



The Process and Paperwork of International Adoption

By Martha Edwards

An abbreviated explanation for the existence of international adoption is that most developed countries have many more adults wanting to adopt than they have children available for adoption, while in many developing countries the situation is reversed. In this process, affluent first-world parents adopt children from less affluent parts of the world. International adoption is also known as “foreign” or “intercountry” adoption. Regardless of what the process is called, however, international adoptions generate an abundance of paperwork in need of translation. While this article is specific to the adoption of Latin American children by U.S. couples, the process outlined here is similar for many countries. Understanding the process behind international adoption can be very helpful in deciphering its specialized terminology.

A Host of Regulators

International adoption is regulated by a large number of authorities in both the children’s countries of origin and the countries of their destination (known as the “sending” and “receiving” countries): prominent among them are social service agencies, the courts, and immigration authorities. The main authority on international adoption is the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention). The Hague Adoption Convention is a multilateral treaty that was approved by 66 nations on May 29, 1993 at The Hague. The Convention covers adoptions among countries that become parties to it and sets out for such adoptions certain internationally agreed-upon minimum regulations and procedures. Its main goals are to:

- Protect the best interests of adopted children.
- Standardize processes between countries.
- Prevent child abuse, such as trafficking in children.

Currently, 68 countries have joined the Hague Adoption Convention. (The U.S. signed the Convention on March 31, 1994.) Countries party to the Convention also have a designated Central Adoption Authority that gives the final green light to each adoption. In the U.S., the Central Authority is the Department of State.

Internationally adopted children coming to the U.S. today from Latin America often have access to birth family and hospital records, which may be a prominent part of the process. Most Latin American countries do not allow single-parent adop-

tion or adoption by those who have birth children, so my terminology is a reflection of these facts, and will assume, for simplicity's sake, that the adoption is that of a single infant by a childless couple. The terminology provided here is a sample, as there are variations between countries.

The Process

An international adoption has three distinct phases, each involving a set of documents needing translation: the parents' papers into Spanish (for Latin American cases) for the authorities in the child's country of origin, and the child's papers into English for the American parents and authorities. These documents are socioeconomic, legal, and medical in nature.

Phase One

The first phase of an adoption is the qualification of the prospective parents. No adoption authority, domestic or international, will consider foster or adoptive placement of a child in a home that has not been thoroughly investigated and pre-approved. The process of that investigation and the narrative report generated from it are both known as a "home study." In many countries, the home study and other aspects of the adoption are handled by government entities, at no charge to the adopting parents. In the U.S., however, government social service agencies will only conduct home studies for people interested in adopting children from public foster care. International adoption home studies are conducted by private, nonprofit agencies that charge for the services they render. Sometimes this fee assessment is done on a sliding scale, according to the applicants' income level, but more often on a flat-fee basis. It is often quite a significant expense, although part of it is tax-deductible (up to \$11,390 for tax year 2007).

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In addition to the expense, adopting abroad involves a great deal of work on the part of would-be adoptive parents, who must collect the following, at a minimum, to submit to a licensed adoption agency:

- Verifications of employment and income;
- Police record clearances (including an FBI fingerprint check);
- Child abuse clearances;
- Letters of recommendation;
- Birth certificates;
- Marriage certificate;
- Letter from a physician stating that the applicants are in good health;
- Proof of infertility;
- Psychological evaluation; and
- Verification of a bank account in good standing.

After a series of interviews with the applicants separately and together, including at least one at the applicants' home—where the child is expected to live with them—the social worker writes the home study report. The home study report includes biographical data on the applicants, an assessment of the soundness of their relationship and ability to be good parents, an evaluation of the documentation submitted, and a physical description of the prospective parents and their home.

All of the documents listed,

including the home study, must bear original signatures witnessed by a notary public. The notary's signature is then verified by the state's secretary of state, whose signature, in turn, is verified by the U.S. Department of State's Authentication Office. This process is called (depending on the international treaty governing the relationship between the two countries) either an "authentication" or an "apostille." All documents go through a similar chain of verifications once they are sent to the child's country of origin. Once the documents bear all of these seals, signatures, and ribbons, the documents are considered legally valid to submit to the foreign court as evidence of the applicants' fitness to adopt.

Phase Two

The second phase of an international adoption process is the referral. This is when a child becomes available for foreign adoption and his or her information is referred to the approved, waiting couple. The information provided usually includes some combination of the following:

- A photograph;
- Birth certificate;
- Medical information; and
- A social summary.

Assuming the child was born in a hospital, medical information will typi- ➔

cally include such basics as: birth weight; length; Apgar score (a numerical measure, 1 through 10, of newborn health indicators such as heart rate, muscle tone, color, and respiratory response); length of gestation; head circumference; whether the child was delivered vaginally or by Cesarean section; plus any available information about complications or treatments for jaundice and vaccinations administered. If there is no birth record, the medical information will be obtained from the baby's first visit to a pediatrician. The social summary is information about how and why the child became available for adoption, and usually provides some information about the birth parents, including a physical description and their socioeconomic circumstances, and whether there are any biological siblings. It may also contain information about the foster home where the child is being cared for while the adoption is processed.

Phase Three

Once the future adoptive parents accept the referral, the third phase of the adoption begins: the placement. This is when the child actually arrives

tually issue either a pre-adoptive guardianship order or an adoption decree, formalizing the parent/child relationship between the U.S. couple and the foreign-born baby. If the

It is important to keep in mind that there is a politically correct way of referring to adoption and the relationships it kindles and severs.

in the adoptive parents' home. Placement begins when the parents' home study documents and the child's referral documents are submitted to a court in the sending country, along with a petition for adoption. If everything is in order, that court will even-

adoption is not finalized abroad, immigration law and social service policy stipulate that it must be finalized in the U.S. as soon as practicable.

When the adoption or guardianship is granted, the home study, referral, and adoption documents, plus their translations, are submitted to the sending country's passport office for issuance of a passport to the child. They are also submitted to U.S. immigration authorities along with an I-600 "Petition to Classify Orphan as an Immediate Relative." Assuming all is in order, U.S. Citizenship and Immigration Services will issue an approval of that petition. The petition is then forwarded to the U.S. Department of State for immigrant visa processing at the U.S. embassy in the sending country so the child may travel to the U.S. with his or her adoptive parents. The adoptive parents travel to pick up their child and are interviewed at the U.S. embassy, which will again review all documents to ensure that they are in order before issuing an immigrant visa to the child. In some cases, the embassy will also interview the child's biological mother to ensure that she has given her consent to the adoption and knows that the

Links of Interest

Apgar Score

http://kidshealth.org/parent/newborn/first_days/apgar.html

Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption

http://travel.state.gov/family/adoption/convention/convention_2290.html

I-600 Petition to Classify Orphan as an Immediate Relative

www.uscis.gov/files/form/i-600.pdf

U.S. Citizenship and Immigration Services

www.uscis.gov/portal/site/uscis

U.S. Department of State's Authentication Office

www.state.gov/m/a/auth

U.S. Department of State's Office of Language Services

<http://oig.state.gov/oig/lbry/reporthighlights/72230.htm>

International Adoption Terminology

English	Spanish
abandonment	<i>abandono</i>
adoptive parents/children	<i>padres/hijos adoptivos</i>
affidavit	<i>declaración jurada</i>
Apgar (score)	<i>Apgar</i>
apostille	<i>apostilla</i>
appearance (at a hearing)	<i>comparecencia</i>
authentication/legalization (of documents)	<i>autenticación/legalización</i>
BCG (newborn tuberculosis vaccine)	<i>BCG</i>
birth certificate	<i>certificado/partida de nacimiento</i>
birth record	<i>acta/registro de nacimiento</i>
birth/biological parents	<i>padres biológicos</i>
child support	<i>pensión alimenticia</i>
DNA test	<i>prueba ADN</i>
family background	<i>antecedentes familiares</i>
father or mother who has not come forward to recognize a child and therefore has no parental rights	<i>padre o madre no compareciente</i>
finalization (of an adoption)	<i>ejecutoria, sentencia final de adopción</i>
foster care	<i>colocación familiar, hogar sustituto</i>
full adoption	<i>adopción plena</i>
guardian (legal)	<i>tutor</i>
guardianship	<i>tución, tutela, tutoría</i>
home study	<i>informe social, evaluación socioeconómica, informe del hogar</i>

English	Spanish
head circumference	<i>perímetro cefálico</i>
infant	<i>lactante</i>
jaundice	<i>ictericia</i>
kinship	<i>filación</i>
length (of a newborn)	<i>talla</i>
Mongolian spot	<i>mancha mongólica, callana</i>
parental rights	<i>patria potestad</i>
placement (of a child)	<i>colocación (de un menor)</i>
police record clearance	<i>certificado de buena conducta, antecedentes policiales</i>
post-placement visit/report	<i>visita/informe de seguimiento</i>
prospective parents	<i>padres putativos</i>
referral (of a child for adoption)	<i>asignación/oferta</i>
relinquishment (of a child, of parental rights)	<i>entrega (de un menor), renuncia (de la patria potestad)</i>
simple adoption (does not confer certain rights, among them the right of inheritance)	<i>adopción sencilla</i>
social summary	<i>informe socioeconómico</i>
social worker	<i>asistente social, trabajador(a) social</i>
term newborn – TN adequate to gestational age	<i>recién nacido adecuado a edad gestacional – RNAEG</i>
toddler	<i>párvulo</i>
well child checkup	<i>control del menor sano</i>

child will leave her country permanently. The embassy may also require DNA tests to ensure that the child is not being relinquished by someone other than the actual birth parent.

There is a peculiarity to the definition of “orphan” and “adoptable” in the U.S. immigration context, which applies neither to any other definition of orphan, nor to most definitions of adoptable. Thus, an orphan, for immigration purposes, may have no parents

or only one parent who has relinquished the child for adoption (this parent is known as the “sole or surviving parent,” the other parent being deceased or otherwise absent). However, in order to secure an orphan visa, a child may not have two parents who consent to the adoption, even though this is perfectly legal in most countries and in the context of a within-the-U.S. or “domestic” adoption. The only exception is if those

parents can be proven not to be able to care for the child. Neither will the adopted child be granted an “orphan visa” if he or she is mentally handicapped or over the age of 16, which is another exclusion not present in most foreign and domestic adoption law. There are many and complicated rationales for these exclusions, which I will not go into here. The point is that would-be parents, agencies, and overseas counterparts must be ➡

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aware of these restrictions, or they could face major disappointment—and on many occasions have—when, after a perfectly legal adoption, the child’s visa is denied.

Post-Placement

Once back in the U.S. with their foreign-born child, the newly-formed family usually goes through six months of post-placement supervision, which involves three visits by a social worker who will look at medical records and observe and interview the family regarding their adjustment. Reports of those visits, along with photographs and pediatric evaluations, are translated and sent back to the orphanage, court, or other relevant authority in the sending country, along with proof of U.S. citizenship. Citizenship is conferred automatically

upon the child’s entry into the U.S., if adopted abroad, or after the adoption is finalized, if the adoption takes place in this country.

Semantics

In terms of the translation of the documents associated with international adoption, it is important to keep in mind that there is a politically correct way of referring to adoption and the relationships it kindles and severs. Probably the biggest linguistic *faux pas* committed by those unfamiliar with the adoption process is to refer to children born into the family as “real” children, as opposed to those who are adopted (and who are therefore “unreal?”). The correct way to distinguish between them is “adoptive” and “biological” (or “birth”) children. Similarly, parents and siblings are not

“real,” but “birth” or “adoptive” parents or siblings. Likewise, birth parents do not “give up” or “give away” their children, they “place them” with an adoptive family, welfare institution, or court. (Please see the glossary list on page 31 for other frequently encountered terms.)

Serving the Family

There are so many rules and regulations involved in an international adoption—and so many authorities at every level of government in both countries—that it is a wonder these things work out at all! But they do, and there are many thousands of fortunate parents and children who have found one another and become a family through this tortuous but ultimately worthwhile maze.

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