withdrawn from the prospective adoptive parents and arrange temporary care. In consultation with the Central Authority of the child’s state of origin, the Swedish authorities must arrange a new placement of the child with a view to adoption or, if this is not appropriate, they must arrange alternative long-term care. No adoption may take place until the Central Authority of the child’s state of origin has been duly informed about the new prospective parents.

Applications to amend the committee’s original consent

As previously mentioned, any restrictions in the committee’s decision granting applicants consent to adopt might actually make it more difficult for them to be selected to adopt. This might apply to applicants who have been granted consent to adopt a very young child. If only few very young children are available for adoption, it might be difficult for applicants to be selected to adopt a child who is so young. Applicants need to be aware of this from the beginning, when they hand in their application.

When the social welfare committee’s decision to grant consent includes a restriction, applicants occasionally apply to the committee to have this amended during the two-year period it is valid.

Additional statements

In some cases applicants have already been granted consent to adopt and would like the assessment report to include additional information for the benefit of the adoption workers abroad. They might now want to be considered to adopt a child of a certain age or a child with a disability. In certain cases the social welfare committee can issue a statement supporting this.

This is possible if it is apparent from the report of the assessment and the valid decision to grant consent that applicants are considered qualified and suitable to adopt children who correspond to the wishes they have now expressed. It is conditional on the previous committee decision not containing restrictions which are in conflict with the applicants’ new preferences/wishes. Applicants who have been granted consent to adopt a child who is
not yet three years of age cannot be issued with a statement amending this and allowing them to adopt a child who is four.

A statement changes nothing in the original decision to grant them consent to adopt and can be issued by the social worker in charge of the assessment. The period for which the consent is valid is not changed. If the social welfare committee does not issue a statement, the applicants have no right of appeal.

Up until July 1997, consent to adopt was valid for one year. When the decision was taken to make the committee’s consent valid for two years, the question arose as to whether or not the social welfare committee should be obliged to renew consent which was still valid, if a certain state of origin demanded that it should have been granted recently. The government stated however that a review of the social welfare committee’s decision involves a considerable amount of work. A statement from the social worker in charge of the assessment certifying that the applicants’ circumstances are unchanged ought to be sufficient in the majority of such cases. If it should nevertheless prove necessary, applicants can file a new application for the committee’s consent to adopt. (36)

Reapplying for consent to adopt

If the social welfare committee is unable to issue a statement supporting applicants’ preferences/wishes – e.g. when the committee’s decision contains restrictions which do not cover their present wishes – applicants can file a new application for consent to adopt.

If the social welfare committee, after carrying out its assessment, reaches a decision to grant consent in accordance with the applicants’ wishes, then this is a new formal decision. If the applicants already have a valid consent to adopt, it is important that the new decision states clearly that it supersedes the previous one.

In such cases the committee reaches a new formal decision, valid for a new period of two years from the date it was reached.

If applicants are refused consent to adopt, this is again a decision which they can appeal against. The previous consent is also valid for the rest of its two-year period, unless the applicants’ circumstances have changed so substantially that it must be revoked.
Agreeing to allow the adoption process to proceed

The social services’ consideration of the case before agreeing to allow the adoption to proceed – a final check

‘On a certain child having been proposed for adoption, the social welfare committee shall consider promptly, and at the latest within two weeks of notice to this effect having been given by the person or persons wishing to adopt, whether consent shall be granted to continue the adoption procedure’ (Social Services Act Chap. 6 Section 14). (Cf. form Adoption 14 a) The consent now mentioned in section 14 concerns this specific child.

There is a corresponding provision in the Hague Convention (Article 17c). If the child who is proposed for adoption originates in a Hague Convention country, then section 3 of the Incorporation Act (Act consequent on Sweden’s accession to the Hague Convention, [1997:191]) applies (cf. Social Services Act Chap. 6 Section 14) (Cf. form Adoption 14b.) In practice, when the social welfare committee considers the matter and reaches its decision it is probably immaterial whether the rules of the Hague Convention or of the Swedish Social Services Act are applied. It might be important to clarify which of the regulations is applicable, however, when issuing various documents showing that the social services have agreed to allow the adoption to proceed.31

This check to ensure that the conditions for an adoption are satisfied is carried out by the authorities in both the child’s state of origin and in the applicants’ state. Examining the case to consider whether or not to allow the adoption to proceed means re-examining the applicants’ eligibility and suitability to adopt this specific child, for whom the applicants have been proposed as adoptive parents. If the adoption is to be halted at this stage there must be serious, clearly defined reasons for doing so. (36)

The circumstances of both the presumptive adopter(s) and the child are now known. The re-examination of the applicants’ suitability at this stage focuses on what is now known about the proposed child. Amongst other

31 For information as to which states have acceded to the Hague Convention, see the Hague Convention website, www.hcch.net
things, it involves checking whether the decision granting them consent to adopt contains restrictions, e.g. when their suitability has only been assessed in relation to adopting a child in a certain age-group. It also includes examining legal issues, to ensure that there are no inconsistencies between the legal provisions of the two states which might be an obstacle to the proposed adoption. One example in particular has been described in the discussion and summary of the proposed act – that concerning children who are over 12 years of age, whose consent to the adoption is necessary (Children and Parents Code, Chap. 4 Section 5, which also contains certain exemptions from the rule). If the adoption is to be finalised at a Swedish court of law, it is imperative that the child has consented to the adoption before arriving in Sweden. If for some reason the child’s consent cannot be obtained, then he or she should not be adopted in Sweden and the social welfare committee should not allow the adoption to proceed. (36)

If the social worker or the social welfare committee feels any doubt about the legal details, the suggestion included in the discussion and summary of the proposed act is for them to contact the Swedish adoption association mediating the case or the MIA. (36)

Applicants should be summoned for an interview when a specific child has been proposed for adoption and the social welfare committee is to consider whether to agree to allow the adoption to proceed, with reference to either the Social Services Act, Chap. 6 section 14 or Act (1997:191) consequent on Sweden’s accession to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, (Incorporation Act) Section 3 (SOSFS 2008:8).

This examination of the case before agreeing to allow the adoption to proceed might reveal substantial changes in the applicants’ circumstances. These in turn might necessitate a new formal investigation to establish whether or not the initial consent to adopt should be revoked (Social Services Act Chap. 6 Section 13).

The child’s representatives in the state of origin occasionally request a statement certifying that applicants are suitable to adopt a child with a disability. Issuing such a statement presupposes that the applicants’ assessment has covered the issue and they would have been judged suitable to adopt such a child.

The time limit for considering the case may be extended if there are extraordinary reasons for doing so (Social Services Act Chap. 6 Section 14). Neither the legal history nor established legal practice gives any guidance as to what might constitute extraordinary reasons. Serious doubts about allowing the adoption to continue, which need a formal investigation, would
Agreeing to allow the adoption process to proceed

presumably constitute extraordinary reasons and allow the time limit to be extended. The time limit was originally included because the authorised adoption associations, when they replied to the government’s consultation paper, expressed concern that the social welfare committee’s decision might take some time, making the adoption more difficult or even jeopardising it altogether. (36) This might have unhappy consequences for the child concerned.

Agreeing or refusing to allow the adoption to proceed

It is possible for the social welfare committee to authorise designated officials employed in their department to take the decision to allow an adoption to proceed. If the demand for promptness is to be met, it might be an advantage if the social worker who was in charge of the original assessment also considers whether or not to allow the adoption to proceed.

Designated officials employed in the municipal department of social work cannot be authorised to refuse to allow the adoption to proceed, however. Such a decision must be taken by the social welfare committee itself, or delegated to a special sub-committee (Social Services Act Chap. 10 Section 4).

Planning how to monitor the adoption, when the adoption has been allowed to proceed

As mentioned previously, the municipal social welfare committee has the responsibility of providing any special support and assistance which may be necessary after an adoption (Social Services Act Chap. 5 Section 1). The responsibility is theirs, irrespective of whether the adoption has been finalised in the child’s state of origin or at a Swedish court.

If the child is received in the applicants’ home before the adoption has been finalised, their home must be regarded as a foster-home and the duties of the social services are covered in the regulations set down in the Social Services Act Chap. 6 Section 7. According to these regulations, the social welfare committee must help to ensure that the child receives good care and upbringing and grows up in generally favourable conditions. In addition it must endeavour to ensure that s/he receives suitable education, and give advice, support and other needful assistance to the custodians and persons caring for her/him.
In conjunction with their interview to consider allowing the adoption to proceed, the social worker should inform applicants about the support which the municipality is obliged to provide
• prior to an adoption being finalised, with reference to the Social Services Act Chap.6 Section 7
• after the adoption has been finalised, with reference to the Social Services Act Chap.5 Section 1.

The interview might be a suitable time to plan arrangements for how and when the social worker and adopters should contact each other after the child has been received in the adopters’ home (SOSFS 2008:8). Their agreement on this is recorded in the chronological case history.

By the time the social welfare committee agrees to allow the adoption to proceed, there is a certain amount of information available about the proposed child. If the child has a known disability, for instance, the social worker and adopters can consider what special needs this might imply and what forms of support might be called for.

**Notifying the local child health clinic**

The government bill states that child health clinics have an important role to play in supporting adoptive families at an early stage, especially in terms of attachment, to avoid any future problems. (7) The government pointed out that local child health clinics have come to play an increasingly pivotal role in attachment issues and that their staff have a great deal of experience and knowledge on the subject. According to the government, one way of providing support for children and parents at an early stage would be to provide a special health care program for adopted children.

Nowadays child health clinics have a handbook on adopted preschool children, produced by a task group from the children’s health sector. The handbook states that child health clinic staff can contact the adopters-to-be after the social welfare committee has given consent for the adoption to proceed, for example; the adopters can consult them before travelling abroad to take charge of their child, book a home visit on their return and so on.

If the child suggested for adoption has not yet reached school age, the social worker should ask the applicant(s) for permission to inform the child health clinic (SOSFS 2008:8). The purpose of this is to enable the staff of the child health clinics to welcome the adopters to the child health clinic, so that they know how to get in touch and can ask questions even before they
Agreeing to allow the adoption process to proceed

set off to be entrusted with their child. The adopters can choose whether the information should be sent to their local child health clinic or to another child health clinic of their choice. If the adopters would prefer to contact a child health clinic themselves, they can of course do so.

Requests to be allowed to adopt a different child

When the prospective adopters actually meet the child the committee has agreed for them to adopt, they occasionally come to the conclusion that they do not want to go through with the adoption of this particular child. The child might suffer from a serious illness or a severe disability of which they knew nothing. Very occasionally the child has in fact died before the applicants have arrived to take charge of him/her.

In such a situation, authorities or agencies in the child’s state of origin sometimes offer the applicants the opportunity of adopting a different child. If the applicants wish to adopt a different child, the social welfare committee must consider whether to agree to allow the adoption to proceed with this second child.

It is important to consider how the applicants have experienced and processed what happened before deciding whether or not to allow the adoption to proceed. As a rule applicants will need to return to Sweden to meet their social worker before the social welfare committee can decide whether it would be suitable for an adoption to proceed with a different child.

What has happened might even have radically affected the applicants’ suitability to adopt so that the committee might need to investigate whether the original consent to adopt should be revoked.

When prospective adopters decide not to adopt a child, they might be in need of support.
Further responsibilities of the social services

Providing adoptive parents with information in practical matters

*Before the adoption is finalised*

The prospective adopters are the ones who must apply to the district court to adopt their child. Until the adoption has been finalised, the family is formally regarded as a foster-family and as such the social services are responsible for supervising the care the child receives, under the Social Services Act Chap. 6 Section 7. The social welfare committee also has to monitor the adoption to ensure that it is finalised (see below).

There are no legal ties between the prospective adopters and the child until the adoption has been finalised (i.e. when the court has made its decision known and the specified period for lodging appeals against the court’s decision has elapsed). The child has no right to inherit anything from his/her presumptive parents, for instance, until the adoption has been finalised. One way of ensuring that the child can inherit from his/her future parents, if they were to die before the adoption is finalised, is to draw up a will naming the child as beneficiary. The child can also be registered as beneficiary in various insurance policies.

Home visits and supervision after the child has arrived

As previously mentioned, until the adoption has been finalised, the social welfare committee has the same responsibilities towards the prospective adopters and adoptee as towards a foster-family (Social Services Act Chap. 6 Section 7).³²

In addition, the municipal social welfare committee has the responsibility of providing any special support and assistance which may be necessary

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³² Until the adoption is finalised, the family must be included on the municipality’s list of children who have been placed in foster care or another private home; this includes notifying the county administrative board (SOSFS 2008:8). This does not mean that the family is to receive remuneration as foster carers.
Further responsibilities of the social services

after an adoption (Social Services Act Chap. 5 Section 1). This responsibility exists as soon as the adoption has been finalised, irrespective of whether it has been finalised in the child’s state of origin or in a Swedish court.

In conjunction with the decision to allow the adoption to proceed it might be suitable for the social worker and adopters to plan arrangements for how and when they are to contact each other after the child has been received in the adopters’ home (SOSFS 2008:8). Home visits give the social worker the means of monitoring parent-child interaction and seeing if the family needs any support or help. If they need something which falls outside the authority of the social services, the family can be referred to the relevant authority or agency.

Foreign adoption orders and monitoring them to ensure that the adoption is finalised

If a child arrives in Sweden and is received in the prospective adopters’ home before the adoption has been finalised, then the child is regarded as if she or he had been placed with them for foster care, as previously mentioned. Therefore it is imperative that the social welfare committee – i.e. the social worker – establishes whether or not there is an adoption order/court decision which is valid in Sweden when the child arrives here.

If the adoption is to be finalised by a Swedish court order after the child has arrived in Sweden, or if the MIA is to approve a foreign adoption order, the social welfare committee should monitor the case to ensure that the applicants do apply for the adoption order (or the approval of the MIA). The municipal social welfare committee should also monitor the result of their application (SOSFS 2008:8).

In such cases, the social services must also pay special attention to the fact that the child might need representation. Sometimes parental responsibility for (legal custody of) the child has been transferred to the prospective adopters by a court order in the child’s state of origin, and that decision is valid until the adoption is finalised. Sometimes it can take some time for the adoption to be finalised.

It is standard practice to distinguish between the ‘full’ and ‘simple’ forms of adoption. An adoption order made by a Swedish court is always a full adoption. This signifies that the adopted child has exactly the same legal position as a child born into the family (Cf. Children and Parents Code, Chap. 4 Section 8) and that the adoption order cannot be revoked. A Swedish adoption order signifies the termination of the legal relationship between the child and his/her birth family.
An adoption order made in the child’s state of origin can be simple or full, depending on the legislation of the specific state. The legal effects of a simple adoption, on the other hand, are limited in some way. The adoption might be revocable or signify that the child still has certain legal ties to his/her birth family. If a simple adoption order has been made by a Hague Convention country, it can be converted (‘transposed’) into a full adoption at a Swedish court (Incorporation Act, Section 5). Swedish legislation is still applicable with regard to inheritance, custody and so on, even in other cases where foreign adoption orders are to apply in Sweden (Act [1971:796] on International Legal Restrictions Concerning Adoption). (The legislation of other states might be applicable, however, if the adopters are foreign citizens.)

**Different methods of finalising adoptions**

There are different ways to formally finalise an intercountry adoption:

- An adoption order made in a Hague Convention country is automatically valid in Sweden.
- An adoption order can be made at a Swedish court.
- An adoption order can be made in another country, where the adopters are citizens or are resident and be automatically valid in Sweden.
- An adoption order made in a foreign country can become valid in Sweden after being approved by the MIA.
- An adoption order made in one of the other Nordic countries is automatically valid in Sweden.

**Adoption orders made in a Hague Convention country**

An adoption carried out in a Convention country according to the rules laid down in the Hague Convention is automatically valid in Sweden. Under the Convention, ‘An adoption certified by the competent authority of the State of the adoption as having been made in accordance with the Convention shall be recognised by operation of law in the other Contracting States’ (Article 23.1).

The recognition of an adoption includes recognition of the legal parent-child relationship between the child and his or her adoptive parents and the parental responsibility of the adoptive parents for the child. It also includes the termination of a pre-existing legal relationship between the child and his or her mother and father, if the adoption has this effect in the Contracting State where it was made (Article 26).
Further responsibilities of the social services

When such an adoption order has been made in the child’s state of origin, it signifies that the applicants are now the child’s adoptive parents, and no other adoption order is necessary when they arrive in Sweden.

**Adoption orders made in Swedish courts**
The formal adoption order is sometimes made by a Swedish court. In cases like this, the rules laid down in the Children and Parents Code apply. This means amongst other things that the court must examine whether or not the adoption ‘should suitably take place’. The adoption must benefit the child and the purpose of the adoption must be to create a parent-child relationship, if one does not already exist. (Cf. Children and Parents Code, Chap. 4 Section 6) The court must also obtain a written report from the municipal social welfare committee (Children and Parents Code, Chap. 4 Section 10).

Applicants must apply for the adoption at the district court ‘for the place where they are resident’ (Children and Parents Code, Chap. 4 Section 9).

**Adoption orders made in another country, where the adopters are citizens or are resident**
An adoption order which was made in a non-Convention country can still be valid in Sweden.

This is the case if the adopters were citizens of the country in question or resident there when the order was made (Act [1971:796] on International Legal Restrictions Concerning Adoption, Section 3).

**Adoption orders which become valid in Sweden after being approved by the MIA, the Swedish Intercountry Adoptions Authority**
In certain cases an adoption order made abroad can become valid in Sweden after being approved by the Swedish Intercountry Adoptions Authority. In cases of ‘weak’ adoption, adopters generally need to readopt their child at a Swedish court. The established practice of the MIA is to direct applicants to apply to the district court for a Swedish adoption order.

**Adoption orders made in one of the other Nordic countries**
An adoption order made in one of the other Nordic countries, where the adopters were resident at the time of the adoption is automatically valid in Sweden (Decree [1931:429]: On Certain International Regulations concerning Marriage, Adoption and Guardianship).

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33 In certain cases the Swedish authorities are obliged not to validate a foreign adoption order; this applies when to do so would be manifestly incompatible with the basic principles of the legal system in the kingdom (Act [1971:796] on International Legal Restrictions Concerning Adoption, Section 6).
The social welfare committee’s report to the district court

When prospective adopters apply to the district court to adopt, the court must obtain a formal report from the social welfare committee of the municipality in which the applicants are registered.

What the formal report should include (under the Children and Parents Code Chap. 4 Section 10) has not been specified. According to the directions issued to the Government Inquiry to re-examine the fourth chapter of the Children and Parents Code, it seems somewhat unclear what the report should contain and how far the committee’s duty to investigate the matter actually extends. (The findings of the Inquiry are expected to be published in July 2009.) The official in charge of the Government Inquiry is to examine the reports which the courts currently receive in adoption cases. In this part of the assignment, the Inquiry has been instructed to examine the measures normally taken by the social welfare committees when requested for a report under the Children and Parents Code Chapter 4, and to examine the way the reports are collated and presented. In addition, the Inquiry is to examine the extent to which children are allowed to express their own views and the degree in which the committees’ reports contain recommendations to the courts. The Inquiry is to pay particular attention to the way the Swedish courts obtain information on which to base their decisions when the child or the applicants are not registered in the Swedish population registry. In view of its findings, the Inquiry is to consider whether or not the present regulations need amending or complementing in order to provide the courts with better, more comprehensive information on which to base their decisions, and in order to ensure that the proposed adoption is in the best interests of the child. (8)

If an adoption assessment has already been carried out, the investigation to provide the court report will only need to cover the current situation. If no adoption assessment has been carried out previously, the social worker will need to investigate the same qualities, resources and risk factors normally covered by an adoption assessment, as far as this proves possible, given the time frame indicated by the court. The report will need to cover issues such as the applicants’ knowledge and insight concerning adoption and the needs of adopted children, the applicants’ physical and mental health, their parenting capacity (e.g. their personal qualities and ability to
interact with others), the quality of their relationship (in joint applications) and the characteristics and resources of their network.

The social welfare committee must endeavour to clarify the child’s standpoint and communicate this to the court, unless to do so would be unsuitable (Children and Parents Code, Chap. 4 Section 10). The regulations in the second paragraph were added in connection with the 1995 amendment to the Children and Parents Code, detailing the right of children to express their own views. The report should indicate whether the child has expressed any views on the adoption. In most cases it might be sufficient to note that the social worker in charge of the investigation has enquired about child’s standpoint and nothing has emerged to indicate that the child is doubtful about the adoption. If the social worker considers that it would have been unsuitable to ask the child, this should be noted in the report, together with the grounds for this decision (43).

Planning the investigation
If the court requests the social welfare committee for a report in an adoption case, with reference to the Children and Parents Code Chap. 4 Section 10, the committee should start the investigation by preparing a plan for the investigation. The plan should be supplemented and amended as necessary (SOSFS 2008:8).

A certain amount of guidance concerning investigation plans and reports can be found in the description of the adoption assessment, under the Social Services Act Chap. 6 Section 12. Reference is made to requesting all available information about the applicants from the police (the Criminal Records Registry and Registry of Crimes Awaiting Trial) and the social services’ registries.

If the social welfare committee has taken a decision to grant the applicants consent to adopt (under Chap. 6 Section 12 of the Social Services Act) during the last two years, that assessment can form the basis of the court report as well. In such cases, the investigation plan only needs to detail the supplementary information which must be obtained (SOSFS 2008:8).

Special remarks on reports to courts concerning the adoption of related children
In an adoption case, the court must consider whether the adoption would benefit the child (Children and Parents Code, Chap. 4 Section 6). This probably entails the court endeavouring to obtain a report on the child’s circum-
stances in his or her state of origin. The court can apply to a child welfare organisation or a competent authority in the child’s state of origin. (44)

Apart from the applicants’ qualities and resources, and the possible risk factors involved if they were to adopt, the central issues in the social services’ investigation will be facts about the child’s need for new parents, the child’s views on the matter, and the child’s relationship to the applicants.

The motives for the adoption and the congruity of the applicants’ thoughts and feelings on the matter need to be examined. (See above, in the section entitled ‘Adoption assessments’)

Occasionally, an application for consent to adopt is filed after the Swedish Migration Board has already refused to grant a residence permit to the would-be adoptee. This might indicate that the purpose of the adoption is not primarily to create a parent-child relationship. In order to prevent this, the court is obliged to obtain a statement from the Migration Board if the presumptive adoptee is twelve years or older (Act [1971:796] on International Legal Restrictions Concerning Adoption, Section 2).

Special remarks on reports concerning the adoption of children sent to Sweden for respite care or recuperative holidays

Apart from the applicants’ qualities and resources, and the possible risk factors involved if they were to adopt, the central issues in the social services’ investigation will be facts about the child’s need for new parents, the child’s views on the matter, the reasons for the adoption and the child’s relationship to the applicants.

The applicants will also need to be aware of the long-term implications of the adoption. Compared to what has previously emerged during limited holiday periods, a child who has spent a number of years in an institution might prove much more challenging for parents’ ability to interact, give encouragement and support when s/he is placed in the family permanently.

It is important that the holiday family does not keep the child longer than the period agreed before the child arrived. If the question of adoption does arise, it is important that the child returns to her/his state of origin while the matter is investigated and the adoption is carried out there.

Anyone wishing to adopt a child from abroad must normally engage one of the authorised Swedish adoption associations. (36) The same applies to the adoption of a child sent to Sweden for a recuperative holiday, if any of the associations mediate adoptions from that particular country. (For independent adoptions, see the following section.)
The child’s representatives in his/her state of origin are the ones who must first and foremost consider whether an adoption would be suitable and could be permitted. Not all children who are sent on recuperative holidays are abandoned and available for adoption; they often have a family already.

Planning how to monitor the adoption and provide support

In conjunction with work on the report to the court, the social worker should inform the applicants about the support which the municipality is obliged to provide under the Social Services Act Chap. 6 Section 7 prior to the adoption order, and the support it is obliged to provide under the Social Services Act Chap. 5 Section 1 after the adoption order has been made. If this has not already been done, it might be suitable for the social worker and adopters to plan arrangements for how and when they are to contact each other after the child has been received in the adopters’ home (SOSFS 2008:8).
The social welfare committee’s consent in independent adoptions

Anyone wishing to adopt a child from abroad must normally engage one of the authorised Swedish adoption associations. (36) Independent adoptions, i.e. adoptions without the mediation of an authorised adoption association, are permitted in certain individual cases (Intercountry Adoption Intermediation Act, [1997:192] Section 4). According to the legislative history of the act, independent adoptions should be restricted to special cases where the mediation of an adoption association is not considered necessary. This might be the case when the child and the applicants are related to each other, when applicants have lived and worked in the child’s state of origin or when they themselves originate from the country concerned. (36)

Administrative procedure for the social welfare committee

The legal provisions which apply to independent adoptions are substantially the same as for adoptions mediated by authorised adoption associations. The applicants must have taken part in a parenting course and have been granted consent to adopt by the municipal social welfare committee even in independent adoption cases. (See the section above entitled ‘Adoption assessments’.) If the adoption order is to be made at a Swedish court, the social welfare committee must provide the court with a report under the Children and Parents Code, Chap. 4 Section 10 (Cf. the section above entitled ‘The social welfare committee’s report to the district court’).

The examination of the proposed adoption procedure by the MIA

If anyone wishes to carry out an independent adoption, the Swedish Intercountry Adoptions Authority (the MIA) has to examine the proposed adoption procedure to decide whether or not it is acceptable. This is partly to establish that there are special circumstances which make the mediation of an authorised Swedish adoption association unnecessary, partly to determine whether or not the proposed method of mediation is reliable. The examination of the case by the MIA takes place after the social welfare
committee has granted the applicants consent to adopt under the Social Services Act Chap. 6 Section 12.

The MIA has a special form for applications for an examination of the proposed adoption procedure. Along with their application, the prospective adopters must provide a copy of the decision to grant them consent to adopt, together with any other documents they wish to refer to. These might be documents corroborating their connections with the country they would like to adopt from.

In such cases the MIA does not examine the applicants’ suitability or whether the adoption is in the best interests of the child. (36)
The duty of the social services to monitor the child’s situation

The social services have a responsibility to provide the adoptive family with any support and help it might need after the adoption has been finalised (Social Services Act Chap. 5 Section 1). This is particularly important during the first period of adjustment for both the child and the adopters, and especially so with regard to the child’s attachment.

Prior to the adoption being finalised, the child is regarded as if s/he was being fostered in the family. This means that the social services are responsible for helping to ensure that s/he receives good care and upbringing and giving the adopters the advice, support and other assistance they need (Social Services Act Chap. 6 Section 7).

To carry out these responsibilities, the social services need to keep in contact with the family after the child has arrived.

As mentioned previously, the social worker should give applicants information about the support which the municipality is obliged to provide before the adoption is finalised with reference to the Social Services Act Chap. 6 Section 7, or after it has been finalised, with reference to the Social Services Act Chap. 5 Section 1. This might take place either in conjunction with their interview to consider allowing the adoption to proceed or in connection with the committee’s report to the court. It might also be suitable to plan arrangements for how and when the social worker and adopters should contact each other after the child has been received in the adopters’ home (SOSFS 2008:8).

Progress reports (post-placement and post-adoption reports)

It is common for the children’s representatives in their state of origin to want progress reports after the children have been with their new families for a time. As a rule, they request several reports over a certain period of time. The child’s state of origin generally requests that a social worker from the social services writes the reports. In certain cases the child’s state of origin even asks for post-placement reports under a probationary period, before the adoption can be allowed to be finalised.
There are several reasons why writing these progress reports is considered important:

- One is that they provide an opportunity to monitor the adoption and find out whether the new family needs any support.
- Another is that it is important to the countries of origin to know about the outcome of their intercountry adoptions and the progress of each individual child. Sometimes the child’s birth parents are also able to read the reports. If adopters fail to meet the demands of the states of origin concerning post-adoption reports it might lead to difficulties adopting from that country in the future.
- Yet another reason is that the progress reports can be valuable sources of information for adoptees to read at some point (and this might be important to bear in mind when phrasing the reports.)
- With a view to Sweden’s reputation in the world of adoption, it is essential that adoptions are monitored properly. Providing reports which are sufficiently comprehensive and clearly-worded can enable the representatives of the children’s states of origin to continue to feel confidence in Sweden as a receiving state in intercountry adoptions.

The states of origin generally require post-adoption reports to address certain topics, such as how the child is developing (details about psychosocial, cognitive, motor, linguistic and personal development; play, activities, interests, talents etc.) the child’s attachment to his or her adopted parents and relationship to siblings, relatives and friends. Sometimes they are interested in the child’s questions about her or his origins and birth family, the child’s memories and stories of life in his or her state of origin. In addition they often request details about the child’s height, weight and eating habits, a statement from a paediatrician or the child health clinic about the child’s health and any medication or other treatment s/he receives.

The social worker who was in charge of the adoption assessment is usually the person who writes the post-placement/post-adoption reports, in collaboration with the applicants/adopters. The social welfare committee does not need to review the case and reach another formal decision. The applicants/adopters make sure that the report is translated and sent to the child’s state of origin (sometimes via their authorised adoption association).
Works cited

Works are numbered in the order in which they are first cited in the handbook.

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Definitions

**Adoption assessment**
A child domiciled abroad may not be received for purposes of adoption without the consent of the municipal social welfare committee. In order to grant an applicant consent to adopt, the municipal social welfare committee is obliged to investigate the applicant’s home, circumstances and resources. This investigation is sometimes referred to as a home study, but ‘adoption assessment’ is a more appropriate term. It is the applicant’s suitability to adopt, not the applicant’s home, which has to be assessed. (The literal translation of the Swedish term is ‘consent investigation’ – see below, under ‘Consent’.)

**Agreeing to allow the adoption to proceed**
When applicants have been notified that they have been proposed as adoptive parents for a specific child, they must contact the social services. The social welfare committee must examine the case before agreeing to allow the adoption to proceed.

**Applicant/applicants**
In this handbook, we have used ‘applicants’ in the plural for anyone who has applied for consent to adopt. Even when a couple applies for consent to adopt, it is each individual’s suitability which is assessed (as well as the couple’s relationship and network.) To avoid using ‘s/he’ ‘his/her’ etc. as much as possible, we use the term ‘applicants’ to refer to prospective adopters who could be single, married or in a registered partnership.

**Assessment report**
The adoption assessment is collated and presented in the form of an assessment report, on which the social welfare committee bases its formal decision. The assessment report is the written summary of the assessment, i.e. relevant aspects of the information it has revealed, together with the social worker’s analysis and conclusions.

**Consent**
The term ‘consent’ is used in several different ways within the context of adoption in Sweden.
Definitions

- One is when an *applicant* during the assessment consents to the social worker’s obtaining certain statements or reports from other sources.
- Another is when applicants have been assessed and their application to adopt has been approved by the social welfare committee. The formal phrase for this approval, used in existing English translations of the Swedish Social Services Act, is that the social welfare committee ‘grants them consent’ to adopt (‘lämnar medgivande’). The committee’s consent might include restrictions.
- Sometimes the term consent is used when a *child’s parent(s) or guardian(s)* need to give their consent to the adoption; in some cases the *child* needs to give his/her consent to the adoption.

**Post-placement/post-adoption report**

In cases of intercountry adoption, agencies or authorities in the children’s states of origin generally ask for reports on the outcome of the adoption. The scope and contents of the reports vary, depending on the wishes of the different states of origin. Normally the Swedish social services are expected to write the reports, while the adopters are responsible for having them translated and sent to the children’s states of origin.

**State of origin**

The state from which a child is adopted in cases of intercountry adoption. The child’s state of origin and the receiving state (where the child is to be adopted) are answerable for different stages of the adoption process.
Forms

List of forms (available on www.socialstyrelsen.se)

| Adoption 1 | Doctor’s certificate (specialist’s statement) |
| Adoption 2 | Statement from specialist in psychiatry or certified/registered psychologist |
| Adoption 3 | Assessment report |
| Adoption 4 | The social worker’s recommendation |
| Adoption 5 | Application for consent to adopt |
| Adoption 6 | Applicant’s health statement |
| Adoption 7 | Medical certificate |
| Adoption 8 | Referral to the Swedish National Board of Health and Welfare, Committee for Social and Medical Legal Questions (Legal Committee) |
| Adoption 9 | Referee’s statement |
| Adoption 10 | Notification to the family’s child health clinic, request for information |
| Adoption 11 | Notification to relevant school/nursery school, request for information |
| Adoption 12 | Certificate of social welfare committee’s consent, approving applicant(s) for intercountry adoption (English version) |
| Adoption 13 | Notification to social welfare committee when a specific child has been proposed for adoption |
| Adoption 14a | Agreement by authority of the social welfare committee that the adoption may proceed (in accordance with the Social Services Act Chap. 6 Section 14) (English version) |
| Adoption 14b | Agreement by authority of the social welfare committee that the adoption may proceed (in accordance with the Incorporation Act Section 3) (English version) |
| Adoption 15 | Notification to local child health clinic |