



INTERCOUNTRY ADOPTION IN FRANCE

“Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”

(Preamble of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption)



THE **CENTRAL** AUTHORITY : INTERCOUNTRY **ADOPTION** SERVICE (**SAI**)



For France, the Central Authority for Intercountry Adoption provided for under the Hague Convention is a department of the Ministry of Foreign and European Affairs known as the Service de l'Adoption Internationale or Intercountry Adoption Service (SAI).

🌐 SAI COMPOSITION

The SAI has a staff of 22 people from the Ministries of Foreign and European Affairs, the Family and Justice. It is headed by Jean-Paul Monchau, Ambassador with responsibility for Intercountry Adoption, appointed by France's President in June 2008.

🌐 SAI MISSIONS

The SAI ensures compliance with the international commitments under the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention) :

- It maintains state-to-state relations, and relations between Central Authorities, both with the children's countries of origin and with the authorities of the other host countries, including negotiating or renegotiating bilateral agreements and multilateral instruments on intercountry adoption.

The SAI crafts intercountry adoption strategy :

- It implements a country strategy, in close cooperation with those working in intercountry adoption in France: the French Adoption Agency (AFA), Accredited Adoption Bodies (AABs) and associations for adoptive parents and adopted children.
- It carries out cooperative projects with embassies to help children without families.

The SAI regulates and monitors operators :

- It conducts action under the supervision of the French Adoption Agency.
- It issues accreditation, monitors the private-law Accredited Adoption Bodies (AABs) and supports them, where necessary, by means of subsidies.

The SAI fulfils an expertise and legal watch mission :

- It issues authorisation of long-stay adoption visas by consular services.
- It collects and updates information on adoption procedures, adoption conditions abroad and the problems French citizens come up against.

The SAI implements a genuine communications policy :

- It manages the intercountry adoption section of the Ministry of Foreign and European Affairs website and government portal on adoption.



EXISTING **LEGISLATION**

International legislation

The United Nations Convention on the Rights of the Child of 10 November 1989 endorses the fact that intercountry adoption is subsidiary in principle to possible placements in foster or adoptive families in the child's country of origin.

The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption lays down the provisions on the adoption of foreign children for the countries that have ratified the Convention.

Reference :
<http://www.hcch.net>

National legislation

Code Civil [in French] The French Civil Code is available in English on http://www.lexinter.net/ENGLISH/civil_code.htm

Code de l'Action Sociale et des Familles (The French Code of Social Action and Families-CASF) [in French only]

Loi n°2005-744 du 4 juillet 2005 portant sur la réforme de l'adoption (Act 2005-744 of 4 July 2005 on adoption reform) [in French only]

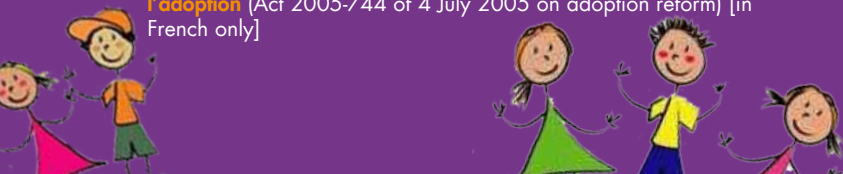
Décret n°2006-981 du 1er août 2006 relatif à l'agrément des personnes souhaitant adopter un pupille de l'Etat ou un enfant étranger et modifiant le code de l'action sociale et des familles (Decree 2006-981 of 1 August 2006 on the approval of persons wishing to adopt a ward of the State or a foreign child, amending the Code for Social Action and the Family) [in French only]

Décret n°2006-1272 du 17 octobre 2006 relatif aux modèles d'arrêté et de notice pour l'agrément des personnes souhaitant adopter un pupille de l'Etat ou un enfant étranger (Decree 2006-1272 of 17 October 2006 on models of orders or notices for the approval of persons wishing to adopt a ward of the State or a foreign child) [in French only]

Article R. 225-41 du Code de l'Action Sociale et des Familles relatif aux organismes autorisés et habilités pour l'adoption (OAA) (Article R. 225-41 of the Code of Social Action and Families on Accredited Adoption Bodies) [in French only]

Décret n° 2009-291 et arrêté du 16 mars 2009 relatif à l'organisation de l'administration centrale du ministère des affaires étrangères et européennes (Decree 2009-291 and Order of 16 March 2009 on the organization of the Central Administration of the French Ministry of Foreign and European Affairs) [in French only]

Décret n° 2009-407 du 14 avril 2009 relatif à l'Autorité Centrale de l'Adoption Internationale (Decree 2009-407 of 14 April 2009 on the Central Authority for Intercountry Adoption) [in French only].





APPROVED INTERCOUNTRY ADOPTION AGENCIES

FRENCH ADOPTION AGENCY (AFA)

The **French Adoption Agency**, a public-law legal entity under government supervision, was set up by Act 2005-744 of 4 July 2005. Generally speaking, it is tasked with providing information and advisory services to candidates for intercountry adoption throughout the French territory and regarding all countries. It is authorized to serve as an intermediary for the adoption of foreign minors under 15 years old in the countries of origin of the adopted children, following accreditation by the authorities of those countries.

AFA website : www.agence-adoption.fr (French only)

ACCREDITED ADOPTION BODIES (AABS)

There are **41 Accredited Adoption Bodies** (AABs). They are private-law legal entities that act as intermediaries for adoption or placement for adoption of minors under 15 years old.

AABs must first be authorized by the General Councils of the Departments where they wish to operate. They are approved by the Central Authority (SAI) for the country in which they wish to handle adoptive parents' applications and then accredited by the authorities of the country of origin.

AABs :

- help prepare adoption projects and advise on how to compile an application ;
- provide information on the technical and legal aspects of adoption procedures ;
- determine, together with the competent authorities of the country of origin, the procedures for choosing an adoptive family ;
- send applications submitted by candidates for adoption to the competent persons or institutions for them to make an adoption decision ;
- oversee the proceedings in accordance with existing legislation ;
- provide support for the family once the child has arrived.

The list of AABs : <http://www.diplomatie.gouv.fr>

ASSOCIATIONS FOR ADOPTIVE PARENTS AND ADOPTED CHILDREN

Associations for adoptive parents and adopted children, which are not approved agencies, have a large amount of personal experience and experience in the field. They are closely aligned with the SAI definition of intercountry adoption strategy.

A list of associations can be found on the adoption portal : <http://www.adoption.gouv.fr>



INTERNATIONAL COOPERATION

INSTITUTIONAL COOPERATION PROJECTS

The Intercountry Adoption Service receives subsidies intended to implement institutional cooperation, on a state-to-state basis, to reinforce Central Authorities of countries of origin which have already ratified the Hague Convention or to encourage countries to ratify it.

These resources also help identify and evaluate the real needs of children. They finance cooperation actions with countries of origin that are unable to implement alternatives to take care of their children without families. These types of actions are currently being conducted in Haiti, Madagascar, Cambodia and are soon to be implemented in Mali and Togo.

VOLUNTEERS FOR THE PROTECTION OF CHILDREN AND INTERCOUNTRY ADOPTION

The French Ministry of Foreign and European Affairs has set up, together with the French Association of Volunteers of Progress (AFVP),

private companies and territorial communities involved in financing efforts, a volunteer network for children without families. Launched in Cambodia in August 2008, it was extended to include eight more countries in 2009, namely **Burkina Faso, Ethiopia, Guatemala, Haiti, India, Madagascar, Mali and Vietnam.**

The missions of these volunteers, working in the embassy, are subject to strict ethical requirements so that they can:

1. help define and implement projects to provide care for children without families locally relying on NGOs active in the field and in collaboration with local authorities;
2. help craft, implement and monitor institutional cooperation and technical assistance projects that will help countries of origin apply the child welfare and intercountry adoption procedures provided for in international agreements;
3. if needed, support families over the course of their adoption project and assist operators (Central Authority, French Adoption Agency, Accredited Adoption Bodies, lawyers, interpreters, etc.) in their actions.



THE HIGH COUNCIL FOR ADOPTION (CSA)

The High Council for Adoption (CSA) is a **consultative body** under the supervision of the Ministries of Justice and the Family. It is chaired by a member of the French Parliament and made up of 30 members. It meets at least once every six months, and at the request of its President, the Minister of Justice, the Minister of the Family, or the Minister of Foreign and European Affairs.

The CSA's **mission** is to put forward to government authorities all measures likely to facilitate adoption, particularly by ensuring better coordination among all the bodies involved, and to help inform the public. It issues opinions on all topics relating to adoption and drafts proposals for legislative amendments before submitting them to the government..

INTERCOUNTRY ADOPTION IN FIGURES

Total number of children adopted abroad by French families in **2008** : 3,271

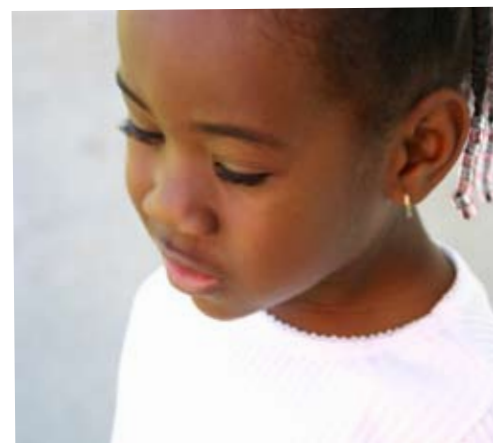
Top five countries of origin :

Haiti : 731 adoptions
Ethiopia : 484
Russia : 315
Colombia : 305
Vietnam : 284.

INTERMINISTERIAL COMMITTEE ON ADOPTION

On 6 February 2008, French Prime Minister François Fillon chaired the first meeting of the Interministerial Committee on Adoption, with the Ministers of the Interior, the Family and Justice and the Ministers of State with responsibility for Foreign Affairs and Human Rights, and for the Family in attendance.

Its purpose is to coordinate the government's adoption policy.



To find out more :

Adoption portal

<http://www.adoption.gouv.fr>

**Ministère des Affaires étrangères et européennes
Service de l'Adoption Internationale (SAI)**

<http://www.diplomatie.gouv.fr>

57, boulevard des Invalides – 75007 Paris

Tel : 00.33.1.53.69.31.72 – Fax : 00.33.1.53.69.33.64
courrier.fae-sai@diplomatie.gouv.fr

Association Française des Volontaires du Progrès

<http://www.afssa.fr>

11, rue Maurice Grandcoing – BP 220 – 94203 Ivry sur Seine
Tel. 00.33.1.53.14.20.30 – Fax. 00.33.1.53.14.20.50

