



Executive summary of the public audit report

ORGANISING ADOPTION

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DEFINITIONS AND ABBREVIATIONS

MSSL means the Ministry of Social Security and Labour.

GC Programme means the Programme of Search, Training, Selection, Counselling and Support of Guardians (Caretakers). It is implemented by way of organising a tender for projects by the Ministry of Social Security and Labour. In 2013, the Tender Selection Commission of the Ministry selected and financed 22 projects.

Service means the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour.

CRPD means a municipal Child Rights Protection Division (Service).

Child means a person under 18 years of age¹, unless the age of majority is attained earlier (the child is emancipated²) under applicable laws.

Child available for adoption means a child not younger than three months entered on the List of Children Available for Adoption, which is maintained by the State Child Rights Protection and Adoption Service³.

Selection means a process in which a team of specialists for a child available for adoption selects a prospective adoptive family standing on the List of Adoptive Persons that can best satisfy the needs of the child meeting the wishes of the family (first selection stage). The selection process also includes the procedures relating to the presentation of the offer to adopt a child for prospective adoptive parents; introduction of the child to the prospective adoptive parents and visits in children care homes; child's visit at the prospective adoptive family's home in order to develop a suitable emotional bond between the child and the prospective adoptive family and to make a decision on the adoption of the child offered for adoption (second selection stage).

Attachment means a strong emotional bond between two people. The child's attachment to their parents (or other people taking care of them) allows them to develop confidence in themselves and other people. This early relationship affects the intellectual and physical development of the child⁴.

Children with special needs available for adoption means children who stand on the List of Children Available for Adoption and meet at least one of the following features:

- children with refractory or incurable medical conditions, as confirmed by the child health certificates issued by health facilities or medical institutions and by a form filled out by the child's guardian;
- children older than 8 years of age;
- a group of at least three siblings offered for adoption together;
- children having close bonds with their siblings who do not agree or cannot be adopted together⁵.

Compensated disorders means disorders that can be compensated by prescribing and using medicines, corrected by using certain measures (e.g. spectacles, orthopaedic footwear), so patients either recover or feel good, live a full life, and the disease symptoms almost fade away.

¹ Law of the Republic of Lithuania on Fundamentals of Protection of the Rights of the Child No. I-1234 of 14 March 1996, Art. 2.

² A minor is recognised as having the legal capacity under Art. 2.9 of the Civil Code of the Republic of Lithuania.

³ The Child Born In Our Hearts: information for the child's guardians and adoptive parents, 2013. Published within the framework of Measure 5.1 of the Action Plan of the Child Welfare Programme 2013-2018 implemented by the Ministry of Social Security and Labour.

⁴ Ibid.

⁵ Pre-trial procedure for adopting children with special needs available for adoption, approved by Order No. A1-32 of the Ministry of Social Security and Labour of 1 February 2007, paragraph 4.1.

EXECUTIVE SUMMARY

The annual number of children without parental care adopted in Lithuania is about 2 per cent. 245 children were adopted in 2011, 210 children were adopted in 2012, and 187 ones were adopted in 2013. About half of these children were adopted by Lithuanian citizens permanently residing in Lithuania: 101 children were adopted in 2011, 112 and 107 children were adopted in 2012 and in 2013, respectively.

There were 1803 children on the List of children Available for Adoption at the end of 2013. Of these, 1 473 children (82 per cent) were children not offered for adoption, 41 per cent of the children on this List are not offered for adoption because there are no persons wishing to adopt an older child or a child with health disorders, 34 per cent do not want to be adopted themselves, 22 per cent are not offered for adoption because of the child's close bonds their biological family, relatives, or other persons, and 10 per cent of the children are not adopted for other reasons.

The adoption process includes pre-trial and judicial adoption proceedings. The pre-trial adoption proceedings concern the assessment of the adoption possibilities, the child's preparation for adoption, checks of the suitability of prospective adopters to be adoptive parents, as well as family selection procedures.

The judicial adoption proceedings start when the prospective adoptive parents file an application for adoption to the District Court of their own or the adoptive child's place of residence and end with the entering into force of the court's decision.

The adoption process for Lithuanian citizens and foreigners in the Republic of Lithuania is organised by the State Child Rights Protection and Adoption Service (hereinafter referred to as the Service). Municipal child rights protection divisions coordinate individual steps of the process within their competence (provide information to the Service about the child available for adoption, forward offers for adoption drawn up by the Service to the prospective adoptive parents, present the decisions of prospective adoptive parents on the adoption to the Service) and communicate with potential adoptive parents according to their place of residence. GC Programme implementers prepare families for adoption, take part in the selection process, and provide the family with social and psychological assistance.

The objective of the audit was to assess how efficient the organisation of the adoption process is by answering the following questions:

- are the child's possibilities to be adopted and children offered for adoption examined in detail;
- is the preparation of prospective adoptive parents examined in detail;
- is the selection of the child and prospective adoptive parents properly organised;
- is there sufficient support provided to families after the adoption;
- does adoption receive adequate publicity in order to enhance it.

The audit focused on the organisation of pre-trial adoption proceedings for citizens of the Republic of Lithuania permanently residing in Lithuania and on the provision of services to the family who has adopted a child.

The audit covered the period 2009–2013. Data from the subsequent period was also used for analysing changes.

The audit was conducted at the Ministry of Social Security and Labour and the State Child Rights Protection and Adoption Service. Information was also collected from other entities: Institution of the Ombudsman for Children Rights, Child Rights Protection Divisions of three municipalities (Vilnius city, Kaunas city, and Klaipėda city), and four implementers of the GC

Programme (NGO Sotas and Children and Adolescents Social Centre in Vilnius, Child Welfare Centre “Pastogė” (*Shelter*) in Kaunas, and Family and Child Welfare Centre in Klaipėda).

The auditors conducted surveys of adoptive parents, the general public, Child Rights Protection Divisions, implementers of the GC Programme, communicated with specialists of the implementers of the GC Programme and Child Rights Protection Divisions, observed the work of the Commission of the State Child Rights Protection and Adoption Service which selects families for children, and analysed the information provided in the files of children and adoptive parents, as well as foreign practices.

The following public audit conclusions and recommendations were drawn upon the assessment of the audit findings.

CONCLUSIONS

1. A number of children are not offered for adoption because of the failure to adequately assess the possibilities of the child to be adopted:
 - 1.1. there is no methodological guidance on how to assess personal relationships between the child available for adoption and other persons, therefore 44 per cent of the Child Rights Protection Divisions (23 out of 52) do not know how to assess emotional bonds and the possibility of separating children (siblings), so decisions taken on whether to offer a child for adoption or not are insufficiently objective and reasonable. The adoption process takes longer in case of differences in opinion of related entities;
 - 1.2. almost half of the Child Rights Protection Divisions (23 out of 52) do not take part in the hearing of the child's opinion – instead, the opinion is heard by an interested person (guardian) who can affect the child's opinion. As a result, it can happen that the real child's opinion meeting their interests is not found out.
2. The suitability of prospective adoptive parents to adopt a child and their ability to satisfy the needs of the child is not sufficiently examined:
 - 2.1. there are no criteria for assessing the adequacy of family income and property, so the audited Child Rights Protection Divisions and the implementers of the GC Programme do not know what level of income are sufficient for the child maintenance and how the income and liabilities of the prospective adoptive parents should be assessed. As a result, it is often the case that the State Child Rights Protection and Adoption Service has to revise the information provided by the Child Rights Protection Divisions about the financial situation of the prospective adoptive parents (in 8 cases out of 15 ones reviewed), so families are added to the list citizens of the Republic of Lithuania permanently residing in Lithuania who are willing to adopt a child after a certain period of time;
 - 2.2. the list of medical contraindications under which persons may not adopt children that has been valid for 13 years has not been revised; therefore, specialists of the Child Rights Protection Divisions, GC Programme, and the State Child Rights Protection and Adoption Service lack clarity of how the applicants' ability to take care of the adopted child should be assessed in cases when children have certain diseases that are not included in the said list or when disease diagnose codes do not correspond to the current International Statistical Classification of Diseases and Related Health Problems (ICD-10);
 - 2.3. the introductory training material of the GC Programme insufficiently focuses on the preparation of the child already living in a prospective adoptive family and on the assessment of their needs – such children are not included in the preparatory training, and the preparation of the children is limited only to a conversation with them. Therefore, the child already living in the prospective adoptive family is insufficiently prepared to meet a new member of the family.

3. 65 per cent (100 cases out of 154) of the offers to adopt a child are placed several times due to the shortcomings in the prospective adoptive parents' selection procedure, which increases the risk of unsuccessful adoption:
 - 3.1. no clear criteria (principles) for selecting the family for a child have been provided for and neither has been a selection procedure and the functions of the participating entities set out in detail;
 - 3.2. the child is not properly prepared for adoption, and the majority (73 out of 95) of the staff of children care home are not trained in how to prepare a child for adoption. Trainings are not attended by the staff of homes for infants⁶, although they are the homes with the largest number of children available for adoption, the staff of non-governmental children care home, or foster families.
 - 3.3. insufficient conditions have been ensured for establishing a bond between the child and prospective adoptive parents: 6 out of 20 surveyed Child Rights Protection Divisions that provided offers to adopt a child to adoptive parents do not discuss the offers with the family, meetings between children and prospective adoptive parents are not organised in a proper manner (57 per cent of the adoptive parents did not discuss how the first meeting with a child should proceed with specialists of the GC Programme and children care home; privacy is not ensured during the meetings of the child and the family at care homes).
4. There is no follow-up of the adoption, which leads to a failure to ensure adequate protection of the child's interests and timely provision of help to a family that encounters certain difficulties.
5. There is no adoption promotion strategy in the country. So far, the GC Programme, Child Rights Protection Divisions, and the State Child Rights Protection and Adoption Service have been taking only case-by-case publicity measures, which are not coordinated, so information about adoption does not reach more than half of the surveyed population (57 per cent, or 318 persons out of 560); negative information reaches 35 per cent of the population (84 out of 242), meanwhile 35 per cent (84 out of 242) receive only general information which does not encourage adoption.

RECOMMENDATIONS

To the Ministry of Social Security and Labour

1. In order to ensure that the adoptive parents selected for the child best meet the needs of the child and that specialists of Child Rights Protection Divisions and implementers of the GC Programme clearly know how to assess the suitability of prospective adoptive parents, the Ministry should lay down criteria for assessing the adequacy of the family's income and property taking into account the financial liabilities of the prospective adoptive parent(s).
2. In order to ensure proper preparation of the child for adoption and that the child does not feel any negative effects during the adoption process, the Ministry should organise training for the staff of children care homes on child's preparation for adoption.
3. In order to ensure better adaptation of the child in the family of the adoptive parents and to help the adoptive family solve problems with the adopted child in a timely manner, the Ministry should organise the provision of follow-up services for the adoptive family in due time.

To the Ministry of Health together with the Ministry of Social Security and Labour

⁶ Homes for infants are home for children younger until the age of 4 and for disabled children until the age of 7.

4. In order to ensure that the child receives the prospective parents best meeting their needs and that specialists of Child Rights Protection Divisions and implementers of the GC Programme clearly know how to assess the suitability of prospective adoptive parents, the ministries should revise the list of medical contraindications under which persons may not adopt children.

To the State Child Rights Protection and Adoption Service

5. In order to ensure comprehensive and objective assessment of the child's possibilities to be adopted, the Service should:
 - 5.1. improve the procedure for hearing the child's opinion: provide for that not only the interested person (guardian) takes part in the hearing of the child's opinion during the pre-trial adoption proceedings but also specialists of Child Rights Protection Divisions;
 - 5.2. develop and publish methodological guidance on establishing emotional bonds, separation of siblings and organise training on these issues for the staff assessing possibilities of adoption.
6. In order to ensure that the child receives the prospective parents best meeting their needs and to reduce the risk of unsuccessful adoption, the Service should:
 - 6.1. include topics related to the preparation of the child already living in the family of the prospective parents and to the assessment of the needs of that child in the training material of the GC Programme;
 - 6.2. regulate the selection procedures: establish clear criteria (principles) for selecting a family for the child and determine the selection stages and the functions of the entities taking part therein.
7. In order to ensure systematic, coherent and coordinated promotion of adoption that affects the public opinion and encourages adoption, the Service should:
 - 7.1. develop a publicity strategy, which would include publicity measures to promote adoption and to promote and inform about the GC Programme, as well as indicate the responsible executives and the coordinator of the measures;
 - 7.2. develop publicity guidelines and organise training for the implementers of the GC Programme in relation to the promotion of adoption.

The Action Plan for Implementing the Recommendations is given in Annex 4.