Adopting a child

Preface

This brochure is meant for people who consider adopting a child from a foreign country.

Adoption is an emotionally invasive process for everyone involved. Adoption is also a process governed by rules. The nine steps one has to take from the moment one starts the adoption procedure will serve as a guideline in this brochure.

The emphasis is on what you need to know before you submit a request. If you decide to continue, you will receive the procedure book which outlines the procedure extensively.

Preceding the part about the adoption procedure, general information will be given about adoption, the children, the financial aspects and the conditions that need to be met for adoption. In the back is a brief bibliography and a list of addresses for more information.

Taking in a child who is a family member

Adoption as it is referred to in this brochure, concerns the adoption of a child who is not known to the future adoptive parents. Those who plan to adopt a child of a family member living abroad follow a procedure through the IND (Immigration and Naturalisation Service; in Dutch: Immigratie- en Naturalisatie Dienst). Contact information: 0900-1234561 or www.ind.nl

Domestic adoption

Those wishing to adopt a child born in the Netherlands go through the first five steps of the procedure. More information on domestic adoption can be found on the site of the Child Protection Board, www.kinderbescherming.nl

Questions or doubts?

If you have questions or doubts regarding your personal situation, and whether or not it makes sense to submit a request, please contact Adoption Services (Adoptievoorzieningen) at: 030 233 03 40, Mo. thru Fri. 9:00 to 14:00 hrs.
Contents

Adoption .......................................................................................................................... 3
  What is adoption? ......................................................................................................... 3
  Why do people choose to adopt? .................................................................................. 3
  The children .................................................................................................................. 4
  Costs involved in adoption .............................................................................................. 5
Rules and regulations ........................................................................................................ 7
  Dutch Law ...................................................................................................................... 7
  Rules and regulations in countries of origin ................................................................. 7
  The Hague Adoption Convention .................................................................................. 7
The adoption procedure .................................................................................................... 9
  A carefully designed procedure .................................................................................... 9
  Partners in adoption ...................................................................................................... 9
  Length of the procedure ............................................................................................... 10
  The adoption procedure step by step ........................................................................... 10
    STEP 1: SUBMITTING A REQUEST FOR A PERMIT IN PRINCIPLE ......................... 10
    STEP 2: REVIEW OF THE APPLICATION ................................................................... 11
    STEP 3: THE INFORMATION SESSIONS .................................................................. 13
    STEP 4: THE HOME STUDY ................................................................................... 14
    STEP 5: PERMIT IN PRINCIPLE ............................................................................... 17
    STEP 6: MEDIATION ............................................................................................... 18
    STEP 7: PROPOSAL OF A CHILD FOR ADOPTION .................................................. 20
    STEP 8: ARRIVAL OF THE CHILD IN THE FAMILY ................................................ 21
    STEP 9: REGISTERING THE CHILD WITH THE AUTHORITIES .............................. 22
  Postponing or stopping the procedure ......................................................................... 23
More information ............................................................................................................ 25
Literature ......................................................................................................................... 27
Adoption

What is adoption?
Literally, adoption is *to make one’s own*. One who adopts takes on the raising of and the care for a child who was born out of other parents.

An important aspect of adoption is that the family tie with the birthparents is severed. Once the adoption has been pronounced by a judge, the adoptive parents are the parents of the child. A new, legally binding family tie comes into being with all the rights and demands that come with such a bond. This form of adoption is called strong adoption. When, next to the new family relation between child and adoptive parent(s), the legal bond with the birthparents continues to exist (weak adoption), in the Netherlands such an adoption can be converted into a strong adoption, terminating the previous legal bond.

The Convention on the Rights of the Child states that each child has the right to grow up in a family. Adoption can offer that opportunity to a child who can not grow up with its birthparents. In a family children are able to make good the delays in physical, emotional, and mental development that they may have incurred in a children’s home, or in the period preceding their stay there.

Domestic and intercountry adoption
Nowadays most children are adopted from abroad. However, until well into the seventies children who were adopted were mostly from Dutch birthmothers. From then on the number of unwanted pregnancies declined by improvement in sex education and an increase in the use of birth control.

Adoption from abroad, intercountry adoption, started in the early sixties. At first it concerned adoption of children from European countries. The first non European children came from Asia.

Why do people choose to adopt?
Choosing adoption starts with the wish to become parents. Most (aspiring) adoptive parents cannot make that wish come through biologically. Infertility is the primary cause, but also preventing a serious hereditary disease in the family can be a reason to refrain from having biological children.

Approximately ninety percent of the people who start an adoption procedure is unwillingly childless. Incidentally, only ten percent of those who are unwillingly childless decide to adopt. Approximately nine percent of the prospective adoptive parents have a biological child. They sometimes opt for adoption when a second or subsequent pregnancy is impossible or poses too much of a risk.

Finally, there is a small group of people that chooses not to have biological children, and to adopt out of idealism (about one percent). By adopting they hope to provide
a home to a child that would not have had the opportunity to grow up in a family otherwise.

The children
According to the Convention on the Rights of the Child every child, no matter where, has the right to proper physical and emotional care. Every child also has the right to minimal material care, to parents, and to a loving environment to grow up in.

Yet, not every child who misses this care is eligible for adoption. An important condition is that adoption may only be considered when a child cannot grow up with anyone in the (extended) family, or in a foster or adoptive family in its country of origin. Only if there are no possibilities for placement in the country of birth, adoption becomes an option. The country of origin needs to approve the adoption.

Reasons why children cannot grow up with their biological parents
For parents who have had to decide to relinquish their child, a number of motives may have applied:

- In the country of origin unwed motherhood is a taboo. These mothers may run the risk of being banned and of not receiving any support. They usually give up their babies secretly, soon after birth.
- Children of mixed race may not be accepted by relatives and the community they live in. The mother or both parents may decide, perhaps in secret, to give the child up for adoption.
- Parents may be forced to abandon their children because of poverty, illness, or politics. Sometimes a child is then left with family after which the parent disappears.
- Children may be ill or handicapped with parents incapable of taking care of them; another possible reason for relinquishment.
- Some children are abandoned when one of the parents starts a new relationship and the new partner does not accept the child.
- Parents may have lost custody over their children by neglecting and/or harming them. In such cases, child protection services may place children elsewhere.

Children who come to the Netherlands
In the Netherlands children can only enter the country for adoption when they are younger than six at the moment of arrival. To this rule two exceptions are possible:

- It concerns a child who is an older brother or sister of a child who already resides with the adoptive parent;
- It concerns one or more children (from one family or otherwise related), who cannot be separated without causing harm to (one of) them.
The changed profile of adopted children

The possibilities for a child growing up in its country of birth have increased significantly over the past ten years. Some reasons for this are:

- increased prosperity;
- single parenthood, foster care and adoption are more accepted culturally and socially;
- the development of organisations that protect children.

The adults in the countries of origin who choose foster care or adoption generally have the same ideas about the child they would ideally take in as Dutch parents do. They would prefer to adopt a child as young and healthy as possible. The wish for a healthy child may have to do with health care not being well developed or difficult to get access to. Also, the stigma related to sickness or a handicap may pose a problem.

These developments have made for a change in profile of the children who come to the Netherlands. It now generally concerns children who:

- are a little older upon arrival in the Netherlands. In 2016 60% of the children were older than two;
- belong to the category of children called ‘special need’, meaning they have a medical or psychological issue to deal with. In 2018 that was true of 90% of the children.

Adoption of children born in the Netherlands

In recent years, few children have been given up for adoption in the Netherlands. On average, this concerns twenty to twenty five children per year. Some of these children have parents who were born in a different country (i.e. refugees; people seeking asylum). A Dutch adopted child is therefore not always a Caucasian child.

Those who wish to become eligible for adoption of a child born in the Netherlands, should make this known during the home study by the Child Protection Board.

Costs involved in adoption

In the different phases of the adoption process prospective adoptive parents are faced with costs:

- The fee for the information sessions by Adoption Services is € 1.595,- per application. You pay € 210 for registration. This amount covers as well the costs for the first information meeting. After completing the information session, you decide whether you want to continue the procedure. If you decide to continue you have to pay an additional € 1.385 for the following five meetings.
- The costs for mediation vary per country and per mediator between € 7.500,- and € 30.000,-. This includes, among other things, the care for the child from the time of proposal, sometimes a donation to the orphanage,
travel expenses, procedural and personal costs. In case of adoption from the United States the costs may total €45,000,-.

- Having a contact screened by a mediator in case of a self established contact; € 1,000,-. When a mediator can prove that he has had to spend more money, the adoptive parents may be charged those extra costs.
- An authorisation for temporary stay (‘Machtiging tot Voorlopig Verblijf’), when needed; € 331,-.
- The adoption declaration according to Dutch law, when needed; between € 600,- and € 1,000,-.
Rules and regulations

Dutch Law
The rules governing adoption of children from abroad have been laid down in a law called Wobka (Law governing the taking in of children from abroad for adoption). This law has been in effect since 1988 – it has been adjusted a few times since then - and is a continuation of previous regulation pertaining to adoption. Anyone living in the Netherlands, wanting to adopt a child from abroad, has to follow the guidelines of the Wobka. The nationality of the aspiring adoptive parents is not important in this. So even when one can adopt a child in one’s country of origin according to local laws, it is necessary to go through the adoption procedure in the Netherlands, and be issued a permit to adopt.

In case of adoption of a child living in the Netherlands Dutch civil law applies. Those who accept a child in their family without adhering to the law, are guilty of a legal offense. The public prosecutor may decide to start legal proceedings in that case.

Rules and regulations in countries of origin
Not only Dutch law determines rules that govern adoption. The countries of origin of adopted children have their own laws, and can thus make conditions.

These conditions may concern the prospective adoptive parents. The conditions may apply to health, number of years of marriage, religion, age of the parents, income, sexual preference, and the number of children already present in a family. Some countries do not allow adoption by singles, or they have different ideas about the preferred age of the future adoptive parents.

Countries of origin may also have something to say about the children, and when they are eligible for adoption. It is important that the authorities of the country of origin agree to the fact that the child leaves the country. Some countries have rules as to the number of children leaving for adoption in relation to the number of children adopted domestically. Conditions may pertain to the health of children. Some countries do not allow children who are HIV positive, or have other physical limitations, to leave for adoption.

The Hague Adoption Convention
In 1993 the Hague Adoption Convention was signed by 66 countries, including the Netherlands. The convention contains agreements on cooperation in the area of intercountry adoption. The 81 countries that have now joined the convention are countries of origin of children, as well as countries where prospective adoptive parents live. They all agreed to rules concerning adoption with the best interest of children in mind. These rules focus on carefully carrying out adoption procedures. ‘Carefully’ means that the focus is on the interests and the rights of the child, and
that mediation for adoption by those who do not act in the best interest of children, and those who are involved in adoption to make a profit, are excluded.

Countries that ratified the Hague Convention all follow the same adoption procedure and have made agreements as to who can mediate for adoption and who can not. The convention does not, however, exclude the possibility of different countries making supplemental demands and conditions.

An adoption pronounced in a country that ratified the convention is automatically and fully recognised by all other countries in the treaty, provided all rules have been abided by. Such an adoption is immediately legally recognised in the Netherlands. The most important principles of the Hague Convention are:

- Relinquishment of the child for adoption by the birth mother must be well regulated. The mother must have consented to relinquish her child after birth, of free will, after having been informed of the consequences of this decision. The decision must not be made in exchange for money or any other form of reward.
- A child can only become eligible for intercountry adoption when it is apparent that being taken in by family or foster care or adoption in the country of origin is not possible. This is called the principle of subsidiarity.
- Parents should be sought for a child, not a child for a parent. Based on information about the child, and information about the possible parents, a decision should be made whether placement with these particular parents serves the best interest of the child.
- Prior to the matching of child and parents there should be no contact between the would-be parents and the caretaker(s) of the child, unless the adoption takes place within one family and the country of origin explicitly approves.
- A child is proposed to aspiring adoptive parents by the authorities of the country of origin and of the country it might go to (on the basis of the aforementioned information, and without having seen the child). Then the prospective parents decide whether they will accept the proposal.
- Mediation should not cost a disproportionate amount of money. The central authorities should take all appropriate measures to prevent financial or other gain due to adoption.
The adoption procedure

A carefully designed procedure
The Netherlands have a carefully designed adoption procedure that does justice to all parties involved in adoption: the biological parents, the adoptees, and the adoptive parents.

The biological parents have a right to great care applied to the process of relinquishment, and to preventing trade in children. Additionally, they have the right to know that in the Netherlands everything will be done to make sure their child will be well cared for.

The adopted child has a right to great care in the decision making process concerning adoption. The child does not have any say in the matter. It has the right to be protected against malafide practices. A child has the right to adoptive parents who have made a well considered choice for adoption, who are well prepared, and who are thought capable of providing for a child what is needed.

Adults who wish to adopt have a right to careful assessment of legal relinquishment of the child. That they know what adoption is and what they are getting into. That they are well prepared for adoptive parenthood, and are therefore thought capable of providing a good home for an adopted child.

However, adults who wish to adopt do not have the right to a child. Meaning that in this procedure the starting point should always be the search for the most suitable parents for a child.

The Dutch adoption procedure is based on the Hague Adoption Convention. Not all children coming to the Netherlands are from countries that work according to the rules of the convention. Still, adoptions from non-Hague countries are subject to the principles and safeguards of the Hague Adoption Convention

Partners in adoption
Successively, prospective adoptive parents will come into contact with Adoption Services, the Child Protection Board, the Central Authority of the Ministry of Justice and Security, and mediating organisations called license holders (‘Vergunninghouders’), and/or contacts abroad. They are the partners in the adoption process.

The Ministry of Justice and Security is legally appointed to execute the adoption procedure. The ministry takes decisions, like issuing and extending the permit in principle. It has delegated a number of tasks, to Adoption Services among others. Adoption Services has the task, by law, to provide aspiring adoptive parents with information. Adoption Services registers the applications for a permit in principle and it sends the applicants’ data on to the Child Protection Board later on in the procedure.
The Child Protection Board does the home study, and advises the minister about issuing a permit in principle.

When you have a permit in principle, you can contact one of the license holders about actual mediation. License holders (mediators) are organisations that have been approved by the minister to mediate between aspiring adoptive parents and the countries of origin.

**Length of the procedure**

You should count on a total procedure of about two to five years.

- Waiting between registration and the start of the information sessions takes about twelve months. Information about the actual waiting period is available on the website of Adoption Services, [www.adoptie.nl](http://www.adoptie.nl)
- When the information sessions have been completed, Adoption Services sends the applicant’s data on to the Child Protection Board. It strives to do the home study in the quarter following the information sessions. Sometimes this takes longer.
- Within a few days after receiving the advice by the Child Protection Board the Ministry of Justice and Security decides whether or not to issue a permit.
- The waiting period at the license holders varies. This waiting period depends largely on proposals done by the countries of origin and your wishes and possibilities. Generally, one waits longer for a child younger than two than for an older child.

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**The adoption procedure step by step**

**STEP 1: SUBMITTING A REQUEST FOR A PERMIT IN PRINCIPLE**

You apply for a permit in principle by sending the application to Adoption Services. You can indicate on the form whether you wish to request a permit in principle for the adoption of one child or of two children at once. This should concern siblings, or children who are otherwise attached in such a way that they should not be separated.

You can download the application (‘Procedure stap voor stap’, under 1. ‘aanvraagformulier’) from [www.adoptie.nl](http://www.adoptie.nl). The form should be signed by both applicants in case of a joint request. In case of an individual applicant within a relationship both partners should also sign. Upon registration you receive a BKA number (Dutch abbreviation for ‘foreign child for adoption’). This number determines when the next steps in the procedure are taken.
Adopting a second or following time

To adopt a second or following child, you submit an application for a permit in principle again. This is possible as soon as the child who last arrived, through adoption, foster care, or birth, has been cared for over a period of one year. The information sessions do not need to be attended again, unless there is a new partner. A supplementary home study will be done. You should, once again, submit a health certificate, and agree to inspection of judicial records.

STEP 2: REVIEW OF THE APPLICATION

After receiving the application, Adoption Services checks if the requirements for entering the adoption procedure are met. These requirements concern the sort of application and the age of the applicant(s).

After receiving the application, Adoption Services checks if the form has been fully completed and signed. If not, the form is returned to the applicant(s) with the request to add the missing information. Only fully completed forms, that have been signed by both applicants, will be processed.

Then, there is a check to determine if the application meets the requirements for entering the procedure. When there are doubts Adoption Services sends the application to the Ministry of Justice and Security. The ministry then decides on entry into the procedure.

Requirements for entering the adoption procedure

Requirements for entering the adoption procedure have been laid down in Dutch law.

- You need to meet the age requirements. The age difference between the eldest prospective adoptive parent and the child should not be more than forty years.
  The age determines whether there are additional requirements:
  - for applicants who are not yet 42 years old there are no additional requirements
  - applicants who are 42 to 46 years old are asked to take a written test called IBO (abbreviation for Instrument Special Circumstances). ‘No, unless’ is the starting point from which the results are judged.

Based on a change in the law per January 1st 2009 prospective adoptive parents who are 46 and older can submit a request to the Minister of Justice and Security to make an exception to the maximum age of 46 by presenting special circumstances. The minister then decides whether the request will be processed. The IBO test is part of the home study for these applicants as well. The Board will judge said special circumstances in its advice. For these
applicants the same assumption (as for those between 42 and 46 years old) of ‘no, unless’ is the starting point for judging the test.

In case of a request by a married couple the age of the eldest partner counts. In case your partner does not meet the age requirement, you can apply individually.

► An applicant who is 42 or older may only adopt a child that is two or older at the time of proposal and/or a child with special needs. During the home study aptitude for adoption of such a child will specifically be evaluated. Exceptions to this rule are sometimes possible. These exceptions can be found in ‘Richtlijnen opneming buitenlandse kinderen ter adoptie 2000’ (Guidelines to taking in children from abroad)

Other prerequisites are:

- You and your partner (when applicable) must undergo a health assessment. Your health should not mean an impediment to adoption (see also step 4).
- You and your partner (when applicable) must agree to review of judicial records. Your past should not contraindicate adoption (see also step 4).
- You must be prepared to obtain for the child all necessary medical care. This includes vaccinations that are normally given in the Netherlands and the administration of blood transfusions. By signing the application one agrees to this requirement.
- You stand surety for all the costs involved in caring for the child.
- You must live in the Netherlands.

Over the course of the adoption procedure the different organisations involved in the procedure make sure conditions for adoption are met.

► When living abroad, requirements to meet may differ. In principle, one should adopt according to local laws and regulations. When a stay abroad is for a clearly limited period of time you may obtain further information on starting the procedure in the Netherlands at Adoption Services.

**Individual applicants/single-parent adoption**

When you are single, live ‘apart together’, live together without being married, and/or when you and your partner have a ‘registered partnership’, you can only start the adoption procedure as an individual applicant. Your request can only be submitted with the consent of your partner.

Also, it is possible for people who are married that one partner register for adoption. This may be advantageous in case of a large age difference between partners as the age of the eldest partner counts in case of a joint application.

For the individual applicant’s partner there is no legal age limit. However, during the home study the partner’s age will be taken into account when judging the risks
to the adopted child. Some countries of origin impose restrictions regarding the ages of both partners. The partner should attend the information sessions. He or she should also be medically assessed, give consent for review of his or her judicial records, and will be assessed in the home study.

**Possibilities for individual applicants**

The possibilities for adoption by individual applicants are limited. Many countries of origin prefer married couples as parents for their children. This means, realistically, that if there are possibilities for individual applicants they are for special needs children; children who need extra care and attention. Also, the procedure may take longer.

Some countries apply age requirements to both partners. The license holders take this into account when reviewing the request for mediation.

Individual applicants with a partner of the same sex currently hardly have options in countries that the mediators work with. Few countries offer these aspiring parents the possibility of adopting a child. Usually, they need to rely on partial mediation.

- It is possible to convert the application for a permit to adopt. Conversion is possible:
  - from an application in the name of one person to an application by two persons
  - from an application in the name of two persons to an application by one person
  - from an application in the name of one person to an application by the other person

Submit your request before the start of the home study. More information about the conversion of a request can be found on [www.adoptie.nl](http://www.adoptie.nl).

**STEP 3: THE INFORMATION SESSIONS**

The next step in the procedure is the attendance of the required information sessions by Adoption Services. Adoption Services is independent of the other adoption organisations and the Child Protection Board.

When you submit a request with your partner, you are required to attend all sessions. When you submit an individual application, but do have a partner, your partner should also attend the sessions.

It is possible for individual applicants who are single to bring someone who will be involved in the care of the child.
Why information and preparation?
Adopting a child (from another country) is a special way of forming a family. An adopted child has biological parents and often comes from a different culture. It has sometimes encountered great challenges in its short life. Many children have been physically and/or emotionally neglected. A child may therefore not feel safe and this may show in the way it behaves. This behaviour may be difficult to understand and respond to.

Experience has shown that learning about and preparing for adoption can be important factors in having adoption turn out well for all involved.

The sessions
The sessions take place in the day time. The English language sessions take place in Houten. Each session lasts three hours. There are a maximum of 16 participants.

The sessions take place during the week. If that poses a problem, you can ask for a declaration to give to your employer that states that you are required to attend by law. A request for this declaration can be submitted after the payment for the sessions has been made.

The sessions are based on a number of themes:
- the birth parents;
- the background of the child;
- attachment;
- loss and grief;
- identity and loyalty;
- the wishes and possibilities of the aspiring adoptive parents.

In addition, questions that the participants have can be addressed like ‘Is adoption an option for my partner and I? For which child could we be parents? When do you have to decide whether to adopt a child with special needs? What does it mean to adopt two children? How does one bond with a child that has been through a lot?’

Postponement in case of pregnancy
In case of pregnancy your participation in the information sessions must be postponed. See also page 23.

STEP 4: THE HOME STUDY
After the information sessions the home study will take place; it is done by the Child Protection Board. The Board advises the Minister of Justice and Security as to issuing a permit in principle.

After completing the home study the Board writes a report. The report and the advice will be discussed with you, and then both will be sent to the Ministry of Justice and Security.
The report is used in the country of origin of a child to judge which family is most suited for placement of a child eligible for adoption.

Preceding the home study

Preceding the home study you have to submit a health declaration. This should make clear that your physical and mental health does not contraindicate adoption. The health check may not be done by one’s own family physician, or by a friend or acquaintance; however, it may be done by a physician in the same practice, unless this is the permanent substitute physician of one’s own doctor on record. The form to see a physician with will be sent to you automatically by the Board.

When you and your partner are involved in fertility exams or treatments at the start of the home study, the home study will be postponed. In case of pregnancy the Child Protection Board will postpone the home study until the child is one year old and you have indicated you want to continue.

In addition, the Child Protection Board will check the judicial record of the applicant and his or her partner for information that may pose a risk to the child who may be adopted.

Health status prospective adoptive parents

One of the prerequisites for adoption is that the future adoptive parents are in good health. This is an important requirement: a (chronic) condition or illness can be a stress factor that hinders or influences the care for and parenting of a child. In case of a life threatening condition a health statement will not be issued. In other cases the social worker who does the home study will judge whether the applicants’ health status poses a risk. Factors that will be weighed are the time when the illness first manifested itself, and the effect the illness has now on the everyday life of the applicant(s). During the home study it will also be assessed what the effect for an adopted child might be of conditions like deafness, or blindness, or being wheelchair dependent.

When the applicant has had (or still has) a psychiatric illness, the focus will be on what this might mean for a child. What are the risks? What is realistic?

You may be allowed to continue the adoption procedure with a medical condition. Judging by Dutch standards the risks may seem acceptable in those cases. However, countries of origin may view the situation differently, and make different demands. Therefore, it is possible, that due to a medical condition, you cannot adopt even though you have a permit in principle.

► When you suspect health issues (yours or your partner’s) may lead to not getting a health declaration or to a negative advice by the Child Protection Board, please contact Adoption Services before the start of the procedure.
The home study

After the Child Protection Board has received the health declaration(s) and information from the judicial records, the actual home study takes place. The goal of the home study is to gain insight into your and your partner’s suitability to care for and parent a (foreign) adopted child.

The information about health and legal status is reviewed to see if there is a need to discuss any of it with the applicants. The home study takes place at the home of the applicants as well as the regional office of the Child Protection Board. There will be a few meetings.

The meetings aim to assess your family circumstances and your living situation as well as your motives and wishes for adoption. Of course your partner needs to be present, even when he or she will not legally co-adopt. As far as the home study is concerned the partner is viewed as one of the carers or parents, and is therefore expected to fully participate. During the home study your ideas as to the child you wish to become parents for will be discussed (age, gender, special need, etc.) Your suitability for the adoption of one or two children respectively will be assessed and the result is entered in the home study report. Sometimes a supplementary study by a behavioural specialist will be deemed necessary.

The Board aims for completion within three to four months.

The home study report and the advice are sent by the Board to the Ministry of Justice and Security. The Minister of Justice and Security decides on the issuance of a permit in principle.

Home study for applicants 42 and older

For applicants who are 42 or older, but not yet 46 there is a separate procedure in which the supposition is ‘no, unless’. This means the Ministry of Justice and Security will deny the request unless special circumstances apply. Therefore, the home study is supplemented with a screening by a behavioural scientist. On the basis of this screening a profile will be drawn. The applicants will be asked to fill out questionnaires (together the IBO: Instrument Special Circumstances) and from these the possible risks for the taking in of an older child and/or a child with special needs will be deduced. The risk and protective factors are weighed against each other on the basis of the ‘no, unless’ principle.

► Aspiring adoptive parents who have not mastered the Dutch language sufficiently, are advised to seek the assistance of a certified interpreter during the home study. For the IBO test a certified interpreter is mandatory for those who do not speak Dutch. The interpreter should be hired and paid for by the applicants.
**STEP 5: PERMIT IN PRINCIPLE**

The Minister of Justice and Security decides on the basis of the home study report whether to issue a permit in principle.

The permit in principle allows you to adopt a child from abroad. The permit is valid for four years, and can be extended, after an additional home study, for another four years.

Receiving a permit does not automatically mean the right to mediation and adoption.

**No permit in principle**

When the minister does not issue (extension of) a permit, one can lodge an objection to that decision in court within six weeks from the date the rejection was sent. Information on how to object to the decision can be obtained at the Ministry of Justice and Security. How it is done can be read in the brochure ‘Bezwaar en beroep tegen een beslissing van de overheid’ of ‘Postbus 51’ which is not available in English at this time.

The Minister of Justice and Security puts the notice of objection before the Board of Application of Criminal Justice and Child Protection. This board gives the plaintiff the opportunity to explain the objection.
**STEP 6: MEDIATION**

In this phase the search for the most suitable parents for a child takes place. Mediation can be done by the license holders in the Netherlands. License holders are organisations that were issued a license to mediate for children by the Ministry of Justice. You also have the possibility to lay the foundation for an adoption through your own contacts abroad.

**Suitable parents for a child**

Mediating or matching is not an easy task. The aim is to find those parents best suited for a child, taking into account the data available on the child and the aspiring parents. In matching, the focus is on the needs of the child, but the possibilities, preferences, and wishes of the parents are taken into account. Usually matching takes place in the country of origin of the child.

**Complete or partial mediation**

You can choose between two types of mediation: through a license holder (complete mediation) or through a self-established contact (partial mediation). Most prospective adoptive parents choose complete mediation. This means the license holder is involved every step of the way. Some prospective adoptive parents can only adopt through partial mediation because the countries that license holders work with have no possibilities for them.

Also, long waiting list may be the incentive for partial mediation; even though partial mediation does not necessarily make for a simpler, faster or cheaper procedure.

**Complete mediation**

License holders guide you through the procedure, and when the child comes to the Netherlands, and they provide aftercare (or referral to aftercare) in the first year after placement. Registration with the license holder of choice is possible as soon as the permit has been granted. You can register for mediation with just one license holder.

Once you have registered for mediation, the Ministry of Justice and Security sends the home study report by the Child Protection Board to that license holder. It adds pertinent other documents. The license holder sends the documents to the Central Authority or license holding organisation in the country you hope to adopt from.

In countries of origin reports are drawn up about the children who are eligible for adoption. When the matching has taken place, all documents, accompanied by a proposal for placement are returned to the license holder in the Netherlands. During mediation the license holder starts to build a file. This file will be saved for a minimum of fifty years.
A list with contact information of the license holders is available at Adoption Services. The addresses are also available on the website: www.adoptie.nl

Criteria by the license holders
License holders have their own responsibilities when performing their tasks. This means that, next to the legal requirements, they can develop their own guidelines. These guidelines may be related to additional requirements by countries of origin like: the age of the adopted child in relation to the age of children already present or to the way they manage the waiting list.

License holders do provide information about the guidelines they apply.

The license holders working in the Netherlands have, together with the Ministry of Justice and Security, drawn up the Quality Framework License Holders Intercountry Adoption. The ‘Framework’ specifies situations in which the legal requirement for license holders to mediate does not apply. The full (Dutch) text can be found on www.adoptie.nl ('Kwaliteitskader Vergunninghouders Interlandelijke Adoptie').

Partial mediation
You may start an adoption procedure with a self established contact in a foreign country. This is called partial mediation (‘deelbemiddeling’). With partial mediation the role of the license holder is limited to screening the organisations and persons involved in the adoption procedure as to their integrity. You have to find a license holder prepared to do the screening and you need to inform the Ministry of Justice and Security of this. Data on the established contact have to be provided for the license holder, who in turn advises the Ministry of Justice and Security of the results of their screening.

The ministry applies strict rules to independent adoptions, just like it does for complete mediation. Some of the criteria screened are:

- the reputation of the contact in the field of adoption;
- the fees that have to be paid;
- the information about identity, origin, and health status of the child;
- the manner in which this child became eligible for adoption;
- the efforts made to place a child within the country of origin.

When the Minister of Justice approves of the partial mediation procedure your dossier is sent on to the person or organisation involved. When there are additional matters to be arranged you will be informed of this by the license holder.
Adoption from the United States of America

Since the United States have ratified the Hague Adoption Convention, partial mediation from that country is no longer possible. You can choose one of the accredited adoption organisations. You can then present the American adoption organisation to a Dutch license holder that works with the United States. The license holder researches the possibilities for collaboration with that particular organisation. The continuation of the procedure will then be managed by this license holder.

STEP 7: PROPOSAL OF A CHILD FOR ADOPTION

Through the license holder or through the contact abroad a child will be proposed. Aspiring adoptive parents can not ‘choose’ a child. There will be time allowed to consider the proposal. Generally the prospective adoptive parents have printed information about the child at that time and no photographs.

The involvement of the Minister of Justice and Security

When there is a proposal for placement of a child from a country that has ratified the Hague Adoption Convention, the matching needs to be approved by the Central Authorities of the Netherlands and the country of origin of the child.

In the Netherlands the Minister of Justice and Security needs to approve the proposal. This takes place before the proposal is put before the prospective adoptive parents. The Minister of Justice and Security is advised by the license holder, who first receives the proposal. In deciding, the minister may declare special conditions applicable. These may concern exceptions to the number of children, the age of the child, and the age difference between the child and the prospective adoptive parents. Instead of a general permit in principle the Minister then issues a permit in name: a permit in principle to adopt this/these specific child(ren).

The approval of the Minister of Justice and Security is not needed for a proposal from a non-Hague country. In that case, the proposal is directly put before the prospective adoptive parents. The minister’s approval is needed in special cases. For example when it concerns more than one child; a child older than six years of age, or when the age difference between prospective adoptive parent(s) and child is greater than forty years.

Adoption proposal to prospective adoptive parents

When the license holder and the authorities in the country of origin of the child come to the conclusion that there is a good match, you get an official proposal of the child. You get information on the age and gender of the child and any specifics pertaining to the medical background of the child. When you accept the proposal you receive more information about the background. What information this is, strongly depends on what is available. Usually you get a photograph at this time.
The license holder then informs the Central Authority in the country of origin of the decision. The license holder also sends them a statement by the Minister of Justice and Security stating that the child may enter the Netherlands to stay permanently.

STEP 8: ARRIVAL OF THE CHILD IN THE FAMILY

There are just a few countries from which children are escorted to the Netherlands. Usually the prospective adoptive parents travel to the country to meet their child. Before the child can definitely enter the Netherlands there is another check to see if all requirements have been met and if all documents are in order.

Travel or escort

There are two ways in which a child can enter the Netherlands: accompanied by the adoptive parents who bring it back with them from the country of origin, or accompanied by someone who works for the license holder, who gives the child over to the adoptive parents at Schiphol airport.

Many countries require that one or both parents travel to meet the children in their country of origin. In many cases the parents need to appear in court when the adoption is pronounced. The length of stay may vary from anywhere between seven days to six months (or more) depending on the country the child is from. Travelling to the country of origin offers the future parents an opportunity to become acquainted with that country, to collect information, and to take pictures. Some countries have adopted children escorted to the Netherlands in small groups. This happens less and less.

Admittance policies

Upon arrival of the child in the Netherlands there is another check to make sure all requirements have been met, and to see to it all documents are in order. If this is the case, the child will be permitted to enter the Netherlands.

The most important requirements for entrance are:

- a permit in principle has been issued;
- age requirements have been met;
- all requirements made by the country of origin have been met;
- all documents are in Dutch, German, English, or French, or there is a translation of the documents by a certified translator in one of these languages.

For children adopted from Hague countries the pronouncement of adoption in the foreign country is automatically recognised. The parents are the legal guardians and the child becomes a Dutch citizen instantly. For adoptions from non-Hague countries this is not the case.
Children adopted from non-Hague countries need a visa to enter the Netherlands and a provisional residence permit.

The visa will be issued by the Dutch diplomatic or consular representative in the country of origin. The issuance of a visa is also subject to certain conditions, such as legal documents (i.e. a birth certificate).

**STEP 9: REGISTERING THE CHILD WITH THE AUTHORITIES**

When an adopted child enters the Netherlands the necessary formalities need to be attended to. What exactly needs to be arranged for depends on the country of origin of the child and the legality of the pronouncement of adoption. The formalities may be limited to the moment shortly after arrival in the Netherlands. In some cases the adoption will have to be officially recognised after some time.

In the procedure book that is sent to you before you start attending the information sessions, all formalities that need to be arranged are named successively. Among them are:

- registration within three days with the local authorities of the municipality;
- when applicable: application for legal custody; recognition of the foreign adoption declaration; adoption according to Dutch law.

**Consequences of an adoption declaration**

With an adoption declaration in the Netherlands, legal family ties come into existence between the child and the adoptive parent(s), and the family of the adoptive parent(s). Everything in Dutch law about the rights and privileges of parents and children is applicable from then on.

A few important consequences:

- when at least one of the adoptive parents is a Dutch citizen, after adoption the child almost always will be Dutch too. When neither of the parents is a Dutch citizen, the child will not be either. The nationality of the child will then depend on the laws of the country the parents are citizens of. Whether the child can remain a citizen of its country of origin depends on the laws of that country.
- Whether the child can hold on to its original nationality next to the Dutch nationality also depends on the law in the country of origin;
- the child will have the right to inherit from or through either adoptive parent
- the child will get the last name of (one of) the adoptive parent(s). The choice for the name will be included in the pronouncement of the adoption.

► More information on the rules pertaining to the choice for a last name are in the brochure ‘Choosing a surname’ [www.rijksoverheid.nl](http://www.rijksoverheid.nl).
Postponing or stopping the procedure

In any phase of the procedure there may be cause for postponement or for terminating the procedure. There may also be circumstances in which the applicant has no choice but to interrupt the procedure.

Postponement of the information sessions

In case of pregnancy your attendance of the information sessions must be postponed. The reason is that the home study will not take place until the child is one year old. The home study report should be a reflection of the actual (recent) family situation. Also, some aspiring adoptive parents view adoption differently after the birth of a child; they may decide not to adopt anymore.

It is important that you notify Adoption Services as soon as possible when you are expecting a child. Then you will not be scheduled to attend the information sessions yet. In case of a pregnancy postponement for a maximum of three years is possible.

There might be other reasons for wishing postponement of the information sessions. You may request delaying payment for a maximum of one year. Have you already been scheduled to attend the information sessions, please let us know as soon as possible that you will not attend. You can be rescheduled once.

Have you paid already and would you like to postpone? You should inform us in writing at least ten days before the first session. At the moment of postponement you will not get a refund. After payment you should attend the sessions within three years time.

Postponement of the home study

There are a few reasons why the Board may postpone the home study:

- when you are pregnant;
- when you are seeking fertility examinations or treatments;
- in case of a serious illness;
- when a major change has taken place in the situation of the applicants. For example, when a child is born, when a foster child comes into the family, when one of the partners dies, or in the case of a divorce, or a new partner. The home study report should be a reflection of the actual family situation.

The above mentioned life events are of such a nature that the applicants’ situation needs time to stabilise. Continuing the home study is possible one year after the change in circumstances.

It is also possible that you wish to postpone the home study. You can delay attendance of the information sessions up to a maximum of one year without paying the required fee. After payment the procedure can be delayed for a maximum of three years while keeping the same BKA number.
**Continuation of the procedure**

Do you wish to continue the procedure? Please notify Adoption Services in writing when it concerns the information sessions. If you postponed because you were pregnant, please let us know within six months after the birth of your baby. You can attend the information sessions when the child is one year old. When you postponed the home study, you should contact the Board within two years after that time.

**Terminating the procedure**

When you decide not to adopt anymore the procedure can be terminated. You should notify Adoption Services of this in writing. You can use a standard form to do so. The form can be found on www.adoptie.nl (under ‘Beëindigen procedure’). You may be eligible for a refund if you let us know of your wish in time. Please review the conditions for a refund on www.adoptie.nl (again under ‘Beëindigen procedure’).
More information

Questions about adoption and the adoption procedure can be directed to several organisations:

**General information about adoption**

*Adoption Services*
Postbus 290
3500 AG Utrecht.
Telephone: 030 233 0340 (Monday thru Friday 9:00 – 14:00 hrs)
www.adoptie.nl
From our website some brochures can be downloaded, only in Dutch, that may help further orientation.

**Home study**
The home studies are performed by adoption teams of the Child Protection Board. Its offices are in several different cities.

*Landelijk Bureau Raad voor de Kinderbescherming* (National Office of the Child Protection Board)
Postbus 20301
2500 EH Den Haag
www.kinderbescherming.nl
e-mail landelijkbureau@rvdk.minjus.nl

**Mediation**
The license holders who work in the Netherlands provide general information about mediation, their own methods and the possibilities to become eligible for adoption in various countries. Contact information of the license holders can be found on the website of Adoption Services: www.adoptie.nl
For information about partial mediation one may get information from the organisation for do-it-yourself adoptions: Belangenvereniging voor Zelfdoeners, www.zelfdoenersinadoptie.nl

**Permit in principle and legal information**
At the Ministry of Justice and Security one may obtain information concerning individual cases.

*Ministry of Justice and Security*
Centrale Autoriteit Interlandelijke Adoptie
Postbus 20301
2500 EH Den Haag
Phone: 070 370 77 59, choose 2 in the menu (10:00 - 12:00 A.M.)
Hague Adoption Convention
An up to date listing of countries that have ratified the convention, and those who are planning to do so, is available on the website of the Permanent Bureau of the Hague Conference for International Private Law: www.hcch.net
The Dutch text of the 1993 Hague Adoption Convention is available on www.adoptie.nl

Fertility issues
Freya, the organisation for people dealing with fertility issues, provides information about fertility, but also about the possibilities for living a life without children.
Freya
Phone: 024 645 10 88
www.freya.nl

Foster care
Foster care is another way to care for children who can not live with their biological parents.
Stichting Pleegzorg
Phone: 0800 022 34 32
www.pleegzorg.nl

Organisations for adoptive parents
Different organisations have different aims; from simply providing a way to meet each other, or to reunite, to looking after the common interests of adoptive parents. The presently active organisations for adoptive parents can be found on the website of Adoption Services: www.adoptie.nl

Information by governmental departments
The information service of the different governmental departments provides information by telephone and in writing about issues having to do with government policies.
Informatiedienst Rijksoverheid
telephone: 1400
www.rijksoverheid.nl

Brochures available in English:
Responsibility, access and information (about custody)
Choosing a surname
**Literature**

For those wanting to read more about adoption a few suggestions can be found here.

Eldridge, Sherrie
‘Twenty things adopted kids wish their adoptive parents knew’

Brodzinsky, David
‘Being adopted. The life long search for self.’

Wolfs, Renée
‘Adoption conversations. How, when, and what to tell’

Tranka, Jane Jeong; Julia Chinyere Oparah and Sun Yung Sin
Outsiders within: writing on transracial adoption
**Colophon**

This is a brochure of Adoption Services. Adoption Services is a national organisation that provides general information, information sessions, and aftercare comprehensively in the area of adoption. A joint project with the Ministry of Justice and Security led to the content. No rights can be claimed on the basis of the text in this brochure.

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