

“Note - there is no formal bilateral agreement for Taiwan.” - Attorney-General’s Dept
 14 Sept 2005

TAIWAN BILATERAL ADOPTION PROGRAM: BACKGROUND INFORMATION

Historically there has only been a small number of children adopted from Taiwan into Australia—a tiny proportion of the total number of intercountry adoptions (see chart below).

The Intercountry Adoption Support Organisation, International Children's Aid Ltd (ICA) was initially briefly involved in supporting parents wishing to adopt from Taiwan. This role then passed to the Illawarra Adoptive Parents Association of New South Wales (IAPA) and was eventually taken over by the Australian Society for Intercountry Aid for Children (ASIAC).

The Taipei City Social Welfare Department is responsible for the adoption of children in Taiwan—both domestically and internationally. Adoption of Taiwanese children needing placement with a family to Australia has traditionally been done through two private agencies in Taiwan—the Christian Salvation Service (CSS) and Cathwell Services. The Department of Immigration advised in 1987 that Australia should not work with the Cathwell agency. In 1993 the Taipei City Social Welfare Department requested that a private foundation, the Child Welfare Foundation, review all foreign adoptions in Taiwan to make recommendations on these adoptions for the Taipei Court's final decision.

This program is a bilateral arrangement between Australia and the Christian Salvation Service agency which is authorised by the Taiwanese government.

CSS was established in 1983 to help women and children in crisis. It provides a range of specialised welfare services including intercountry adoption for children needing families that cannot be placed in Taiwan.

ADOPTIONS FROM TAIWAN

	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 Taiwan	-	-	9	5	10	4	8	6	2	6	6	3
Total Intercountry Adoptions	338	227	222	224	274	269	245	244	301	289	294	278
% of total	-	-	4%	2%	4%	2%	3%	3%	1%	2%	2%	1%

Data obtained from 'Adoptions Australia' (AIHW Canberra)

ADOPTION PROCESS

The adoption process in Taiwan is strictly regulated and is outlined at Attachment A. New South Wales has the responsibility for the program between Australia and Taiwan in relation to policy and legal requirements. Children needing families are placed in Australia through the Christian Salvation Service (CSS) which as mentioned above provides adoption services in Taiwan. They are authorised by the Taipei government to facilitate adoptions.

The requirements for adoptive parents through the CSS are as follows:

- Applicants must be aged 25-45 years and no older than 45 years at time of allocation of a child. They will accept older applicants for special needs children.
- Applicants must be married for at least 5 years. If a second marriage, they must have been married for 10 years. They will not accept defacto or single applicants.
- Applicants must be practising Christian couples.
- Applicants must be infertile. Secondary infertility is accepted only for a special needs application.
- Applicants must have no biological children unless adopting a special needs child. Applicants can have one adopted child. They can have more than one if they are adopting a special needs child.
- Preference is given to childless couples as applicants.
- Applicants cannot have any criminal record.

CHILDREN NEEDING FAMILIES

Children are aged between 0 -12 months, very occasionally aged 1-2 years. Preferred gender of child may be nominated by applicants. Most children are Taiwanese/Chinese and a few are indigenous. Children are cared for by trained nurses/doctors and stimulated daily by a team of English speaking volunteers. While living in a nursery situation children are often fostered out at weekends or go out with volunteers to parks/shopping, etc.

LENGTH OF STAY IN COUNTRY

As all paperwork is completed before travel, applicants can decide on their own length of stay to gain an appropriate amount of knowledge and sense of their child's country of origin. Most families stay a minimum of a week.

POST PLACEMENT SUPERVISION

Quarterly reports must be sent back to the agency by the Australian Central Authority until the adoption order is made. This usually goes over a period of twelve months.

CONTACT WITH BIRTH PARENTS

The agency is positive towards open adoption arrangements, which could include a meeting at time of travel to Taiwan with their child's birth parent(s) if the birth parents feel able to do this at the time. The agency will forward letters and photos about the progress of the child from the adoptive parents to the birth parents after an adoption has been finalised if the birth parents are able to accept them.

FEES AND COSTS

Total: US\$10 000

COMPLIANCE OF PROGRAM WITH HAGUE CONVENTION PRINCIPLES AND STANDARDS

The program is largely compliant with the principles and standards of the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption and is a very effective and well organised program. CSS are very responsive to any requests for any type of adoption information be it pre or post and maintain excellent communication channels with Australia. Literature provided from Taiwan which includes photographs of the agency shows a well resourced and stimulating environment for children and a variety of social welfare programs being offered.

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

1.1 Establishing that the child is adoptable.

In Taiwan, a parent(s) must appear in court to confirm their consent to the adoption and their parental rights are terminated and transferred directly to the adoptive parents. The relinquishing parent must agree to the transfer of their rights to the specific adoptive parents not the institution caring for the child. The Taipei District Court, Family Court Division is usually the body that approves the adoption and changes the custody of the child to the adoptive parents.

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

Taiwan is committed to placing its children for domestic adoption as a first priority but if they are not able to locate such a placement will support an intercountry adoption. This is why all international adoptions must be vetted by the independent Child Welfare Foundation to ensure this principle is upheld.

- 1.3 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 Taiwan and all adoptions are considered by the government to be full and final adoptions. The law in the Republic of China does not allow for the "abandonment" of a child by the parent(s).

Counselling is provided to the mothers by an agency or a hospital social worker. This counselling is given when a parent(s) are clearly unable or unwilling to give proper care and support to their child.

Agencies such as Christian Salvation Service (CSS) serves to aid and counsel such parents. CSS has the physical custody of the child by virtue of a release given by the birth parents to provide care for their child and facilitate an adoption. But CSS does not have legal guardianship.

In Taiwan, a parent(s) must appear in court and the parental rights are terminated and transferred directly to the adoptive parents as described above. The birth parent must agree to the transfer to the specific adoptive parents not the institution caring for the child.

- 1.4 No improper financial gain is to be obtained from Intercountry adoption.

The fees imposed by CSS are reasonable and transparent. The adoption fee is US \$10 000. This fee is determined on an annual basis by the CSS Board of Directors on an average of all the expenses of the agency. It covers the cost of in-residence care of mothers, counselling and education for mothers, delivery and hospital nursery costs and para legal work. The fees imposed are in line with the amount charged by other countries.

- 1.5 Preserve information on the child's origins and ensure access to that information.

CSS provides a comprehensive report on the child's background and origins at allocation. CSS shares this information fully with adoptive families and preserves it on the agency's files. They also provide a very good post adoption information service and will assist adoptive parents in accessing any information needed for their child or contact if possible. CSS like to be kept informed of adoptive parents' current addresses for this purpose.

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

CSS provide excellent comprehensive 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. These reports are of a high standard due to the close contact the agency has with birth parents and the agency's length of experience in this field. It also includes a comprehensive social history.

INTERCOUNTRY ADOPTION SUPPORT ORGANISATION ROLE

The Intercountry Adoption Support Organisation ASIAC (Australian Society for Intercountry Aid for Children) assists prospective adoptive applicants with the cultural issues associated with adopting a child from Taiwan, further information on what happens during an applicant's trip to the country to take custody of their child and further support on the family's return home.

RECENT CONCERNS OF PARENTS ADOPTING FROM TAIWAN

There have been concerns regarding the length of time from allocation of a child to the prospective parents travelling to take custody of their child. There have been questions asked about why a child cannot travel before the final adoption decree is made. In response to this issue, NSW have requested and received updated copies of the Taiwanese Civil Code to clarify the legal process in Taiwan. We have also requested updated information from the agency about the process and its timeframes. This information will be discussed in detail at the next Central Authorities Meeting in November 2005 to ascertain if anything can be done to assist in ensuring children can be with their adoptive families as soon as possible. A change to the process may be contraindicated if it creates a situation where a child has an ambiguous legal status. Consultation with the Taiwanese government responsible for adoptions and the agency will also be undertaken.

SUMMARY

The CSS program is considered to run very smoothly and effectively except for the concern regarding the timeframes of the adoption process. There are very few prospective adoptive applicants that express interest in the program due to the fairly strict requirements of the agency. It is currently not known what Taiwan's intentions are regarding joining the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption.

TAIWAN ADOPTION PROCESS

- ❑ Australian Central Authority forward applicants' adoption application to Christian Salvation Service (CSS) once application has been approved by the Central Authority.
- ❑ Correspondence or telephone conversations with the adoptive applicants' contracted adoption assessor if required regarding the possible placement of a specific child
- ❑ Official allocation from Christian Salvation Service (CSS) regarding a specific child to the Australian Central Authority.
- ❑ CSS prepares relinquishment papers, contracts and powers-of-attorney and sends them to the Australian Central Authority if required.
- ❑ Documents returned to CSS by international courier.
- ❑ CSS sends case to Supreme Court to assign local jurisdiction. **(This step has just been removed recently (September 2005) and this will speed up process by a few weeks).**
- ❑ Applies for the child's passport and obtains a medical for visa when required.
- ❑ CSS submits case to Family Court and applies for court hearing date.
- ❑ Family Court hearing. The relinquishing parent(s) appear in court with a CSS counsellor.
- ❑ The Taipei District Family Court division sends the entire case to the Child Welfare Foundation for review to determine if such transfer of custody seems to be in the best interests of the child.
- ❑ The Child Welfare Foundation returns the file to the court with their recommendation.
- ❑ Court makes adoption decision.
- ❑ CSS receives written notice of court approval.
- ❑ Final adoption decree is granted after mandatory 10 day wait.
- ❑ Finalised adoption is registered.
- ❑ 7 day translation period for all documents.
- ❑ CSS submits translated documents to the Australian Commerce and Industry Office in Taipei.
- ❑ CSS applies for travel visa for child.
- ❑ The waiting time for applicants from allocation of a child until they are able to travel is approximately 6-8 months but in specific cases has taken longer than this.