

**INFORMATION ON
INTERCOUNTRY ADOPTION
BILATERAL PROGRAM: KOREA**

1 Scope of Intercountry Adoption from Korea

The adoption program between Australia and Korea has led to the largest number of children being placed for intercountry adoption in Australia since 1991 with a total of 685 adoptions representing 30% of all intercountry adoptions.

	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00-01	01-02	02-03
Adoptions from Korea	106	50	64	71	94	84	69	70	77	75	93	101
Total Intercountry Adoptions	338	227	222	224	274	269	245	244	301	289	294	278
% of total	31%	22%	29%	32%	34%	31%	28%	29%	26%	26%	32%	36%

- Data obtained from 'Adoptions Australia' (AIHW Canberra)

2 Overseas Adoption Process from Korean Perspective

Intercountry adoption is a sensitive issue in the Korean society. From the commencement of the program the intention of the Korean government was to cease all intercountry adoption by the end of 1980. The program was suspended in the late 1980's but was reopened and remains open today. The Korean government's position seems clear that if all the eligible children can be adopted locally, intercountry adoption will become the exception.

In light of above, the Australian delegation to Korea in 1978 clearly outlined the position of the Korean government and their reluctance to enter into any formal arrangement with Australia, in their report to the Permanent Heads of Australian State and Territory Social Welfare Departments.

The Korean Ministry of Health and Welfare authorised a number of adoption agencies to facilitate the adoption overseas of Korean children. Each agency has been allocated certain countries of responsibility and the Eastern Social Welfare Society (ESWS) has been designated as the only agency authorised to handle Korean - Australian adoptions. ESWS (formerly the DLMFAP) was established in 1972 by Dr Kim and deals with domestic, local

and intercountry adoptions as well as a number of other child welfare and educational related programs. It supports a number of child welfare institutions and foster homes throughout the country. Orphanages and foster homes are of a high standard.

3 Adoption Process and Requirements in Korea

Korean adoption processes are strictly regulated. NSW has responsibility for the program between Australia and Korea in relation to policy and legal requirements.

The acceptance of adoption files is done on a quota system and each year ESWS invites Australia to send a specific number of adoption applications. This number is then distributed equitably between the States and Territories on a per capita basis.

The Korean requirements for adoptive parents are as follows:

3.1 Eligibility for Adopter

1. The couple must be approved by the adoption authority of your state.
2. The couple must have sufficient income for the support of their adopted child. They cannot earn less than \$30 000 US (around \$39 000 AUD)
3. The couple must not employ their adopted child in hard labour, menial jobs or other occupation which might bring about a violation of human rights.
4. The couple must give their child religious freedom and provide every support and education so that the child can be adopted as a member of society.
5. All the religion of the adoptive parents should be admitted.
6. Generally applicants must be at least 20 years older than the child to be adopted but no more than 44 years age3 difference.
7. The age gap between the adoptive mother and father should be no more than 10 years.
8. The adoptive parents should be between the age of 25 & 44 years at the time the application goes to Korea. They can be 44 years and three months if it is a second application.
9. Generally couples who have 5 or more dependent children are ineligible
10. The couple must have been married to each other for a minimum of three years at the time of application.
11. If the couple would like to adopt another child, they should select a child whose age gap between the couple's children, including the child who has already been adopted, is more than 2 years.
12. Familes in which the adoptive mother is pregnant are not accepted.

3.2 Other requirements and notes

- Strict weight requirements for applicants apply. Health requirements also apply.
- The adoptive parents must be 44 years of age and therefore not reached their 45th birthday before they travel to Korea to take custody of their child.
- Single applicants are not accepted.
- There are no infertility requirements.

- There are no requirements for applicants to be a particular religion or nationality. One parent must have Australian citizenship.
- Any criminal record must be furnished.
- After the adoption has been finalised ESWS requires a copy of the adoption order and evidence of citizenship.

4 Other Information

Children needing family placement

Children are aged between 0 -12 months and applicants are expected to accept a child of either sex. In the last two years there has been many more boys allocated than girls.

Length of Stay in Country

A minimum of 5 -7 working days is expected.

Post placements supervision

2 Quarterly reports and report for Court to finalise adoption.

Contact with biological parents

ESWS will keep post adoption order information about child on file for birth parents to access.

Post adoption contact arrangements

ESWS facilitates post adoption services (fees apply). They will assist with non- identifying exchange of information and /or photos between birth families/foster families and adoptive parents. They have also assisted with family reunions. All post adoption enquires must be transmitted between agency to agency not by individuals.

Fees and Costs

Legal, Placement and communications fees

USD \$6 000.00

Compulsory contribution to ESWS

US\$2 500

Total: US\$8 500

5 Compliance of program with Hague Convention principles and standards.

The program is largely compliant with the principles and standards of the Hague Convention and is a very effective and well organised program. ESWS is very responsive to any requests for any type of adoption information be it pre or post and maintain excellent communication channels with Australia. They are also clear in their position regarding contact occurring at government level and applicants are not to contact them directly. ESWS indicates adoption in Korea is 'child-centred' rather than 'adult-centred' (ie the needs and best interests of the child are the most important). Literature provided from Korea, such as the book outlining the process in Korea and including a number of photographs of the adoptive process, shows a well-balanced approach to adoption in showing the impact of the adoption process from the perspective of birth parents as well.

A number of the principles and standards of the Hague Convention and how they are reflected in the Korean program are as follows:

5.1 Establishing that the child is adoptable.

A well-documented process is in place in Korea to establish the child is adoptable. After the child is relinquished, ESWS takes over the wardship/guardianship of the child with the interaction of the Seoul Family Affairs Court and Chief of the Ward Office establishes that the child is adoptable with documentary evidence of this. Information is provided to Australia in admission details of the standard report they issue. Admission details outline how the mother came to relinquish the child.

5.2 Intercountry Adoption should only be considered if a suitable family cannot be found in the State of Origin.

As discussed elsewhere in this paper, domestic/local adoption is the priority and ESWS are involved in local adoption also. There is the strong focus that children should remain in Korea if at all possible. The Korean authorities are seen to be very sensitive about the issue of intercountry adoption and the possibility that other countries might think that Korea cannot look after its own children. It seems clear that should there be enough families in Korea for all available children for adoption, the intercountry program will cease. Incentives are also offered to families in Korea to adopt. Earlier papers about the process indicate that countries for which Korea entered into arrangements for intercountry adoption were chosen because of their diversity and multiculturalism so that the heritage and background of the children would be the most likely to be accepted and supported.

5.3 That all the necessary and appropriate consents to the adoption have been obtained and given freely without inducement of any kind. The abduction, sale and trafficking of children must not be permitted.

Adoption is strictly regulated in Korea and private arrangements for intercountry adoption are prevented through this strict regulation and tight passport controls etc.

It is illegal to relinquish children in Korea if you are married and there are cultural pressures placed on unwed mothers.

Consents by the birth mother to the adoption are given in writing and this signed consent is always referred to in the allocation papers.

An interesting issue raised is that birth mother's have to sign the passport applications for the adoptive child to leave the country - even though ESWS is the allocated guardian of the child.

Counselling is provided to the mothers (and referred to within the fee breakdown) and ESWS provides a home for pregnant women. There are also some training programs to assist mothers to keep their children.

5.4 *No improper financial gain is to be obtained from Intercountry adoption.*

The fees imposed by ESWS are reasonable and transparent. A clear breakdown is provided for the fees. The fees are a set amount for each child irrespective of whether the child has any special needs, extra medical reports are required etc. The fees imposed are in line with the amount charged by other countries.

5.5 *Preserve information on the child's origins and ensure access to that information.*

In addition to an excellent report on the child's background and origins being provided at allocation, Korea provides a very good post adoption information service. Files can be accessed by the child after age 13 with the permission of their adoptive parents. ESWS will keep information, photos, letters etc sent by child/adoptive parents on file in case a request is made by the birth family or foster family. They have established a separate post adoption division to maintain these files and deal with requests.

One issue raised is that ESWS may have letters, gifts, photos etc on file from the birth family, which is not automatically provided. Adopted child/parents need to specifically request this.

5.6 *Ensure adequate information and a background report on the child is provided (in accordance with the terms of Article 16 of the Convention).*

Korea provides excellent substantive reports on children to be adopted prior to acceptance of allocation. The reports are consistent in standard for each child. The reports include medical information, lab results, photos, history of birth (ie term/weight) and information on the mother's health and any drugs etc taken during pregnancy.

The reports include a social history with all known details regarding the parents, how they met, the father of the child, grandparents etc. The reports include some information on the mother's reasons for relinquishing the child. The reports also provide information and photos of the child with the foster family.

They provide an excellent outline of the child's routine, sleeping and eating habits etc as well as good developmental information on the baby.

Korea undertakes monthly medical reports post allocation, prior to the applicants travelling and will advise to delay travel if any problems arise. The foster placements are also closely supervised.

The one area for improvement identified would be for ESWS to obtain and provide more information regarding the birth mother/father and extended family. Including more personal information on the mother, likes, dislikes, more comprehensive reasons for giving up the child etc. More importantly, the provision of a photo of the birth mother is identified as something important that is rarely provided. ESWS does provide a high level of information in relation to other overseas programs.

6 Summary

The NSW Intercountry Adoption Support Organisation ASIAC (Australian Society for Intercountry Aid for Children) assists prospective adoptive parents with cultural issues associated with adopting a child from overseas and further information on what happens during an applicant's trip to collect a child from Korea for any applicants wishing to adopt from Korea. They also provide a range of support services after parents arrive home-like playgroups, cultural days etc. There are groups like this in other Australian States and Territories.

The Korean bi-lateral program is considered to run very smoothly and effectively without any major concerns or issues. They inform NSW at the end of every year how many files they will need for the next calendar year. They requested 100 files from Australia for 2005.

Some current concerns by parents are the lengthening timeframes for allocation and news to travel. A related issue is that the Korean government limit the number of exit visas they issue for adopted children per year. Often children who are allocated later in the year have to wait till the new year until they can travel to be with their parents. Parents become anxious about this and rightly so. It is important that children are able to be with their new parents as soon as possible. NSW have always contacted the agency regarding this on request of parents but receive the answer that the agency has no control over exit visas. NSW has recently written Korea to ask about the current timeframes and will distribute this information when received.

NSW Central Authority
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