



Content development for an operational manual for intercountry adoption social workers in South Africa

R Ferreira

 orcid.org/0000-0002-8165-7252

Dissertation accepted in fulfilment of the requirements for the degree Master of Social Work at the North-West University

Supervisor: Dr H Malan

Graduation: October 2019

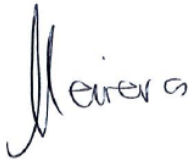
Student number: 23447133

DECLARATION

I, Rene Ferreira, declare herewith that the dissertation titled:

Content development for an operational manual for intercountry adoption social workers in South Africa

Which I submit to the North-West University, is in compliance/partial compliance with the requirements of the degree, Master of Social Work. It is my own work, according to the requirements of language editing, that all sources used or cited are indicated and acknowledged by means of full references, and that it has not already been submitted to another university.



4 June 2019

Signature:

Date:

DEDICATION

I dedicate this study to all my adoption colleagues both in South Africa and abroad. The aim of this study was to ensure ethical best practice guidelines in the controversial field of intercountry adoption and make recommendations for a South African operational manual that would assist adoption social workers in contracting States to facilitate the adoption process in such a way that all parties are protected.

This study is further dedicated to the National Adoption Coalition of South Africa which aims to set minimum norms and standards to ensure best practice in adoptions. With the recommendations made in this study, further research opportunities are highlighted.

PREFACE

This dissertation has been done in article format according to the 2018 General Academic Rules of the North West University. For examination purposes the dissertation structure and numbering is not according to the APA method. The article further complies with the requirements of the journal, *Children and Youth Services Review*.

INSTRUCTIONS TO THE AUTHORS

Manuscript in article format

Children and Youth Services Review (CYSR) is an interdisciplinary forum for critical scholarship regarding service programs for children and youth.

Types of Paper

The journal publishes full-length articles, current research and policy notes, and book reviews. There are no submission fees or page charges. Submissions will be reviewed by the editor, Duncan Lindsey.

Submission checklist

You can use this list to carry out a final check of your submission before you send it to the journal for review. Please check the relevant section in this Guide for Authors for more details.

Ensure that the following items are present:

One author has been designated as the corresponding author with contact details:

- E-mail address
- Full postal address

All necessary files have been uploaded:

Manuscript:

- Include keywords
- All figures (include relevant captions)
- All tables (including titles, description, footnotes)
- Ensure all figure and table citations in the text match the files provided

- Indicate clearly if colour should be used for any figures in print

Graphical Abstracts / Highlights files (where applicable)

Supplemental files (where applicable)

Further considerations

- Manuscript has been 'spell checked' and 'grammar checked'
- All references mentioned in the Reference List are cited in the text, and vice versa
- Permission has been obtained for use of copyrighted material from other sources (including the Internet)
- A competing interests statement is provided, even if the authors have no competing interests to declare
- Journal policies detailed in this guide have been reviewed
- Referee suggestions and contact details provided, based on journal requirements

Article structure

Essential title page information

- **Title.** Concise and informative. Titles are often used in information-retrieval systems. Avoid abbreviations and formulae where possible.
- **Author names and affiliations.** Please clearly indicate the given name(s) and family name(s) of each author and check that all names are accurately spelled. You can add your name between parentheses in your own script behind the English transliteration. Present the authors' affiliation addresses (where the actual work was done) below the names. Indicate all affiliations with a lower-case superscript letter immediately after the author's name and in front of the appropriate address. Provide the full postal address of each affiliation, including the country name and, if available, the e-mail address of each author.
- **Corresponding author.** Clearly indicate who will handle correspondence at all stages of refereeing and publication, also post-publication. This responsibility includes answering any future queries about Methodology and Materials. **Ensure that the e-mail address is given and that contact details are kept up to date by the corresponding author.**
- **Present/permanent address.** If an author has moved since the work described in the article was done, or was visiting at the time, a 'Present address' (or 'Permanent address') may be indicated as a footnote to that author's name. The address at which the author did the work must be retained as the main, affiliation address. Superscript

Arabic numerals are used for such footnotes.

Subdivision - numbered sections

Divide your article into clearly defined and numbered sections. Subsections should be numbered 1.1 (then 1.1.1, 1.1.2, ...), 1.2, etc. (the abstract is not included in section numbering). Use this numbering also for internal cross-referencing: do not just refer to 'the text'. Any subsection may be given a brief heading. Each heading should appear on its own separate line.

Introduction

State the objectives of the work and provide an adequate background, avoiding a detailed literature survey or a summary of the results.

Material and methods

Provide sufficient details to allow the work to be reproduced by an independent researcher. Methods that are already published should be summarized, and indicated by a reference. If quoting directly from a previously published method, use quotation marks and cite the source. Any modifications to existing methods should also be described.

Theory/calculation

A Theory section should extend, not repeat, the background to the article already dealt with in the Introduction and lay the foundation for further work. In contrast, a Calculation section represents a practical development from a theoretical basis.

Results

Results should be clear and concise.

Discussion

This should explore the significance of the results of the work, not repeat them. A combined Results and Discussion section is often appropriate. Avoid extensive citations and discussion of published literature.

Conclusions

The main conclusions of the study may be presented in a short Conclusions section, which may stand alone or form a subsection of a Discussion or Results and Discussion section.

Appendices

If there is more than one appendix, they should be identified as A, B, etc. Formulae and equations in appendices should be given separate numbering: Eq. (A.1), Eq. (A.2), etc.; in a subsequent appendix, Eq. (B.1) and so on. Similarly, for tables and figures: Table A.1; Fig. A.1, etc.

ACKNOWLEDGEMENT

Throughout the writing of this dissertation I have received a great deal of support and assistance from academics, colleagues, friends and family. Most important of all I want to acknowledge God for giving me the strength, insight and courage to complete this journey.

I would further like to acknowledge my study leader, Dr Hanelie Malan whose expertise was invaluable in the implementation of the methodology in particular. Her words of encouragement and hours of practical support and assistance are greatly appreciated.

I thank my colleague, study buddy and friend Katinka Pieterse for her advice, pro-active support and planning and her ability to unravel the knots when needed. Her passion, insight and knowledge of adoption are respected.

A special word of appreciation goes to Abba Specialist Adoptions and Social Services for the funding, support and assistance which provided me with the opportunity to finalize this dissertation.

Thank you to Dee Blackie who encouraged me to take on this study and supported me with her insight and knowledge.

I want to express my heartfelt gratitude to my husband, Pieter Ferreira for believing in me and supporting me from beginning to end. Your love and understanding made this possible. My daughters Marlizé and Karli, who stood in for me in so many ways, encouraged me, went through the ups and downs and prayed for me. I would also like to thank my parents for believing in me and also being available for support.

Finally, there are my crowd members, who were of great support in deliberating as well as providing happy distraction to rest my mind outside of my research. I am looking forward to enjoy Cape Argus 2020 with you all.

SUMMARY

TITLE: Content development for an operational manual for intercountry adoption social workers in South Africa.

Intercountry adoption has become a well-known legal placement option for adoptable children that could not be placed in permanent family care in their country of birth. Although the process is protected by robust legislation, policy and practice, it is characterised by ethical dilemmas and illicit practice. South African child protection organizations with accreditation to facilitate intercountry adoptions experience challenges in practice due to the lack of clear operational manuals and procedures. The overall aim of this study was to develop content for an operational manual for intercountry adoption social workers in South Africa.

To achieve the aim of this study, the researcher made use of an explorative descriptive design. The study therefore sought to develop insight into existing national and international adoption guidelines through a critical literature review. Due to the limited research available with regards to South African specific programmes, international practice guidelines and manuals were included in the study. The findings indicated operational gaps and weaknesses in existing South African practice guidelines and also confirmed the need for an operational manual that would address the unique child protection environment of South Africa as a Sending country.

The researcher also utilised focus groups that provided insight into the views of social workers and assisted in identifying operational challenges when facilitating an intercountry adoption. A focus group interview schedule focussed on the changing profile of the adoptable children and prospective adoptive parents, roles and responsibilities before, during and after the adoption process, costing and professional fees, the importance of legal compliance and therapeutic support. The sample consisted of a number of social workers, employed by an accredited child protection organisation and having a minimum of two years' experience in the field of intercountry adoptions. The researcher analysed the transcribed data from the four focus groups to identify themes which emerged from the relevant literature.

The study therefore contributes towards insight and knowledge that could assist social workers to facilitate the intercountry adoption process with ethical best practice guidelines and procedures unique to South Africa as Sending country. Recommendations on what the content of such an operational manual should include form part of the study.

Chapter 1 of the dissertation focuses on the orientation of the research, which encompasses the background and aim of the research, the contextualization, the problem statement, research

methodology and ethical implications. Chapter 2 contains the literature review, providing a legal and policy framework on the practice of intercountry adoption, existing guidelines and available practice manuals. This literature study focused on both international and local literature. Chapter 3 and 4 are presented in the form of two articles and form the crux of the study as the findings are critically discussed and substantiated through relevant literature. The last part of the dissertation focuses on the critical evaluation of the study, the limitations, recommendations and conclusion.

The results of the study confirm the need of accredited child protection organisations, working in the field of intercountry adoptions, to have a South African unique best practice manual to assist and navigate the complex process of intercountry adoption as a placement option. Content development of such an operational manual is therefore proposed to ensure that intercountry adoptions are managed and facilitated in an ethical and culturally sensitive manner.

Key words: Intercountry adoption, The Hague Convention, operational manual, content development.

OPSOMMING

TITEL: Inhoudsontwikkeling vir 'n operasionele handleiding vir internasionale aanneming maatskaplike werkers in Suid-Afrika.

Die aanneem van kinders tussen lande is 'n bekende wetlike plasingsofsie vir aanneembare kinders wat nie in hulle land van geboorte in permanente gesinsorg geplaas kan word nie. Alhoewel die proses beskerm word deur robuuste wetgewing, beleid en praktyk, word dit gekenmerk deur etiese dilemmas en onwettige praktyk.

Suid Afrikaanse kinderbeskermings organisasies met akkreditasie om internasionale aannemings te fasiliteer ervaar uitdagings in die praktyk, weens die gebrek aan operasionele handleidings wat goeie praktyk beskryf. Die oorhoofse doel van die studie was om inhoud vir 'n operasionele handleiding vir maatskaplike werkers te ontwikkel om die probleem aan te spreek.

Die studie poog om insig te verkry in bestaande nasionale en internasionale aannemingsriglyne deur middel van 'n kritiese literatuurstudie. Weens die beperkte navorsing wat beskikbaar is met betrekking tot Suid-Afrikaanse programme, is internasionale praktykrylyne en handleidings in die studie ingesluit. Die bevindinge dui op operasionele leemtes en swakpunte in bestaande Suid-Afrikaanse praktykrylyne en bevestig verder ook die noodsaaklikheid vir 'n operasionele handleiding wat die unieke kinderbeskermings omgewing van Suid Afrika as 'n party tot internasionale aanneming sal aanspreek.

Om die doel van die studie te bereik, het die navorser gebruik gemaak van 'n eksploratiewe ontwerp waar fokus groepe gebruik is om insig te ontwikkel in die uitdagings wat aanneem maatskaplike werkers beleef in die proses. 'n Onderhoudskedule wat fokus op die veranderende profiel van die aanneemkind sowel as voornemende aanneemouers, rolle en verantwoordelikhede voor, gedurende en na die aanneming, kostes en professionele fooie sowel as die noodsaaklikheid van wetlike en terapeutiese prosesse is gebruik om inligting in te samel.

Die steekproef het bestaan uit maatskaplike werkers in diens van kinderbeskermings organisasies met akkreditasie vir internasionale aanneming en wat ten minste twee jaar ervaring in die veld van internasionale aanneming het. Die navorser het die getransskrebeerde data van die vier fokusgroepe ontleed om temas te identifiseer en met relevante literatuur geverifieer.

Die studie dra by tot insig en kennis wat maatskaplike werkers kan help om die internasionale aannemingsproses te fasiliteer met die beste etiese praktykrylyne en -prosedures wat uniek is

vir internasionale aannemings vanaf Suid-Afrika na kontrak lande. Aanbevelings oor wat die inhoud van so 'n operasionele handleiding moet insluit, maak deel uit van die studie.

Hoofstuk 1 van die verhandeling bied 'n oriëntering van die navorsing deur te fokus op die agtergrond en doel van die navorsing, kontekstualisering, die probleemstelling, navorsingsmetodologie en etiese aspekte. Hoofstuk 2 bestaan uit die literatuurstudie wat agtergrond verskaf oor die wetlike en beleidsraamwerk waarbinne internasionale aanneming gedoen word sowel as bestaande riglyne en operasionele handleidings. Hoofstuk 3 en 4 word aangebied in die vorm van artikels en vorm die grondslag van die studie deur die bevindings krities te bespreek aan die hand van literatuur. Die laaste deel van die verhandeling bestaan uit 'n kritiese opsomming van bevindings van die studie, die beperkings, aanbevelings en slotopmerking.

Die bevindings van die studie bevestig die behoefte van geakkrediteerde kinderbeskermings organisasies in die veld van internasionale aannemings aan 'n Suid-Afrikaans gebaseerde operasionele handleiding wat maatskaplike werkers kan bystaan in hierdie komplekse proses. Die ontwikkeling van relevante inhoud vir so 'n handleiding word dus aanbeveel om maatskaplike werkers te ondersteun en te verseker dat internasionale aannemings van Suid-Afrika na ander lande binne 'n etiese en kultuur sensitiewe raamwerk gefasiliteer word.

Sleutelwoorde: Internasionale aanneming, The Hague Convention, akkreditasie, operasionele handleiding, inhoudsontwikkeling.

ACRONYMS AND ABBREVIATIONS

CRC:	The United Nations Convention on the Rights of the Child (1989)
CYCC:	Child and Youth Care Centre
HCCH:	Hague Conference on Private International Law
NACSA:	National Adoption Coalition of South Africa
RACAP:	Register for Adoptable Children and prospective Adoptive Parents

DEFINITIONS

Intercountry adoption

Intercountry adoption is defined as the adoption of a child who is a citizen of one country by adoptive parents who are citizens of a different country. It involves one nation entrusting its children to the authorities of another country and relying on the country to which the child is going to protect that child (Adamec & Miller, 2007).

The 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention), (HCCH, 1994) refers to an intercountry adoption as a legal process whereby a child habitually resident in one State (the State of origin) is placed legally and permanently in adoption with parents (other than the biological mother or father) habitually resident in another State (the receiving State).

Accreditation

The process of granting recognition to adoption social workers in private practice and designated Child protection organisations based on the specified criteria, to partner with the Department of Social Development in providing adoption services in accordance with section 251 and section 259 of the Act (Department of Social Development, 2019).

Central Authority

In relation to a Convention country, Central Authority means a person or office designated by such convention country under article 6 of the Hague Convention on intercountry adoption.

In relation to the Republic of South Africa, it means the Director-General (Department of Social Development, 2019).

The Hague Convention

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention) is an international convention dealing with international adoption, child laundering, and child trafficking in an effort to protect those involved from the corruption, abuses, and exploitation which sometimes accompanies international adoption. The Convention has been considered crucial because it provides a formal international and intergovernmental recognition of intercountry adoption to ensure that adoptions under the Convention will generally be recognized and given effect in other party countries (HCCH, 1994).

TABLE OF CONTENTS

DECLARATION I

DEDICATION II

PREFACE III

ACKNOWLEDGEMENT VII

SUMMARY VIII

OPSOMMING X

ACRONYMS AND ABBREVIATIONS XII

DEFINITIONS XIII

CHAPTER 1: BACKGROUND AND ORIENTATION 1

1.1 Introduction 1

1.2 Contextualization and problem statement 1

1.3 Contribution of the study 6

1.4 Research aim and objectives 6

1.5 Research methodology 7

1.5.1 Approach 7

1.5.2 Design 7

1.6 **Objective 1: To explore and describe existing national and international adoption guidelines by means of a critical literature review 7**

1.6.1 Research method and data collection 7

1.6.2 Data analysis methods 9

1.6.3 Ethical aspects 10

1.7 **Objective 2: To explore the views of accredited adoption social workers regarding the practical implementation challenges in**

	facilitating intercountry adoptions and to make recommendations with reference to content development for an operational manual for intercountry adoption social workers in South Africa.	11
1.7.1	Research method	11
1.7.2	Population	11
1.7.3	Sampling method.....	12
1.7.4	Proposed sample and sample size	12
1.7.5	Sample inclusion and exclusion criteria	13
1.7.6	Data collection and procedures	13
1.7.7	Trustworthiness	15
1.7.8	Data analysis.....	16
1.8	Ethics	17
1.8.1	Experiences of participants.....	18
1.8.2	Informed consent and voluntary participation.....	18
1.8.3	Risks and benefits	19
1.8.4	Vulnerable participants	20
1.8.5	Debriefing participants	20
1.8.6	Incentive and remuneration of the participants.....	20
1.8.7	Legal authorisation	20
1.8.8	Confidentiality, anonymity and privacy	20
1.8.9	Expertise of the researcher.....	21
1.8.10	Dissemination of results.....	21
1.8.11	Storage and archiving of data	21

1.9	Choice and structure of dissertation.....	22
1.10	Conclusion.....	22
1.11	References	23
CHAPTER 2:	LITERATURE REVIEW	29
2.1	Introduction	29
2.2	Theoretical frameworks	29
2.2.1	Ecological systems theory	29
2.2.2	Attachment theory	30
2.3	Global overview of intercountry adoptions	31
2.3.1	Legislative frame and key principles	32
2.3.2	Current global intercountry adoption trends	33
2.4	Intercountry adoptions: South Africa.....	34
2.4.1	Legal and Policy Frame	35
2.4.2	South Africa as a contracting state	38
2.4.3	Current state of intercountry adoptions in South Africa	41
2.4.3.1	Decline in national and intercountry adoption	41
2.4.3.2	Negative perceptions to adoption as a form of placement.....	42
2.4.3.3	Effect of socio-cultural perspectives on intercountry adoptions	42
2.4.3.4	Subsidiarity implementation challenges	43
2.4.3.5	Changing profile of children available for intercountry adoption	43
2.4.3.6	Changing profile of prospective adoptive parents	44
2.4.3.7	Fees and costing	44

2.4.3.8	Increase in undocumented children from foreign birth mothers.....	45
2.5	Areas not addressed in the Practice guidelines on intercountry adoptions	46
2.5.1	Bilateral agreement between Authorities and Accredited Adoption Bodies	46
2.5.2	Delegation of functions between South African Central Authority and Accredited Adoption Bodies.....	46
2.5.3	Management of waiting list	47
2.5.4	The role of culture in working with biological families	47
2.5.5	The adoption process from a culturally sensitive viewpoint	47
2.6	Conclusion.....	48
2.7	References	49
CHAPTER 3:	ARTICLE 1	55
3.1	Introduction	56
3.2	Problem statement	57
3.3	Research aim and objective.....	58
3.4	Research method and data collection.....	58
3.4.1	Topic identification	58
3.4.2	Literature search.....	58
3.4.3	Selection of literature to discuss	59
3.4.4	In-depth study and critical discourse	68
3.4.5	Findings and discussions.....	68
3.4.6	Limitations of the Study	79
3.4.7	Conclusion.....	79

3.5	References	80
CHAPTER 4: ARTICLE 2.....	85	
4.1	Introduction	86
4.2	Problem Statement.....	86
4.3	Research aim and objective.....	88
4.4	Research Methodology	88
4.4.1	Approach and design.....	88
4.4.2	Population and sampling	89
4.4.3	Data collection.....	89
4.5	Trustworthiness.....	91
4.6	Analysis of data	91
4.7	Ethical aspects	91
4.8	Research findings	92
4.8.1	Theme 1: Impact of African socio- cultural perspective on intercountry adoption.....	93
4.8.2	Theme 2: Children placed through intercountry adoption.....	96
4.8.3	Theme 3: The Principle of subsidiarity	99
4.8.4	Theme 4: Prospective adoptive parents.....	100
4.8.5	Theme 5: Intercountry Adoption process from matching to finalization	103
4.8.6	Theme 6: Post-adoption services.....	107
4.8.7	Theme 7: Costing	109
4.9	Conclusion and recommendations	110
4.10	References	111

CHAPTER 5: SUMMARY, CONCLUSIONS, RECOMMENDATIONS AND LIMITATIONS	116
5.1 Summary	116
5.2 Conclusions from the literature review	117
5.3 Conclusion of the critical literature review and emerging key themes	117
5.4 Recommendations for the content of a practice manual for social workers facilitating intercountry adoptions from South Africa	121
5.5 Limitations of the study and the need for further research	124
5.6 References	125
ANNEXURE A: SEEKING GOODWILL PERMISSION LETTER	127
ANNEXURE B: ADVERTISEMENT	128
ANNEXURE C: HREC INFORMED CONSENT STAMPED	129
ANNEXURE D: ETICS APPROVAL LETTER	134
ANNEXURE E: LANGUAGE EDITOR'S LETTER	136

LIST OF TABLES

Table 2-1: History of intercountry adoption..... 32

Table 2-2: Adoption statistical breakdown 2010 – 2018 (National Adoption Register, 2018a)..... 40

Table 3-1: Summary of the results of the content analysis 62

Table 5-1: Recommendations for the content of a practice manual for intercountry adoptions 121

LIST OF FIGURES

Figure 2.1: Adoption process from Receiving and Sending countries..... 36

Figure 3.1: Search criteria..... 59

Figure 3.2: PRISMA flow diagram 61

Figure 4.1: Themes and sub-themes from focus groups 93

Figure 4.2: Intercountry Adoption process in practice..... 104

CHAPTER 1: BACKGROUND AND ORIENTATION

1.1 Introduction

Adoption is globally viewed as the most suitable placement option for orphaned and vulnerable children who are in need of a permanent and stable family life according to the Practice guidelines on intercountry adoptions (Department of Social Development South Africa, 2015). For children who cannot be matched with suitable adoptive parents in their country of origin, the option of intercountry placement can provide permanent family care.

1.2 Contextualization and problem statement

The United Nations Convention on the Rights of the Child (hereafter CRC) (1989), The African Charter on the Rights and Welfare of the Child (Organization of African Unity), (1990), The 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereafter HCCH) and the United Nations Guidelines for the Alternative Care of Children (hereafter UN Guidelines), all place a high premium on the need for children to grow up in a family environment. In line with the above international legislation and treaties, the Children's Act 38 of 2005 as amended as well as the Adoption Policy Framework and Strategy (Department of Social Development, 2010) emphasize that adoption is part of the continuum of care and protection and should be considered as the best possible form of permanent care for vulnerable children who do not have the possibility of growing up within their biological families.

When looking at the state of our children, South Africa faces many challenges (Mokomane & Rochat, 2012). According to Statistics South Africa (2018) the total population is estimated at 54.4 million people, of whom 18.6 million are children under 18 years. Of the child population there are approximately 3 million orphans. These include over 500 000 maternal orphans, 1.8 million paternal orphans and more than 600 000 double orphans (Berry, Jamieson & Lake, 2017). Some of these children live in relatively safe kinship or communal care relationships but a large number could benefit from adoption. In addition, the country faces an alarming increase of child abandonment and unplanned teenage crisis pregnancies (Blackie, 2014).

Mokomane & Rochat (2012) confirmed the increase in the number of abandoned children in South Africa. According to Blackie (2014), roughly 3500 children survive abandonment every year. In a follow-up study released during Child Protection Week in 2017, the National Adoption Coalition (hereafter NACSA) confirmed that unsafe and anonymous abandonments

are increasing. The implication is that for many children who experience the trauma of abandonment, family reunification and a safe family environment is not an option. Again, these are children who could benefit from adoption. Mokomane & Rochat (2012) recommended that the National Department of Social Development invest in statistical monitoring to ensure adjustment in needed practice to address challenges faced by adoption services. Blackie (2014) substantiates the above by arguing that currently there are no official records on cases pertaining to the abandonment of children in South Africa, which in turn makes it almost impossible to obtain a clear picture of abandoned children in South Africa.

In contrast with the high numbers of children in need of permanency, there is a steady decline in the number of registered adoptions, both on a global and national level. The low number of children (approximately 500) who are registered on the Register for Adoptable Children and prospective Adoptive Parents (hereafter RACAP) (Department of Social Development, 2017) when compared to the estimated number of children that might benefit from adoption, is further evidence that adoption, due to several reasons such as lack of knowledge, cultural views and profile of children is not utilised as it could be (Department of Social Development, 2010). During the National Child Protection Forum of the Department of Social Development held on 22 February 2018, the current disconnect between available children and prospective adoptive parents were confirmed. According to RACAP, of the 429 children awaiting adoption, 96% are black South African children and 4% coloured and mixed race. Of the parents registered, most prefer to adopt white, Indian and coloured/mixed race children and in contrast fewer than 30 registered applicants are open to adopting young healthy black children. According to RACAP an estimated number of 350 children, at any given time, are not matched with fit and proper national adoptive parents and therefore should be eligible to benefit from intercountry adoptions (Department of Social Development, 2017)

The HCCH recognises that an intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family could not be found in his or her state of origin. Globally, the number of children in need of permanent families leads to intercountry adoption placements in instances where there is no local placement option (Selman, 2010). Within the sub-Saharan region such practice has developed in 25 countries, of which 13 acceded The HCCH. South Africa acceded to The HCCH on 1 December 2003. The Children's Act, 38 of 2005, which came into operation on 1 April 2010, started making legal provision for intercountry adoptions through Chapter 16 in the Act. The aim of intercountry adoptions is set out in section 254 of the Act and explained as meeting the requirements of The HCCH:

to provide recognition of certain foreign adoptions, to find fit and proper adoptive parents for adoptive children and to regulate intercountry adoptions (Pretorius, 2012). The HCCH emphasizes the principle of cooperation between contracting states to ensure the protection of children. In line with this principle, the Children's Act 38 of 2005, section 260 provides for Child protection organisations, accredited to provide Intercountry adoption services to enter into a working agreement with an accredited adoption agency in another country. Such agreement needs to be approved and monitored by the respective Central Authorities of the two countries.

Mabe (2017) states that South Africa is currently cooperating with fifteen (15) countries mostly in Europe (receiving) and also India as a sending country. The South African Central Authority confirmed that ten (10) child protection organisations have active accreditation to render intercountry adoptions. One of the requirements for accreditation is having an active national adoption program which entails recruitment, screening as well as matching of the prospective adoptive parents in accordance with the profile of children in need of adoption placement. According to the most recent statistics on the National Adoption Register, during 2017/2018 a total number of 1186 adoptions were registered in South Africa. Of this number only 152 were intercountry adoptions, which is less than 15% of the total number of adoptions registered. This has been the trend since 2004 according to the National Adoption Register (Department of Social Development, 2018a).

Although the number of intercountry adoptions from South Africa is rather small, it remains a viable placement option for children who could not be matched due to special needs such as HIV, severe developmental delays and other physical disabilities. From experience, the researcher has overseen many intercountry adoption placements and most of the children available for intercountry adoption have a form of special needs which makes matching with the current prospective parents on the waiting list almost impossible. During 2017, 64% of children placed in another country were children with special needs who would otherwise not have been able to be placed in permanent family care (Pieterse, 2018)

In addition to The HCCH Guide to Good practice, guide no 1, (2008) and the Children's Act 38 (2005), the Department of Social Development published a Practice Guideline on intercountry adoption in 2010, and again in 2015 (Department of Social Development South Africa, 2015). The purpose of this Practice Guideline was to ensure that intercountry adoption practises in South Africa adhere to internationally recognised standards as prescribed by The HCCH. It further clarifies the roles and responsibilities of the different stakeholders, such as the Central Authority accredited child protection organisations and

other professionals working directly or indirectly with intercountry adoptions to and from South Africa.

All adoptions should uphold ethical principles as set down in the 1989 CRC and The African Charter (Mokomane & Rochat, 2012). In a study funded by the National Department of Social Development and carried out by the Human Sciences Research Council of South Africa in 2009, it was found that despite having a proper and robust legislative framework which also serves as a guideline for other African countries, little research has been done on adoption with very limited knowledge on whether the changed legislation has proved effective or acceptable within the practise of adoption social work (Mokomane & Rochat, 2012). Van der Walt (2016) came to the same conclusion. The Children's Act (38 of 2005) clearly established who was eligible to adopt, but these provisions were not supported by any policy document outside the norms and standards which could provide guidance to organisations with respect to adoption criteria. Accredited organisations noted the need to have a uniform set of principles, regulations and guidelines that could be followed in making such determinations. No uniformity in the approach of the relevant stake holders existed.

Accredited adoption practitioners use the Children's Act 38 of 2005, (Chapter 16) and the Practice guidelines on intercountry adoptions (Department of Social Development, 2015) as implementation instruments. However, the interpretation and application of these guidelines remains a challenge in practice. Changes experienced in the contemporary adoption environment such as the changing profile of children, the impact of social media and networking between service providers contributes significantly to these challenges. Mezmur (2009) points out the identified systemic vulnerabilities and gaps in the current intercountry adoption systems in Africa. Some of these challenges include the fact that foreign volunteers often form attachments with children in Child and Youth Care Centres (hereafter CYCC) and show interest in adopting them. The child's adoptability has most probably not been assessed, meaning that he might still have biological family who are willing to provide care and protection. Cases like this lead to hardships for all parties involved and often end in long litigation and unethical adoption practice. Many of the debates surrounding intercountry adoption come down to irregularities concerning the practice and "at its worst, adoption is portrayed as child trafficking or baby selling" (Smolin, 2004). For instance, the Ethiopian intercountry adoption programme recently released information that highlights the fact that there are still many practical loopholes despite proper legislation in place. This led to a ban on intercountry adoption in that country due to concerns pertaining to the mistreatment of adopted children (Hosseini, 2018).

Ethiopia had been among the top 10 sending countries for adoptions to the USA. Montgomery & Powell (2018) critically explored reasons for the 72% decrease in the number of intercountry adoptions worldwide. They found that the initial reason countries ban intercountry adoption arise mostly from the very rare unethical incidents of adopted children being ill-treated. Montgomery & Powell (2018) concluded that systematic and political challenges should be addressed as they seem to be aspects impacting on intercountry adoption placements.

There are sound adoption policies and legal frameworks in place for most sending countries such as South Africa, however, the practical implementation and interpretation of the legislation remains a challenge. The likelihood of malpractice and subsequent irregularity practices with regards to intercountry adoption is a reality. The above is substantiated by (Rushwaya, 2014; Sloth-Nielsen, Mezmur & Van Heerden, 2014) who point out that there are still many challenges in implementing legislation on a practical level. There is a need to address issues in a manual for operational procedures for accredited adoption social workers. Challenges such as pre-identification of children, foreign volunteers forming a relationship with children who are not legally adoptable and using foster care placement as a way to by-pass subsidiarity principles are only a few practical examples where such a Practice manual could provide guidance. Adoption practitioners, as well as the other stakeholders working in the field of intercountry adoption, are often exposed to the media and politically related investigations due to the complex and controversial nature of the Practice and need guidance and strong leadership from the South African Central Authority to ensure ethical practice.

In media articles, adoption activist groups often accuse sending countries, such as Ethiopia, of manipulating, and in some cases paying, birthmothers to relinquish children for adoption. (BBC News, 2018). These allegations refer to the importance of sending countries having clear guidelines on providing birthparents facing an unplanned crisis pregnancy with all relevant placement information to help them make an informed decision. Another challenge is the misconception that the media creates when reporting on the thousands of orphaned children in Africa, who are not necessarily legally adoptable in accordance with the country's adoption legislation. Sloth-Nielsen et al. (2014) refer to the expectation created amongst prospective adoptive parents in receiving countries that they have the right to rescue a child. As an adoption practitioner and also training facilitator in South Africa, Lesotho and Ethiopia, the researcher has observed and experienced some form of pressure from receiving countries and also foreigners contacting CYCC directly to adopt a child without following the prescribed procedures. This is not in line with the principles of The HCCH.

Although the National Department of Social Development published the Practice guideline on intercountry adoption in 2015, the researcher argues that there is a need for a manual of operational procedures to address the implementation challenges of the existing legislation and guidelines on intercountry adoptions from South Africa. In his study on intercountry adoptions and the best interests of the child, Pretorius (2012) recommended that solutions be formulated to address the complex practice of intercountry adoption in South Africa. In addition, Rotabi & Bunkers (2011) reiterate that interdisciplinary partnerships are important for deeper exploration of the best interests of the child and the subsidiarity principle of The HCCH, to continue to investigate and support improved practices and ultimately promote the human rights of children placed through intercountry adoption from South Africa.

1.3 Contribution of the study

Current international and national policy and legal frameworks foresee intercountry adoption as a solution for selected children whose appropriate care cannot be ensured in their country of origin Department of Social Development, 2010. The HCCH (1993) provides only minimum standards and guidelines for States to abide by, and it is the responsibility of individual States to fill in the gaps and afford children greater protection. During the adoption process, violations of the most basic rights of the child can occur. The changing adoption environment as already discussed and the wide range of stakeholders that may play a role in the interpretation and implementation of the legislation and guidelines as they see fit, demonstrate the vastness of the task of protecting the rights of the child in intercountry adoption.

Research question

For the purpose of this study, the research question is formulated as follows:

What should the content for an operational manual for intercountry adoption social workers in South Africa, be?

1.4 Research aim and objectives

The overall aim of this study was to develop content for an operational manual for intercountry adoption social workers in South Africa.

To achieve this aim, the researcher proposed two research objectives:

Objective 1: To explore and describe existing national and international adoption guidelines by means of a critical literature review

Objective 2: Exploring the views of accredited adoption social workers regarding the practical implementation challenges in facilitating intercountry adoptions and to make recommendations with reference to content development for an operational manual for intercountry adoption social workers in South Africa.

1.5 Research methodology

1.5.1 Approach

To realise the aim of this study a qualitative research approach was followed. This type of study seeks to understand the participants' perspective of their world and how they view the situation that is being studied (Cresswell, 2009). The qualitative approach appeared to be appropriate as it assisted the researcher to explore and describe the implementation challenges of existing practice guidelines on intercountry adoption.

1.5.2 Design

Overall, this study utilised an explorative descriptive design. An explorative descriptive design is conducted about a research problem when there are few or no earlier studies to which to refer. The focus is on gaining insights on existing intercountry adoption practice guidelines, (Department of Social Development, 2015) by exploring and describing the implementation challenges of existing practice guidelines on intercountry adoption, which can ultimately lead to the development of improved policies and practices that promote children's rights. This design is a well-established research tradition that captures the essence of research as an ongoing process, continuously asking questions and probing for new insight (Rubin & Babbie, 2010). It enabled the researcher to gain insight into the implementation challenges and gaps in the existing practice guidelines and to develop content for a practice manual which could minimize the risk factors in intercountry adoptions.

To achieve the aim, the researcher proposed two objectives. The researcher utilised a critical literature review in objective one and focus groups to reach objective two. In the rest of the chapter each objective will be discussed:

1.6 Objective 1: To explore and describe existing national and international adoption guidelines by means of a critical literature review

1.6.1 Research method and data collection

To achieve this objective, the researcher conducted a critical literature review. This review was not merely a description or summary of literature on a specific topic, but involved a

critical analysis of what has been found (Jesson & Lacey, 2006). The critical literature review in this study entailed the identification of all possible similar intercountry practice models, both national and international. By analysing their content, the researcher was able to assess what is already known and compare it to the current Practice guideline for intercountry adoptions (National Department of Social Development, 2015) to identify gaps. The findings were summarised and critically evaluated with the focus on selecting the most appropriate practices for the purposes of the study (Jesson & Lacey, 2006).

The critical review was conducted in accordance with Bryman's (2016) guideline for the critical analysis of literature, as well as guidelines those provided by Mongan-Rallis, (2018) and Jesson & Lacey (2006) with an emphasis on the critical analysis of obtained literature. Critical reviews mandate researchers to set narrow search criteria in accordance with the research question, and to follow a critical analysis approach of compare and contrast to evaluate obtained articles. When embarking on a research project, it is important to acquire a good sense of the existing work on the topic and to arrive at your own view on the state of the literature: what there is, what is missing, and what could be improved upon. It is to attain a well-balanced and comprehensive view of the most important literature on a chosen topic. However, it is important that the review should be critical in the sense that it gives the researcher's view on the quality and importance of the work that exists. The key steps that were followed in composing a Critical Literature Review are as follows:

1. Topic identification: Given the limited length of the piece, the researcher chose a sufficiently focused topic. The researcher did some exploratory reading in order to narrow down the area of interest and further consulted social workers in the field of intercountry adoption for preliminary advice.
2. Literature search: A systematic search of the literature was done in order to discover existing work on the topic. The researcher made use of relevant databases, library catalogues, and reference work for this purpose.
3. Selection of literature to discuss: Through a cursory examination of the sources, the researcher could determine which ones promised to be the most important and interesting for the discussion.
4. In-depth study and critical discourse: The selected works was closely reviewed to be able to critically evaluate them. A thorough understanding of the content assisted in determining the quality and relevance for the study.

5. Composition: The findings were presented in an essay format, which provided an accurate exposition of the literature, as well as a critical assessment of its relevance for the study. In the critical part of the essay the researcher kept the research question in mind. By doing this, it was possible to identify gaps, weak areas and possible research needs on the topic. The themes identified through this process, informed the research question. The findings from the critical review assisted in compiling an interview questionnaire as part of objective two.

Through the literature search process, practice models and programs on intercountry adoption that are successfully implemented in both sending and receiving countries were identified. This literature was relevant to the study and could be compared against local criteria such as legislation, guidelines and relevant supporting literature. This review assisted in identifying practice challenges that are not addressed in current guidelines.

Through consultation with the study leader, the researcher ensured that the data that was gathered was captured correctly and the needed guidance received.

1.6.2 Data analysis methods

By using key terms, the researcher browsed through discipline-specific or area-specific reviews, journals and electronic websites to identify usable literature (De Vos *et al.*, 2011).

In order to produce a synthesising argument, the analysis of the evidence was not just a summarization of the studies, but also an evaluation. Beginning with a detailed inspection of the papers, recurring themes were gradually identified which again led to developing a critique. Themes were generated to help explain the phenomena, constantly comparing the theoretical structures developed against the data in the papers, and attempting to specify the categories of the analysis and the relationships between them. To facilitate the process of identifying patterns, themes and categories across the data in this study, the researcher considered aspects such as the structure, the methods, the reasons and evidence, the conclusions, and the logical connections between all of these aspects (De Vos *et al.*, 2011). A preliminary literature review also included existing knowledge gaps: what research evidence is lacking, inconclusive, contradictory or too limited; what the shortcomings are or inconsistencies in the knowledge base and why the problem should be further studied.

Full transparency was not always possible because of the creative and interpretive processes involved. Nonetheless, the researcher consulted with the study leader on a bi-monthly basis to introduce "checks and balances" that guarded against the framing of the analysis according to a single perspective. The essay submitted contains both an accurate

and sensitive exposition of the literature and a critical assessment of its current state. The essay includes the following components:

1. Introduction: The first paragraph familiarises the reader with the article that is discussed as well as the researcher's evaluation of the book or article. The researcher mentioned the title, author, and provided a brief overview of the author's argument. The researcher then argued the book/article's effectiveness and the main reasons for the evaluation of the book/article. The introduction also mentions important connections between the book and similar issues pertaining to intercountry adoptions in South Africa.
2. Summary: The researcher used this section to familiarize the reader with the author's argument, the author's stance on the topic, and the main points he or she makes. The author's conclusions about the topic are further described.
3. Evaluation (Critique) of the Article or Book: In this section the researcher discussed how effective the author's argument is.

The researcher kept the research question in mind, constantly looking for gaps or weak points in the existing literature, and how they might be remedied through a practice manual for intercountry adoption social workers in South Africa.

1.6.3 Ethical aspects

This part of the study did not include human participants and therefore did not pose any ethical risks. The researcher and study leader as second reviewer used a critical appraisal of the literature to help distinguish between useful and flawed studies. This entails a process of carefully and systematically examining the research to judge its trustworthiness and its value and relevance in a particular context' (Burls, 2009). According to Umesh, Karippacheril & Magazine (2016), the initial evaluation of an article published in the literature should be based on certain core questions. These may include querying what could be the key learning points in the article, its clinical relevance, if the study has a robust methodology, if the results are reproducible and if there could be any bias or conflict of interest.

1.7 Objective 2: Exploring the views of accredited adoption social workers regarding the practical implementation challenges in facilitating intercountry adoptions and to make recommendations with reference to content development for an operational manual for intercountry adoption social workers in South Africa.

1.7.1 Research method

The researcher utilised focus groups as the method to explore and identify the practice challenges experienced by social workers when implementing the intercountry adoption legislation and guidelines. Kumar (2014) describes focus groups as a form of strategy in qualitative research in which attitudes, opinions or perceptions about an issue, product, service or programme are explored through a free and open discussion between members of a group and the researcher.

1.7.2 Population

According to Fouchè & Delport (2011), the research proposal must include information on the population and provide answers to questions such as who is going to form part of the population during the research. The term population refers thus to a group of people with specific characteristics who would be able to assist in answering a research question (De Vos et al., 2011).

In this study, the population consisted of adoption social workers facilitating the process of intercountry adoptions and employed by child protection organisations who have been accredited by the National Department of Social Development to render intercountry adoption services. South Africa is both a sending and receiving country. According to the official Adoption Accreditation List of accredited adoption social workers (Department of Social Development, 2018b), only ten (10) child protection organisations in South Africa have been accredited to render intercountry adoptions. To ensure distribution of services, these organisations facilitate intercountry adoptions from most provinces in South Africa. Adoptions are facilitated and monitored within approved working agreements between the South African Central Authority and 15 countries mostly in Europe and Scandinavia, but also UK, USA, Canada and Australia.

With intercountry adoptions being such a small and speciality service, only a few senior accredited social workers within these organisations are operationally involved in the process. The programmes are closely supervised from Director's level with one or two social workers facilitating the process. The estimated number of adoption social workers

would therefore most likely not exceed the number of 25. In terms of this study the researcher aimed to have two or more focus groups consisting of 6-8 people per group, or until data saturation is reached (Creswell & Plano- Clark, 2011).

1.7.3 Sampling method

A purposive sampling technique (Ritchie, Lewis, Nicholls, & Ormston, 2014) was used. This involved examining the entire population with regard to specific characteristics, experience, knowledge, skills and exposure to an event. The sample was selected on the basis that the participants are social workers that are accredited to render intercountry adoption services. These social workers were in the best position to give their views regarding the practice challenges they experience and the possible gaps that need to be addressed by a practice manual. The predetermined selection criteria used for sampling will direct the sampling process (Babbie 2017; Bless, Higson-Smith & Sithole, 2013; Maree, 2016).

1.7.4 Proposed sample and sample size

Greeff (2011) explained that contemporary focus group interviews generally involve six to ten individuals who discuss a particular topic under the direction of a facilitator who promotes interaction and ensures that the discussion remains focused on the topic of interest. By using a focus group interview schedule the researcher was able to initiate discussion on the different levels of operational challenges. This ensured rich data gathering and saturation from two or more separate groups of participants on the operational experience of intercountry adoptions (Mason, 2010). If no new themes emerged and there was a high rate of duplication or recurrence of responses, data saturation had occurred (Pequegnat, Stover & Boyce, 2011).

Participants were recruited on the basis of their relevance to what the study intended to find out (Greeff, 2011). The latest Accreditation List of the Department of Social Development (2018b) containing the details of child protection organisations accredited to render intercountry adoption services provided contact details of possible participants. The researcher contacted the directors of the accredited child protection organisations and obtained goodwill permission (Annexure A) for the study to be undertaken with social workers in their organisation. The directors were requested to send the provided advertisement (Annexure B) to the social workers in their organisation, who could then indicate their interest to the researcher via email. An independent person contacted the interested social workers within 5 days of their response, by means of an email or telephone call.

1.7.5 Sample inclusion and exclusion criteria

The following participants that met the inclusion criteria were included in the focus groups:

1. Social workers employed by child protection organisations accredited for rendering intercountry adoption, as stipulated in the Children's Act 38 of 2005, Section 259.
2. The social work participants should have a minimum of two years' experience in the field of intercountry adoption to be suitably knowledgeable to give their views on the practical implementation of an intercountry adoption.

The exclusion criteria for this objective were:

1. Social workers in private practice as they do not have accreditation to do intercountry adoptions.

1.7.6 Data collection and procedures

Participants were recruited on the basis of their relevance to what the study intended to find out (Greeff, 2011). To ensure that the best interest of participants was protected and respected throughout the study, participating organisations' managers were utilised as gatekeepers to grant the researcher permission to access participants (McFadyen & Rankin, 2017).

The researcher utilised focus groups with a focus group interview schedule to collect the data. Focus groups were arranged on different dates in Pretoria (Gauteng), Bellville (Western Cape) and Durban (KZN) to ensure that the identified participants had the opportunity to attend a focus group in their area of operation. The groups were held during office hours with the goodwill permission of Directors at pre-arranged venues, i.e. conference rooms at a central social work office of the participants. The venues were central in the relevant city at an office easily accessible for all participants and coincided with the normal meeting space of the relevant organisations. Confidentiality was ensured at all times using private rooms.

A focus group interview schedule was formulated to explore the views of social workers regarding intercountry adoption and to further explore possible recommendations with reference to developing a standard operational procedure on the different processes for social workers. The questions were formulated in such a manner to guide the researcher to use reflections and practice examples to maintain objectivity and limit subjective interpretations of the participants' answers. Group rules were established to protect the

participants during focus group discussions. The participants were told not to mention the names of clients and not to refer to actual cases in their focus group discussions.

After consulting the literature, the researcher identified eight pre-selected questions which were appropriate for answering the research questions. The researcher sent the focus group interview schedule to the participants before the focus group sessions to provide them with the opportunity to identify the practice challenges within their organisation. The following questions were included in the focus group interview schedule:

1. Discuss the impact of the changing profile of prospective adoptive parents and children becoming available for intercountry adoption on our current practice.
2. Discuss the intercountry process and timeframe from matching to finalization and explain how you welcome and prepare foreign parents during the adoption process.
3. Explain how you deal with volunteers getting involved with CYCC that identify children and want to adopt them?
4. Discuss the adoption process that you use to prepare and place children in the care of RACAP. Refer to the need for adjustments in the process to address the changing profile of children.
5. Discuss the benefits and risks of social media in intercountry adoption and also explain your organisation's policy around contact between adoptive parents and CYCCs pre- and post-adoption?
6. Discuss the relevance of the current costing structure (R 35 000 fixed since 2012) on the programme. How does your organisation deal with additional expenses such as actual medical and travel expenses?
7. In case of a RACAP match, what are your suggestions for a network agreement between child protection organisations in terms of role division, fees, and practical process?
8. Explain how you deal with origin and roots enquiries and visits.

During the focus group the researcher provided the participants with a hard copy of the focus group interview schedule to enable them to refer to the questions during the session. With the permission of the participants, an audio recording and field notes were used to ensure clear data capturing and availability for data analysis at a later stage (Smith & Osborn, 2003).

The focus groups were held during a morning session of two hours and adjusted depending on the group dynamics. Commencing with the structured discussion, the researcher clearly indicated that all information provided would be confidential and not linked to a specific Child Protection Organisation. At the end of the discussion the researcher informed participants that they would receive a summary feedback report via email within 6 months of the focus group sessions.

The process of bracketing enabled the researcher to manage challenges through entering into a deeper level of researcher engagement and integration throughout all aspects of the qualitative research. The researcher had bracketing interviews prior to, during, and following data collection with the co-coder that uncovered themes that could hinder the researcher's ability to listen to respondents or trigger emotional responses that may foreclose on further exploration. According to Rolls & Relf (2006), bracketing interviews can increase the researcher's clarity and engagement with participants' experiences by unearthing forgotten personal experiences; can protect researchers and participants in emotionally charged research topics, and can simultaneously develop the researcher's capacity to understand the phenomena in question.

1.7.7 Trustworthiness

As prescribed by Rubin & Babbie (2010), the researcher focused on credibility, dependability, conformability and transferability to ensure the trustworthiness of the research.

Credibility refers to internal validity. Recognised research methods, audio recordings and the descriptive field notes of the focus groups would ensure that the study was carried out in a way that enhanced credibility. After each question the data would be summarized to determine the accuracy. A co-coder would be included in the study to ensure that the data and interpretations of the findings are sound. The co-coder would further ensure that the researcher remain objective and reduce bias. The researcher and the co-coder analysed the transcribed interviews along with member checking, field notes and writing memos throughout data collection and analysing as a means of examining and reflecting upon the researcher's engagement with the data. The co-coder did this voluntarily and has not been reimbursed.

According to Anney (2014), *dependability* in qualitative research refers to the consistency and stability of research findings over a period of time. Various research tools were used to make sure that all the data was documented correctly and coded according to ethical

standards. Dependability refers to the duplication of the study in the same context, making use of the same respondents and the same methods. Data was carefully documented as described above. For the purpose of this study, the researchers appointed D. Blackie as a co-coder when analysing the data. Blackie has previous experience in qualitative research, which also ensured objectivity.

Amankwaa (2016) describes *conformability* as the neutrality and shaping of research by respondents. The collected data was information provided by the participants themselves, through the methods already described. Different methods ensured that the collected data was not the opinion of the researcher and findings would not be based on biases. According to Creswell (2013), it is important for the researcher to clarify biases, to be objective as it may have an influence on the research study. The researcher ensured that as far as possible the study's results are objective and not based upon biases, motives and the perspectives of the researcher. To verify the conformability of this study, the researcher kept a detailed record of the research process that was followed to determine whether the understanding of the findings, the recommendations and conclusions can be drawn to their sources and are supported by the analysis thereof.

Transferability allows the collected data to be compared across different contexts. The researcher aimed to collect a dense and thick description of the data to ensure transferability. This means the degree to which the findings can be applied to other contexts and settings or with other groups; it is the ability to generalize the findings to larger populations (Creswell, 2013). The researcher described the data from the study as thoroughly as possible in order for the reader to apply the findings to another context, to be able to relate to the data and to apply it within their context. To further ensure the trustworthiness of the study, the researcher received the necessary guidance from the study leader, Dr Malan.

1.7.8 Data analysis

According to De Vos, et al., (2011) data analysis is “the process of bringing order and meaning to the mass of collected data”. Data analysis in qualitative research consists of preparing and organizing the data for analysis, then reducing the data into themes through a process of coding and condensing the codes, and finally representing the data in figures, tables, or a discussion (Creswell, 2013). To ensure the proper implementation of this process, the transcribed data was manually analysed by using Tesch's eight steps in the coding process as indicated by Creswell (2013).

1. During the focus groups the data was audio recorded and field notes made.
2. The gathered data was transcribed by the researcher.
3. The researcher and co-coder ensured that the transcripts correlated with the audio recordings.
4. Data was coded with the use of color and themes and patterns identified.
5. Notes were made on the printed transcripts in order to further identify themes.
6. Themes and sub themes emerging from the data analysis were compared, contrasted and categorized to ensure they represented the construction of disclosure.
7. The findings were compared with the literature to ensure literature control.
8. In a final effort to ensure sound research methods, the findings from the focus groups were compared with the findings of the critical review from in objective one. A research report was compiled and a summary of the research findings will be communicated to participants once the study is completed

To disguise the identity of the participants, a number was allocated to each of them. After completion of the study the audio recordings were removed from the recording devices and placed on a password protected computer. All notes and transcripts of recordings are kept secure in a lockable cabinet in the researcher's office with only the researcher having access. After completion of the study, they will be erased or destroyed.

1.8 Ethics

According to Strydom (2011b), it is imperative that researchers should familiarise themselves with what is generally accepted as proper and improper conduct in scientific research. To adhere to the required ethical principles, the required ethical aspects were taken into consideration during this research study. The participants were informed in advance of what they could expect from the research and how the research could affect them. The whole process was approached sensitively and in doing so the researcher gave consideration to the fact that each individual participating in the research had different experiences (Rubin & Babbie, 2014).

1.8.1 Experiences of participants

Focus groups entail purposeful interaction between a group of individuals with common interests and characteristics with the aim of exploring their views, opinion, wishes and concerns in a group setting with the intention of providing insight into a specific topic. The use of focus groups in this study allowed for different perspectives, group dynamics and collective recommendations (Harrell & Bradley, 2009). Greeff (2011) points out that a focus group often includes six to ten participants.

In this study, the researcher aimed to address the different effects that the research could have on the participants by providing clear information on the desired outcome and possible benefits to all parties involved. From the invitation, participants were able to come prepared with substantial information and trends rather than personal unsubstantiated feelings and emotions. The expectation was clear and realistic, flowing into a well-structured programme and focus group interview schedule. The researcher also acknowledged the fact that questions should be simplified and specific in order for the participants to interpret them easily and use the words they would use when talking about the issues as described in Greeff (2011).

1.8.2 Informed consent and voluntary participation

Babbie (2014) describes informed consent as a norm on which participants base their voluntary participation in research projects when a full understanding of possible risks involved is obtained. Written consent to participate was obtained with the assistance of an independent person at the office of the researcher. This person had no personal interest in the research which aimed to prevent any form of coercion.

Potential participants were contacted by email or a telephone call and the aim of the study was explained to them. Participants were encouraged to ask any questions for clarity and informed that participation was voluntary and that they could withdraw from the study at any stage. It was also explained that data would be collected by means of focus groups. In the case where the participant agreed, the independent person emailed a more detailed information sheet/advertisement about the process and purpose of the study. The participants who agreed to take part in the study signed a written informed consent (Annexure C) form on the day of the study in the presence of the independent person and researcher. The participants were informed of every aspect of the research before the commencement of the focus groups.

1.8.3 Risks and benefits

According to Brink, Van der Walt & Van Rensburg (2006), research has the potential to cause harm, discomfort or inconvenience to the parties participating. This could be in the form of an emotional or a physical impact. The research participants in this study are social workers employed by accredited child protection organisations. The researcher had to ensure that participants were not harmed as a result of their participation in the study Wagner, Kawulich & Gardner (2012) by taking the following precautions:

1. The participants knew who would be in the focus group discussion beforehand.
2. All information was dealt with in a confidential way. Group rules were established to protect participants during focus group discussions. The participants were told not to mention the names of clients and not to refer to actual cases in their focus group discussions.
3. Participants were assured that they had the freedom to express their thoughts in a safe, conducive and private environment.
4. The researcher ensured that the participants were taking part voluntarily and with the least possible disruption of their professional time.
5. The groups were held during office hours with the goodwill permission of Directors at pre-arranged venues.
6. Risk factors identified by the researcher were that the focus group interview experience might exhaust the participants, seeing that a two hour session would be scheduled. The researcher therefore supplied the participants with refreshments and also gave body breaks. The focus group experience could however also be a positive one because the participants got a chance to talk about adoption related challenges. The risks related to this study were thus minimal. The research study did not hold direct benefits for the participants, however, the stakeholders in the adoption sector will indirectly benefit from the research and this again can lead to improved practice and understanding of the practical challenges experienced on ground level.

The risks related to this study were minimal. Possible factors identified were the importance of productive time management. Most sessions were completed within two hours. Because of the fact that focus groups were held at the offices of the participants, there were regular interruptions due to operational requirements. The researcher had to manage this process in the best way possible as interruptions were not conducive to in-depth discussions. Most

participants experienced the groups as positive, as they had the opportunity to share common experiences, frustrations and concerns.

1.8.4 Vulnerable participants

In this research study the participants were not seen as vulnerable as they are trained professional social workers. Strydom (2011a) emphasises the fact that participants can be harmed in a physical and/or emotional manner. This study however did not cause any emotional or physical harm to the participants and the risks involved were minimal.

1.8.5 Debriefing participants

It was highly unlikely that emotional feelings would be evoked from the participants due to the nature of the research, thus debriefing would most likely not be necessary.

1.8.6 Incentive and remuneration of the participants

There were no costs involved for the participants. The focus groups were held during office hours at easily accessible offices or the normal meeting space of the relevant organisations. The participants therefore did not receive any incentive or reimbursement except refreshments such as water, tea/coffee, during the focus groups.

1.8.7 Legal authorisation

The researcher did not need any legal authorization to conduct this study. However, goodwill permission was requested and received from directors of the accredited child protection organisations. Before commencing with the research, the researcher applied for permission from the Human Research Ethical committee of the North-West University to do the research (Annexure D).

1.8.8 Confidentiality, anonymity

Babbie (2014) describes anonymity as the guarantee provided by researchers that neither they nor the readers of the findings would be able to identify the participants. Babbie further describes confidentiality as the guarantee provided by researchers to not make the identity of the participants publicly known even if researchers can identify the participants by their responses.

Focus groups cannot guarantee total confidentiality as group members can disclose revealing information. The anonymity of the participants could be only partially guaranteed but group rules were established to protect the participants during focus group discussions.

The participants committed themselves to avoiding the names of clients and not referring to actual cases in their focus group discussions. During the transcription process the data was coded in such a way that no connection could be made to specific participants. Confidentiality was ensured by the protection of the data, with only the two reviewers having access thereto.

1.8.9 Expertise of the researcher

The researcher is a registered social worker and also a specialist adoption social worker and has been in the practice of intercountry adoptions for 14 years and part of the development of adoption policy and practice. She has co-facilitated training at various intercountry adoptions practice workshops both in sending and receiving countries. She is further bound by social work ethics as presented by the South African Council for Social Service Professions and therefore adheres to the ethical Code of Conduct of this professional body. The researcher has the necessary skills and context to conduct the research in a professional and objective way. The study leader provided the needed assistance and monitoring of the process.

The researcher aims to present the official findings at the yearly Adoption Indaba held jointly by NACSA and the Department of Social Development and also relevant intercountry adoption conferences in Africa and Europe.

1.8.10 Dissemination of results

Participants will receive a summary feedback report with the findings via email six months after the focus groups were conducted. Although participants will receive a summary feedback report with the findings, the researcher will also be able to present the official findings through publication in relevant journals as well as both national and international workshops and conferences.

The findings of this study will be released and published in the Children and Youth Services Review. This is a peer-reviewed journal that publishes articles on a monthly basis.

1.8.11 Storage and archiving of data

The management of information relates to how the information gathered will be managed (Babbie, 2017). The audio recordings will be removed from the recording devices directly after the focus groups and placed on a password protected computer. All notes and transcripts of recordings will be kept secure in a lockable cabinet in the researcher's office with only the two reviewers having access. Electronic data will be password protected and

names of participants will not be written on questionnaires or transcripts, instead numbers will be allocated to participants to hide their identities. The participant lists containing the real names and pseudonyms/numbers allocated to the participants will not be stored with the notes or transcripts of the recording. After completion of the study all data will be stored and kept in a locked store in the research director's office for a period of five (5) years. Afterwards, it will be erased or destroyed.

1.9 Choice and structure of dissertation

An article format was chosen to meet the requirements for the degree MSW. The criteria of The Children and Youth Services Review were followed as a guideline. The researcher also explored international journal options as part of previous presentations done in adoption articles published in Scandinavia.

The dissertation is structured as follows

Chapter 1: Background and orientation

Chapter 2: Literature Review

Chapter 3: Article 1: Explore and describe existing national and international adoption guidelines: A Critical review

Chapter 4: Article 2: Exploring the views of accredited adoption social workers on the practical implementation challenges in facilitating intercountry adoptions

Chapter 5: Summary, conclusion, recommendations and limitations

Bibliography

Addendums

1.10 Conclusion

This chapter provided an introduction and orientation to this dissertation, outlining the context and background to the study, its aim and the objectives and a summary of preliminary literature. It has also provided a proposed outline of the research process, an overview of the research methodology outlining the population and sampling, data collection and analysis methods and also specifying measures to be considered in order to ensure the trustworthiness of the study. It also provides a discussion of ethical issues to be taken into consideration.

Chapter 2 provides a comprehensive overview of literature that is relevant to this study.

1.11 References

Adamec, C. A., & Miller, L. C. (2007). *The encyclopedia of adoption*. Infobase Publishing.

Amankwaa, L. (2016). Creating protocols for trustworthiness in qualitative research. *Journal of Cultural Diversity*, 23(3).

Anney, V. N. 2014. Ensuring the quality of the findings of qualitative research: Looking at trustworthiness criteria. *Journal of Emerging Trends in Educational Research and Policy studies*, 5(2), 272-281

<https://pdfs.semanticscholar.org/1419/f7b54e6b7f1215717a5056e0709f8946745b.pdf> Date of access: 12 May 2018.

Babbie, E. R. (2014). *The basics of social research* (6th ed.). Belmont, IN: Wadsworth Cengage Learning.

Babbie, E. R. (2017). *The basics of social research* (7th ed.). Boston, MA: Cengage Learning.

BBC News. (2018). *Ethiopia bans foreign adoptions*. Retrieved from <http://www.bbc.com/news/world-africa-42635641>

Berry, L., Jamieson, L., & Lake, L. (2017). *South African Child Gauge*. University of Cape Town. Children's Institute. Retrieved from http://www.ci.uct.ac.za/sites/default/files/image_tool/images/367/Child_Gauge/South_African_Child_Gauge_2017/Child_Gauge_2017_lowres.pdf

Blackie, D. E. (2014). *Child abandonment and adoption in the context of African ancestral beliefs in contemporary urban South Africa: Fact sheet on abandonment research in South Africa*, National Adoption Coalition South Africa (NACSA).

Bless, C., Higson-Smith, C., & Sithole, S. L. (2013). *Fundamentals in social research methods: An African perspective* (5th ed.). Cape Town: Juta.

Brink, H., Van der Walt, C., & Van Rensburg, G. (2006). *Fundamentals of research methodology for healthcare professionals* (3rd ed.). Pretoria: Juta.

Bryman, A. (2016). *Social research methods* (5th ed.). London: Oxford University Press.

Burls A. (2009). *What is critical appraisal?* (2nd ed.). University of Oxford. Retrieved from http://www.medicine.ox.ac.uk/bandolier/painres/download/whatis/what_is_critical_appraisal.pdf (What is...? Series).

Creswell, J. W. (2009). *Research design qualitative quantitative and mixed methods approaches* (3rd ed.). Thousand Oaks, CA: Sage.

Creswell, J. W. (2013). *Qualitative inquiry & research design: Choosing among five approaches* (3rd ed.). Los Angeles, CA: Sage.

Creswell, J. W., & Plano-Clark, V. L. (2011). *Designing and conducting mixed methods research* (2nd ed.). Thousand Oaks, CA: Sage.

De Vos, A. S., Strydom, H., Fouché, C. B., & Delpont, C. S. L. (2011). *Research at grass roots: For the social sciences and human service professions*. Pretoria: Van Schaik.

Department of Social Development **see** South Africa. Department of Social Development.

Fouché, C. B., & Delpont C. S. L. (2011). In-depth review of literature. In A. S. De Vos, H. Strydom, C. B. Fouché, & C. S. L. Delpont. *Research at grass roots: For the social sciences and human service professions*. Pretoria: Van Schaik.

Greeff, M. (2011). Information collection: Interviewing. In A. S. De Vos, H. Strydom, C. B. Fouché, & C. S. L. Delpont. *Research at grass roots: For the social sciences and human service professions*. Pretoria: Van Schaik.

Hague Conference on Private International Law (HCCH). (1994). *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption*. Retrieved from http://www.hcch.net/index_en.php?actDconventions.text&cidD69

Hague Conference on Private International Law (HCCH) (2008). *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to good practice, no 1*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Hague Conference on Private International Law (HCCH) (2012). *Accreditation and adoption accredited bodies: General principles and guide to good practice, no 2*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Harrell, M. C., & Bradley, M. A. (2009). *Date collection methods: Semi-structured interviews and focus groups*. Santa Monica, CA: RAND Corporation. Retrieved from https://www.rand.org/content/dam/rand/pubs/technical_reports/2009/RAND_TR718.pdf

Hosseini, B. (2018). *Ethiopia bans foreign adoption*. CNN. Available from <https://edition.cnn.com/2018/01/11/africa/ethiopia-foreign-adoption-ban/index.html>

Jesson, J. K., & Lacey, F. (2006). How to do (or not to do) a critical literature review. *Pharmacy Education*, 6(2), 139-148. Doi: 10.1080/15602210600616218

Kumar, R. (2014). *Research methodology: A step by step guide for beginners* (4th ed.). Thousand Oaks, CA: Sage.

Mabe, T. (2017). *Intercountry adoption presentation. A workshop brought to you by the National Department of Social Development* [PowerPoint presentation]. (Unpublished).

Maree, K. (2016). *First steps in research*. Pretoria: Van Schaik.

Mason, M. (2010). Sample size and saturation in PhD studies. *Forum: Qualitative Social Research*, 11(3), 1-19. Doi: 10.17169/fqs-11.3.1428

McFadyen, J., & Rankin, J. (2017). The role of gatekeepers in research: Learning from reflexivity and reflection. *GSTF Journal of Nursing and Health care*, 4(1).

Mezmur, B. (2009). From Angelina (to Madonna) to Zoe's Ark: What are the 'A-Z' lessons for intercountry adoptions in Africa. *International Journal of Law, Policy and the Family*, 23(2). Doi: 10.1093/lawfam/ebn013

Mokomane, Z., & RoCHAT, T.J. (2012). Adoption in South Africa: Trends and patterns in social work practice. *Child & Family Social Work*, 17(3), 347-358. Doi: 10.1111/j.1365-2206.2011.00789.x

Mongan-Rallis, H. (2018). *Guidelines for writing a literature review*. Retrieved from <https://www.duluth.umn.edu/~hrallis/guides/researching/litreview.html>

Montgomery, M., & Powell, I. (2018). International adoptions have dropped 72% since 2005 – here's why. *Eye Witness News*: 2 March. Retrieved from <http://ewn.co.za/2018/03/02/opinion-international-adoptions-have-dropped-72-since-2005-here-s-why>

NACSA **see** National Adoption Coalition of South Africa.

National Adoption Register **see** South Africa. Department of Social Development. (2018).

National Adoption Coalition of South Africa. (2017). Retrieved from www.adoptioncoalitionsa.org

OAU **see** Organization of African Unity.

Organization of African Unity. (1990). *African charter on the rights and welfare of the child*. Retrieved from http://www.achpr.org/files/instruments/child/achpr_instr_charterchild_eng.pdf

Pequegnat, W., Stover, E., & Boyce, C.A. (2011). *How to write a successful research grant application: A guide for social and behavioral scientists* (2nd ed.). Burlington, MA: Jones & Bartlett.

Pretorius, S. (2012). *Intercountry adoptions and the best interest of the child* (Unpublished thesis – Master of Law). North-West University, Potchefstroom. Retrieved from https://repository.nwu.ac.za/bitstream/handle/10394/9823/Pretorius_S.pdf?sequence=1&isAllowed=y

Ritchie, J., Lewis, J., Nicholls, C., & Ormston, R. (2014). *Qualitative research practice: A guide for social science students & researchers*. London: Sage.

Rolls, L., & Relf, M. (2006). Bracketing interviews: Addressing methodological challenges in qualitative interviewing in bereavement and palliative care. *Mortality*, 11(3), 286-305. Doi: 10.1080/13576270600774893 \

Rotabi, K. S., & Bunkers, K. (2011). In an era of reform: A review of social work literature on intercountry adoption. *SAGE Open*. Doi: 10.1177/2158244011428160

Rubin, A., & Babbie, E. (2010). *Essential research methods for social work* (2nd ed.). Belmont, CA: Brooks/Cole, Cengage Learning.

Rubin, A., & Babbie, E. R. (2014). *Research methods for social work* (8th ed.). Belmont, CA: Brooks/Cole, Cengage Learning.

Rushwaya, I. R. (2014). *A critical analysis of the legislative framework regulating intercountry adoption in South Africa and Ghana*. (Thesis – Master of Law Degree). University of Cape Town, Cape Town.

Selman, P. (2010). Intercountry adoption in Europe 1998–2008: Patterns, trends and issues. *Adoption & Fostering*, 34(1), 4-19. Doi: 10.1177/030857591003400102

Sloth-Nielsen, J., Mezmur, B. D., & Van Heerden, B. (2014). Intercountry adoption from a Southern and Eastern African perspective. Retrieved from <http://millerdutoitcloeteinc.co.za/family-law-cape-town-img/Conf2010/Conf2010/Paper%20-%20Van%20Heerden%20Belinda%20&%20Sloth-Nielsen%20Julia.pdf>

Smith, J. A., & Osborn, M. (2003). Interpretative phenomenological analysis. In J. A. Smith (Ed.), *Qualitative psychology: A practical guide to methods*. London: Sage.

Smolin, D. M. (2004). Intercountry adoption as child trafficking. *Valparaiso University Law Review*, 39(2), 281-325.

South Africa. (2005). *Children's Act 38 of 2005*. Pretoria: Government Printer.

South Africa. Department of Social Development. (2010). *Adoption policy framework and strategy*. Pretoria: Government Printer.

South Africa. Department of Social Development. (2015). *Practice guidelines on intercountry adoptions*. Pretoria: Government Printer. Retrieved from https://www.gov.za/sites/default/files/gcis_document/201409/practiceguidelinesonintercountryadoption.pdf

South Africa. Department of Social development. (2017a). *Draft policy guidelines on adoptable children and prospective adoptive parents (RACAP)*. Retrieved from <http://www.mm3admin.co.za/documents/docmanager/40e99c64-dc90-4f5c-9240-50764b1f4739/00035184.doc>

South Africa. Department of Social Development. (2017b). *Register on Adoptable Children and Prospective adoptive parents (RACAP)*. Pretoria: Government Printer.

South Africa. Department of Social Development. (2018a). *National Adoption Register*. Pretoria: Unpublished.

South Africa. Department of Social Development. (2018b). *National Accreditation List of Adoption Social Workers*. Pretoria: Unpublished.

South Africa. Department of Social Development. (2019). *Reviewed accreditation guidelines for adoption service providers*. Pretoria: Government Printer.

Statistics South Africa. (2018). *Investing in early childhood development is the future*. Retrieved from <http://www.statssa.gov.za/?p=10950>

Strydom, H. (2011a). Sampling in the quantitative paradigm. In A. S. De Vos, H. Strydom, C. B. Fouché, & C. S. L. Delpont. *Research at grass roots: For the social sciences and human service professions*. Pretoria: Van Schaik.

Strydom, H. (2011b). Ethical aspects of research in the social sciences and human service professions. In A. S. De Vos, H. Strydom, C. B. Fouché, & C. S. L. Delpont. *Research at grass roots: For the social sciences and human service professions*. Pretoria: Van Schaik.

Umesh, G., Karippacheril, J. G., & Magazine, R. (2016). Critical appraisal of published literature. *Indian Journal of Anaesthesia*, 60(9), p.670–673. Doi: 10.4103/0019-5049.190624

United Nations. (1989). *Convention on the Rights of the Child (CRC)*. Retrieved from <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

United Nations. (2010). *64/142: Guidelines for the alternative care of children*. Retrieved from https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf

Van der Walt, G. (2016). The regulation of intercountry adoption in South Africa. *Obiter*, 37(3), 674-682.

Wagner, C., Kalawulich, B. B., & Gardner, M. (2012). *Doing social research: A global context*. New York, NY: McGraw-Hill Higher Education.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This literature review was done to gain insight into existing intercountry adoption practice guidelines and their relevance for South Africa as a sending country. To understand the phenomenon and integrate law and practices, the global overview of intercountry adoptions, the legal frame, trends and patterns relevant to the practice of intercountry adoption in South Africa will be discussed. The relevance of the systems theory is emphasized as this perspective can be seen through all levels of the adoption process. The phenomenon of intercountry adoptions will be presented through different theoretical frameworks which will provide insight into the effect on the different parties in the process.

2.2 Theoretical frameworks

There are different theoretical frameworks that can be applicable to adoption, however, the researcher will discuss only the specific theories that she deemed necessary for this study. These theories include the ecological systems theory and the attachment theory. Family systems approaches need to be adapted to incorporate the birth families as well as the structural, cultural, and idiosyncratic complexities inherent in adoptees and their adopted families (Harrison & Harrison, 2012).

2.2.1 Ecological systems theory

The best-known ecological theory is that of Urie Bronfenbrenner (1979), whose ecological systems theory explains how everything in a child's environment affects growth and development. Bronfenbrenner (1979) labelled different levels of the environment as the microsystem which is the immediate environment in which the child lives. This sphere includes family relationships, caregivers and schools. The integration of this system has an effect on the development of the child and these systems act and react with each other. The ethical complex process of an intercountry adoption contributes to the fact that adoptive parents would most likely be challenged with scenarios that require a special ability Verbovaya (2016).

Each child's genetic and biologically influenced personality traits will therefore affect how others treat them and how they respond in return. The mesosystem describes how the different parts of a child's microsystem work together and impact the holistic development of the child. This applies to a child adopted from another country as the child has to integrate the physical and emotional losses, cultural and race difference and his system in such a way

that he can build secure relationships. How the adoptive parents, friends, school and other systems react on his arrival in the new country will impact on his behaviour and his ability to form attachments.

At the exosystem level, there are other people and places that are still likely to have a significant effect on the child even though the child may not interact with them very often. These will include extended parents' workplaces, family members, and the neighbourhood and community. The macrosystem represents the largest and most remote set of people and things, but which may still have a great influence on the child's developmental outcomes. Harrison & Harrison (2012) further emphasize that "the adoption family structure is comprised of the intersection and integration of social justice, attachment theory, the adoption triad, and relational dialectics". Paulsen & Merighi (2009) mention that parents of international adoptees are often not prepared for the complexity of issues they face after adoption.

In the context of an intercountry adoption, this system provides valuable perspectives and insight into the additional challenges the child and parents will have in order to integrate. The interplay between a child's genetic makeup and the environments within which the child develops is also acknowledged within this perspective. What is important to note is that with help and support, children can recover from abuse or other negative experiences (Aldgate, Jones, Rose, & Jeffery, 2006).

2.2.2 Attachment theory

Verbovaya (2016) refers to Bowlby (1979), James (1994) and Prior & Glaser (2006) when discussing the attachment theory. According to Bowlby, the founder of attachment theory, the need for attachment is inborn and is as essential for survival as food, water, and air; it is an emotional, object-specific relationship that develops toward a primary caregiver. The critical period for developing internal working models is between 6 months and 2 years old. It is noteworthy that many international adoptees are reared in institutions prior to an adoption. Therefore, international adoptees often enter adoptive families at a later age.

As confirmation of the impact of theories, different studies also compared the well-being of adoptive families to biological families. Caballo, Lansford, Abbey, and Steward (2001) posed the hypothesis that the well-being of adopted children and their families will encounter "poor well-being" and relationships and face challenges related to the fact that they are not part of a "normal" family. Despite the evolvement of family care, Lamb (1999) highlights the fact that strong cultural norms about the perception of a "normal" family persist.

The Stigmatization Perspective comes from the hypothesis that adoptive family members will encounter “poor well-being” and relationships due the impact of discrimination and stigmatization. Pertman (2011) argues that “some of the difficulties that arise in adoptive families include, but are not limited to, adjusting to a Western lifestyle and cultural differences a child may experience upon arriving in the United States; unrealistic expectations of adoptive parents; and negative effects of institutional care that, among other factors, can prevent children from attaching to parents”. This perspective aligns with the systems theory in emphasizing the need for pre- and post-adoption preparation of parents to provide an adoptive child with a therapeutic structure where he can grow into a well-integrated adult (Valenzuela, 2017)

The adoption family structure (Harrison & Harrison, 2012) should provide insight into the interplay of elements of “social justice, attachment theory, the adoption triad, and relational dialectics and is offered as a reflection of the complexities related to adoption”. Within a theoretical frame, social workers could identify specific adoption related challenges that can be addressed in such a way that the child and adoptive family are equipped and supported. The researcher argues that intercountry adoptions is a complex process and in South Africa there are unique challenges that social workers need to take into account when facilitating such a process. Therefore, theory should inform practice on all levels of the process.

In the next section the reviewer will provide insight on the global overview, legal frame, trends and patterns of intercountry adoptions.

2.3 Global overview of intercountry adoptions

Intercountry adoption started as a humanitarian act and reaction to the plea of thousands of children left orphaned after the 1938 World War II and became an option for parenting for many childless couples in Europe. ICA placements reached a global peak in 2004, when an estimated 45 000 children per year were placed across borders. The assumption amongst countries was that it would increase further and lead to a growing number of applicants from 1st World countries for whom adoption opportunities in their own country was limited. In contrast however, Selman (2010) found that the number of adoptions started to decline and in 2007 and until 2010, dropping by 36 % since 2004. Researchers attribute the decline to many factors such as the dramatic decline in China, Russia, Korea and Guatemala as well as the initial high number of placements in Ethiopia and Haiti (Selman, 2010). Since 2011 there is a slight increase in adoptions again.

Table 2.1: History of intercountry adoption

Period	Trend	Influential factors
1950-1987	Gradual growth	Increase of placements after Second World War
1987 - 1989	Slight decline	Decline of placements from Korea
1989 - 1991	Strong increase	Placements from Romania
1995 - 2004	Highest number recorded in history	Increase placements from Russia, China, Ethiopia as sending countries
2004 - 2010	Consistent decline	China, Columbia and India less placements
2010 - 2015	72% decrease and still declining	Ethiopia moratorium on adoptions Russia stopped placements from their country

The above table illustrates the influence of sending countries placing moratoriums or even terminating programmes due to various reasons and confirms the trend of a decline in the number of countries and subsequently available children. Selman (2012) and others confirm the changing face of intercountry adoptions and the importance of addressing practices in line with current trends and patterns. Despite the legal and policy frame, intercountry adoptions have always been viewed as controversial from “its roots as a relatively simple, legally created filiation tie to its perception as a humanitarian act, and then to its wide acceptance as an option for childless people who wish to create a family” (ACPF, 2012).

2.3.1 Legislative frame and key principles

Intercountry adoption is Practiced within the frame of the three most relevant international instruments: The Convention on the Rights of the Child (hereafter CRC), which focuses on ICA in Article 21 (United Nations, 1989), The African Charter on the Rights and Welfare of the Child (OAU) and The 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoptions (hereafter HCCH (1994)).

To ensure the correct implementation and operation of the key principles of the HCCH (1994), two practice guidelines were published in 2008 and 2012. The HCCH (1994) further stipulates key principles that should underline the practice to ensure the purpose thereof which is ultimately to protect the rights of children. By acceding to the HCCH (1994),

contracting states agree to facilitate the process through accredited competent bodies, to ensure that adoptability and subsidiarity requirements are adhered to, to ensure financial transparency and comply with all requirements set by the HCCH (1994). Governments and civil society must do their utmost to ensure that families of origin have the possibility and are encouraged to care for their children. Specific reference to the Principle of Subsidiarity underlines all activities. This principle emphasizes that all possible efforts should be made to allow children to be raised in their own family or if this is not possible, adoption in the country of birth (HCCH, 1994)

2.3.2 Current global intercountry adoption trends

In order to adjust practices in line with the decline in adoptions, the current trends and patterns of the phenomena from a global level need to be understood as this could prevent illicit practice and inform content for best practice guidelines.

In the light of the dramatic decline in intercountry adoptions statistics, Smolin (2004) and Selman (2012) are amongst several who did extensive research on the development, trends and perspectives of intercountry adoption in order to provide insight and recommendations in the field. The global decline in the number of adoptions, the changing profile of children available for adoption, the profile of adoptive parents, the rights of the child to information and contact with his origin, surrogacy as an option, corruption, the role of social media and post adoption challenges were raised as reasons for the changing face over the past decade. Anti-adoption lobby groups are on the forefront of the debate on the future of this form of alternative care which is referred to as the “Worldwide war on adoption” (Vorster, 2018). Vorster argues that the 72% decline in the number of intercountry adoptions in the last decade is due to “political and economic factors, fear of trafficking, cultural concerns, allegations of forced adoptions, and an extremely powerful anti-adoption lobby”.

The current state of intercountry adoptions globally also needs to be understood as the trends, patterns and recommendations for the future have a direct impact on the existing practice of both Sending and Receiving countries. During a African Regional Conference on the Hague Children’s Conventions facilitated by the University of the Western Cape on 2 April 2019, the focus was on implementation challenges in different countries and the lack of input from African countries in the phenomenon of intercountry adoptions was confirmed. Bwalya (2019) stressed the importance of contracting states continuously reviewing specific challenges and finding solutions to ensure the protection of children.

Another global trend is the focus of receiving Countries exploring adoption programmes in Africa resulting in the number of adoptions increasing threefold between 2003 and 2010 (Mugawe (2012)). The main reason is the high number of children affected by HIV and poverty. In adoption literature, Africa is referred to as the “new frontier” for intercountry adoptions. However, in his position as Executive Director of the African Child Protection Forum (ACPF) Mugawe argues that most African countries do not have well established child protection systems, relevant legislation and measures of control to deal with the demand from interested developed countries. Mugawe (2012) further raised serious concerns about the capacity and ability of African countries to safeguard the rights of children and their families of origin. The Fifth International Policy Conference on the African Child (IPC) held in Ethiopia (2012) pointed out the importance of understanding and considering the specific factors unique to African children. To ensure the best interests of the child, the context of history, religion, socio-economic, legal and culture should be the guiding principles when making decisions on permanency placement through ICA. Smolin (2004), Post (2007) & Altstein (1984) published ongoing concerns about ICA as a means of the exploitation of vulnerable birth parents and children which led to investigations, moratoriums and activist groups against ICA.

2.4 Intercountry adoptions: South Africa

Adoption is globally viewed as the most suitable placement option for orphaned and vulnerable children who are in need of a permanent and stable family life (HCCH, 1994). Yet, in South Africa the most preferred form of alternative placement is foster care with around half a million children legally in foster care during 2018 (Hall, Richter, Mokomane, & Lake, 2018). According the National Adoption Register (Department of Social Development, 2018a), fewer than 1200 children found permanency through adoption during the same period. This statistic confirmed the viewpoint of the previous Minister of Social Development, B Dlamini, that adoption is widely under-utilized as a placement form. The National Department of Social Development initiated research during 2010 in collaboration with the Human Sciences Research Council (Mokomane & Rochat, 2012) which confirmed impediments to adoption such as cultural perceptions, knowledge gaps and service provider obstacles. The findings and recommendations thereof led to a National Adoption Policy and Framework Strategy (National Department of Social Development, 2010) to create awareness and popularise adoption as a form of permanent alternative care.

Despite this strategy and the efforts of The National Adoption Coalition (hereafter NACSA) and civil society to create more awareness about adoption and the increasing number of children in alternative care, the adoption statistics declined by more than 50% from 2010 to

2018. Placement in Child and Youth Care Centres (hereafter CYCC) increased and many children that could have benefitted from adoption are growing up in institutionalized care. These children's traumatic background, several unsuccessful foster care placements, special needs and age all contribute to the fact that they are difficult to place through national adoption programmes. From research and experience, it is known that most prospective adoptive parents prefer to adopt young healthy babies.

Intercountry adoption is a solution for children who need permanent placement and it is practiced by many countries in the world. To address the need of children that could not be placed locally, South Africa acceded to The HCCH (1994) on the 1 December 2003.

2.4.1 Legal and Policy Frame

The aim of intercountry adoptions is set out in section 254 of the Act and its purpose is to give effect to The HCCH (1994), to provide recognition of certain foreign adoptions, to find fit and proper adoptive parents for an adoptive child and to generally regulate intercountry adoptions between South Africa and other Contracting States (Department of Social Development, 2015).

Prior to the year 2000 there were no legal intercountry adoptions in South Africa because the previous Child Care Act (74 of 1983) prohibited it. The Fitzpatrick case (Minister of Welfare and Population Development v Fitzpatrick & Others, 2000) and ruling changed the scenario in South Africa after the Constitutional court found the said Act to be unconstitutional. The Children's Act, 38 of 2005, which came into operation on 1 April 2010, started making legal provision for intercountry adoptions, with the condition that the Principle of subsidiarity as set out in The HCCH (1994) is adhered to. Cooperation between SA and non-Hague countries with regard to intercountry adoptions is also maintained to ensure the care and protection of children.

The HCCH (1994) is seen as the recognised international treaty to set best practice standards in terms of intercountry adoption. The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention Guide to Good Practice, Guide 1 was published during 2008. The Guide to Good Practice, Guide No.2 was published in 2012 and specifically provides guidance on the Accreditation and Adoption Accredited bodies (HCCH, 2012).

The process of intercountry adoptions as prescribed by the HCCH (1994) is as follows:

Process of intercountry adoption

To develop a practice operational manual, the process from both the Receiving and Sending Country as prescribed by the Guide to Good Practice (HCCH, 2008) will be explained next. The following figure explains the adoption process to be followed by the Receiving and Sending countries:

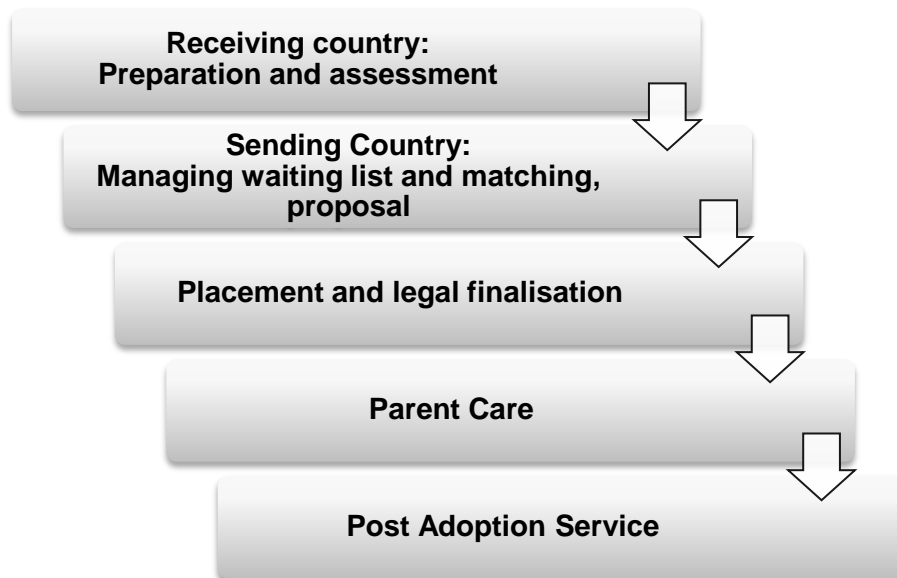


Figure 2.1: Adoption process from Receiving and Sending countries

Phase 1: Application for an intercountry adoption – Receiving Country

Prospective adoptive parents apply for intercountry adoption by sending an application to the Foundation Adoption Services and acquire approval in principle to adopt.

The process takes three to five years and includes the following procedures:

- Review the application: According to the Adoption legislation requirements, i.e. age, health status, judicial clearance, medical insurance for child to be adopted, financial ability to care for the child and be a citizen of the country.
- Attend compulsory information sessions provided by the Foundation Adoption Services, presented in six weekly sessions of 3 hours each. Themes covered in these sessions include the birth parents, background of the child, attachment, loss and grief, identity and loyalty, the wishes and possibilities of prospective adoptive parents.

- A home study will be completed by the Child Protection Board (equivalent to a Child Protection Organisation) to assess the suitability of the applicants. The living circumstances, psychosocial functioning, motives and wishes for adoption, preferences and profile of child/ren the applicants wish to adopt are assessed over a period of 3-4 months.
- A principle permit will be issued by the Ministry upon recommendation from the Child Protection Board. This permit in principle allows the applicant to adopt and is valid for a period of four years.

Phase 2: Mediation/Matching

This is the phase where the search for the most suitable match for adoptive parents takes place. This is done through mediation with an accredited country of origin and takes place in the country of origin. The complete dossier on the prospective adoptive parents is sent to the country of origin and they are placed on a waiting list. The aim is to find those parents most suitable for a specific child.

Phase 3: Proposal of a child for adoption

Once the Central Authority in the State of Origin has determined that the envisaged placement is in the best interests of the child, it will send a transmittal report in accordance with Article 16 of The HCCH (1994) to the relevant accredited adoption body. This report will include a report on the child, the proof of consents and the reasons for the determination of the placement. Through the accredited adoption body, a child will be proposed. Prospective adoptive parents cannot “choose” a child.

Phase 4: Acceptance of Match (Article 17(a) and (b))

Once the Article 17 is received from the State of Origin, the Minister of Security and Justice needs to approve the proposal. This takes place prior to the involvement of the prospective adoptive parents. Instead of a general permit, the Minister then issues a permit in the name of the prospective adoptive parents to adopt this specific child/ren. After the licence holder and the authorities in the country of origin come to the conclusion that it is a good match, the child will be proposed to the prospective adoptive parents.

Phase 5: Agreement that the adoption may proceed (Article 17(c))

The license holder will inform the Central Authority of the State of Origin of the decision, accompanied by a statement by the Ministry that the child may enter the Receiving State to stay permanently.

Phase 6: Arrival of the child in the family and the legal adoption process

The adoptive parents will travel to the country of origin to meet the child. The adoption is legalized according to the legislation of the country. The length of stay will vary in accordance with the legal and policy requirements of the country.

Phase 7: Registration of the adoption

The country of origin needs to present an Article 23 Certificate of Conformity to the Receiving Country after the adoption is legally finalized. Within the frame of The HCCH (1994), the pronouncement of the adoption in the foreign country is automatically recognized.

The parents are the legal guardians and the child becomes a citizen instantly. Whether the child can hold citizenship of its country of origin depends on the law of that country.

As previously discussed, a key principle of The HCCH (1994) emphasizes experience, skills and competency of relevant authorities and accredited adoption bodies. To ensure that the adoption process as discussed above is legally compliant and within a best practice frame, possible risk areas need to be acknowledged and addressed by all relevant stakeholders.

In response to recommendations by The HCCH (1994) that contracting states should take responsibility to develop and maintain ethical intercountry adoption practices, the South African Department of Social Development published a Practice Guideline on Intercountry adoption in 2015. The aim of this Practice Guideline is to ensure that intercountry adoption practice in South Africa adheres to internationally recognised standards, the Children's Act 38 of 2005 and The HCCH (1994). The Practice Guideline further aims to ensure that the process is child-centred and focuses on finding a family for a child and not finding a child for a family, and ensures that the best interests of the child are taken into account before, during and after the adoption procedure.

Despite a robust legal and policy frame, accredited Child protection organisations and social workers in this field, experience practical implementation challenges and decision making is impacted by the socio-cultural interpretations of legislation and guidelines. Available literature on best practice guidelines and programmes is mostly from a Western perspective which makes it difficult to integrate into an African context.

2.4.2 South Africa as a contracting state

South Africa acceded to The HCCH (1994) in December, 2003 which provides guiding principles for intercountry adoptions. Chapter 16 of the Children's Act, 38 of 2005 makes

provision for this form of alternative placement after all possible placements in South Africa have been considered. The practice of intercountry adoptions is regulated by the Central Authority where the Director General of Social Development fulfils this function (Mabe, 2019).

Section 260 of the Children's Act (38 of 2005) provides that a Child Protection Organisation accredited to provide intercountry adoption services may enter into an adoption working agreement with an accredited adoption agency in another country and requires that such an agreement must be approved by the Central Authorities involved.

An adoption working agreement is a written agreement entered into by a child protection organization accredited in South Africa with an equivalent organization in another country to facilitate intercountry adoption between the Republic and other countries. South Africa also facilitates adoption cooperation with Non-Hague countries to ensure the care and protection of children. This would mostly focus on adoption by relatives living in another country or related adoption or SA citizens living abroad who are interested to adopt a South African child. Currently South Africa has active working agreements with the following 15 countries: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, India, Luxembourg, Netherlands, Norway, Sweden, United Kingdom and Isle of Man and the United States of America (Mabe, 2019). The South African Central Authority is responsible for overseeing the activities and programmes of the accredited adoption organisations who are working with foreign contract mediation partners in these countries, through monitoring and evaluation processes as stipulated in the accreditation guidelines.

In accordance with Section 259 of the said Act, the South African Central Authority accredited 10 designated child protection organisations to provide intercountry adoptions. These organisations perform delegated functions under the supervision of the South African Central Authority (Section 261) as prescribed by The HCCH (1994) (Articles 15-22) which specifically deals with the facilitation of the adoption process.

The table below indicates the number of South African children placed for intercountry adoptions over the past 8 years since the inception of the Children's Act (38 of 2005).

Table 2.2: Adoption statistical breakdown 2010 – 2018 (National Adoption Register, 2018a)

Period	National adoptions	Intercountry adoptions	Total number of children adopted
1 April 2010 - 31 March 2011	2236	200	2436
1 April 2011 – 31 March 2012	1619	198	1817
1 April 2012 – 31 March 2013	1522	177	1699
1 April 2013 – 31 March 2014	1240	212	1452
1 April 2014 – 31 March 2015	1401	250	1651
1 April 2015 – 31 March 2016	978	187	1165
1 April 2016 – 31 March 2017	1200	149	1349
1 April 2017 - 31 March 2018	1034	152	1186

From the above statistics, it is clear that intercountry adoptions only form a small part of the South African adoption programme and when compared with national adoption statistics, showed a decline in contrast with the focus of the National Adoption Policy and Framework Strategy (Department of Social Development (2010) to popularise adoption as a form of permanency.

The number of intercountry adoptions from SA has been consistent and very low when compared to the number of national adoptions registered in SA per annum. In line with the global peak in 2004 and the subsequent decline since then, the number of children adopted from South Africa decreased from around 300 per year to only 152 during the 2017/2018 financial year (National Adoption Register, 2018a). Compared to the total number of 1186 adoptions, intercountry adoptions are less than 10 % of the number of adoptions registered in South Africa.

Anecdotal evidence from accredited adoption organisations indicates that the number of special needs children placed for intercountry adoptions has increased. These children are mostly premature with developmental delays as a result of poverty, violence, lack of pre-natal care, alcohol and/or substance abuse and attempted abortions. Children born from incestuous relationships are often difficult to place due to fear of genetic disorders. Several transfers within alternative care systems, institutionalization and attachment disorders require specialist emotional assessments and preparation for placement (Brodzinsky (2015)

2.4.3 Current state of intercountry adoptions in South Africa

To provide context for this part of the literature review, the researcher explored the patterns and trends of the practice in Africa and more specifically South Africa. South Africa is one of only 13 African countries that acceded to The HCCH (1994) and is viewed as a best practice example in terms of legislative and policy framework (Lortie, 2019). From practice experience and personal discussions with officials and colleagues in contracted Receiving States, the researcher is able to argue that intercountry adoptions from South Africa is a well-regulated practice forming a small part of the continuum of child protection measures available to children in need of alternative care and protection.

Despite a well monitored intercountry adoption programme, specific trends and patterns need to be reviewed to ensure that the practice aligns with current developments. As confirmed in global research, the face of intercountry adoption from South Africa also changed considerably over the past decade and can be summarized as follows:

2.4.3.1 Decline in national and intercountry adoption

As discussed, the number of intercountry adoptions has declined, in line with global statistics. With the decline in national and intercountry adoption statistics, South Africa also faces diverse child protection challenges, such as an increasing number of children exposed to neglect and abuse, abandonment and increasing numbers of children found to be in need of care and protection (Hall et al., 2018). Most recent statistics differentiate between the following: children living in poverty (11 million), orphaned (3 million), separated from, or living without their biological parents (4 million) and children with disabilities (Department of Social Development, 2018). In addition, the country faces an alarming increase of child abandonment and unplanned teenage crisis pregnancies (Blackie, 2014a). According to Blackie (2014a), roughly 3500 children survive abandonment every year. Abandonment is no longer listed as a violent crime in South Africa or included in crime statistics. Nor is it listed as a cause of death in South African mortuaries. There is therefore no accurate tally of how many children die as a result of abandonment (NACSA, 2018a).

The implication is that for many children who experience the trauma of abandonment, family reunification and a safe family environment is not an option. Again, these are children who could benefit from adoption.

2.4.3.2 Negative perceptions to adoption as a form of placement

In reviewing trends and patterns in the field of adoption in South Africa, Mokomane & Rochat (2012) argue that although South Africa has been seen as a leading example of ethical practice in the field of intercountry adoptions, the decline in the number of children placed may also be attributed to the cultural and political viewpoints and the consequent resistance of social workers to consider this placement form. The role of internal and external politics, concerns that the child will lose his cultural roots and also the general well-being of children growing up in a foreign country have been pointed out as areas that need to be addressed through providing insight and knowledge to social workers. The researcher, who has been involved in training and capacity building of Government employed social workers in all provinces in South Africa, is able to confirm that social workers admit to rather recommending foster care as a placement option for children, even if they are legally adoptable. Intercountry adoption, regulated by the South African Children's Act and monitored by the South African Central Authority, is not even considered as a form of permanency due to lack of insight and knowledge, conflicting cultural viewpoints and resistance against the permanent implication of adoption. This will lead to foster care and Child and Youth Care placements as the preferred placement option.

2.4.3.3 Effect of socio-cultural perspectives on intercountry adoptions

Social cultural obstacles impact adoption practice on all levels, such as the conflicting rights to self-determination of birthparents versus the rights of the extended family.

Mokomane & Rochat (2012) confirm that social workers view permanency recommendations through a cultural frame. Within the context of the social, political and legal environment, the permanency decisions with regards to vulnerable children are informed by the rights of the children as well as of the extended family. Combining a Western concept like adoption with these fundamental principles requires insight, knowledge and guidance from social workers from both the Sending and the Receiving countries (Gerrand, 2018).

Although family care is emphasized, it is seen as a "complex legal system, compromising statutory law, common law, religious and customary law, all of which must be aligned with the Constitution" (Ozah & Skelton, 2018). Birthparents facing a crisis pregnancy are confronted with judgement, lack of support and access to resources. These are some of the factors leading to an increase in child abandonment (Blackie, 2014b).

2.4.3.4 Subsidiarity implementation challenges

In accordance with the subsidiary principle as set out in The HCCH (1994), the Children's Act, 38 of 2005 and Practice guidelines on intercountry adoptions (Department of Social Development, 2015) state: "An intercountry adoption will only take place, after possibilities for the placement of the child within South Africa have been given due consideration, and that intercountry adoption appears to be in the child's best interest". To ensure this principle, the Register on Adoptable Children and Prospective Adoptive Parents (hereafter RACAP) regulates matching efforts between accredited adoption social workers (Department of Social Development, 2018b). During a workshop for adoption social workers in 2018, hosted by NACSA the concerns with regards to implementation challenges were confirmed (NACSA, 2018b). Factors like a lack of details of matching information, preferences of prospective adoptive parents and birthparents as well as limited information of medical needs of children was mentioned. S. Krawitz (personal communication, 22 June, 2018) stated that another challenge is the imbalance of race and health preferences of prospective parents and the profile of children awaiting placement. The majority of registered children were black, older than 1 year and had some form of special needs, whereas most applicants indicate a preference for healthy babies who are as young as possible. In cases where two adoption social workers identify a possible match, practice challenges such as role division, court jurisdiction, division of professional fees and post adoption services complicate the adoption process. Participants in the workshop (NACSA, 2018b) emphasized that the practical implementation of the RACAP (Department of Social Development, 2018b) register and subsequent networking between accredited adoption social workers register has to be addressed to ensure that the purpose of the Register ensures subsidiarity (Pieterse, 2018).

2.4.3.5 Changing profile of children available for intercountry adoption

The profile of children placed for intercountry adoption has changed considerably due to more national adoptions taking place. From practice experience, national adoptive parents prefer to adopt healthy younger children (Department of Social Development 2010). For older children with some form of special needs, options for national placement are very limited. This trend reflects in the profile of children on RACAP (Department of Social Development, 2018b) who could not be matched locally. As a result, children placed for intercountry adoption are older at the time of adoptive placement, and in many cases are characterized by medical, psychological, and/or academic special needs. Dr J Lumb (personal communication, 15 January, 2018) from The Children's home medical clinic confirmed that the profile of children they assess mostly include premature birth,

developmental delays and children with no or limited birth history. All of these factors contribute to an unknown prognosis of future development.

2.4.3.6 Changing profile of prospective adoptive parents

In a study, Brodzinsky (2015) refers to the “Modern adoptive family”. This confirms the extraordinary changes in adoption policy and practice, as well as in adoptive family life. These changes have been fuelled by many factors, including more favourable attitudes about adoption as a means of family formation. The project was described as a survey research study focusing on the characteristics and experiences of different types of adoptive families, including: single-parent versus two-parent families, in-racial versus transracial families, heterosexual versus sexual minority families, and families involved in varying levels of openness.

The decline in the number of children available for adoption, children that mostly have special needs, the long and complicated process as well as other forms of becoming a family all contribute to a change in the profile of parents interested in adopting (Lamb, 2012). These findings supported changes in adoption policy and practice, leading to more and more adults being accepted as suitable adoption applicants. Single parents, fertile couples, families of colour, low income families, individuals with disabilities, foster parents, and sexual minority individuals slowly began to be recruited and accepted as prospective adoptive parents (O’Brien, 2009).

South Africa is seen as a popular country to adopt from, due to well-structured programmes with adoptability and subsidiarity compliance as priorities. This factor leads to many prospective adoptive parents interested in adopting from the country. Mezmur (2009) mentions that “interracial adoption, gay/lesbian adoption, single parent adoption, the issue of closed and/or open adoption, adoption of HIV positive children and so forth” are very controversial in some African countries. Brodzinsky (2015), however, argues that children were much less affected by the type of family they were raised in than by the quality of parenting and support they received. Nevertheless, from practice experience, the preferences of birth mothers and the perceptions of social workers involved in the process are sometimes in conflict with the profile of applicants and could create challenges in the matching process.

2.4.3.7 Fees and costing

The HCCH (1994) as well as the Children’s Act (2005) allows for the charging of costs and expenses in respect of intercountry adoption, including reasonable professional fees. It also

provides for the possibility of expenses being borne by the prospective adoptive parents, for instance the costs of necessary translations. It is against any form of improper financial gain and unreasonable fees (HCCH, 1994). According to the Guide to Good Practice, the best protection against system abuses and the exploitation of children is to ensure that there is transparency in all financial matters (HCCH, 2012).

The 2018 proposed 'Third Children's Amendment Bill' seeks to address the situation by prohibiting any fees paid in relation to an adoption (South Africa, 2018). The Extract from the "Memorandum of Objects" Ad Clause 133 "Clause 133 seeks to amend section 249 by the deletion of subsection (2) for paragraph (b), (c), (d), (e), (f) and (g). D. Wybrow (personal communication, April 2, 2019) stated that the impact of this proposed Bill will have a detrimental effect on intercountry adoption, as this programme is not subsidized by the Department of Social Development. Wybrow (2019) further confirm that the amendment is intended to delete all fees that may be charged for adoption. The rationale behind this amendment is to make adoption more accessible to all as the limited number of experienced service providers and the lack of monetary financial support impact access to adoptions. According to a statement by The Department of Social Development there is no difference between adoption and other forms of alternative care. However, from an adoption perspective, the difference is the fact that adoption is specialised, permanent, needs strict controls in place and includes the role of psychological, legal and medical professionals.

2.4.3.8 Increase in undocumented children from foreign birth mothers

Every child has the right to a name and a nationality from birth according to Section 28 Constitution of South Africa. The reality of undocumented birth mothers in crisis pregnancy is posing challenges with regards to services, citizenship and legal interpretations. Foreigners fear deportation if they try to place a child for adoption. Others lack the formal documentation required to place their children into the child protection system (Blackie, 2014b).

The delay in finalising birth registration also delays adoption processes. Delayed adoption processes can affect a child immeasurably: as the child gets older, their chance of being adopted decreases. This deprives the child of early attachment to a caregiver and could cause the child a plethora of other emotional and developmental problems (Abba Specialist Adoption and Social Services and Others v Minister of Home Affairs and Others, 2019).

From the literature review, certain areas could be identified as areas that can cause challenges that have not been addressed in the Practice guidelines on intercountry adoptions. Despite the fact that the process of intercountry adoption is strictly regulated with

the protection of International and National legal and policy framework, social workers need knowledge, insight and guidance in dealing with a phenomenon that is culturally, ethically and legally complex. Available literature on best practice procedures is limited to mostly Western perspectives and developed in receiving countries. To address some of the implementation challenges, the National Adoption Coalition of South Africa hosted a workshop for accredited intercountry Child protection organisations in June 2018. During this workshop, similar areas not addressed in the Practice Guidelines were confirmed.

2.5 Areas not addressed in the Practice guidelines on intercountry adoptions

In the literature the following areas were found but are not addressed in the South African Practice guideline on intercountry adoptions.

2.5.1 Bilateral agreement between Authorities and Accredited Adoption Bodies

The State may enter into a bilateral agreement with a foreign State in respect of any matter pertaining to intercountry adoption to prevent and address irregular activities. As prescribed by The HCCH (1994), countries should therefore set out clear procedures, role clarification and financial management as part of these bilateral agreements. Although the bilateral agreement is stated in the Practice guidelines on intercountry adoptions (Department of Social Development, 2015) the interpretation thereof is unclear. A uniform standard for content of bilateral agreements between Contracting States and the relevant Accredited Adoption Bodies should be included in a practice manual to protect both contract partners with clear expectations and procedures.

2.5.2 Delegation of functions between South African Central Authority and Accredited Adoption Bodies

Section 261(2) and (3) of the Children's Act refer to the delegation of Functions in terms of Section 258(2)(b) of the Children's Act (38 of 2005) and Article 22 of The HCCH (1994). Clear role clarification would prevent different interpretations by Child protection organisations and the Judiciary. Social workers reported that adoption cases are often delayed due to the fact that Presiding officers insist on receiving adoption reports from the South African Central Authority as stipulated in Section 261 of the Children's Act. Intervention from the Central Authority is then required to confirm the fact that certain functions have been delegated to accredited child protection organisations (Pieterse, 2018). This procedure should be addressed in a practice manual to provide clear role clarification to all parties involved.

2.5.3 Management of waiting list

The intake of applications needs to be managed by the States of Origin in such a way that these countries are not “pressurized with large numbers of files” (HCCH, 2008). The changing profile of applicants requires best practice guidance.

The ethical concerns and termination of adoption programmes in Ethiopia and other sending countries, led to more applicants being interested in adopting from South Africa and other African sending countries. Social workers reported that they are not sure how to deal with the demand and feel pressured to accept all applications. This situation needs to be well-managed in accordance with the profile of children waiting for placement and not in accordance with the needs and rights of foreign adoptive parents (NACSA, 2018a).

2.5.4 The role of culture in working with biological families

Adoption should provide a suitable home for a child with his best interests taken into consideration. Factors like language, culture, race and religion should be respected. Although family care is emphasized, it is seen as a “complex legal system, compromising statutory law, common law, religious and customary law, all of which must be aligned with the Constitution” (Ozah & Skelton, 2018). Skelton (2009) argues that this link has a specific impact on the view of adoption...“if children are seen as a communal blessing in African society, then it makes sense that the law should try as far as possible to ensure that children are cared for in families and communities within their countries of origin”. There are high numbers of children on RACAP (Department of Social Development, 2018b) that are prevented from permanent placement through adoption as a result of cultural obstacles and perceptions of social workers. The debate on the role of culture in the case of abandoned babies on the one hand refers to a child without ‘culture’ as nobody knows to whom they belong and on the other hand the formal system, for example officials at the Department of Home Affairs, who make assumptions on the race and origin of a child from his physical experience and name given by child care workers (Abba Specialist Adoption and Social Services and Others v Minister of Home Affairs and Others, 2019). Children are deprived of adoption as a result of cultural perspectives which do not serve the best interests of the child. Best practice information dealing with culture and best interests should be included in a practice manual to assist social workers in these very complex decisions.

2.5.5 The adoption process from a culturally sensitive viewpoint

The Fifth International Policy Conference on the African Child (IPC) held in Ethiopia (2012) pointed out the importance of understanding and considering the specific factors unique to

African children. To ensure the best interests of the child, the context of history, religion, socio-economic, legal and culture should be the guiding principles when making decisions on permanency placement through ICA (Mugawe, 2012).

Pertman (2011) confirms that “some of the difficulties that arise in adoptive families include, but are not limited to, adjusting to a Western lifestyle and cultural differences a child may experience upon arriving in the United States; unrealistic expectations of the adoptive parents; and the negative effects of institutional care that, among other factors, can prevent children from attaching to parents”. The researcher experienced this reality in the different expectations of role players in the placement process. Prospective adoptive parents attend compulsory preparation groups prior to the adoption which do not adequately address the possible differences between their expectations and the environment in which the child grew up. An example is the cultural differences in feeding and socializing patterns, behavioural and discipline perspectives and even cultural and religious practices. Verbovaya (2016) refers to Bowlby (1979), James (1994) and Prior & Glaser (2006) when confirming the reality that several factors can have a negative impact on the initial attachment process. The importance of insight and practical integration of culture is therefore an important aspect to include in a practice manual.

2.6 Conclusion

The literature review explored existing national and international Practice guidelines on intercountry adoptions. The development and legislative frame provided context to the phenomenon. Understanding trends and patterns, both globally and in South Africa further created insight into the specific operational challenges that should be addressed to proactively prevent illicit practice.

Global trends and patterns indicate the changing face of the practice. Changes in the South African environment such as the decline in adoption placements, negative perceptions of adoption as a form of placement, the effect of socio-cultural perspectives, implementation of the subsidiarity principle, challenges, the changing profile of children and prospective adoptive parents, fees and costing, and the effect of undocumented children all have an impact on practice. The current Practice guidelines on intercountry adoption do not address the above and could lead to illicit practice and ethical dilemmas.

The above risk areas need to be aligned and addressed through bilateral agreements between Authorities and Accredited Adoption Bodies as well as a clear delegation of functions between the South African Central Authority and Accredited Adoption Bodies. The

ethical management of waiting lists and integration of culture in the adoption process further needs to be aligned in a practice manual. The management of waiting lists as well as the integration of African culture in the adoption process need to be addressed and integrated in practice.

In searching for national and international best practice operational manuals that could assist social workers to facilitate the many aspects of an intercountry adoption, it became clear that most of the research available is from Receiving Countries. Sending Countries face unique challenges when facilitating intercountry adoptions and therefore need a practice manual based on those realities.

The purpose of this study is to determine what the content of an operational procedures manual for intercountry adoption practitioners in South Africa should be. To answer this research question, Chapter 3 of the study describes national and international adoption guidelines by means of a critical literature study. Chapter 4 explores the views of accredited adoption social workers regarding the practical implementation challenges in facilitating intercountry adoptions.

2.7 References

ACPF. (2012). *Africa: The new frontier for intercountry adoption*. Addis Ababa: The African Child Policy Forum.

Aldgate, J., Jones, D., Rose, W., & Jeffery, C., (Eds.). (2006). *The developing world of the child*. London: Jessica Kingsley.

Altstein, H. (1984). Trans-racial and intercountry adoptions: a comparison. In P. Sachdev, (Ed.). *Adoption: Current issues and trends*. Toronto: Butterworth.

Bwalya, M. (2019,). *Intercountry adoption and care for children in Zambia*. Paper presented at The African Regional Conference on the HCCH Children's Conventions, University of Western Cape (UWC), Cape Town, April 2019. Retrieved from <https://www.mdtcinc.co.za/hague-conference-papers/>

Blackie, D. E. (2014a). *Child abandonment and adoption in the context of African ancestral beliefs in contemporary urban South Africa: Fact sheet on abandonment research in South Africa*, National Adoption Coalition South Africa (NACSA).

Blackie, D. E. (2014b). *Sad, bad and mad: exploring child abandonment in South Africa* (Unpublished dissertation – Masters in Anthropology). University of the Witwatersrand,

Johannesburg. Retrieved from <http://wiredspace.wits.ac.za/bitstream/handle/10539/17064/Deirdre%20Blackie%20Masters%20Thesis%20March%202014%20Final%20Submission.pdf?sequence=1&isAllowed=y>

Bowlby, J. (1969). *Attachment and loss, vol. 1*. London: Penguin Books.

Brodzinsky, D. (2015). *The modern adoptive families study: An introduction*. New York: Donaldson Adoption Institute. Retrieved from http://issuu.com/dai2015/docs/dai_mafreport_090115_r6/1

Bronfenbrenner, U. (1979). *The ecology of human development: Experiments by nature and design*. London: Harvard University Press.

Caballo, R., Lansford, J. E., Abbey, A., & Steward, A. J. (2001). Theoretical perspectives on adoptive families' well-being. *Marriage and Family Review*, 33(4,) 85-105. Doi: 10.1300/J002v33n04_07

Department of Social Development **see** South Africa. Department of Social Development.

Dlamini, B. (2011). Statement by the Minister of social development at the NDA Women's day event in Soweto. Retrieved from <https://www.gov.za/statement-minister-social-development-ms-bathabile-dlamini-national-development-agency-nda-women%E2%80%99s>

Gerrand, P. (2018). Adoption of abandoned children in South Africa: Why black citizens are difficult to recruit as prospective adopters. *Adoption & Fostering*, 42(3), 295-308. Doi: 10.1177/0308575918790436

Hague Conference on Private International Law (HCCH). (1994). *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption*. Retrieved from <https://www.hcch.net/en/instruments/conventions/specialised-sections/intercountry-adoption>

Hague Conference on Private International Law (HCCH) (2008). *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to good practice, no 1*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Hague Conference on Private International Law (HCCH) (2012). *Accreditation and adoption accredited bodies: General principles and guide to good practice, no 2*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Hall, K., Richter, L., Mokomane, Z., & Lake, L. (Eds.). (2018). *South African Child Gauge*. Cape Town: University of Cape Town. Children's Institute.

Harrison, T. C., & Harrison, T. F. (2012). Toward a Deeper Understanding of Adoption Family Structure: Concepts Borrowed From Social Justice, Attachment Theory, and Relational Dialectics. *In ideas and research you can use: VISTAS 2012*. Retrieved from <http://www.counseling.org/knowledge-center/vistas>

HCCH **see** Hague Conference on Private International Law.

James, B. (1994). *Handbook for treatment of attachment-trauma problems in children*. New York, NY: Lexington Books.

Lamb, M. E. (1999). *Parental behaviour, family processes, and child development in non-traditional and traditionally understudied families*. Mahwah, NJ: Lawrence Erlbaum Associates.

Lortie, P. (2019). *The Hague Conference on Private International Law: An Introduction*. Paper presented at The African Regional Conference on the HCCH Children's Conventions, University of Western Cape (UWC), Cape Town, April 2019. Retrieved from <https://www.mdtcinc.co.za/hague-conference-papers/>

Mabe, T. (2019). *Current status of the South African Central Authority at the Hague conference*. Paper presented at The African Regional Conference on the HCCH Children's Conventions, University of Western Cape (UWC), Cape Town, April 2019. Retrieved from <https://www.mdtcinc.co.za/hague-conference-papers/>

Mezmur, B. (2009). From Angelina (to Madonna) to Zoe's Ark: What are the 'A-Z' lessons for intercountry adoptions in Africa. *International Journal of Law, Policy and the Family*, 23(2). Doi: 10.1093/lawfam/ebn013

Mokomane, Z., & RoCHAT, T.J. (2012). Adoption in South Africa: Trends and patterns in social work practice. *Child & Family Social Work*, 17(3), 347-358. Doi: 10.1111/j.1365-2206.2011.00789.x

Mugawe, D. (2012). *Conference report*. Paper delivered at Intercountry Adoption: Alternatives and Controversies: Fifth International Policy Conference (IPC) on the African Child, July, Addis Ababa, Ethiopia.

NACSA **see** National Adoption Coalition of South Africa.

National Adoption Register **see** South Africa. Department of Social Development. (2018).

National Adoption Coalition of South Africa. (2018a). Retrieved from www.adoptioncoalitionsa.org

NACSA. (2018b). *Workshop for intercountry adoption social workers*. Johannesburg. South Africa. June 2018.

O'Brien, V. (2009). The potential of Ireland's Hague Convention legislation to resolve ethical dilemmas in Intercountry Adoptions. *Irish Social Worker*, 13-19. Retrieved from https://researchrepository.ucd.ie/bitstream/10197/3221/1/Valerie_O%27Brien_%28Summer09Journal%29.pdf

Organization of African Unity. (1990). *African charter on the rights and welfare of the child*. Retrieved from http://www.achpr.org/files/instruments/child/achpr_instr_charterchild_eng.pdf

Ozah, K., & Skelton, A. (2018). Legal perspectives: Children, families and the State. In K. Hall, L. Richter, Z. Mokomane, & L. Lake. (Eds.). (2018). *South African Child Gauge*. Cape Town: University of Cape Town. Children's Institute.

Paulsen, C., & Merighi, J. (2009). Adoption preparedness, cultural engagement, and parental satisfaction in intercountry adoption. *Adoption Quarterly*, 12(1), 1–18.

Pertman, A. (2011). *Adoption nation*. Boston, MA: Harvard Common Press.

Pieterse, K. (2018). *Intercountry adoptions in South Africa*. Paper presented at the NACSA Workshop. Cape Town. South Africa. November 2018.

Post, R. (2007). Romania for export only: The untold story of the Romanian 'orphans'. Sint-Annaparochie: Hoekstra.

Prior, V., & Glaser, D. (2006). *Understanding attachment and attachment disorders: Theory, evidence, and practice*. London: The Royal College of Psychiatrists.

Selman, P. (2010). Intercountry adoption in Europe 1998–2008: Patterns, trends and issues. *Adoption & Fostering*, 34(1), 4-19. Doi: 10.1177/030857591003400102

Selman, P. (2012). The global decline of intercountry adoption. What lies ahead? *Social Policy and Society*, 11(3), 381-397. Doi: 10.1017/S1474746412000085

- Smolin, D. M. (2004). Intercountry adoption as child trafficking. *Valparaiso University Law Review*, 39(2), 281-325.
- South Africa. (1983). *Child Care Act 74 of 1983*. Pretoria: Government Printer.
- South Africa. (1996). *The Constitution of the Republic of South Africa*. Pretoria: Government Printer.
- South Africa. (2005). *Children's Act 38 of 2005*. Pretoria: Government Printer.
- South Africa. (2018). *Children's Third Amendment Bill Act 38 of 2005*. *Government Gazette*, No. 42005.
- South Africa. Department of Social Development. (2010). *Adoption policy framework and strategy*. Pretoria: Government Printer.
- South Africa. Department of Social Development. (2015). *Practice guidelines on intercountry adoptions*. Pretoria: Government Printer. Retrieved from https://www.gov.za/sites/default/files/gcis_document/201409/practiceguidelinesonintercountryadoption.pdf
- South Africa. Department of Social development. (2017). *Draft policy guidelines on adoptable children and prospective adoptive parents (RACAP)*. Retrieved from <http://www.mm3admin.co.za/documents/docmanager/40e99c64-dc90-4f5c-9240-50764b1f4739/00035184.doc>
- South Africa. Department of Social Development. (2018a). *National Adoption Register*. Pretoria: Unpublished.
- South Africa. Department of Social Development. (2018b). *Register on Adoptable Children & Prospective Adoptive Parents (RACAP)*. Pretoria: Unpublished.
- United Nations. (1989). *Convention on the Rights of the Child (CRC)*. Retrieved from <https://www.ohchr.org/documents/professionalinterest/crc.pdf>
- United Nations. (2010). *Resolution adopted by the General Assembly: 64/142. Guidelines for the alternative care of children*. Retrieved from https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf
- Verbovaya, O. (2016). Theoretical explanatory model of international adoption failure: Attachment and ecological systems perspectives. *Adoption Quarterly*, 19(3), 188-209. Doi: 10.1080/10926755.2015.1113219

Vorster, R. W. (2015). The great power struggle over adoptions. *Daily Maverick*: 6 Sept. Retrieved from <https://www.dailymaverick.co.za/article/2015-09-06-op-ed-the-great-power-struggle-over-adoption/>

Valenzuela, (2017). Listening to the child's voice: Methodologies in the legal and therapeutic process of children for adoption and in the evaluation and preparation of the future adoptive parents. Diego Portales University, Belgium. Unpublished.

Case law:

Abba Specialist Adoption and Social Services and Lawyers for Human Rights (LHR) v Minister of Home Affairs and Others. (Unpublished judgement Pretoria High Court, March 2019)

Minister for Welfare and Population Development v Fitzpatrick and others. Judgement with case number CCT 08/00 delivered on 31 May 2000 in the Constitutional Court of South Africa. Retrieved from <http://www.saflii.org/za/cases/ZACC/2000/6.pdf>

CHAPTER 3: ARTICLE 1

Explore existing national and international adoption guidelines: A critical review

Abstract

During the last 25 years, adoption of children from developing countries in the “global South” to countries in the “global North” became a well-known practice for children that could not be placed domestically. Although the process of intercountry adoption is protected by robust legislation, policy and practice, it is characterised by ethical dilemmas and illicit practice.

Through the process of a critical review the changing face of this phenomenon was explored which confirmed the current trends and patterns contributing to the debate on the future of intercountry adoption. The main arguments for and against adoption are actively lobbied by adult adoptees who question the ethical and legal process many years after they were adopted between countries

This article offers a critical review and analysis of existing national and international adoption guidelines with the objective of identifying operational gaps and weaknesses in existing South African Practice guidelines available to accredited adoption social workers.

Through an explorative descriptive approach, relevant literature on adoption practice guidelines were analysed and compared to the current Practice Guideline on Intercountry Adoption, developed by the National Department of Social Development in 2010. Themes such as the imbalance of unmatched children versus the specific preferences of prospective adoptive parents; changing profile of children and adoptive parents; socio-cultural and systemic obstacles and post-adoption services could be identified.

The critical literature review confirmed an under-representation of studies from Africa, especially South Africa. Most studies focussed on trends, patterns and global changes that require adjustment of practice. As a result of the limited primary literature found, grey literature was included in the study which provided valuable insights and best practice recommendations.

Key Words: Intercountry adoption, Practice Guidelines, Best practice, adoption social workers

3.1 Introduction

Extraordinary changes in intercountry adoption policy and practice, as well as in adoptive family life requires adjusted safeguards and procedures to ensure the protection of children (Watson & Hegar, 2014).

The 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (hereafter HCCH (1994) is seen as the recognised international treaty to set best practice standards in terms of intercountry adoptions. Although countries acceding to this authority thereby confirm their commitment to these standards, it is the responsibility of individual States to develop best practice policy and procedures (HCCH, 2008).

South Africa is a party to the HCCH (1994) and currently collaborates with 15 countries through bilateral agreements as prescribed by the HCCH (1994) (Mabe, 2019). Ten designated child protection organisations have been accredited by the South African Central Authority to take co-ownership in the direct and in-direct implementation of the principles and functions required to facilitate intercountry adoptions (Children's Act, 38 of 2005).

This practice is mandated within the legal and policy framework of the said Convention (HCCH,1994), the Children's Act (38 of 2005), and the subsequent Practice guidelines on intercountry adoptions (Department of Social Development, 2015). Despite the fact that amongst other African Countries South Africa is known as an example for good practice (ACPF, 2012) social workers need additional guidance to navigate their way through this very complex and ethically challenging process. Pretorius (2012) confirms the reality that the actual implementation of policy and guidelines by adoption social workers will determine the effectiveness thereof.

Adoptions in South Africa have shown a steady decline over the past 10 years, despite the Adoption Policy Frame Work and Strategy (Department of Social Development, 2010) promoting adoption as a form of permanency. The National Adoption Register (Department of Social Development, 2018) indicates a decline of more than 50% in the number of registered adoptions since 2010. During 2018 a total of 1186 adoptions were registered, of which 152 were intercountry adoptions. The total number of adoptions in 2010 was 2436 with 200 of them being intercountry placements, indicating that the intercountry programme forms a very small part of child protection.

In contrast with the decline in adoption statistics, South Africa faces diverse child protection challenges, such as an increasing number of children exposed to neglect and abuse,

abandonment and increasing numbers of children found in need of care and protection (Hall, Richter, Mokomane, & Lake, 2018).

Although the number of intercountry adoptions from South Africa is rather small, it remains a viable placement option for children who could not be matched with domestic adoptive parents due to special needs such as HIV, severe developmental delays and other physical disabilities. Without considering the option of an intercountry adoption, these children would otherwise grow up in Child and Youth Care Centres (hereafter CYCC).

The practice remains a controversial phenomenon that requires best practice guidelines. This study aimed to identify and explore existing national and international adoption guidelines that could inform best practice for adoption social workers in South Africa.

3.2 Problem statement

The literature confirmed the need for best practice to ensure the protection of children in this process. The Guide to Good Practice, Guide 1 (HCCH, 2008) specifically refers to the key principles that should inform all adoption practices. This includes the need for services to be performed by competent authorities and accredited adoption bodies; ensuring that a child is legally adoptable and no biological parent was coerced into such decision, that all domestic placement options were explored and that no financial gain took place (Dambach, 2019).

Through the process of a literature review it became evident that the global development of the phenomenon well as the changing face of intercountry adoption also has an impact on the practice in South Africa (Mezmur, 2009). This creates an environment where child protection organisations and adoption social workers find themselves exposed to possible unethical practice and dilemmas. Key themes and risk areas such as the changing profile of children and adoptive parents have an impact on the management of intakes and waiting lists, the role of African socio-cultural perspectives on the adoption process, fees and more emerged from the literature. The ongoing debate between the negative and positive implications of intercountry adoptions also provides valuable insights that should be integrated into practice (Vorster, 2018).

For the purpose of this article the research question is formulated as follows:

This article forms part of a bigger study focussing on content development of an operational manual for intercountry adoption social workers in South Africa. The research question for this part of the study is formulated as follows:

What are the existing national and international practise guidelines that are available to adoption social workers facilitating intercountry adoptions from South Africa?

3.3 Research aim and objective

To reach the overall aim of the study the researcher proposed the following objective of this article is to critically review existing national and international practice guidelines available to adoption social workers.

3.4 Research method and data collection

In this study the researcher utilised a critical literature review. A critical review does not merely describe the articles selected for review, but incorporates a degree of conceptual innovation and analysis through analysing, synthesising and presenting data from diverse materials (Grant & Booth, 2009). The method is known for demonstrating a very specific literature search that enabled the reviewer to select relevant articles and data that best describes the topic. Through this process, the reviewer is able then to critically review relevant articles and come to a hypothesis or model that would assist in answering a specific research question.

The practical implementation of the method is described as follows:

3.4.1 Topic identification

A review question was compiled to determine what the content of an operational manual for intercountry adoption social workers in South Africa should be. Theory on critical review methodology emphasizes the importance of a review question to be clear and precise. It should further allow for the parameters of the review to be identified and limit the amount of information required to address the aim of such a study (NHS Centre for reviews and Dissemination, 2001). The process was further specified in response to results and findings from retrieved literature on the practice of intercountry adoption.

3.4.2 Literature search

In an effort to answer the research question in this study, the researcher made use of a critical review in accordance with Bryman's (2016) guideline for the analysis of literature. Jesson and Lacey (2006) and Mongan-Rallis (2018) confirm the value of the critical review of obtained literature to be able to answer a specific research question. In this study specific literature on practice guidelines had to be extracted from a wide variety of literature on the phenomenon of intercountry adoptions. Due to the fact that literature on practice guidelines

was limited, other documents such as country specific practice documents and programmes were included in the discussion.

Two independent researchers initially conducted a scoping search of databases of the online North-West University's Library Catalogue (OneSearch portal). An expert librarian assisted the reviewer to identify key words that helped to refine the literature search.

Additional to this process, the researcher also searched the following databases and websites: Google Scholar, HCCH (1994) Full text, International Social Services (Adoption resources for professionals), Adoption Journals with Full text and Websites of intercountry adoption organisations. The search was independently performed by the primary reviewer, under the guidance of the second reviewer (study leader) who monitored the review process and co-analysed the extracted data. (Grant & Booth, 2009) argue that in this form of review, there are no specific methods of search, synthesis and analysis and therefore the researcher made use of a basic analytical framework such as SALSA (Search, Appraisal, Synthesis and Analysis) to review available practice guidelines and manuals available to adoption social workers.

The following keywords as presented in Figure 3.1 were used to retrieve existing Practice guidelines on intercountry adoptions:

"Procedures" OR "policy" OR "manual" OR "guidelines" OR "programmes" OR "practice on intercountry adoption" AND "intercountry adoption practice guidelines" AND "International" AND "South Africa".

Figure 3.1: Search criteria

Boolean operators such as AND, OR and NOT were also used to refine the search since there were very limited results on practice guidelines and manuals. Initial literature that was found resulted in further key words that could broaden the scope of the search, including names of authors, journal articles, and conference presentations on the topic as well as reliable internet sources. (Kreuger & Neuman, 2006).

3.4.3 Selection of literature to discuss

Conventional methodology limited the number of papers to be included in the review through tightly, specified inclusion criteria for the literature. Due to the limited information on best practice guidelines, the reviewer saw the purpose of the literature search as an opportunity to include potentially relevant articles, practice documents and research studies.

Studies and articles were included if they contained the key words as discussed; were full text; peer-reviewed articles/dissertations/theses; written in English and based on the principles of the HCCH (1994) which is the accepted International Guideline for Intercountry adoption procedures and informs all publications of International Social Service (ISS) and the affiliated International Reference Centre for the Rights of Children Deprived of their Family (IRC).

The researcher made use of a pro forma data extraction sheet to systematically review papers and extract relevant information by conducting a cursory examination in order to gain insight into the content thereof (Bryman, 2016).

The initial search provided a large source of information on Intercountry adoptions with the focus on the global development of the phenomenon, relevant legal instruments, perspectives and trends as well as case studies confirming the controversial and ethical complex nature thereof. The published articles in adoption journals mainly refer to best practice, trends and developments resulting in the global changing face of adoptions, systematic vulnerabilities and gaps in developing countries and critical lessons to be learned. The sampling frame initially yielded 41 articles. Once assessed in terms of quality, such as relevant judgements, interpretations and credibility, only six (6) articles were included in the sampling frame.

For the purpose of this study, the researcher did not only use purposive sampling, but also used theoretical sampling to add, inform and identify possible recommendations (Grant & Booth, 2009). Existing practice guidelines compiled by local and international Government and Child protection organisations were retrieved through official websites acknowledged by International Social Services (ISS) and the HCCH (1994). Information from Sending States such as South Africa, as well as telephonic and email requests from accredited international organisations and experienced professionals practising in the field, further assisted in the search for best practice literature. This process yielded 11 practice guidelines and manuals. From these practice guidelines and manuals, the researcher excluded duplications and focussed on the most relevant when considered from the adoption social worker in South Africa, which resulted in seven practice guidelines. The researcher used the PRISMA flow diagram, a standardized approach to reporting how many documents were identified for inclusion in a review (Boland, Cherry and Dickson, 2017). Figure 3.2 is a representation of the findings.

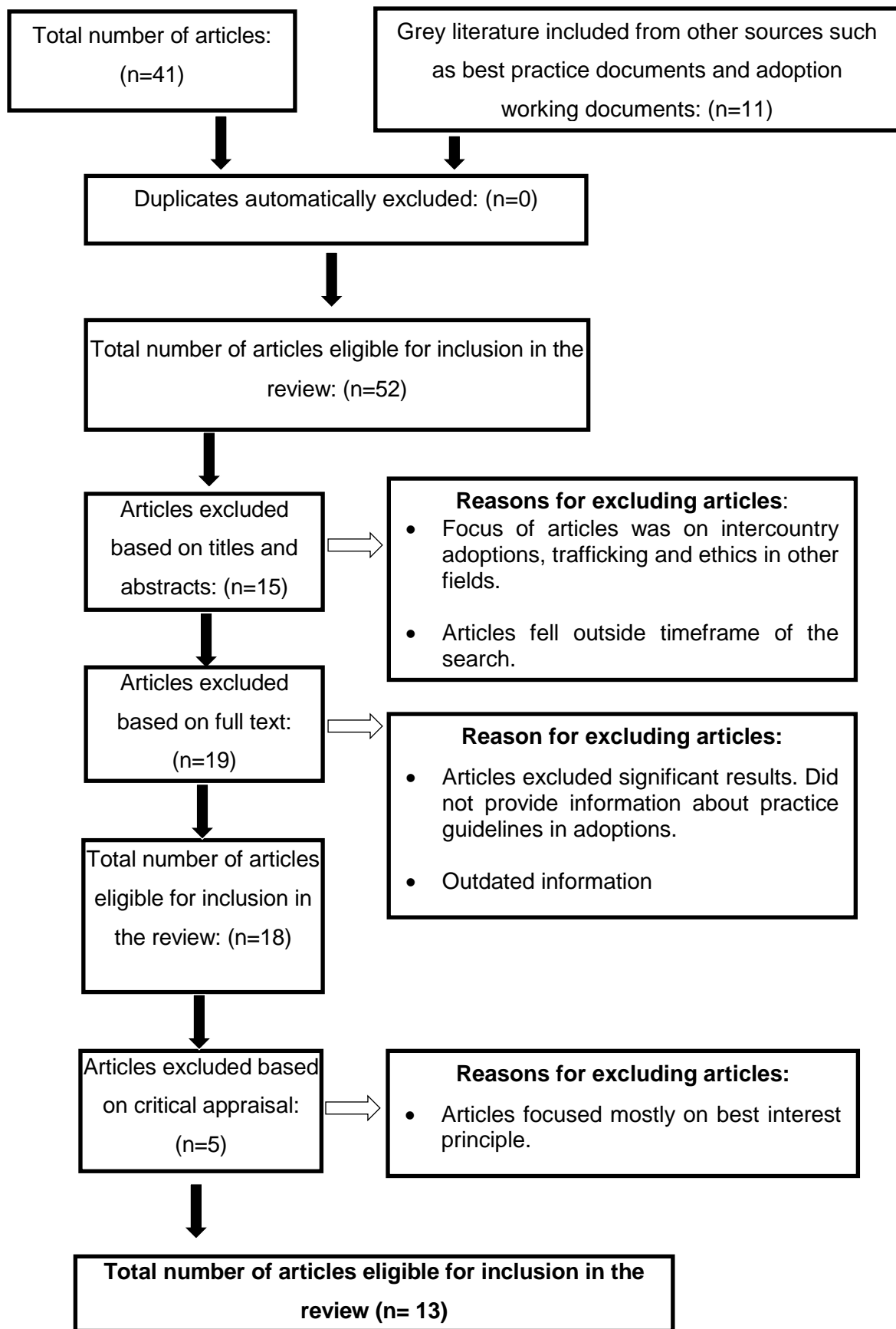


Figure 3.2: PRISMA flow diagram of literature that was reviewed

Table 3-1: Summary of the results of the content analysis

Article / source no	Author	Titel of article/ source	Year of publication	Country of publication	Focus of article / source
Articles					
1	Valenzuela, L	Listening to the child's voice: Methodologies in the legal and therapeutic process of children for adoption and in the evaluation and preparation of the future adoptive parents Article –Research	2017	Belgium	This article focusses on results from research based on an overview of literature on ethics in Social work practice and interviews with social work professionals. The key finding is that moral issues are central to social work and that there should be more training on the topic.
2	O'Brien, V	The potential of Ireland's HCCH legislation to resolve ethical dilemmas in Intercountry adoptions Article	2009	Ireland	An article focusing on Law (requirements), Policy (What the agency says should be done), Resources (what can be done), Values (what one wants to do), Identify issues and offer solutions in the field of intercountry adoption.

Article / source no	Author	Titel of article/ source	Year of publication	Country of publication	Focus of article / source
3	Watson, LD & Hegar, R.L	The Changing Environment of Adoption Practice: Focus on ICA to the USA Article	2014	USA	This article focusses on ICA to the USA through the theoretical lens of population ecology, cultural trends and demographic that has to be understood,
4	Vonk, M.E , Lee, J & Crolley-Simic J.	Cultural Socialization Practices in Domestic and International Transracial Adoption Article	2010	USA	A study exploring cultural socialization practices, their relationship to demographic-, child-, and adoption related factors. Participation in post-adoption support groups, education and online resources were related to cultural socialization practices.
5	Pinderhughes et al	A changing world: Shaping best practices through understanding of the new realities of intercountry adoption	2011 - 2013	USA	A research report compiled by the Donaldson Adoption Institute conducted during 2011 to 2013. The research included 1500 adoptive parents as

Article / source no	Author	Titel of article/ source	Year of publication	Country of publication	Focus of article / source
		Research Report			well as policy makers in 19 States. The focus is on the changing world of adoption and aim to shape best practice through understanding the realities of intercountry adoption.
6	Brodzinsky,D	The modern adoptive families: Study Research Report	2011-2013	USA	A research report compiled by the Donaldson Adoption Institute conducted during 2011 to 2013. The project was described as a survey research study focusing on the characteristics and experiences of different types of adoptive families
Guidelines					
1	The Hague Conference on Private International Law (HCCH).	The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to Good Practice (Guide No. 1)	2008	The Netherlands	The First Guide to Good Practice is a post-Convention support initiated by the Permanent Bureau for the purpose of assisting

Article / source no	Author	Titel of article/ source	Year of publication	Country of publication	Focus of article / source
		Guide to good practice			Contracting States with the practical implementation of the Convention. This Guide specifically focusses on the framework of the Convention and the operational frame for the protection of children.
2	The Hague Conference on Private International Law (HCCH).	Accreditation and Adoption Accredited Bodies: Guide to Good Practice (Guide No. 2) Guide to good practice	2012	The Netherlands	The Second Guide to Good Practice is a follow-up on the first Guide with a specific focus on the accreditation process required to ensure legal compliance as set out in the Convention.
3	National Department of Social Development.	Practice guidelines on intercountry adoptions Policy	2010	South Africa	A Policy document aimed at promoting good practice in Intercountry adoptions, providing information about key operating principles and guidelines working with key persons in adoptions.

Article / source no	Author	Titel of article/ source	Year of publication	Country of publication	Focus of article / source
4	International Reference Centre for the Rights of Children Deprived of their family	Manifesto for ethical intercountry adoption Manifesto / practice guideline	2015	Switzerland	A manifesto aimed at all adoption stakeholders providing ethical guidelines based on applicable international standards of the International Reference Centre for adoptions within International Social Services.
5	Colombian Institute of Family Welfare	Technical Guideline of the Adoption Programme Adoption Guideline	2010	Colombia	A Technical adoption guideline compiled by the Colombian Institute of Family Welfare with the purpose of providing best practice principles and process for national and intercountry adoption in Colombia as sending country.
6	Intercountry Adoption Board	Philippines Quick-Guide-for-SW Summary Guide complementing existing guidelines	2018	Philippines	A quick guide for social workers in the Philippines handling the adoption process. The focus is on services towards all

Article / source no	Author	Titel of article/ source	Year of publication	Country of publication	Focus of article / source
					parties of the adoption triad. This guide complements the existing guidelines and policies on adoption by the Department.
7	Foundation Adoption Services	Adopting a Child Brochure	2014	The Netherlands	A brochure meant to inform prospective adoptive parents in the Netherlands on the process of an intercountry adoption.

3.4.4 In-depth study and critical discourse

The analysis of the evidence was done in a similar way to a primary qualitative approach. After the papers were inspected in detail, the researcher was able to identify recurring themes and develop a critique in this regard. With the underlying theory of the study as the foundation, the researcher gained valuable insight into the phenomenon that was needed to address the aim of the study. After critically studying the eligible literature through an aggregative approach, where the reviewers continuously moved through the available data, the researcher was able to identify codes, themes and questions that emerged through the process (Noyes & Lewin, 2010).

The key feature of this method was to be critical in the discussion and review of each paper and from this approach, be able to get to the core of the argument and the subsequent answer to the question.

The eligible data was extracted, summarized and included on a data sheet to ensure that all findings were recorded and available for the synthesis (Noyes & Lewin, 2010). The key themes and concepts of each study report were identified and the reviewer further attempted to compare the themes with the existing Practice Guideline on Intercountry Adoption (Department of Social Development, 2015).

As discussed previously, the lack of available literature on practice guidelines and manuals directed the researcher towards grey literature that highlighted specific trends and ethical dilemmas which are a result of the global change in the practice of intercountry adoptions. The selected literature revealed valuable insights and recommendations on dealing with the changing phenomenon from the perspective of adoption social workers.

3.4.5 Findings and discussions

In the search for literature on existing national and international adoption guidelines that could inform the content of a South African specific practice manual, the researcher was able to include six articles and seven practice guidelines in the study. With the ultimate aim of making recommendations that could fill possible gaps in the current Practice guidelines on intercountry adoption, and that could be used in the development of a practice manual for social workers, the researcher used this document as the baseline for discussions and recommendations. From this literature, the researcher could develop critique and identify relationships based on relevant themes derived after analysing the information. The following themes emerged from included studies: cooperation and communication between Contracting States; professional fees and costs; working with biological parents; legal and

therapeutic process of adoptable children; prospective adoptive parents; subsidiarity, matching and placement; legal finalization and registration and post-adoption service.

Theme 1: Cooperation and communication between Sending and Receiving States to ensure ethical practice

Article 7 of the HCCH (1994) specifies the required institutional structures in the practice of intercountry adoption as Central Authorities and accredited bodies. The definitions of these structures by the Convention are as follows:

“A Central Authority is described as the office or body designated by a Contracting State to perform certain mandatory functions of the Convention” and an “Accredited body is an adoption agency which has been through a process of accreditation” (HCCH, 2008). Article 22 of the Convention further makes provision for the delegation of functions between Central Authorities and accredited bodies in terms of specific function with regards to the process of intercountry adoptions between States (Rushwaya, 2014). The ultimate purpose of such cooperation is to ensure the protection of children against illegal and unethical practice. Five articles in the review confirmed that although intercountry adoptions can be a positive solution for children, it is often compared with the commodification of children and abuse of vulnerable birthparents (Brodzinsky, 2015; O'Brien, 2009; Pinderhuges, Matthews, Deoudes, & Pertman, 2013; Vonk, Lee, & Crolley-Simic, 2010; Watson & Hegar, 2014). The Guide to Good Practice 1, (HCCH, 2008), Guide to Good Practice 2 (HCCH, 2012) and the Practice guidelines on intercountry adoption (Department of Social Development, 2015) emphasize cooperation between countries to ensure the protection of children. Furthermore, the selected practice guidelines focus on ensuring ethical practice to protect the birthparents, children and adoptive parents involved in the process (Dambach, Fuentes, Jeannin, Jenny, & Boechat, 2015; Escalante, 2018).

Although the practice is internationally legislated through the protection of The Convention on the Rights of the Child (CRC, 1989) and the HCCH (1994), O'Brien (2009) further urges child welfare systems in Sending countries to have “robust micro and macro review mechanisms that can ensure monitoring and evaluation of this practice”. Brodzinsky (2015) also stresses that Sending countries have a greater responsibility to align practice with the reality of the global changes and makes reference to the impact of global changes and the need to adjust practice accordingly (Brodzinsky, 2015; Pinderhuge *et al.*, 2013; Watson & Hegar, 2014). Specific trends and patterns require the alignment of practice and enhanced skills of social workers to deal with factors like confidentiality in a digital era; rights to access of information; decline in the number of children available for intercountry adoption and the subsequent changing profile of children and parents; the rights of birthparents and children

to participate; demographic, cultural and financial shifts in Sending countries and most of all ensuring that children are legally adoptable (Escalante, 2018; Foundation Adoption Services, 2014; O'Brien, 2009; Pinderhuges *et al.*, 2013; Watson and Hegar, 2014). Receiving countries are often unaware of the changes and challenges in Sending countries and this confirms the need for regular communication and the alignment of agreements.

The complexity of the intercountry adoption process is raised in the literature. Despite robust legislation and policy in Sending countries like South Africa, social workers struggle “with serious ethical dilemmas in finding permanency placement for children in need of care” (O'Brien, 2009).

Section 21 of the HCCH (1994) further prescribes the accreditation of the agencies and disciplines allowed to engage in intercountry adoption activities and ensures compliance. Several authors (HCCH (1994), 2012; O'Brien, 2009; Watson & Hegar, 2014) point out that Receiving countries are often exposed by lack of policy and procedures in Sending countries. The importance of clear role-division between accredited bodies is of utmost importance to ensure compliance. The importance of experienced Child protection organisations, leadership and active involvement in informing intercountry adoption policies and procedures is emphasized (Watson & Hegar, 2014). The researcher confirms the success of lobbying and partnership between Government and the Child Protection Sector. In South Africa, the National Adoption Coalition was established during 2011 to support, inform and unite adoption professionals within the country and abroad (Pieterse, 2019).

Conclusion:

The Practice Guideline on Intercountry Adoption (Department of Social Development, 2015) provides guidelines based on the HCCH (1994) Guide to Good Practice, Guide 1 (HCCH, 2008). When taking into account that both these Guidelines were published a few years ago, the researcher questions the current relevance thereof. South Africa faces further challenges due to existing impediments in the field of adoptions. The political and cultural perspectives of social workers have been proved to influence decisions on permanency placement of children (Mokomane & Rochat, 2012).

Due to a lack of recent South African practice guidelines and operational manuals, and the different interpretations of the judicial system, foreign Central Authorities and Accredited Adoption Bodies expose social workers in terms of mandated functions. The researcher argues that a lack of clear cooperation and communication between service providers contributes to systemic challenges which are not in the best interests of children and delay permanency placement through adoption.

Theme 2: Professional fees and costs related to intercountry adoption

The HCCH (1994) as well as the Children's Act (38 of 2005) allow for the charging of costs and expenses in respect of intercountry adoption, including reasonable professional fees. They both also provide for the possibility of expenses being borne by the prospective adoptive parents, for instance the costs of necessary translations. They are against any form of improper financial gain and unreasonable fees (HCCH, 2008). The financial aspects, such as professional fees, actual costs for specific services, contributions and donations as well as gifts between parties have the potential to lead to system abuse, commodification of children and even child-trafficking. Rushwaya (2014) argues that "children and prospective adoptive parents are particularly at risk of being exploited by those 'facilitating' the process for improper financial gain".

Four articles emphasize the importance of legislation, policy and practice to address financial matters as many intercountry programmes are negatively impacted by the abuse and exploitation of children as a result of large amounts of money involved in both countries (Columbian Institute of Family Welfare, 2010; O'Brien, 2009; Pinderhughes *et al.*, 2013; Watson & Hegar, 2014). To address financial malpractices, countries should ensure transparent policies and procedures (HCCH, 2008). Adoptive parents often fall victim to the lack of regulated fee structures and third parties in Sending countries. Pinderhughes *et al.* (2013) does however acknowledge that poverty in Sending countries is a reality that should be discussed and addressed through developing models and creating international funding mechanisms to help nations of origin to build/improve their child protection systems. This reality is also confirmed in the practice manuals of both the Philippines and Colombia (Escalante, 2018) and (Colombian Institute of Family Welfare, 2010).

Due to the specific focus on best practice, the researcher's selection of papers provided limited information on financial aspects. The Practice guidelines on intercountry adoptions (Department of Social Development, 2015) is silent on matters related to fees, donations and gifts. The only reference thereto is in line with Section 259(3) of the Children's Act (South Africa, 2005) which prescribes fees paid to accredited organizations in respect of intercountry adoptions through Regulation 107. This has however never been implemented and after an informal costing process during 2012, the Central Authority capped the allowed professional fee to a fixed amount (National Department, 2012). Despite several requests from the accredited organisations, with substantial recommendations to increase the fee in line with rising costs and lack of any subsidy for intercountry adoption posts, the fee has not been adjusted (NACSA, 2018). The Act further stipulates that it is unlawful to 'give or

receive, or agree to give or receive, any consideration, in cash or in kind, for the adoption of a child'. How this is monitored, remains a question.

Future fee implications, that could mean the end of intercountry adoptions from South Africa, are contained in the proposed 3rd Amendment Children's Bill (2018) that proposes that no fees may be asked for any adoption related activities. D Wybrow (personal communication, April, 2019) state that pending the outcome of the proposed Bill, the financial aspects and the challenge to continue with a quality service remains in limbo.

Conclusion:

The lack of clear financial guidelines leaves Child protection organisations, social workers, birthparents and adoptive parents exposed at all levels of the process. The current Practice Guideline on intercountry adoptions does not address this aspect, leaving it open for interpretation and the possibility of malpractice. The field of intercountry adoptions is characterized by cases of corruption, illicit financial management and misuse of donations between adoptive parents and CYCC's. Depending on the outcome of the 3rd Amendment Bill (2018), clear guidelines are of utmost importance.

Theme 3: Working with biological parents

Despite an in-depth search process, very little literature was available on the profile, therapeutic needs and the legal process related to the birthparents. What did derive from three (3) articles in this review is the trend and perception that birthparents, facing a crisis pregnancy, are often exploited and treated as invisible (O'Brien, 2009; Pinderhughes *et al.*, 2013; Watson & Hegar, 2014). Most of the articles however confirm that all efforts should be made to keep children in their biological families where possible. Poverty should not be a reason for adoption and Pinderhughes *et al.* (2013) recommend that "receiving countries should assist with creative ways to ensure children are raised in birth families".

In a study on the role of the family of origin (Högbacka, 2014) compiled research specifically focussed on the profile of a South African birthmother, which can be summarized as follows: "In South Africa, adopted children are typically the last-born children of poor mothers who have other children to care for...many first mothers lacked a job or any means of creating income, and many did not even have a place to live. They were often faced with the sudden crisis of a surprise pregnancy, lack of support and/or HIV-positive status". (Blackie, 2014) concludes with the fact that the influence of ancestral beliefs contributes to the fact that birthparents are faced with feelings of guilt and desperation which contribute to the rising number of abandonment.

The rights of birthparents to participate in the process as well as the right to confidentiality is acknowledged (Pinderhughes *et al.*, 2013; Watson & Hegar, 2014), although guidelines to facilitate such involvement through the different stages of the process are not discussed. All selected literature in this study confirms the importance of having the “freedom” to sign legal consent to adoption without inducement and agrees that Sending countries should ensure that proper consent for an adoption is given(Brodzinsky, 2015; O'Brien, 2009; Valenzuela, 2017; Pinderhuges *et al.*, 2013; Vonk *et al.*, 2010; Watson & Hegar, 2014). The Guide to Good Practice, Guide 1 (HCCH, 2008) as well as the Practice Guideline on Intercountry adoption (Department of Social Development, 2015) provide best practice guidelines for dealing with birthparents. It is only in the practice manuals of the Philippines and Colombia that the process, specific information that would be needed for the legal process as well as origin enquiries and health background is addressed (Colombian Institute of Family Welfare, 2016; Escalante, 2018).

The Children’s Act of South Africa (2005) is aligned to international standards by requiring the consent for adoption to be obtained from the parents/guardian of the child. The Act further makes provision for a post-adoption agreement that would allow some form of agreed contact after the adoption. Valenzuela, (2017) emphasizes the need for a therapeutic process to integrate the adoption at the different life phases. Social workers should be equipped to assist all parties of the adoption process to deal with post- adoption services.

Conclusion:

The literature does not adequately address the need for best practice when working with birthparents. It merely provides guidelines on the importance of keeping children in families, respecting the right of birthparents to be involved and the importance of sharing background information with the adoptive parents. Best practice procedures need to be shared amongst service providers, specifically in the South African context. The conflicting rights of birthparents versus the African culture and the subsequent rights of the extended family, as well as the impact of technology during and after the adoption process need further debate and guidance.

Theme 4: Legal and therapeutic process of adoptable children

Adoption is globally viewed as the most suitable placement option for orphaned and vulnerable children who are in need of a permanent and stable family life (Department of Social Development, 2015) (Practice guidelines on National Adoptions, 2010). However, the profile of children available for adoption has changed dramatically over the past decade (Selman, 2012).

All articles in this study confirmed that intercountry adoptions should be child-centred, based on the best interests of the child and not the needs of infertile couples, and that all efforts should be made to ensure that children's permanency be addressed according to their needs. Children who are eligible for adoption should be properly assessed and allowed to participate in the process as far as possible (Brodzinsky, 2013; O'Brien, 2009; Pinderhughes *et al.*, 2013; Vonk *et al.*, 2010; Watson & Hegar, 2014).

Juffer & Van IJzendoorn (2007) argue that adopted children are expected to be at risk of low self-esteem due to often traumatic circumstances before the adoption as well as the additional challenge of integrating into a family and country. The adult adoptees involved in the research, however, proved to have the resilience to overcome early adversity with the support of invested adoptive families, and most developed a normative self-esteem. (Colombian Institute of Family Welfare, 2016; 2015; Escalante, 2018).

What was evident in most papers was the importance of minimizing the time that children spend in alternative care. The impact of institutionalization has serious long-term effects, both developmental and physical (Pinderhughes *et al.*, 2013). Children delayed in CYCC's are older, most likely had a lack of stimulation and, even more detrimental, they were deprived of parental care (Brodzinsky, 2015; Columbian Institute of Family Welfare, 2010; Escalante, 2018; Foundation Adoption Services, 2014).

Due to the lack of best practice literature when working with children in adoption, the researcher also explored programmes of other Sending countries. Chile, also a sending country, developed a programme called "Fundacion Mi Casa" adoption programme with the aim of addressing the changing environment of adoption through new methodologies (Valenzuela, 2017). The programme focusses on the legal and therapeutic process of the child, emphasising the importance of the "voice of the child". This programme provides valuable information that could assist social workers in South Africa to guide the child through the process.

Conclusion:

From a practice position, the researcher acknowledges the importance of thorough adoptability assessments of children. This process is addressed in the Children's Act as well as in the Practice guidelines on intercountry adoptions. To avoid social workers "legalizing" children, more focus should be on understanding the profile of the child, his/her emotional and medical needs and most of all his/her ability to form secure relationships. O' Brien (2009) states that "legalism" should not override research and clinical knowledge and that best practice decisions should. To address the training need of social workers, the

Philippines Intercountry Adoption Board used practice experience to compile a “Quick Guide for Social Workers” handling children in adoption (Escalante, 2018).

Theme 5: Prospective adoptive parents

As Selman (2012) concluded, the global decline of intercountry adoptions has “considerable implications on a continuing high demand from childless couples in developed countries on the intercountry adoption “market”. This trend consequently resulted in a growing number of couples and individuals interested to adopt children from abroad versus the declining number of children that could benefit from intercountry adoption”.

Despite the relatively small number of intercountry adoption placements from South Africa, with just more than 153 registered during the 2017/2018 financial year (National Adoption Register, 2018), the ethical dilemmas and previous research of these phenomena need to be acknowledged and integrated into South African policy and practice. (Pretorius, 2012; Rushwaya, 2014; Sloth-Nielsen *et al.*, 2014).

Eight of the extracted articles acknowledge the impact of this pattern and identify the conflicting right of prospective adoptive parents to be screened versus the right to become a parent as one of the ethical dilemmas. The researcher focussed on the implications thereof which can inform practice on dealing with the situation (Brodzinsky, 2015; Pinderhuges *et al.*, 2013).

From practice experience, the researcher is of the viewpoint that African Sending countries are faced with growing pressure from Receiving countries to accept the profiles of parents interested in adopting. Dealing with this demand requires specific policy and procedures as well as regular and substantial communication regarding the profile of children in need of placement. O'Brien (2009) confirms this argument stating that the right to be assessed vs the right to become a parent should be managed from Receiving countries. The principle of subsidiarity should remain at the centre of the process (Dambach, 2019).

In research done by the Donaldson Institute during 2011 – 2013 (Brodzinsky, 2015) the changing profile of adoptive parents was confirmed. Findings showed that the quality of parenting that adopted children receive outweighs the type of family they are placed with. These findings further supported changes in adoption policy and practice, leading to more diverse applications, i.e. single parents, individuals with disabilities, older couples and sexual minority individuals. As eligible applications are managed by Sending countries, the relevant adoption legislation comes into play. The Children's Act (South Africa, 2005) has very little exclusion when it comes to persons who are eligible to adopt, which in turn opens the door

to many interested applicants from abroad. Child protection organisations and social workers in Sending States such as South Africa should have a clear intake policy with criteria and requirements for applicants regulated by the Children's Act (38 of 2005) as well as the Guide to Good Practice (HCCH, 2008).

Conclusion:

The researcher concludes with the finding of Brodzinsky (2013) that the modern adoptive family is complex and diverse. From practice experience and through interaction with other accredited Child protection organisations, the importance of leadership, guidelines and best practice is non-negotiable to ensure that social workers are equipped to deal with this specialized form of adoption. The social worker is seen as the "voice" of a very complex system and needs to be confident in how she presents all parties involved in the process. A practice manual should assist social workers in dealing with the management of intakes and the way in which a waiting list is managed so that the process remains child centred.

Theme 6: Subsidiarity, matching and placement

"The Children's Act of South Africa makes provision for the implementation of the subsidiarity principle by ensuring that domestic measures are prioritized before a child can be placed for intercountry adoption" (Rushwaya, 2014). Before a child can be considered for an intercountry adoption, the name of the child should be placed on the Register for Adoptive Children and prospective adoptive parents (hereafter RACAP) for at least 60 days to ensure that no fit and proper adoptive parent for the child is available in the Republic (Department of Social Development, 2016).

All relevant articles confirm that the subsidiarity principle should underpin the intake policy of Sending countries. However, this principle is often interpreted in different ways, with the current polarity in intercountry adoptions adding to this ethical dilemma (O'Brien, 2009). The role of politics, culture, religion and the perspectives of key role players should also not be underestimated.

Rushwaya (2014) is of the opinion that the said provision of the Children's Act (South Africa, 2005) does not regulate the subsidiarity principle in a comprehensive manner and that the Court should have the final decision. She argues that "there are no clear procedures put in place to ensure that the subsidiarity principle is adequately implemented before a child is made available for intercountry adoption".

The above argument confirms the different interpretations, roles, responsibilities and process when it comes to determining subsidiarity. Rios-Kohn (2008) raises the discrepancy on

subsidiarity found in the United Nations Convention on the Rights of the Child (1989)) which emphasizes a hierarchy of placement options where placement in a domestic institution has preference above an intercountry adoption and the HCCH (1994) which does not place a hierarchy on permanency.

The ultimate matching and placement of children with prospective adoptive parents is well addressed in the selected literature. All practice related articles confirm the importance of participation in matching. A detailed home study report indicating the ability of parents to deal with certain medical and emotional needs is of utmost importance. As part of the proposal to adoptive parents, they should receive detailed information that will enable them to make an informed decision (Colombian Institute of Family Welfare, 2010; Dambach *et al.*, 2015; Escalante, 2018).

For placement information, the researcher had to divert to adoption programmes as there was very limited information on the process.

Conclusion:

The researcher is in agreement with the available literature which emphasizes the importance of subsidiarity. However, RACAP as the official subsidiarity tool is not fully functional and could delay the placement of children despite the intention thereof. From practice experience, the researcher is further concerned that many children have been on the register for months without being considered for intercountry adoption. Once again, the impediments to expedient placement in adoption come into play.

In terms of matching and placement literature, the researcher can confirm that the focus is on the rights of the child, the importance of detailed information and thorough preparation. The Practice guidelines on intercountry adoptions also only provide basic guidelines. The researcher is of the opinion that matching and placement is the most specialised part of the adoption and that best practice case studies and programmes should inform this process.

Theme 7: Legal finalization and registration

Although the legal finalization of the adoption is not separately discussed in the literature, the researcher included this as a theme due to the importance of this phase to ensure that all requirements are complied with. Rushwaya (2014), Rios-Kohn (2008) and O'Brien (2009) confirm the importance of legal compliance as prescribed by relevant legislation. The responsibility is on the sending country to finalize the adoption and, with the support of the Receiving country, to ensure that the child may travel to the new country.

Conclusion:

The researcher argues that social workers experience immense challenges to ensure that all the required documentation is submitted to the court. This stage of the process is often characterised by role confusion, system delays, lack of expertise in certain courts, mistakes on court documents, outstanding documentation needed for Registration of the adoption, Department of Home Affairs as well as Foreign Affairs (Abba versus Home Affairs Court Case, 2019). A lack of knowledge and insight into the process and specific requirements of role players needs to be addressed in a practice manual.

Theme 8: Post-Adoption Services

The last theme is covered extensively in all the articles. As explained by Watson & Hegar (2014), “adoption is a life-long journey and not merely just the placement of an infant”. In the past, adoptions were characterized by secrecy and unknown histories. This has changed significantly over the past years with greater transparency and openness in the adoption process (Brodzinsky, 2013). Although most states still have sealed record laws, a growing number have passed legislation allowing adoptees access to their original birth certificate as well as medical and psychosocial reports. In this way, adoptive parents are assisted in sharing age appropriate information as part of identity forming. As part of the trend towards more openness in adoption, birth families are sharing identifying information at the time of placement and developing plans for ongoing contact in the post-adoption years. Post-adoption contact between the families is encouraged as more research indicates the right of the child and birthparents to remain in contact (Brodzinsky, 2013).

As part of the findings of the Donaldson Institute in 2013, led by Pinderhughes et al. (2013), it was further recommended that adoptive parents should be open and realistic about information on and contact with birthparents. Although complex, such contact is emotionally important for children and would ultimately be beneficial to all parties involved. The findings do however state that these contacts should be managed. Contact just before or after placement could reduce abuses thereof in the future. Professionals in Receiving states should work on improved structures to assist parents in this regard. Reamer (2013) confirms that adoptions have moved into a digital era that will require new thinking from social workers. The impact of social media and other digital platforms pose serious ethical dilemmas with regards to confidentiality and the right to privacy. Of all parties involved, adoptive parents will most likely be forced to think of this in a pro-active way.

Conclusion:

The impact of more open adoptions will have to be addressed within the unique South African context. The Children's Act, Practice guidelines on intercountry adoption as well as current programmes, do not accommodate the new adoption phenomenon. The researcher is of the opinion that this is an area that needs further research. Best practice on roots and origin search in intercountry adoption is only becoming a reality now, taking into account that South Africa entered the field of intercountry adoptions in the year 2000.

3.4.6 Limitations of the Study

The findings from this critical literature review are limited by the under-representation of studies from Africa, especially South Africa. Most of the practice was developed in a Receiving country. There was also an under-representation of studies from Sending countries which would have assisted in creating a more substantive argument related to best practice on intercountry adoption literature available to social workers in South Africa. However, these findings will provide a baseline summary for further related studies and promote the development of best practice literature within the South African context.

3.4.7 Conclusion

The objective of this study was to critically review existing practice guidelines available to adoption social workers both nationally and internationally in order to identify operational gaps in the practice of intercountry adoption from South Africa and to determine what the content of an operational manual of procedures should be.

From the findings above, the researcher is of the opinion that despite existing legislation and practice guidelines, child protection organizations accredited to facilitate intercountry adoptions from South Africa experience challenges in practice when having to implement the guidelines. Themes emerging from the literature mostly focussed on Cooperation and communication between Contracting States; professional fees and costs; working with biological parents; the legal and therapeutic process of adoptable children; prospective adoptive parents; subsidiarity, matching and placement; legal finalization and registration and post-adoption services.

In chapter 4 the researcher will report on the findings of the views of social workers regarding the practical implementation challenges in facilitating intercountry adoptions as explored in focus groups.

3.5 References

ACPF. (2012). *Africa: The new frontier for intercountry adoption*. Addis Ababa: The African Child Policy Forum.

Blackie, D. E. (2014). *Sad, bad and mad: exploring child abandonment in South Africa* (Unpublished dissertation – Masters in Anthropology). University of the Witwatersrand, Johannesburg. Retrieved from <http://wiredspace.wits.ac.za/bitstream/handle/10539/17064/Deirdre%20Blackie%20Masters%20Thesis%20March%202014%20Final%20Submission.pdf?sequence=1&isAllowed>

Boland, A., Cherry, M. G., & Dickson, R., (Eds.). (2017). *Doing a systematic review: A student's guide*. London: Sage.

Brodzinsky, D. M. (2013). *A need to know: enhancing adoption competence among mental health professionals*. [New York]:The Donaldson Adoption Institute. Retrieved from https://www.adoptioninstitute.org/wp-content/uploads/2017/03/2013_08_ANeedToKnow.pdf

Brodzinsky, D. (2015). *The modern adoptive families study: An introduction*. New York: Donaldson Adoption Institute. Retrieved from http://issuu.com/dai2015/docs/dai_mafreport_090115_r6/1

Bryman, A. (2016). *Social research methods* (5th ed.). London: Oxford University Press.

Columbian Institute of Family Welfare. (2010). *Technical guidelines for adoption*. . Bogota. Retrieved from <http://www.icbf.gov.co/portal/page/portal/Descargas1/TECHNICALGUIDELINESFORADOPTIONSEPTEMBER2010COLOMBIAMayo24de20112.pdf>

Dambach, M. (2019). *Principle of subsidiarity* (No. 1). Geneva, Switzerland.

Dambach, M., Fuentes, F., Jeannin, C., Jenny, M., & Boechat, H. (2015). *Manifesto for ethical intercountry adoption*. International Reference Centre for the Rights of Children Deprived of their family. Retrieved from <http://fliphtml5.com/flidi/vyap/basic>

Department of Social Development **see** South Africa. Department of Social Development.

Escalante, G. A. (2018). *Quick guide for social worker's handling children for adoption*. QQuezon CiPhillippines. Intercountry Adoption Board. Retrieved from https://www.icab.gov.ph/download/manual_of_operation/quick_guide_for_social_worker/Quick-Guide-for-SW-8312018.pdf

Foundation Adoption Services. (2014). *Adopting a child - Informing prospective adoptive parents in the Netherlands on the process of an intercountry adoption*. The Hague, Netherlands: Foundation Adoption Services. Retrieved from https://adoptie.nl/wp-content/uploads/2017/03/Adopting_a_Child__brochure_internetversie.pdf

Grant, M. J., & Booth, A. (2009). A typology of reviews: An analysis of 14 review types and associated methodologies. *Health Information and Libraries Journal*, 26(2), 91-108. doi: 10.1111/j.1471-1842.2009.00848.x

Hague Conference on Private International Law (HCCH). (1994). *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption*. Retrieved from http://www.hcch.net/index_en.php?actDconventions.text&cidD69

Hague Conference on Private International Law (HCCH) (2008). *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to good practice, no 1*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Hague Conference on Private International Law (HCCH) (2012). *Accreditation and adoption accredited bodies: General principles and guide to good practice, no 2*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Hall, K., Richter, L., Mokomane, Z., & Lake, L. (Eds.). (2018). *South African child gauge*. Cape Town: University of Cape Town. Children's Institute.

Högbacka, R. (2014). *Intercountry adoption, countries of origin, and biological families*. (Working paper 598). The Hague: International Institute of Social Studies. Retrieved from <https://repub.eur.nl/pub/77406/wp598.pdf>

International Reference Centre for the Rights of Children Deprived of their Family (ISS/IRC). Retrieved from https://www.iss-ssi.org/images/Publications_ISS/ENG/Etude_Sante_Enfants_Adoptes_ENG.pdf

Jesson, J. K., & Lacey, F. (2006). How to do (or not to do) a critical literature review. *Pharmacy Education*, 6(2), 139-148. Doi: 10.1080/15602210600616218

Juffer, F., & Van IJzendoorn, M. H. (2007). Adoptees do not lack self-esteem: A meta-analysis of studies on self-esteem of transracial, international, and domestic adoptees. *Psychological Bulletin*, 133(6), 1067–1083. doi: 10.1037/0033-2909.133.6.1067

Mabe, T. (2019, April). *Current status of the South African Central Authority at the Hague conference*. Paper presented at The African Regional Conference on the HCCH Children's Conventions, University of Western Cape (UWC), Cape Town. Retrieved from <https://www.mdtcinc.co.za/hague-conference-papers/>

Mezmur, B. (2009). From Angelina (to Madonna) to Zoe's Ark: What are the 'A-Z' lessons for intercountry adoptions in Africa. *International Journal of Law, Policy and the Family*, 23(2). Doi: 10.1093/lawfam/ebn013

Mokomane, Z., & Rochat, T.J. (2012). Adoption in South Africa: Trends and patterns in social work practice. *Child & Family Social Work*, 17(3), 347-358. Doi: 10.1111/j.1365-2206.2011.00789.x

Mongan-Rallis, H. (2018). *Guidelines for writing a literature review*. Retrieved from <https://www.duluth.umn.edu/~hrallis/guides/researching/litreview.html>

NACSA see National Adoption Coalition of South Africa.

National Adoption Coalition of South Africa. (2018). Retrieved from www.adoptioncoalitionsa.org

NHS Centre for Reviews and Dissemination. (2001). *Undertaking systematic reviews of research on effectiveness: CRD's guidance for those carrying out or commissioning reviews* (2nd ed.). York: University of York. Retrieved from https://www.york.ac.uk/media/crd/Systematic_Reviews.pdf

O'Brien, V. (2009). The potential of Ireland's Hague Convention legislation to resolve ethical dilemmas in intercountry adoptions. *Irish Social Worker*, 13-19. Retrieved from https://researchrepository.ucd.ie/bitstream/10197/3221/1/Valerie_O%27Brien_%28Summer09Journal%29.pdf

Pinderhuges, E., Matthews, G., Deoudes, G., & Pertman, A. (2013). *A changing world: Shaping best practices through understanding of the new realities of Intercountry adoption*. New York: Donaldson Adoption Institute.. Retrieved from https://www.adoptioninstitute.org/wp-content/uploads/2013/12/2013_10_AChangingWorld.pdf

Pretorius, S. (2012). *Intercountry adoptions and the best interest of the child* (Unpublished thesis – Master of Law). North-West University, Potchefstroom. Retrieved from https://repository.nwu.ac.za/bitstream/handle/10394/9823/Pretorius_S.pdf?sequence=1&isAllowed=y

Reamer, F. (2013). *Social work values and ethics* (4th ed.). New York, NY: Columbia University Press. Retrieved from <https://books.google.co.za/books?hl=en&lr=&id=eVurAgAAQBAJ&oi=fnd&pg=PR9&dq=related:EIYvvhEw0e4J:scholar.google.com/&ots=2d3xK5O-1w&sig=LhLJmgGxKGNO4agYm0xaSq14uDA>

Reamer, F. G. (2017). Evolving ethical standards in the digital age. *Australian Social Work*, 70(2), 148-159. doi: 10.1080/0312407X.2016.1146314

Rios-Kohn, R. (2008). Intercountry adoption: An international perspective on the practice and standards. *Adoption Quarterly*, 1(4), 3–32. doi: 10.1300/J145v01n04

Rushwaya, C. I. (2014). *A Critical analysis of the legislative framework regulating intercountry adoption in South Africa and Ghana* (LLM Dissertation). University of Cape Town, Cape Town.

Selman, P. (2012). The global decline of intercountry adoption. What lies ahead? *Social Policy and Society*, 11(3), 381-397. doi: 10.1017/S1474746412000085

Sloth-Nielsen, J., Mezmur, B. D., & Van Heerden, B. (2014). *Intercountry adoption from a Southern and Eastern African perspective*. Retrieved from <http://millerdutoitcloeteinc.co.za/family-law-cape-town-img/Conf2010/Conf2010/Paper%20-%20Van%20Heerden%20Belinda%20&%20Sloth-Nielsen%20Julia.pdf>

South Africa. (2005). Children's Act 38 of 2005. Pretoria: Government Printer.

South Africa. (2018). *Children's Third Amendment Bill Act 38 of 2005*. *Government Gazette*, No. 42005.

South Africa. Department of Social Development. (2010). *Adoption policy framework and strategy*. Pretoria: Government Printer.

South Africa. Department of Social Development South Africa. (2015). *Practice guidelines on inter country adoption: Final*. Pretoria: Government Printer.

South Africa. Department of Social Development. (2016). *The implimentation guidelines for the register on adoptable children and prospective adoptive parents (RACAP)*. Pretoria: Government Printer.

South Africa. Department of Social Development. (2018). *The South African national adoption register*. Pretoria: DSD.

United Nations. (1989). *Convention on the Rights of the Child (CRC)*. Retrieved from <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

Valenzuela, 2017). *Listening to the child's voice: Methodologies in the legal and therapeutic process of children for adoption and in the evaluation and preparation of the future adoptive parents*. Diego Portales University, Belgium. Unpublished.

Vonk, M. E., Lee, J., & Crolley-Simic, J. (2010). Cultural socialization practices in domestic and international transracial adoption. *Adoption Quarterly*, 13(3–4), 227–247. doi: 10.1080/10926755.2010.524875

Vorster, R. W. (2018). The worldwide war on adoption. *The Daily Maverick*: 6 Aug. Retrieved from <https://www.dailymaverick.co.za/opinionista/2018-08-06-the-worldwide-war-on-adoption/>

Watson, L. D., & Hegar, R. L. (2014). The changing environment of adoption practice : Focus on intercountry adoption to the United States. *Adoption Quarterly*, 17(4), 294–315. doi: 10.1080/10926755.2014.945705

Case law:

Abba Specialist Adoption and Social Services and Lawyers for Human Rights (LHR) v Minister of Home Affairs and Others. (Unpublished judgement Pretoria High Court, March 2019)

CHAPTER 4: ARTICLE 2

Exploring the views of accredited adoption social workers on the practical implementation challenges in facilitating intercountry adoptions.

ABSTRACT

During the adoption process, violations of the most basic rights of the child can occur which will have a lifelong impact on all the parties involved. Research on the phenomenon of intercountry adoptions has shown the importance of best practice requirements and the need for continuous alignment of good practice standards. Through this study, the researcher aims to gain insight into the specific implementation challenges in the facilitation process of an intercountry adoption through the views of accredited intercountry adoption social workers in South Africa. The findings and supportive literature will provide data to assist in making recommendations on the content for an operational manual for intercountry adoption social workers in South Africa, focussing on best practice procedures and examples, which are currently not in existence. The findings also inform the need for further research.

A qualitative study, utilizing focus groups to gain insight into the process and practice challenges experienced by adoption social workers within the South African context, would provide valuable data. Themes and sub-themes were identified and critically discussed and confirmed the ethical complexities of the phenomenon. Factors such as the changing adoption environment; African socio-cultural perspective; wide range of stakeholders; gaps in adoptability and subsidiarity compliance; interpretation and implementation of the adoption process and, impact on post-adoption services are highlighted.

The need for a best practice manual focussing on the process of an intercountry adoption was confirmed and recommendations made with regards to the content development thereof.

Key Words: Intercountry adoption, practice guidelines, accredited adoption social worker, sending country, receiving country

4.1 Introduction

This qualitative study aimed to explore implementation challenges and gaps in current practice guidelines available to South African adoption social workers. Focus group sessions took place with 18 social workers who are accredited to facilitate intercountry adoptions. The findings indicate that despite the current legal and policy frame, a best practice operational manual is needed to ensure uniform standards and ethical practice. In the absence of clear best practice guidelines and procedures, social workers are exposed to illicit activities and practices which will not protect the best interests of the child.

The 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoptions (hereafter HCCH, 1994) is seen as the recognised international treaty to set best practice standards in terms of intercountry adoptions. In South Africa, the Children's Act (38 of 2005) is the legal instrument legislating intercountry adoption in Chapter 16. Furthermore, the Department of Social Development published Practice guidelines on International adoptions (Department of Social Development South Africa, 2015). The practical implementation and different interpretation thereof as well as the lack of a uniform set of best practice programmes needs to be addressed on different levels. In the absence thereof, the likelihood of malpractice and subsequent irregularity practices with regards to intercountry adoption practices is a reality. The above is substantiated by Pretorius (2012), Rushwaya (2014) and Sloth-Nielsen, Van Heerden and Mezmur (2014) who point out that there are still many challenges in implementing legislation on a practical level.

The current state of intercountry adoptions globally needs to be understood as the trends, patterns and recommendations for the future have a direct impact on the existing practice of both Sending and Receiving countries. The global decline in the number of adoptions and anti-adoption lobby groups is in the forefront of the debate on the future of this form of alternative care and is referred to as the "Worldwide war on adoption" ((Vorster, 2018). Vorster argues that the 72% decline in the number of intercountry adoptions in the last decade is due to "political and economic factors, fear of trafficking, cultural concerns, allegations of forced adoptions, and an extremely powerful anti-adoption lobby".

4.2 Problem Statement

South Africa acceded to The HCCH (1994) in 2003, making provision for the placement of children through intercountry adoptions (Department of Social Development South Africa, 2015). The principle of subsidiarity as prescribed in the HCCH (1994) emphasize that intercountry adoption should only be considered in the absence of a suitable national placement. In South Africa, the Children's Act (35 Of 2005) ensure compliance with the principle

of subsidiarity through the Register on adoptable children and prospective adoptive parents (hereafter RACAP), (Department of Social Development, 2017a). During the 2017/2018 financial year, a total number of 1186 adoption orders were registered of which only 153 were intercountry placements within the structure of bilateral agreements with Contracting States (Department of Social Development, 2018).

Despite a robust international and national legal and policy frame, the global intercountry adoption panorama has changed considerably over the past 25 years, contributing to a debate on the future of the practice (Selman, 2012). Reports on illicit practice, specifically in relation to the coercing of birthparents to relinquish children for adoption, the difficulty of properly implementing the subsidiarity principle, malpractice with regards to financial matters, co-dependency of intercountry adoptions from poor States of Origin, “donations” to Child and Youth Care centres and biological families as well as the impact of “open adoptions” require ongoing efforts to ensure good practice

Within a complex African socio-cultural context, intercountry adoptions from South Africa face further challenges that need to be considered in the process. Ozah and Skelton, in Hall, Richter, Mokomane and Lake (2018) argue that this link has specific reference to the “reality that African countries.... have to pay special attention to the protection of their children. If children are seen as a communal blessing in African society, then it makes sense that the law should try as far as possible to ensure that children are cared for in families and communities within their countries of origin”.

The conclusion from the above viewpoints confirms the complexity of adoption within an African socio-cultural context (Vorster, 2018). South Africa is faced with many impediments that still need to be addressed to make adoption an accepted permanent placement option.

It is of utmost importance to ensure that social workers accredited to render this service “meet the requirements of integrity, professional competence, experience and accountability” as set out by Article 22 of The HCCH (1994). During the adoption process, violations of the most basic rights of the child can occur. The changing adoption environment as already discussed and the wide range of stakeholders that may play a role in the interpretation and implementation of the legislation and guidelines as they see fit, demonstrate the vastness of the task of protecting the rights of the child in intercountry adoption (Selman, 2012).

From a South African perspective, (Pretorius, 2012; Rushwaya, 2014; Sloth-Nielsen *et al.*, 2014) point out that there are still many challenges in implementing legislation and policy on a practical level. Challenges such as pre-identification of children, foreign volunteers forming relationships with children who are legally not adoptable and using foster care placement as a

way to by-pass subsidiarity principles are only a few practical examples where such a practice manual could provide guidance (Brodzinsky, 2015; Rios-Kohn, 2008; Watson & Hegar, 2014). Adoption social workers, as well as the other stakeholders working in the field of intercountry adoptions, are often exposed to media and politically related investigations due to the complex and controversial nature of the practice and need guidance and strong leadership from the South African Central Authority to ensure ethical practice. In his study on intercountry adoptions and the best interests of the child, Pretorius (2012) recommended that solutions be formulated to address the complex practice of intercountry adoption in South Africa.

For the purpose of this study the research question is formulated as follows:

What should the content for an operational manual for intercountry adoption social workers in South Africa, be?

4.3 Research aim and objective

The overall aim of this study was to develop the content of an operational procedures manual for intercountry adoption social workers in South Africa.

The objective of this study was to explore the views of accredited adoption social workers regarding the practical implementation challenges in facilitating intercountry adoptions and to make recommendations with reference to developing the content of an operational procedure manual for social workers in South Africa.

4.4 Research Methodology

4.4.1 Approach and design

The researcher followed a qualitative research approach to realise the aim of this study. This type of study seeks to understand the participants' perspective of their world – how they view the situation that is being studied (Creswell, 2013). The qualitative approach appeared to be appropriate as it assisted the researcher to explore and describe the implementation challenges of existing practice guidelines on intercountry adoption. An explorative descriptive design provided for data collection by using focus groups to gain insights and ultimately identify the practice challenges experienced by social workers when implementing the intercountry adoption legislation and guidelines. Kumar (2014) describes focus groups as a form of strategy in qualitative research in which attitudes, opinions or perceptions about an issue, product, service or programme are explored through a free and open discussion between members of a group and the researcher.

4.4.2 Population and sampling

The population of this study consisted of adoption social workers employed by a designated Child Protection Organisation who have accreditation in terms of Section 259 of the Children's Act to render intercountry adoption services (Department of Social Development South Africa, 2015). According to the official Adoption Accreditation List of accredited adoption social workers, updated in 2018, ten (10) child protection organisations in South Africa are accredited to render intercountry adoptions (Mabe, 2019). To ensure the distribution of services, these organisations facilitate intercountry adoptions from most provinces in South Africa. Adoptions are facilitated and monitored within approved working agreements between the South African Central Authority and 15 countries mostly in Europe and Scandinavia, but also the UK, the USA, Canada and Australia (Mabe, 2019).

Because the total population was so small, a type of purposive sampling technique (Ritchie, Lewis, Nicholls, & Ormston, 2014), was used. This involved examining the entire population, with regard to specific characteristics, experience, knowledge, skills and exposure to an event. For this study, 18 accredited adoption social workers, employed by Child protection organisations situated in Gauteng, Western Cape and KZN were included. These social workers each had a minimum of two years' experience in the field. Social workers in private practice were excluded as per Section 259 of the Children's Act (South Africa, 2005).

Goodwill permission was received from the directors of the different child protection organisations (Annexure A). After initial confirmation and permission that their employees may participate in the research, an advertisement explaining the purpose and process was sent to interested participants (Annexure B).

4.4.3 Data collection

Four focus groups were facilitated in Johannesburg (Gauteng), Pretoria (Gauteng), Bellville (Western Cape) and Durban (KZN) to ensure that the identified participants had the opportunity of attending a focus group in their area of operation. Focus groups usually include six to ten participants (Greeff, 2010). Smaller groups (four to six people), however, are more focussed when participants have a lot of knowledge and insights to share. Due to practical challenges and the availability of participants, the researcher made use of four participants in a focus group in Durban (KZN), six participants attended a focus group in Johannesburg (Gauteng), four attended a group in Pretoria (Gauteng), and four attended a focus group in (Bellville) Western Cape.

After consulting the literature, the researcher identified eight pre-selected questions which were included in a focus group interview schedule. These questions provided a framework within which to discuss current challenges in the intercountry adoption process and identify gaps that need to be addressed in a practice manual for social workers. The following questions were included in the schedule:

- (1) Discuss the impact of the changing profile of prospective adoptive parents and children becoming available for intercountry adoption on our current practice.
- (2) Discuss the intercountry process and timeframe from matching to finalization and explain how you welcome and prepare foreign parents during the adoption process.
- (3) Explain how you deal with volunteers getting involved with child and youth care centres (hereafter CYCC) that identify children and want to adopt them?
- (4) Discuss the adoption process that you use to prepare and place children in the care of a CYCC. Refer to the need for adjustments in the process to address the changing profile of children.
- (5) Discuss the benefits and risks of social media in intercountry adoption and also explain your organisation's policy around contact between adoptive parents and CYCCs pre- and post-adoption?
- (6) Discuss the relevance of the current costing structure (R 35 000 fixed since 2012) on the programme. How does your organisation deal with additional expenses, such as actual medical and travel expenses?
- (7) In case of a RACAP match, what are your suggestions for a network agreement between Child protection organisations in terms of role division, fees, and practical process?
- (8) Explain how you deal with origin and roots enquiries and visits.

The questions were formulated in such a manner to guide the researcher to use reflections and practice examples to maintain objectivity and limit subjective interpretations of the participants' answers. Group rules were established to protect the participants during focus group discussions. They were told not to mention the names of clients and not to refer to actual cases in their focus group discussions.

Participants received the focus group interview schedule before the focus group sessions to provide them with the opportunity to identify the practice challenges within their organisation

and be prepared to take part in discussions on the day of the group. On the day of the focus group meetings, the researcher provided a hard copy of the focus group interview schedule to allow participants to refer back to questions during the session. Informed consent was signed by participants and they were informed that participation was voluntary (Annexure C). The researcher used an audio recording and field notes (Smith & Osborn, 2003) with the permission of the participants to ensure clear data capturing would be available for data analysis at a later stage.

4.5 Trustworthiness

As prescribed by (Rubin & Babbie, 2010), the researcher had to focus on credibility, dependability, conformability and transferability to ensure the trustworthiness of the research. In this study, audio-recordings and descriptive field notes were used to assist the researcher with the transcribing and verification of the data. To further ensure that the researcher remained objective and unbiased a co-coder was utilized. To verify the conformability in this study, the researcher kept a detailed record of the research process that was followed to determine whether the understanding of the findings, the recommendations and conclusions could be drawn to their sources and that they were supported by the analysis thereof. The researcher described the data as thoroughly as possible to enable the reader to apply the findings to another context, to be able to relate to the data and to apply it within their own context.

To further ensure the trustworthiness of the study, the researcher received the necessary guidance from the study leader Dr H Malan.

4.6 Analysis of data

The researcher manually analysed the transcribed data from the focus groups and made use of Tesch's eight steps in the coding process as indicated by Creswell (2013).

Themes as well as sub-themes could be identified which were compared and categorized in order for literature control to take place. The researcher could then compare the findings with the findings of the critical review done in objective one and write the findings in the form of an academic article format.

4.7 Ethical aspects

According to Pretorius (2012), it is imperative that researchers should familiarize themselves with what is generally accepted as proper and improper conduct in scientific research. This study was approved by the Health Research Ethics Committee (HREC) of the Faculty of Health

Sciences of the North West University, Potchefstroom Campus (NWU-00113-18-A1) (Annexure D).

To adhere to the required ethical principles, participants were informed in advance of what they could expect from the research and how the research could affect them. The whole process was approached sensitively and in doing so the researcher gave consideration to the fact that each individual participating in the research had had different experiences (Rubin & Babbie, 2014).

The expectation was clear and realistic, flowing into a well-structured programme and focus group guide. The researcher also acknowledged the fact that the questions should be simple and specific, using words that the participants would use when talking about the issues as described in Greeff (2011), in order for the participants to interpret them easily.

Although the study had a minimal risk regarding the participation of social workers, the researcher ensured their informed consent and voluntary participation in the study (Wagner, Kawaluch, & Gardner, 2012). No information was withheld from participants and they were ensured of partial confidentiality and anonymity. The identities of participants were protected by using a unique numbering code for them (1-18). They were further informed that discussions were recorded and they had the right to object. Lastly the participants were also informed how the information would be protected.

4.8 Research findings

As part of the qualitative research process, the rich data that was gathered through the four focus groups, was organised and thereafter reduced to seven themes. In this section, the generated themes and sub-themes are discussed. Data from literature was used to substantiate the identified themes. Four focus group discussions were held and a total of 18 participants were included in the study. To ensure confidentiality, the researcher numbered participants according to the groups: for Group 1 (1-4), Group 2 (5-10), Group 3 (11-14) and Group 4 (15-18). Figure 4.1 below provides a summary of the identified themes and sub-themes that emerged from the data which will be discussed and substantiated from the viewpoints of the participants:

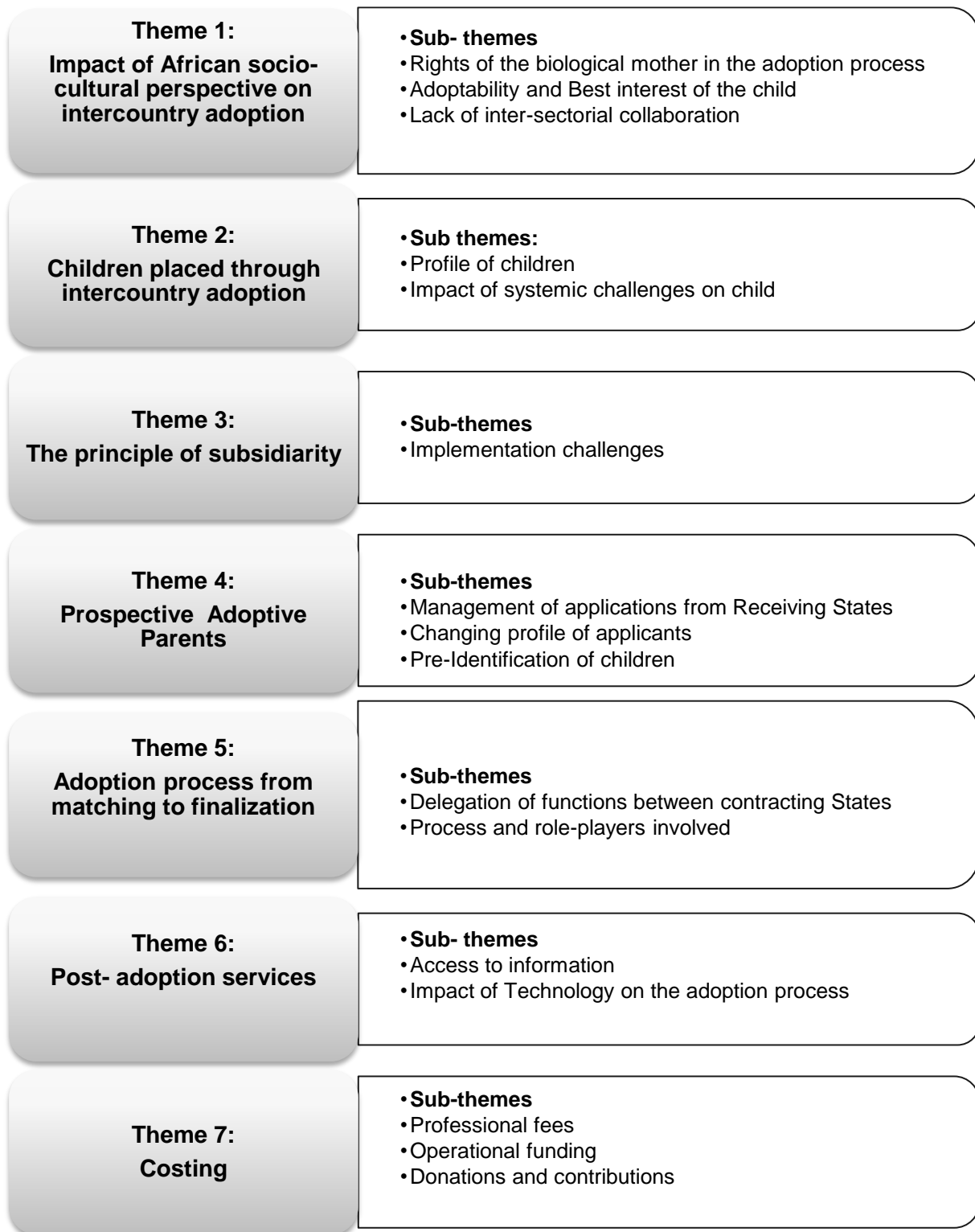


Figure 4.1: Themes and sub-themes from focus groups

4.8.1 Theme 1: Impact of African socio- cultural perspective on intercountry adoption

South Africa is facing many challenges with regards to children in need of permanent family care. Around 2.7 million children are living with grandparents due to their being orphaned,

mainly as a result of AIDS and related circumstances, as found in the General Household Survey of 2017 and cited by Hall et al. (2018). Age, health challenges and abuse by returning parents impact the social and financial care of the family as a whole. Although family care is emphasized, it is seen as a “complex legal system, comprising statutory law, common law, religious and customary law, all of which must be aligned with the Constitution” (Hall *et al.*, 2018; Ozah & Skelton, 2018). Within this complex environment, social workers are confronted with an increase in child abandonment and unplanned crisis pregnancies.

Although the National Department of Social Development promotes adoption as the “best permanency placement” for abandoned and orphaned children, the researcher is of the opinion that the best interest of the child is often compromised when culture becomes law. The Children’s Amendment Bill (Republic of South Africa, 2018) seeks to address the situation, through family-focused child care and support, access of relatives to financial and other support structures and the regulation of kinship care. The supporting draft Child Care and Protection Policy (Department of Social Development, 2017b) further seeks to ensure “a national public programme and systems to ensure that all children survive, develop to their full potential, are protected and participate in decisions”. To ensure the effective implementation of the above legislation and policy, Sebopela as cited by Hall et al. (2018) emphasized the importance of “multiple role players working together, unified around a common vision to provide a continuum of developmental and protective care and protection services”. Hall et al. (2018) argue that “many at risk children are trapped in an intergenerational cycle of risk and that Government is currently not providing the services to address the risks and break the cycle”.

Within the context of this theme, the right of the birthmother in the adoption process, adoptability and best interests and inter-sectorial collaboration were identified as sub-themes.

Sub-theme 1: Rights of the biological mother in the adoption process

Participants in the Gauteng focus group specifically pointed out that the age requirement for legal abortion and adoption consent are contradictory. The fact that a child of twelve years can give legal consent for an abortion (Republic of South Africa, 1996) in contrast with the required age of 18 for adoption consent (Children’s Act 38 of 2005) leads to ethical dilemmas. When working with minor birthmothers, the situation becomes more complex as the Children’s Act prescribes that the minor has to be assisted by the legal guardian (Act 38 of 2005). The role of the extended family impacts the right of a birthmother to make a decision with regards to the unplanned pregnancy. The rights and role of the biological father and extended family need to be thoroughly explored and assessed. All of the above requires experienced and skilled intervention.

Participant 14 emphasized that the right of a birthmother to make an independent decision regarding the future of her unborn child is often challenged by cultural viewpoints and the role of the extended family.

Participant 15 further argued that supersession and unclear role division between adoption and hospital social workers further impact the rights of the birthmothers to make informed decisions. *"A hospital social worker phoned extended family, against the wishes of a birthmother insisting that they come and fetch the baby"*.

All participants mentioned that they are faced with foreign birthmothers in crisis and do not have clear guidance on how to assist them if they want to choose adoption. *"A lack of leadership from the formal system leaves the client and social worker exposed"*.

Birthparents facing a crisis pregnancy, confronted with judgement, lack of support and access to resources are some of the factors leading to an increase in child abandonment (Blackie, 2014). Mokomane and Rochat (2009) further argue that the attitude of government social workers towards adoption is mostly negative. Fear that the child will lose his cultural identity, lack of knowledge and controversy around the practice are some of the reasons why social workers approach adoption-minded birthparents with judgement. Moore and Himonga in Hall et al. (2018) point out that customary law does not include adoption, and rather emphasize that "any attempt to equate customary care arrangements with adoption or fostering should be resisted". Accredited Child protection organisations and social workers further face the challenge of integrating existing International Instruments and Practice Guidelines into a diverse African context where the "cultural disconnect that children are subjected to in the adoption process raises significant concern" (ACPF, 2012).

Sub-theme 2: Adoptability and best interest

Although participants were not directly asked about the process of adoptability assessment, the importance thereof was emphasized throughout the discussions. In all the focus groups, participants agreed that a thorough assessment is a crucial part of the whole process.

The researcher argues that the adoption process is affected by the fact that many role players in the process have deep cultural concerns around the practice. Mezmur (2009) did extensive research with regards to the practice from an African perspective. He argues that the continent's "political, social, cultural and economic needs and priorities" could easily come into conflict with the best interests of the child. Religious aspects, cultural perspectives, resources and capacity as well as common law could pose serious challenges in the implementation of The HCCH (1994). It is therefore important to customize the principles of the Conventions as far

as possible to ensure that they can be integrated into local requirements, principles and guidelines.

Sub-theme 3: Lack of inter-sectorial collaboration

Participants in this study agreed that the process of adoptability assessment is complex and characterized by systemic challenges. Participants expressed frustration and concern on the impact of these challenges on the process of declaring a child adoptable.

Participant 1 shared that the social worker is often exposed to the different legal interpretations and requirements of Presiding officers who do not have adoption experience.

The researcher is of the opinion that the Children's Act (38 of 2005) as well as the policy and practice frame, is providing the necessary structure to ensure adoptability compliance. However, the implementation thereof in a fragmented system as well as administrative delays need to be addressed to ensure that the "best interest" as promoted by the Children's Act is adhered to. The Guide on Good Practice (HCCH, 2008) causes undue delays in the permanency placement of children. It further differentiates between "unavoidable reasons", such as practical difficulties in the adoptability or medical assessment and "avoidable delays" which might be through effective and expedient communication and administration between role players. As a result of the above, participants raised concerns that the process of finalizing an intercountry adoption poses several challenges in terms of the adoptability and subsidiarity process. The lack of inter-sectorial networking results in adoptable children growing up in Child and Youth Care Centres. Children who could have benefitted from a permanent family through intercountry adoption are seldom referred for adoptability assessment.

4.8.2 Theme 2: Children placed through intercountry adoption

For the purpose of this discussion, the researcher assumed that the child is legally adoptable in accordance with Section 230 of the Children's Act (38 of 2005) and the principle of subsidiarity has been complied with. The participants were asked to discuss the current profile of children eligible for intercountry adoption and how this impacts on practice. From all four groups it was agreed that the profile of children has changed over the past years. In line with the subsidiarity principle, young and healthy children are mostly matched and placed with national adoptive parents.

Two sub-themes emerged from this discussion: The profile of children and the impact of systemic challenges on the child.

Sub-theme 1: Impact of systemic challenges on the child

Participants mentioned specifically that the children they place through the intercountry adoption programmes are older, traumatized, have some form of special needs and also form part of sibling groups.

Participant 1: *"... 'special needs are a broad definition because it can be a child whose development has been delayed by 6 months or extremely premature...Cortical visual impairment, one which is a failed abortion, we have hearing issues. I've got one very disabled child without cerebellum....and some HIV children"*.

Participant 2: *"... 'you get the ones that have had previous placements and you know they're already high risk of attachments"*.

Participant 14: *"... 'children cannot be categorized in terms of one medical condition, it is a combination of several factors...we also have the odd cases of Hep B; Hydrocephalus; Heart issues"*.

Brodzinsky (2015) found that contemporary adoption practice has changed dramatically and the children being placed have been exposed to pre-placement adversity, medical and emotional challenges. Many Receiving countries have well-developed programmes, specifically focussing on finding appropriate, well-equipped families for special needs children (ISS/IRC, 2010). Vulnerable children need family stability, care and nurturing to grow into well-balanced adults. As part of the General Principles, The Practice Guideline for Intercountry Adoptions (Department of Social Development South Africa, 2015) emphasizes that "institutional placement should be a short term rather than a permanent placement for children, including children with disabilities".

From practice experience, the researcher is of the opinion that social workers rarely consider children with special needs for intercountry adoption. The already overburdened Child Protection system is required to provide care for disabled and special needs children that could have grown up in a family with the capacity and strength to permanently care for such a child.

During an intercountry workshop for accredited Child protection organisations in 2018, facilitated by the National Adoption Coalition of South Africa (hereafter NACSA), Sue Krawitz, social worker, expressed concern on the imbalance of older and special needs children in relation to the preferences of national adoptive parents. The declining number of intercountry adoptions from South Africa, compared to the statistics of around 350 adoptable children on RACAP who could have been placed through the accredited intercountry programmes in South

Africa (Krawitz, 2018) indicate some of the impediments in adoptions (Mokomane & Rochat, 2012).

The researcher identified that there are very limited resources and guidelines on dealing with the growing number of special needs children. All participants agreed that the current profile of children available requires proper medical and developmental assessments to ensure that all relevant information is available as part of the matching process. Open communication between the Sending and Receiving country social workers is of utmost importance.

The Practice Guideline on Intercountry Adoption (Department of Social Development South Africa, 2015) only refers to the importance of a detailed child study report including information on the medical history and description of any special need and does not set minimum norms and standards as needed in the adoption process (Foundation Adoption Services, 2014).

The need for an internationally accepted medical policy and procedure on assessment and reporting to Contracting States has become a crucial part of ensuring that special needs children from States of Origin are matched with informed and capable adoptive parents. Best practice guidelines on the purpose and most efficient format of reporting are identified as a gap and will be addressed as part of the recommendations.

Sub-theme 2: Impact of systemic challenges on the child

Participants agreed that although many children enter the Child Protection system at an older age, most of them could have been placed at a younger age if it was not for systemic delays. Previously children were placed between 3 to 6 months. Due to system delays, children can only be matched at a much later stage. The participants reported the following:

Participant 1: "... *I haven't placed children under the age of sixteen months*".

Participant 2: "... *placement age is between eighteen months and 2 years*".

Participant 8: "... *we have placed much older children like 10, 11 and 12 years of age*".

Participant 15: "... *we make every effort to expedite the process, not to delay, but children are older due to systemic challenges such as late birth registration, delays to obtain court dates and different requirements by courts*".

The impact of systemic delays in the placement process has a negative effect on all parties in the adoption process. Pinderhuges, Matthews, & Pertman (2013) urge Contracting States to provide training, education and other means of improving the Child Protection system to avoid the devastating impact of institutionalization on all levels of development.

The researcher argues that placement of children should not be impacted by systemic challenges and further identifies the need of assisting social workers through the complex adoption process. Once adoptability and subsidiarity have been confirmed, the permanency placement should be dealt with as a matter of priority. If not dealt with, the average time of eight to eighteen months will lead to more institutionalized and difficult to place children who have had to grow up in Child and Youth Care centres in the crucial first thousand days since birth.

4.8.3 Theme 3: The Principle of subsidiarity

In line with the legal and policy framework of The HCCH (1994) and the Children's Act, all efforts should be made to place a child in his country of origin. Section 232 of The Children's Act (South Africa, 2005) aim to ensure the adherence thereof through the implementation of RACAP. After being registered on this Register for longer than 60 days, without any suitable matching options, an application for an intercountry adoption could be made to the Central Authority (Department of Social Development, 2017a).

Sub-theme 1: Implementation challenges

Participants were engaged in conversation on the importance of complying with the principle of subsidiarity and efforts by social workers to find suitable national adoptive parents.

Although all participants agreed with the principle, they acknowledged the challenges to implement the RACAP network process. Despite policy and practice guidelines, participants argue that the system remains a challenge and does not contribute to effective networking efforts. The placement of children is delayed as a result of systemic challenges, incomplete submissions and lack of human resources.

Participant 2 confirmed that *"...social workers struggle to use the electronic system and are still awaiting training"*.

Participant 5 raised a concern that *"...only a few child protection organisations actively use the Register.....it takes hours to contact social workers in an effort to discuss possible matches....and then the parents are already matched"*.

Participants further indicated the fact that children remain on RACAP for months, without matching opportunities. These children could have been placed in permanent family care through intercountry adoption.

Participant 8, 14 and 15 argued that adoption social workers submitting children on RACAP are either not aware of the option to refer children to accredited intercountry organisations, or have feelings of resistance against this option. The result is that “...*children remain in alternative care until they turn 18 years*”.

The researcher has personal experience in the process of network matches, where social workers from different organisations match children. These network matches require clear communication, insight into the different expectations of parties involved and also role clarification between social workers. The lack of best practice guidelines has often discouraged social workers from entering into network agreements or exposed adoptive parents, children and colleagues to negative practice and even fraudulent activities.(NACSA, 2018). Specific guidance on the preferences of birth parents, costs, travel expenses and post-adoption services were mentioned by participants.

4.8.4 Theme 4: Prospective adoptive parents

Participants commented on the changing profile of prospective adoptive parents which requires adjusted practice, clear communication with contract partners and management of expectations.

Sub-theme 1: Management of applications from Receiving States

All represented Child protection organisations further expressed their concern that there are high numbers of interested adoptive parents and that intakes need to be managed.

Participant 1: “.... ‘*I sometimes feel pressurised because there are so many people, the demand is unbelievable*”.

Participant 14: “....‘*We manage the intakes in accordance to the profile of children in the system. It is important to manage the number of profiles sent, and communicate the need with intercountry partners*”.

Participant 15 emphasized the importance of having insight into the trends and patterns experienced in Receiving States to enable States of Origin to align their practice accordingly.

O'Brien (2009) points out the ethical dilemma of the right to be assessed versus the right to become a parent. She argues that “legalism should not override research, clinical knowledge and best practice decision making” when it comes to the permanency decision of a child. The Guide of Good Practice (HCCH, 2008) emphasizes that: “countries of origin should not be expected to register large numbers of files from prospective adoptive parents and then be under pressure from those parents to give priority to their requests”. O'Brien (2009) concluded that

waiting lists should be in line with the profile of the children and not the rights and preferences of interested parents.

In contrast with sending countries like South Africa who have a low number of domestic adoption applicants, most receiving countries have an overwhelming number of interested adoptive parents (ACPF, 2012). This imbalance could result in adoptive parents searching for a child instead of finding the most suitable family for a unique child. The Guide to Good Practice (Guide 1) (HCCH, 2008) emphasizes that “the country of origin should undertake permanency planning, including a decision on whether a child is adoptable...and then inform the receiving country of the types of children in need of families”. Although this principle is confirmed in all relevant Inter-country policy, The Practice guidelines on intercountry adoptions (Department of Social Development South Africa, 2015) does not provide any structure on how intakes and waiting lists should be managed. This leaves a gap that needs to be addressed in a best practice manual.

Sub-theme 2: Changing profile of applicants

Section 230 of the Children’s Act (38 of 2005) prescribes who may adopt. Intake criteria therefore make provision for single, same sex and older couples as long as they are fit and proper.

Participant 7: “...’There have been a lot more same sex couples and single parents as well as slightly older people who wanted to adopt”.

Participant 3: “...’it is however important that single parents have a proper support system. We also recommend that they are accompanied by a family member or close friend when traveling to South Africa”.

Participant 2: “... So, it’s hard, it’s difficult... we place quite a lot of criteria ourselves which I had to motivate because obviously the legislation is quite vague”.

Participant 15: “... ’we still have birthmothers or Child and Youth Care centres which have serious issues with same sex couples”.

Brodzinsky (2015) headed up a study (The Modern Adoptive families study) between 2011 and 2013 which confirms the much wider scope of adoption applicants over the past decade, i.e. fertile couples, unmarried individuals, disabled individuals and older applicants who were previously denied. In focus group discussions, it was clear that most participants have difficulty in addressing intakes without the fear of experiencing discrimination against applicants. Organisations therefore use their discretion in assessing applicants.

In relation to the age of the adoptive persons, the Colombian Intercountry Adoption Guidelines (Colombian Institute of Family Welfare, 2010), supported by a Constitutional Court, argue that “when there is a broad generational gap with the child or adolescent to be adopted, relationship problems arise, especially in critical periods such as adolescence”. It is also likely that the adoptee will have to face another loss in the case of the illness or death of the parent. Although older couples bring advantages such as “emotional maturity, confidence in terms of their goals in life, stability in their relationship and economic situation”, they should be able to identify with the specific developmental phase of the child.

Sub-theme 3: Pre-identification of children in CYCC’s

Participants all agree that the pre-identification of children in Child and Youth Care Centres should be avoided as the motive for the adoption is then often driven by emotion. From the responses of social workers, it was clear that most of them have experienced pressure from volunteers to adopt a specific baby with whom they have bonded emotionally.

Participants in all groups elaborated on the reasons why pre-identification of children should be discouraged. As part of the discussion, 12 participants mentioned the risks and challenges due to the following reasons:

- It becomes a conflict of interests
- The adoptability and medical assessment has not been completed
- The involvement of the biological family
- The child has not been considered for same race placement through RACAP
- The subsidiarity principle has not been adhered to

Participant 1 had a very strong viewpoint and compared the pre-identification of children with “*baby shopping*”. She mentioned that in her experience, “*what will happen with a volunteer is that they may not really want to adopt, but get all emotional*”.

Participant 5 agreed that..... “*volunteers should not be encouraged to adopt from the Child and Youth Care Centre where they are involved as this becomes an ethical and complex situation for all involved...*”.

Participant 13: “... the legal and medical assessments have not been completed and there are national placement options on RACAP.....but now they have bonded and will fight for the child”.

The Practice Guidelines on intercountry adoption (Department of Social Development South Africa, 2015) provides a general guideline on this challenge by confirming that “non-South African Citizens should not be allowed to visit Child and Youth Care Centres for the purpose of linking up and adopting a child”. Social workers are however confronted with the ethical dilemma in practice and need to educate relevant role players in this regard. The researcher argues that bad practice could be avoided to a certain extent if social workers in child protection as well as adoption social workers provide insight and capacitate Child and Youth Care Centres to manage the process from the start. The principle of subsidiarity should further guide good practice.

4.8.5 Theme 5: Intercountry Adoption process from matching to finalization

Sub-theme 1: Delegation of functions between Contracting States

As part of the adoption process after matching, participants had different viewpoints. Eight participants were of the opinion that all the necessary approval from the relevant authorities as well as confirmation from court is required before the child is proposed to the prospective adoptive parents.

Participant 5 argued that “... *the administrative process from matching to placement is very difficult to manage due to the lack of availability of officials at the Central Authority, backlog of court roles and discretion of presiding officers*”.

Participant 8 agreed that “... *it is very difficult to coordinate the administrative process, time frame of the approval process, required documentation and court dates*”.

Four participants acknowledged that the administrative process to prepare reports, submit the required documentation to receiving countries and the strict interpretation of requirements requires skilled staff and is very time-consuming.

The researcher concludes with the fact that the administrative component of this phase of the process needs to be acknowledged. Complicating the process even further is the expectation and emotional burden carried by prospective adoptive parents who have to wait for unpredictable time periods before they can arrange travelling and meet their new child. Best practice examples from experienced social workers could be of immense value.

Sub-theme 2: Process and role-players involved

After ensuring that the Principle of Subsidiarity was met, participants discussed the process from matching to legal finalization and registration of the adoption. From information received, the process can be summarized as follows:

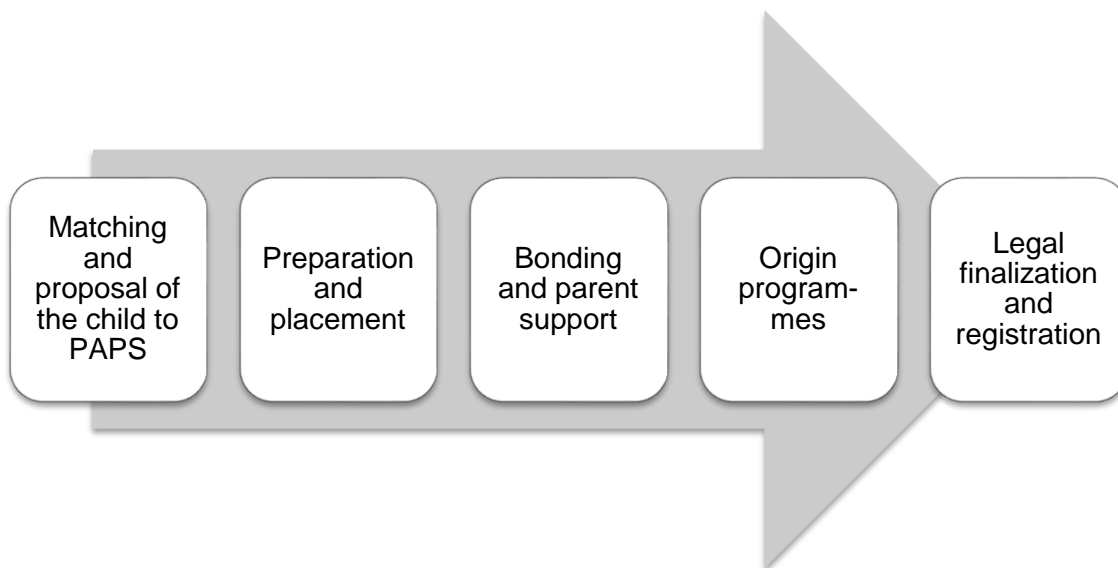


Figure 4.2: Intercountry Adoption process in practice

To provide insight into the facilitation process, the researcher asked participants to share best practice experience and challenges that social workers need to address. The changing profile of children and prospective adoptive parents in the matching process was discussed and it was confirmed that matching could easily become an ethical challenge when the preferences of the birthmother, subsidiarity principle and systemic challenges with regards to RACAP are taken into account. The importance of child participation is further emphasized and should be the guiding principle on determining a suitable match. Valenzuela (2017) recognizes that the changing profile of children and the expectations of parents further complicate the process.

The term “matching” does not appear in The HCCH (1994) due to the fact that there is no French equivalent for the term. In adoption literature, however, the term is widely acknowledged. Rushton (2004) defines matching as “the process of identifying a family whose resources will, as far as possible, meet the assessed needs of a particular child or sibling group throughout childhood and beyond or, put another way, it involves fitting parents' strengths to the needs of children awaiting placement”.

The researcher argues that there are different interpretations of matching and the role-players involved. Participants agreed that the Practice Guidelines on Intercountry Adoption (Department of Social Development South Africa, 2015) only provides basic matching principles and lacks uniform best practice procedures with regards to the matching process, such as the “needs of the child are matched with the special strengths of the prospective adoptive parents through appropriate assessment and preparation of parties involved”. It does not provide best practice procedures and examples on how to implement the process.

Participants in Group 1 specifically elaborated on the challenges with regards to the preferences of the birthmother, as provided for in Section 241 of the Children's Act, and the available profile of parents. To ensure that the preferences are taken into consideration in matching, social workers should prepare birthparents to clearly state their reasonable preferences as part of the consent process.

Participant 2 concludes that the role of culture again plays a significant role in how birthmothers perceive families. *"I must say a lot of my African birth moms don't mind their children going to a single parent. I think it's quite common in African culture. So, they're more anti the same sex adoption parents"*.

The researcher argues that many factors play a role during the matching process, such as the cultural and religious viewpoint of social workers, caregivers and managers at Child and Youth Care Centres. As one participant stated *"... I believe that if you can give a child 2 parents there is much more support ... then you've got 2 sets of families, extended families support, that's much better"*.

Brodzinsky (2015) however pointed out that children were much less affected by the type of family they were raised in than by the quality of parenting and support they received. These findings supported changes in adoption policy and practice, leading to more and more adults being accepted as suitable adoption applicants. Rotabi (2014) encourages social workers to make a shift from a primarily "evaluative focus to an educative one... with the goal of helping prospective adoptive parents to understand the unique needs of their children, to develop appropriate expectations and skills needed to raise them, and, when necessary, to support the utilization of professional services as a means of stabilizing and strengthening the family system".

Due to a lack of best practice guidelines on the matching process in South African literature, the researcher also viewed practice programmes from other sending countries. Chile (Valenzuela, 2017), Colombia (Colombian Institute of Family Welfare, 2010) and Philippines (Escalante, 2018) have well-developed adoption programmes to address the changing environment of adoption through new methodologies. Efforts to visualize the current scenario and minimize risks through a child-centred viewpoint have been instrumental in these practice manuals. Such programmes could assist in the development of South African specific best practice programmes. The impact of the adoption decision is referred to as the most important factor in the adoption process and should be done in a team of competent and experienced professionals (HCCH, 1994).

Participants of all four focus groups confirmed the need for guidance in relation to the preparation of children for placement. This specifically relates to children in different age groups, children exposed to previous trauma and special needs children. Participants agreed that the placement of a child with foreign parents who are only in the country for a short period requires experienced social workers.

On the question of having best practice programmes available to assist social workers, all participants confirmed the lack of such programmes. Placement plans, transition into parent care and support programmes for parents to assist with bonding are mainly developed in organisations as part of their policy and practice.

Six participants confirmed that they find it difficult to spend quality time with parents after placement as they also need to continue with normal case work. The need for support differs from parent to parent and is also impacted by other children in the family.

Participants that were recently accredited to work in the field of intercountry adoption expressed the need for best practice guidelines with regards to the preparation of children and caregivers for the actual placement.

Participant 2 referred to the fact that “... *caregivers get very attached to children and find it difficult to let go ... I have to spend a lot of time to prepare them*”.

Participant 6 highlighted the fact that “...*children react differently in each placement. Some parents get very anxious and experience feelings of guilt and failure*”.

The researcher further acknowledges the challenge of communication barriers between parents and children. Children often display disruptive behaviour as a way of dealing with loss of everything they were used to. The additional challenge of children with special medical needs, administration of medication, different cultures and routines all contribute to a very stressful period for child and parents. Social workers therefore have to understand the unique challenges and pro-actively manage the therapeutic and administrative programme in an effective manner.

Participants in Group 2 and 4 emphasised the importance of the exposure of the parents to the child's origins through cultural tours, information sessions and meetings with important stakeholders. Once again, organisations have developed their own programmes and confirm the fact that this should be dealt with in an ethical way as experience has shown that adoptive parents will take origin search into their own hands if not managed.

The researcher could not find any best practice programmes in local literature and included grey literature from both Sending and Receiving countries to confirm the need to develop best

practice origin programmes while the parents are in the country. Literature confirms the importance of understanding the political, socio-cultural and demographic aspects of the country of origin (Brodzinsky, 2015).

4.8.6 Theme 6: Post-adoption services

From the data collected in focus groups, the researcher is able to confirm the lack of knowledge and experience to address the evolving process on a practice level. Differentiation and interpretation of the term “post adoption services”; “roots enquiries” and “origin search” leads to implementation challenges of the South African Legal and Policy framework on the one hand and the right of the child to access of information on the other hand. Another factor to consider is the actors involved in the process. Legislation and Guidelines refer to the right of the child to information and include the biological parents in the process (Pinderhuges *et al.*, 2013). From an African socio-cultural perspective, the child belongs to a family who has cultural rituals and beliefs. Through adoption, the legal identity of the child versus the cultural belonging to a family becomes relevant (Vonk & Massatti, 2008). From practice experience, the researcher argues that the entitlement of the extended birth family to the child is in conflict with legislation and international guidelines on the rights of the child. This area needs further research.

Sub-themes that form part of this discussion include access to information, the Child and Youth Care Centre and also the impact of new technology on post-adoption services. These sub-themes will be summarized below:

Sub-theme 1: Access to information

Post-adoption services form an integral part of the process, even though it is a service rendered after the adoption of the child. Section 249 of the Children’s Act (38 of 2005) prescribes that information of the adoption may be disclosed after the adopted child has reached the age of 18 years.

However, The HCCH (1994) obligations imposed on Contracting States do not end with the transfer of the child to the adoptive parents. Counselling and post-adoption reports are compulsory and emphasize that adoption is not a single event but a life-long process (HCCH, 1994).

A recent working paper, published by International Social Services (2019), confirmed the need for ongoing research on a child’s right to have access to his/her origin (Jeannin & Roulez, 2019). The changes and evolution in the practice, both on a legal and practical level were a clear indication that there is a need for a more flexible approach towards the confidentiality of background information. Important factors to consider in best practice guidelines are identified

as centralization and the preservation of the most detailed possible data, the availability of quality professional support and clear role definition of the actors responsible for providing such support (Roby, 2007).

Participants shared best practice programmes developed within organisations with the input from contracting partners which varies from compulsory post-adoption agreements requiring feedback reports from social workers to informal agreements with adoptive parents to write letters and photos to birthparents and scheduled feedback to Child and Youth Care Centres.

Participant 5 mentioned that post-adoption contact is facilitated via the contacting partner, but that “...parents bypass the system and don’t accept the agency’s facilitation”. Although all available information is provided at the time of adoption, if they get any additional information, it will be shared with the family.

Sub-theme 2: Impact of technology in the adoption process

The researcher is of the opinion that social media and technology changed the intercountry adoption phenomenon dramatically. From all data received, it was clear that social workers are not knowledgeable enough or equipped to deal with the practical implications thereof. Participant 6 explained that “any social media is done with the consent of the families” whereas Participant 8 confirmed that “lots of families have private groups and private Facebook profiles” which lead to very negative experiences.

Participant 9 further referred to the challenge of volunteers at Child and Youth Care Centres and the difficulty of managing pre- and post-adoption contact between the adoptive family and the staff.

The 2019 ISS research working paper (Jeannin & Roulez, 2019) confirmed that the emerging proliferation of new technologies, “in particular the expansion of social networks, such as Facebook, Whatsapp and YouTube” mark the “end of the era of secrecy in adoption” and highlight the risks on the adoption process. The findings further emphasize that irregular practice could “jeopardize the security and physical integrity of the biological parents due to religious, cultural or other particular characteristics”.

The researcher concurs with the fact that further research and practice guidelines are needed to prevent illicit practice due to the above phenomena.

The above indicate that although legislated in Section 249, different procedures are followed with the best interests of the child in mind. Due to a lack of best practice procedures, the impact of social media and the difficulty of managing contact with Child and Youth Care Centres leave

gaps in how contact after adoption is interpreted. Even amongst the few service providers in South Africa, the unregulated process could cause serious ethical challenges. As mentioned by Participant 11 "...contact between adoptive parents and Child and Youth Care Centres poses the risk of illegal donations, visits between parties and a co-dependency".

4.8.7 Theme 7: Costing

In South Africa, section 249 of the Children's Act provides for the charging of a professional fee as further stipulated in Regulation 107. The HCCH (1994) makes provision for contracting States to charge a fee for costs and expenses in respect of intercountry adoption, including reasonable professional fees. It further allows for administrative programme costs such as translations and the legalization of documents. The HCCH (1994) is "against any form of improper financial gain and unreasonable fees" (HCCH, 2008). The HCCH Guide to Good Practice (2012) provides guidelines on reasonable professional adoption fees, but warns against donations and contributions linked to the adoption of a child.

Participants were asked to discuss the relevance of the current costing structure on the programme. They further shared how their organisation deals with additional expenses, such as actual medical and travel expenses.

Sub-themes that emerged from the groups were professional fees, operational funding and donations and contributions.

Sub-theme 1: Professional fees

During 2012, a letter issued by the South African Central Authority, capped the allowed inter-country fee at R35 000. K. Pieterse (personal communication, April, 2018) confirmed that the fee has not been reviewed as prescribed by Regulation 107 of the Act.

All participants in the study confirmed that they charge a professional fee as indicated by the Department of Social Development. This fee is not adequate in terms of the expenses and participants agree that the fact that it has not been reviewed poses serious financial challenges and gaps for organisations in the interpretation thereof.

Participant 1 mentioned that due to the fact that the fee has not been adjusted in six years, organisations are struggling to render the service. The fee also does not make provision for actual expenses like medical testing and travelling costs of social workers.

Participant 6 referred to the lack of clear guidelines on the reflection of professional fees in court reports and the different interpretations of Presiding Officers that expose social workers and adoptive parents in court.

Sub-theme 2: Donations and contributions

From the discussions, it was clear that there are different interpretations of the meaning of donations and contributions.

Participant 13 explained a donation as “something that is given to a charity, especially a sum of money” whereas a contribution refers to “a gift or payment to a common fund or collection”.

Receiving countries have strict regulations on donations and contributions. They should not be related to any adoption programme in any way which may influence the number of adoptions or their financial independency. Intercountry adoption is often related to corruption, illicit financial practice and is even sometimes compared to trafficking. The need for clear guidelines on financial matters is of utmost importance and should be addressed in a practice manual.

4.9 Conclusion and recommendations

From data received through focus groups it was clear that accredited Child protection organisations and specifically the social workers facilitating intercountry adoptions on a regular basis, experience that the existing Practice guidelines on intercountry adoptions (National Department of Social Development, 2015) are merely a summary of the Guide to Good Practice (HCCH, 2008) and do not provide information on the practical implementation thereof. The uniquely South African impediments and developments in the adoption field require clear best practice procedures that have been tested in practice.

From the data received, suggestions can be made to fill the current gaps in the Practice Guidelines and address key areas such as the impact of the African socio- cultural perspective on the process, the changing profile of children and the need for medical protocol, subsidiarity and networking procedures, management of intakes with regards to the growing number of prospective adoptive parents, good practice during the adoption process, post-adoption services and clear guidelines on costing and donations.

The overall contribution of this study is therefore to recommend content for a practice manual that could assist social workers in the facilitation of an intercountry adoption from South Africa, in line with recent research and recommendations from literature and practice.

In the next chapter the researcher will discuss the findings and make recommendations for suggested content for such a practice manual. Limitations of the study as well as the need for further research will be included in chapter 5.

4.10 References

ACPF. (2012). *The new frontier for intercountry adoption*. Addis Ababa: The African Child Policy Forum.

Blackie, D. E. (2014). *Sad, bad and mad: exploring child abandonment in South Africa* (Unpublished dissertation – Masters in Anthropology). University of the Witwatersrand, Johannesburg. Retrieved from <http://wiredspace.wits.ac.za/bitstream/handle/10539/17064/Deirdre%20Blackie%20Masters%20Thesis%20March%202014%20Final%20Submission.pdf?sequence=1&isAllowed>

Brodzinsky, D. (2015). *The modern adoptive families study: An introduction*. New York: Donaldson Adoption Institute. Retrieved from http://issuu.com/dai2015/docs/dai_mafreport_090115_r6/1

Columbian Institute of family welfare. (2010). *Technical guidelines for adoption*. . Bogota. Retrieved from <http://www.icbf.gov.co/portal/page/portal/Descargas1/TECHNICALGUIDELINESFORADOPTIONSEPTEMBER2010COLOMBIAMayo24de20112.pdf>

Creswell, J. W. (2009). *Research design qualitative quantitative and mixed methods approaches* (3rd ed.). Thousand Oaks, CA: Sage.

Creswell, J. W. (2013). *Qualitative inquiry & research design: Choosing among five approaches* (3rd ed.). Los Angeles, CA: Sage.

Escalante, G. A. (2018). *Quick guide for social worker's handling children for adoption*. QQuezon CiPhillippines. Intercountry Adoption Board. Retrieved from https://www.icab.gov.ph/download/manual_of_operation/quick_guide_for_social_worker/Quick-Guide-for-SW-8312018.pdf

Foundation Adoption Services. (2014). *Adopting a child - Informing prospective adoptive parents in the Netherlands on the process of an intercountry adoption*. The Hague, Netherlands: Foundation Adoption Services. Retrieved from https://adoptie.nl/wp-content/uploads/2017/03/Adopting_a_Child__brochure_internetversie.pdf

Valenzuela, L. (2017). Listening to the child's voice Methodologies in the legal and therapeutic process of children for adoption and in the evaluation and preparation of the future adoptive parents

Greeff, M. (2011). Information collection: Interviewing. In A. S. De Vos, H. Strydom, C. B. Fouché, & C. S. L. Delport. *Research at grass roots: For the social sciences and human service professions*. Pretoria: Van Schaik.

Hague Conference on Private International Law **see** HCCH.

Hague Conference on Private International Law (HCCH). (1994). *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption*. Retrieved from http://www.hcch.net/index_en.php?actDconventions.text&cidD69

Hague Conference on Private International Law (HCCH). (2008). *Accreditation and adoption accredited bodies guide to good practice guide, No. 1*. The Hague, Netherlands: Family Law.

Hague Conference on Private International Law (HCCH) (2012). *Accreditation and adoption accredited bodies: General principles and guide to good practice, No 2*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Hall, K., Richter, L., Mokomane, Z., & Lake, L. (Eds.). (2018). *South African child gauge*. Cape Town: University of Cape Town. Children's Institute. Retrieved from http://webcms.uct.ac.za/sites/default/files/image_tool/images/367/South%20African%20Child%20Gauge%202018%20-%20Nov%2020.pdf

International Reference Centre for the Rights of Children Deprived of their Family (ISS/IRC). (2010). *The place of child health in the adoption process*. ISS/IRC. Retrieved from https://www.iss-ssi.org/images/Publications_ISS/ENG/Etude_Sante_Enfants_Adoptes_ENG.pdf

ISS/IRC **see** International Reference Centre for the Rights of Children Deprived of their Family.

Jeannin, C., & Roulez, J. (2019). *Access to origins : Panorama on legal and practical considerations*: ISS/IRC comparative working paper 2: Spotlight on solutions. Geneva: ISS. Retrieved from https://issuu.com/issirc/docs/tfb00031_access_to_origins_eng_web

Mabe, T. (2019). *Intercountry adoption presentation. A workshop brought to you by the National Department of Social Development* [PowerPoint presentation]. African Regional Conference on the HCCH Children's Conventions (2-3 April 2019), University of the Western Cape, South Africa.

Mezmun, B. (2009). From Angelina (to Madonna) to Zoe's Ark: What are the 'A-Z' lessons for intercountry adoptions in Africa. *International Journal of Law, Policy and the Family*, 23(2). Doi: 10.1093/lawfam/ebn013

Mokomane, Z., & RoCHAT, T. J. (2012). Adoption in South Africa: Trends and patterns in social work practice. *Child & Family Social Work*, 17(3), 347-358. doi: 10.1111/j.1365-2206.2011.00789.x

NACSA see National Adoption Coalition of South Africa.

National Adoption Coalition of South Africa. (2018). Retrieved from www.adoptioncoalitionsa.org

O'Brien, V. (2009). The potential of Ireland's Hague Convention legislation to resolve ethical dilemmas social work practice. *Child & Family Social Work*, 17(3), 347-358. Doi: 10.1111/j.1365-2206.2011.00789.x in intercountry adoptions. *Irish Social Worker*, 13-19. Retrieved from https://researchrepository.ucd.ie/bitstream/10197/3221/1/Valerie_O%27Brien_%28Summer09Journal%29.pdf

Ozah, K., & Skelton, A. (2018). Legal perspectives: Children, families and the State. In K. Hall, L. Richter, Z. Mokomane, & L. Lake. (Eds.). *South African child gauge*. (pp. 46-60). Cape Town: University of Cape Town. Children's Institute. Retrieved from http://www.ci.uct.ac.za/sites/default/files/image_tool/images/367/Child_Gauge/South_African_Child_Gauge_2018/Chapters/legal%20perspectives%20-%20children%2C%20families%20and%20the%20state.pdf

Pinderhuges, E., Matthews, G., Deoudes, G., & Pertman, A. (2013). *A changing world: Shaping best practices through understanding of the new realities of Intercountry adoption*. New York: Donaldson Adoption Institute.. Retrieved from https://www.adoptioninstitute.org/wp-content/uploads/2013/12/2013_10_AChangingWorld.pdf

Pretorius, S. (2012). *Intercountry adoptions and the best interest of the child* (Unpublished thesis – Master of Law). North-West University, Potchefstroom. Retrieved from https://repository.nwu.ac.za/bitstream/handle/10394/9823/Pretorius_S.pdf?sequence=1&isAllowed=y

Rios-Kohn, R. (2008). Intercountry adoption: An international perspective on the practice and standards. *Adoption Quarterly*, 1(4), 3–32. doi: 10.1300/J145v01n04

Roby, J. L. (2007). From rhetoric to best practice: Children's rights in intercountry adoption. *Children's Legal Rights Journal*, 27(3), 48-68.

Rotabi, K. S. (2014). *Force, fraud, and coercion bridging from knowledge of intercountry adoption to global surrogacy*. (ISS Working Papers). The Hague: Erasmus University of Rotterdam. Retrieved from <https://econpapers.repec.org/paper/emseuriss/77403.htm>

Rubin, A., & Babbie, E. (2010). *Essential research methods for social work* (2nd ed.). Belmont, CA: Brooks/Cole, Cengage Learning.

Rubin, A., & Babbie, E. R. (2014). *Research methods for social work* (8th ed.). Belmont, CA: Brooks/Cole, Cengage Learning.

Rushton, A. (2004). A scoping and scanning review of research on the adoption of children placed from public care. *Clinical Child Psychology & Psychiatry*, 9(1), 89-106. doi: 10.1177/1359104504039768

Rushwaya, C. I. (2014). *A critical analysis of the legislative framework regulating intercountry adoption in South Africa and Ghana* (LLM Dissertation). University of Cape Town, Cape Town.

Selman, P. (2012). The global decline of intercountry adoption. What lies ahead? *Social Policy and Society*, 11(3), 381-397. doi: 10.1017/S1474746412000085

Sloth-Nielsen, J., Mezmur, B. D., & Van Heerden, B. (2014). *Intercountry adoption from a Southern and Eastern African perspective*. Retrieved from <http://millerdutoitcloeteinc.co.za/family-law-cape-town-img/Conf2010/Conf2010/Paper%20-%20Van%20Heerden%20Belinda%20&%20Sloth-Nielsen%20Julia.pdf>

Smith, J. A., & Osborn, M. (2003). Interpretative phenomenological analysis. In J. A. Smith (Ed.), *Qualitative psychology: A practical guide to methods*. London: Sage.

South Africa. (1996). *Choice on Termination of Pregnancy Act 92 of 1996*. Pretoria: Government Printer. Retrieved from http://www.saflii.org/za/legis/num_act/cotopa1996325/

South Africa. (2005). *Children's Act 38 of 2005*. Pretoria: Government Printer.

South Africa. (2018). *Children's Third Amendment Bill Act 38 of 2005*. *Government Gazette*, No. 42005.

South Africa. Department of Social Development South Africa. (2015). *Practice guidelines on inter country adoption: Final*. Pretoria: Government Printer.

South Africa. Department of Social development. (2017a). *Draft policy guidelines on adoptable children and prospective adoptive parents (RACAP)*. Retrieved from <http://www.mm3admin.co.za/documents/docmanager/40e99c64-dc90-4f5c-9240-50764b1f4739/00035184.doc>

South Africa. Department of Social Development (2017b) *Draft Child Care and Protection Policy*. Pretoria: DSD

South Africa. Department of Social Development. (2018). *The South African national adoption register*. Pretoria: Government Printer.

Vonk, M. E., & Massatti, R. R. (2008). Factors related to transracial adoptive parents' levels of cultural competence. *Adoption Quarterly*, 11(3), 204–226. doi: 10.1080/10926750802421966

Vorster, R. W. (2018). The worldwide war on adoption. *The Daily Maverick*: 6 Aug. Retrieved from <https://www.dailymaverick.co.za/opinionista/2018-08-06-the-worldwide-war-on-adoption/>

Wagner, C., Kalawulich, B. B., & Gardner, M. (2012). *Doing social research: A global context*. New York, NY: McGraw-Hill Higher Education.

Watson, L. D., & Hegar, R. L. (2014). The changing environment of adoption practice : Focus on intercountry adoption to the United States. *Adoption Quarterly*, 17(4), 294–315. doi: 10.1080/10926755.2014.945705

CHAPTER 5: SUMMARY, CONCLUSIONS, RECOMMENDATIONS AND LIMITATIONS

5.1 Summary

Chapter 5 provides an overview of the study with the main focus on evaluating the findings with regard to the research question and aim of the study. The research approach and design, different methods of data collection and analysis procedures are discussed to provide insight into the trustworthiness of the findings. Through the research process, limitations of the study are identified as well as recommendations for future research. The researcher also provides the recommendations for the content of an operational manual for intercountry adoption social workers in South Africa.

Chapter 1 provided an orientation to the study, the background, contextualisation and problem statement, and the research methodology. The aim of this study was to develop content for an operational manual for intercountry adoption social workers in South Africa. To achieve this aim, two main objectives guided the process:

- Objective 1: To explore and describe existing national and international adoption guidelines by means of a critical literature review.
- Objective 2: Exploring the views of accredited adoption social workers regarding the practical implementation challenges in facilitating intercountry adoptions and to make recommendations with reference to content development for an operational manual for intercountry adoption social workers in South Africa.

In Chapter two a literature review was done to provide the context of existing intercountry adoption practice guidelines, specifically focussing on their relevance for South Africa. The integration of law and practice is discussed on a global and national level and relevant trends and patterns are discussed and compared to current practice. The literature is presented through different theoretical perspectives. In Chapter 3, a critical literature review on existing national and international adoption guidelines assisted the reviewer to identify the most relevant practice guidelines and programmes. Chapter 4 presented the views of accredited adoption social workers on the practical implementation challenges experienced when having to facilitate an intercountry adoption. The findings from focus groups were integrated into themes and sub-themes as part of the data analysis.

5.2 Conclusions from the literature review

As confirmed in global research, the face of intercountry adoption worldwide as well as from South Africa has changed considerably over the past decade. Key trends and patterns that could affect the practice as we know it have been identified through the literature study in Chapter 2 and need to be taken into account when developing content for a practice manual for social workers. Trends such as the decline in adoption placements, negative perceptions of adoption as a form of placement, the effect of socio-cultural perspectives, implementation of the subsidiarity principle, challenges, the changing profile of children and prospective adoptive parents, fees and costing and the effect of undocumented children all have an impact on practice. The current South African Practice guidelines on intercountry adoption (Department of Social Development South Africa, 2015) do not address the above. Risk areas that are also not addressed are the practical implementation of bilateral agreements between countries, the delegation of functions between the South African Central Authority and accredited adoption bodies, the management of intakes and waiting lists and the impact of culture at work with adoptive parents and the adoption process.

Despite robust international and national legal and policy frameworks, social workers need knowledge, insight and guidance in dealing with a phenomenon that is culturally, ethically and legally complex. Available literature on best practice procedures is limited to mostly Western perspectives and developed in receiving countries.

5.3 Conclusion of the critical literature review and emerging key themes

Through a critical literature review, it was clear that best practice literature is from a Western perspective. In the search for literature on existing national and international adoption guidelines that could inform the content of a South African specific practice manual, the researcher was able to include six articles and seven practice guidelines in the study. With the ultimate aim of making recommendations that could fill possible gaps in the current Practice g(Department of Social Development South Africa, 2015), and that could be used in the development of a practice manual for social workers, the researcher used this document as a baseline for discussions and recommendations. The following themes emerged from the review:

Theme 1: Cooperation and communication between Sending and Receiving States to ensure ethical practice

Due to a lack of recent South African practice guidelines and operational manuals, the different interpretations of the judicial system, foreign Central Authorities and Accredited Adoption Bodies, expose social workers in terms of mandated functions. The researcher argues that a

lack of clear cooperation and communication between service providers contributes to systemic challenges which are not in the best interests of children and delay permanency placement through adoption.

Theme 2: Professional fees and costs related to intercountry adoptions

Due to the specific focus on best practice, the researcher's selection of papers provided limited information on financial aspects. The Practice guidelines on intercountry adoptions (Department of Social Development South Africa, 2015) are silent on matters related to fees, donations and gifts. The only reference thereto, is in line with Section 259(3) of the Children's Act (38 of 2005) which prescribes fees paid to accredited organizations in respect of intercountry adoptions through Regulation 107. Future fee implications that could mean the end to intercountry adoptions from South Africa are included in the proposed 3rd Children's Amendment Bill (2018) which proposes that no fees may be charged for any adoption related activities. D Wybrow (personal communication, April, 2019) state that pending the outcome of the proposed Children's Bill (2018), the financial aspects and the challenge to continue with a quality service remain in limbo.

Theme 3: Working with biological parents

The literature does not adequately address the need for best practice when working with birthparents. It merely provides guidelines on the importance of keeping children in families, of respecting the right of birthparents to be involved and the importance of sharing background information with the adoptive parents. Best practice procedures need to be shared amongst service providers, specifically in the South African context.

Theme 4: Legal and therapeutic process of adoptable children

From a practice position, the researcher acknowledges the importance of thorough adoptability assessments of children. This process is addressed in the Children's Act as well as in the Practice guidelines on intercountry adoptions (Department of Social Development, 2015). To avoid social workers "legalizing" children, more focus should be on understanding the profile of the child, his/her emotional and medical needs and most of all his/her ability to form secure relationships. O' Brien (2009) states that "Legalism" should not override research and clinical knowledge and that best practice decisions should.

Theme 5: Prospective adoptive parents

The researcher concludes with the finding of Brodzinsky (2015) that the modern adoptive family is complex and diverse. From practice experience and through interaction with other accredited Child protection organisations, the importance of leadership, guidelines and best practice is

non-negotiable to ensure that social workers are equipped to deal with this specialized form of adoption. The social worker is seen as the “voice” of a very complex system and needs to be confident in how she presents all parties involved in the process. A practice manual would assist social workers to deal with the management of intakes and the way in which a waiting list is managed in such a way that the process remains child centred.

Theme 6: Subsidiarity, matching and placement

The researcher is in agreement with the available literature which emphasizes the importance of subsidiarity. However, the Register for adoptable children and prospective adoptive parents (hereafter RACAP), (Department of Social Development, 2017) as the official subsidiarity tool is not fully functional and could delay the placement of children despite the intention thereof.

In terms of matching and placement literature, the researcher can confirm that the focus is on the rights of the child, the importance of detailed information and preparation. The Practice guidelines on intercountry adoptions (Department of Social Development, 2015) also only provide basic guidelines. The researcher is of the opinion that matching and placement is the most specialised part of the adoption and that best practice case studies and programmes should inform this process.

Theme 7: Legal finalization and registration

The researcher argues that social workers experience immense challenges in ensuring that all required documentation is submitted to the court. This stage of the process is often also characterised by role confusion, system delays, lack of expertise in certain courts, mistakes on court documents, outstanding documentation needed for Registration of the adoption, Department of Home Affairs as well as Foreign Affairs (Abba versus Home Affairs Court Case, 2019). A lack of knowledge and insight into the process and the specific requirements of role players need to be addressed in a practice manual.

Theme 8: Post-adoption services

The impact of more open adoptions will have to be addressed within the uniquely South African context. The Children’s Act (38 of 2005), Practice Guidelines on intercountry adoption (Department of Social Development, 2015), as well as current programmes, do not accommodate the new adoption environment. The researcher is of the opinion that this is an area that needs further research. Best Practice on roots and origin search in intercountry adoption is only becoming a reality now, taking into account that South Africa entered the field of intercountry adoptions in the year 2000.

In the next part of the study, four focus groups consisting of adoption social workers were utilized as a method to gain insight into the practical implementation challenges in facilitating intercountry adoptions. Several themes emerged from the data which can be summarized as follows:

5.4 Conclusions and key themes emerging from the focus groups

Theme 1: Impact of African socio- cultural perspective on intercountry adoption

Within the context of this theme, the right of the birthmother in the adoption process, adoptability and best interest, and inter-sectorial collaboration were identified as sub-themes. Participants raised concerns that the process of finalizing an intercountry adoption poses several challenges in terms of the adoptability and subsidiarity process. The lack of inter-sectorial networking results in adoptable children growing up in Child and Youth Care Centres (hereafter CYCC). Children that could have benefitted from a permanent family through intercountry adoption are seldom referred for adoptability assessment.

Theme 2: Children placed through intercountry adoption

Two sub-themes emerged from this discussion: The profile of children and the impact of systemic challenges on the child. All participants agreed that the current profile of available children requires proper medical and developmental assessments to ensure that all relevant information is available as part of the matching process. Open communication between the Sending and Receiving country social workers is of the utmost importance.

Theme 3: The principle of subsidiarity

To ensure that all possible matchings in South Africa have been explored, social workers need to consult RACAP (Department of Social Development, 2017). The lack of best practice guidelines has many times discouraged social workers from entering into network agreements or exposing adoptive parents, children and colleagues to negative practice and even fraudulent activities (NACSA, 2018). Specific guidance on the preferences of birth parents, costs, travel expenses and post-adoption services were mentioned by participants.

Theme 4: Prospective adoptive parents

Participants commented on the changing profile of prospective adoptive parents which requires adjusted practice, clear communication with contract partners and management of expectations. Sub-themes that emerged from this discussion included the management of applications from receiving States, the changing profile of applicants and the pre-identification of children in CYCC.

Theme 5: Adoption process from matching to finalization

Participants confirmed the practical challenges in the facilitation of the process. Sub-themes that emerged were the delegation of functions between contracting States, the adoption process and role-players involved. Participants agreed that the Practice Guidelines on intercountry adoption (Department of Social Development South Africa, 2015) only provides basic matching and placement principles and lacks uniform best practice procedures with regards to this specialized area. The legal and administrative finalization of the adoption is another area that needs uniform procedures and timelines to avoid unnecessary delays.

Theme 6: Post-adoption services

Sub-themes that formed part of this discussion included access to information, the CYCC’s and also the impact of new technology on post-adoption services. The researcher is of the opinion that social media and technology changed the intercountry adoption phenomenon dramatically. From all data received it was clear that social workers are not knowledgeable enough or equipped to deal with the practical implications thereof.

Theme 7: Costing

Intercountry adoption is often related to corruption, illicit financial practice and even sometimes compared with trafficking. The need for clear guidelines on financial matters is of utmost importance and should be addressed in a practice manual. Sub-themes that emerged from the groups were professional fees, operational funding and donations and contributions.

The data received from the focus groups confirms the identified themes from the literature and confirms the need for a practice manual that will assist South African social workers in the process of intercountry adoptions.

5.4 Recommendations for the content of a practice manual for social workers facilitating intercountry adoptions from South Africa

Table 5-1: Recommendations for the content of a practice manual for intercountry adoptions

1. Introduction
2. Purpose of the Practice manual
3. Legislative Framework
4. Guideline for bilateral agreements between contracting States A uniform standard for content of bilateral agreements between Contracting States and the

relevant Accredited Adoption Bodies should be included in a practice manual to protect both contracting partners with clear expectations and procedures.

5. Service level agreements between the Central Authority and the accredited Child Protection Organisation

Delegation of functions between the South African Central Authority and Accredited Adoption Bodies. This procedure should be addressed in a practice manual to provide clear role clarification to all parties involved.

Fees and costing – impact of the proposed 2018 Third Children’s Amendment Bill which will be tabled in Parliament during June 2018 and proposes that no fee in relation to an adoption may be charged by any professional. The impact of this proposal will have a detrimental effect on intercountry adoptions, as this programme is not subsidized by the Department of Social Development. This proposal further contradicts the requirement in the Hague Convention which provides for the charging of costs and expenses in respect of intercountry adoptions, including reasonable professional fees. The HCCH confirms the need for skilled and specialized social workers and psychological, legal and medical professionals to ensure that children are legally adoptable and medically assessed as part of the matching process.

6. Networking as part of subsidiarity – Utilizing RACAP

Ensuring that special needs adoptable children who could not be matched locally be referred to accredited intercountry organisations. Practical recommendations to encourage and assist all social workers to network efficiently and avoid systemic delays.

7. Managing intakes and internal waiting lists

Management of waiting lists. This situation needs to be well-managed in accordance with the profile of children waiting for placement and not in accordance with the needs and rights of foreign adoptive parents.

8. Adoptability, medical, emotional and developmental assessment – minimum norms and standards

The role of culture in working with biological families. Children are deprived of adoption as a result of cultural perspectives which do not serve the best interests of the child. The lack of best practice information dealing with culture and best interests should be included in a practice manual to assist social workers in these very complex decisions.

The reality of undocumented birthmothers in crisis pregnancy is posing challenges with regards to services, citizenship and legal interpretations. The delay in finalising birth registration also delays adoption processes.

<p>9. Matching guidelines</p> <p>Best practice guidelines according to the needs of the child and the ability of prospective adoptive parents. Managing the rights and preferences of birth parents, cultural and religious viewpoints of social workers and Child and Youth Care Centres with the profile of adoptive parents.</p>
<p>10. Application for Central Authority approval – Section 17 of the 1993 Hague Convention on intercountry adoption</p> <p>Format of Section 17 reports indicating all efforts made to match child locally, all supporting documentation.</p>
<p>11. Preparing and submission of adoption reports and supporting documents</p> <p>Timeframe, report format and supporting documentation.</p> <p>Process map to avoid delays.</p>
<p>12. Proposing the child to the prospective adoptive parents</p> <p>Importance of detailed child study with recent information – as visual as possible. Managing technology and good practice. Dealing with the impact of systemic delays on all parties involved.</p>
<p>13. Preparation of the child in the Child and Youth Care Centre</p> <p>Importance of emotional and physical preparation for placement, dealing with feelings and expectations of child care workers. Photo albums, information book, important others and the impact on other children.</p>
<p>14. Preparation of prospective adoptive parents – Travelling to South Africa, placement plan, the role of the Child and Youth Care centre, roots tour</p> <p>The adoption process from a culturally sensitive viewpoint. The importance of insight and practical integration of culture. This needs to be taken into account in the preparation programmes of parents adopting children from South Africa and included in a best practice manual.</p>
<p>15. Introduction and placement</p> <p>Placement plan according to needs of child, role players, cultural sensitive process.</p>
<p>16. Legal finalization</p> <p>Court preparation for parents and child.</p>
<p>17. Parent support, bonding and attachment, meeting with biological parents, consultation with medical professionals</p>

Managing expectations, bonding and attachment challenges, safety, communication and dealing with the response of community members/media.
18. Registration and updating of SA population Register at Department of Home Affairs Realistic expectations, timeframe, embassy requirements.
19. Post-adoption services Post-adoption agreement, permission to publish information/photos on social media, contact with Child and Youth Care Centre, official feedback reports, holiday visits and origin search.
20. Origin and Roots search Legal requirements versus the needs of the child, new information after the adoption, the process of origin search, contact with the biological family, role of culture, inheritance.

From the findings in the relevant literature and the information gathered through focus groups with adoption social workers, theory and practice can be integrated to inform recommendations on what the content of a user-friendly practice manual should include. Such a manual would not only assist South African social workers, but would also contribute towards the development of similar programmes in Africa. The researcher is of the opinion that this study could be the foundation of further research and training by the South African Central Authority and Tertiary Institutions for different service providers involved in the practice and could influence policy in the future.

5.5 Limitations of the study and the need for further research

The researcher could not find any best practice programmes in local literature and included grey literature from both sending and receiving countries to confirm the need to develop best practice origin programmes while adoptive parents are in the country. Literature confirms the importance of understanding the political, socio-cultural and demographic aspects of the country of Origin (Brodzinsky, 2015).

Although data saturation was reached, one of the biggest Child protection organisations did not participate in the study due to other urgent matters. Another limitation was the fact that more than half of the accredited Child protection organisations have limited experience and have only facilitated a few intercountry adoptions. They specifically indicated a need for such a practice manual to be able to train social workers in this very controversial and specialized field.

The findings further emphasize that irregular practice could “jeopardize the security and physical integrity of biological parents, due to religious, cultural or other particular characteristics”. From

practice experience, the researcher argues that the entitlement of the extended birth family to the child is in conflict with legislation and international guidelines on the rights of the child. This area needs further research.

5.6 References

Brodzinsky, D. (2015). *The modern adoptive families study: An introduction*. New York: Donaldson Adoption Institute. Retrieved from http://issuu.com/dai2015/docs/dai_mafreport_090115_r6/1

Hague Conference on Private International Law (HCCH). (1994). *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption*. Retrieved from http://www.hcch.net/index_en.php?actDconventions.text&cidD69

Hague Conference on Private International Law (HCCH) (2008). *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to good practice, no 1*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

Hague Conference on Private International Law (HCCH) (2012). *Accreditation and adoption accredited bodies: General principles and guide to good practice, no 2*. Bristol: Family Law. Retrieved from <https://assets.hcch.net/docs/7ea29e33-b8e6-49de-8d3b-89864d72584f.pdf>

National Adoption Coalition of South Africa. (2018). Retrieved from www.adoptioncoalitionsa.org

O'Brien, V. (2009). The potential of Ireland's Hague Convention legislation to resolve ethical dilemmas in intercountry adoptions. *Irish Social Worker*, 13-19. Retrieved from https://researchrepository.ucd.ie/bitstream/10197/3221/1/Valerie_O%27Brien_%28Summer09Journal%29.pdf

South Africa. (2005). *Children's Act 38 of 2005*. Pretoria: Government Printer.

South Africa. (2018). *Children's Third Amendment Bill Act 38 of 2005. Government Gazette, No. 42005*.

South Africa. Department of Social Development. (2010). *Adoption policy framework and strategy*. Pretoria: Government Printer.

South Africa. Department of Social Development. (2015). *Practice guidelines on intercountry adoptions*. Pretoria: Government Printer. Retrieved from https://www.gov.za/sites/default/files/gcis_document/201409/practiceguidelinesonintercountryadoption.pdf

South Africa. Department of Social development. (2017). *Draft policy guidelines on adoptable children and prospective adoptive parents (RACAP)*. Retrieved from <http://www.mm3admin.co.za/documents/docmanager/40e99c64-dc90-4f5c-9240-50764b1f4739/00035184.doc>

South Africa. Department of Social Development. (2018a). *National Adoption Register*. Pretoria: Unpublished.

Case law:

Abba Specialist Adoption and Social Services and Lawyers for Human Rights (LHR) v Minister of Home Affairs and Others. (Unpublished judgement Pretoria High Court, March 2019)

ANNEXURE A: SEEKING GOODWILL PERMISSION LETTER

Seeking your goodwill permission regarding research



The researcher is seeking your goodwill permission to include social workers working in the intercountry program of your organisation to participate in a focus group on the practical implementation of existing South African intercountry adoption guidelines

Motive for research

Inter-country (IC) adoptions present specific challenges. There are 10 Child Protection organisations accredited in South Africa and as such sharing good practise, building partnerships and networking is vital to our work when serving the best interests of each child.

As experienced adoption social worker in the field of inter-country adoption and through engagement with other inter-country adoption practitioners, the need for a manual of operational procedures was confirmed and forms the basis of this study. Despite existing legislation and practice guidelines, child protection organizations accredited to facilitate inter-country adoptions from South Africa, experience challenges in practice when having to implement the guidelines. Changes experienced in the contemporary adoption environment such as the changing profile of children, impact of social media and networking between service providers contribute significantly to these challenges.

Research Title:

To determine the content for an operational procedure manual for inter-country adoption practitioners from South Africa.

Research method:

Two-hour long focus groups, completing a structured interview schedule will be arranged on different dates in Gauteng, Western Cape and KZN to ensure that the identified participants have the opportunity to attend a group in their area of operation.

Voluntary and consented participation with feedback

Please confirm your goodwill permission before 20/09/18

René Ferreira

0832837541 / rene@abbaadoptions.co.za

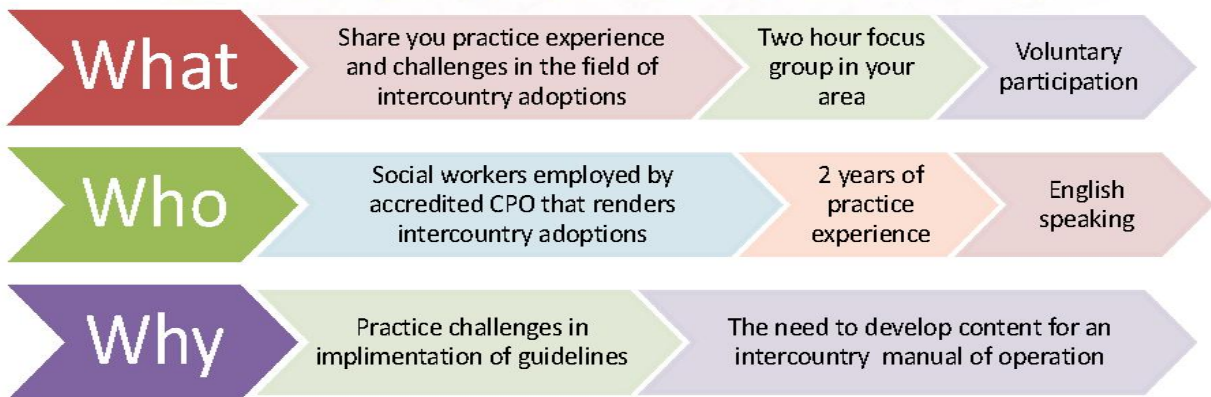


ANNEXURE B: ADVERTISEMENT



Social workers with practical experience in intercountry adoptions

Participants needed for focus group



Looking forward to include your insights in a manual of operations!

Please confirm your consented participation via email before 20/11/18

René Ferreira

0832837541 / rene@abbaadoptions.co.za

Singed on

at

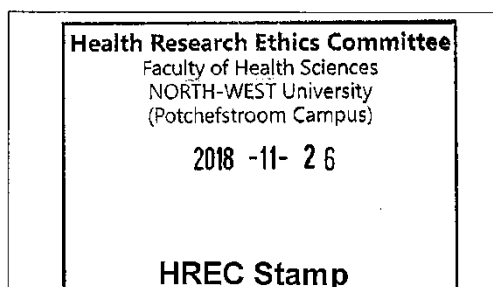
by



ANNEXURE C: HREC INFORMED CONSENT STAMPED



Private Bag X1290, Potchefstroom
South Africa 2520
Tel: +2718 299-1111/2222
Fax: +2718 299-4910
Web: <http://www.nwu.ac.za>



INFORMED CONSENT FOR INTERCOUNTRY ADOPTION PRACTITIONERS TO PARTICIPATE IN A FOCUS GROUP FOR RESEARCH PURPOSES

TITLE OF THE RESEARCH STUDY: The development of the content for an operational procedures manual for inter-country adoption practitioners in South Africa.

ETHICS REFERENCE NUMBERS: NWU-00113-18-S1

PRINCIPAL INVESTIGATOR: Dr Hanelie Malan

POST GRADUATE STUDENT: Rene Ferreira

ADDRESS: 13 Kingfisher Street, Wierda Glen Estate, Centurion

CONTACT NUMBER: 083 283 7541

You are being invited to take part in a **research study** that forms part of a Master's degree in Social Work. Please take some time to read the information presented here, which will explain the details of this study. Please ask the researcher or person explaining the research to you any questions about any part of this study that you do not fully understand. It is very important that you are fully satisfied that you clearly understand what this research is about and how you might be involved. Also, your participation is **entirely voluntary** and you are free to say no to participate. If you say no, this will not affect you negatively in any way whatsoever. You are also free to withdraw from the study at any point, even if you do agree to take part now.

This study has been approved by the **Health Research Ethics Committee of the Faculty of Health Sciences of the North-West University (NWU-00113-18-S1)** and will be conducted according to the ethical guidelines and principles of Ethics in Health Research: Principles, Processes and Structures (DoH, 2015) and other international ethical guidelines applicable to this study. It might be necessary for the research ethics committee members or other relevant people to inspect the research records.

What is this research study all about?

- *The researcher plan to use focus groups to explore the views of accredited adoption social workers regarding the practical implementation challenges and gaps in facilitating inter-country adoptions and to make recommendations on what the content of an operational procedure manual for intercountry adoption practitioners should be.*
- *This study will be conducted at the offices of accredited child protection organisations both in Pretoria, Durban and Cape Town and will be done by experienced health researchers trained in social work.*

Why have you been invited to participate?

- *You have been invited to be part of this research because you are an experienced social worker, employed by a Child Protection Organisation accredited to render inter-country adoptions.*
- *You will unfortunately not be able to take part in this research if you are a social worker in private practice as this category of adoption social workers does not have accreditation to do inter country adoptions.*

What will be expected of you?

- *You will be expected to participate in a once off focus group of two hours, facilitated by the researcher and/or colleague. In this interview, eight questions will be explored. The KZN focus group will take place in October, with Gauteng and Cape Town in November 2018.*

Will you gain anything from taking part in this research?

- *There will be no direct gains for you in the study.*
- *The gains for you if you take part in this study will be to share your insights and knowledge, you will also benefit from the practise experience of relevant colleagues on the practical process of inter-country adoptions.*
- *The other gains of the study are to make future recommendations from this study which can be included in national policy and practise guidelines on Inter-country adoption.*

Are there risks involved in you taking part in this research and what will be done to prevent them?

- *The risks involve in participating in this study are minimal and will further be limited by a well-structured interview environment, ensuring that professional time is respected during the two-hour process in office hours.*
- *There are more gains for you in joining this study than there are risks.*

How will we protect your confidentiality and who will see your findings?

- *The participants within the focus group will be made aware of the other members of the focus group before participating in the group.*
- *The anonymity of the participants will only partially be guaranteed in a focus group but group rules will be established to protect the participants during focus group discussions. The participants committed to not mention the names of clients or not to refer to actual cases in their focus group discussions.*
- *The focus groups will be audio recorded and the researcher will transcribe the data. During the transcription process the data will be coded to ensure that no connection can be made to specific participants. Confidentiality will also be ensured by the way the data will be captured – identifying data will be changed and the digital recordings will be deleted after the data is transcribed.*
- *Only the researcher and study leader will be able to look at your findings. Findings will be kept safe by locking hard copies in locked cupboards in the researcher's office and for electronic data it will be password protected. (As soon as data has been transcribed it will be deleted from the recorders.) Data will be stored for 5 years in a prescribed manner.*

What will happen with the findings or samples?

- *Findings will be kept safe by locking hard copies in locked cupboards in the researcher's office and for electronic data it will be password protected. As soon as data has been transcribed it will be deleted from the recorders. Data will be stored for 5 years after which it will be destroyed in the prescribed manner.*
- *The data from this study could be used for future studies; however, such a person will have to get permission in writing from the North West University Ethics committee.*

How will you know about the results of this research?

- *We will give you the results of this research within 6 months after the study has been finalized via e-mail.*
- *The findings will be written in a report and also published in an article format.*
- *The findings will also be shared at the National Adoption Conference in 2019.*
- *You will be informed of any new relevant findings by e-mail.*

Will you be paid to take part in this study and are there any costs for you?

- *You will not be paid to take part in the study.*
- *You will have no travelling expenses and do not have to be refunded for traveling. The focus groups will coincide as part of the normal meeting space of the organisation.*
- *Refreshments will be served during the focus group interviews.*
- *There will thus be no costs involved for you, if you do take part in this study.*

Is there anything else that you should know or do?

- *You can contact Rene Ferreira at 083 283 7541 if you have any further questions or have any problems.*

- You can also contact the Health Research Ethics Committee via Mrs Carolien van Zyl at 018 299 1206 or carolien.vanzyl@nwu.ac.za if you have any concerns that were not answered about the research or if you have complaints about the research.

You will receive a copy of this information and consent form for your own purposes.

Declaration by participant

By signing below, I agree to take part in the research study titled: Determining the content of a manual of operations for inter-country adoption practitioners in South Africa.

I declare that:

- I have read this information/it was explained to me by a trusted person in a language with which I am fluent and comfortable.
- The research was clearly explained to me.
- I have had a chance to ask questions to both the person getting the consent from me, as well as the researcher and all my questions have been answered.
- I understand that taking part in this study is **voluntary** and I have not been pressurised to take part.
- I may choose to leave the study at any time and will not be handled in a negative way if I do so.
- I may be asked to leave the study before it has finished, if the researcher feels it is in the best interest, or if I do not follow the study plan, as agreed to.

Signed at (*place*) on (*date*) 20....

.....
Signature of participant

.....
Signature of witness

Declaration by person obtaining consent

I (*name*) declare that:

- I clearly and in detail explained the information in this document to
.....
- I did not use an interpreter.
- I encouraged him/her to ask questions and took adequate time to answer them.
- I am satisfied that he/she adequately understands all aspects of the research, as discussed above
- I gave him/her time to discuss it with others if he/she wished to do so.

Signed at (*place*) on (*date*) 20....

.....
Signature of person obtaining consent

Declaration by researcher

I (*name*) declare that:

- I explained the information in this document to
- I did not use an interpreter
- I encouraged him/her to ask questions and took adequate time to answer them
- The informed consent was obtained by an independent person.
- I am satisfied that he/she adequately understands all aspects of the research, as described above.
- I am satisfied that he/she had time to discuss it with others if he/she wished to do so.

Signed at (*place*) on (*date*) 20....

.....
Signature of researcher

Current details: (23239522) G:\My Drive\9. Research and Postgraduate Education\9.1.5.6 Forms\9.1.5.6_HREC_ICF_Template_Apr2018.docm
25 April 2018
File reference: 9.1.5.

ANNEXURE D: ETICS APPROVAL LETTER



Private Bag X1290, Potchefstroom
South Africa 2520

Tel: 018 299-1111/2222
Fax: 018 299-4910
Web: <http://www.nwu.ac.za>

Research Ethics Regulatory Committee
Tel: 018 299-4849
Email: nkosinathi.machine@nwu.ac.za

ETHICS APPROVAL LETTER OF STUDY

Based on approval by the North West University Health Research Ethics Committee (NWU-HREC) on 26/11/2018, the NWU Health Research Ethics Committee hereby approves your study as indicated below. This implies that the North-West University Research Ethics Regulatory Committee (NWU-RERC) grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the study may be initiated, using the ethics number below.

Study title: The development of the content for an operational manual for inter-country adoption practitioners in South Africa.				
Study Leader/Supervisor (Principal Investigator)/Researcher: Dr H Malan				
Student: R Ferreira				
Ethics number:	N	W	U	-
	0	0	1	1
	3	-	1	8
	-	A	1	
	Institution		Study Number	
			Year	Status
	<u>Status:</u> S = Submission; R = Re-Submission; P = Provisional Authorisation; A = Authorisation			
Application Type:	Single study			
Commencement date:	2018/11/26		Risk:	Minimal
Expiry date:	2019/11/30			
Approval of the study is initially provided for a year, after which continuation of the study is dependent on receipt and review of an annual (or as otherwise stipulated) monitoring report and the concomitant issuing of a letter of continuation.				

Special in process conditions of the research for approval (if applicable):

- Please provide the HREC with copies of any other goodwill permission letters from the directors of the accredited Child Protection Organisations that are to be included
- Please provide the HREC with copies of the signed confidentiality agreements with the transcriber and the co-coder

General conditions:

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, the following general terms and conditions will apply:

- *The study leader/supervisor (principle investigator)/researcher must report in the prescribed format to the NWU-HREC:*
 - *annually (or as otherwise requested) on the monitoring of the study, whereby a letter of continuation will be provided, and upon completion of the study; and*

- without any delay in case of any adverse event or incident (or any matter that interrupts sound ethical principles) during the course of the study.
- The approval applies strictly to the proposal as stipulated in the application form. Should any amendments to the proposal be deemed necessary during the course of the study, the study leader/researcher must apply for approval of these amendments at the NWU-HREC, prior to implementation. Should there be any deviations from the study proposal without the necessary approval of such amendments, the ethics approval is immediately and automatically forfeited.
- Annually a number of studies may be randomly selected for an external audit.
- The date of approval indicates the first date that the study may be started.
- In the interest of ethical responsibility the NWU-RERC and NWU-HREC reserves the right to:
 - request access to any information or data at any time during the course or after completion of the study;
 - to ask further questions, seek additional information, require further modification or monitor the conduct of your research or the informed consent process;
 - withdraw or postpone approval if:
 - any unethical principles or practices of the study are revealed or suspected;
 - it becomes apparent that any relevant information was withheld from the NWU-HREC or that information has been false or misrepresented;
 - submission of the annual (or otherwise stipulated) monitoring report, the required amendments, or reporting of adverse events or incidents was not done in a timely manner and accurately; and / or
 - new institutional rules, national legislation or international conventions deem it necessary.
- NWU-HREC can be contacted for further information or any report templates via Ethics-HRECApply@nwu.ac.za or 018 299 1206.

The NWU-HREC would like to remain at your service as scientist and researcher, and wishes you well with your study. Please do not hesitate to contact the NWU-HREC or the NWU-RERC for any further enquiries or requests for assistance.

Yours sincerely



Digitally signed by Wayne Towers
Date: 2018.12.04 08:57:31 +02'00'

Prof Wayne Towers
Chair NWU Health Research Ethics Committee

Current details: (22351930) M:\DSS1\8533\Monitoring and Reporting Cluster\Ethics\Certificates\Templates\Research Ethics Approval Letters\9.1.5.4.2 HREC Ethical Approval Letter.docm
3 December 2018

File reference: 9.1.5.4.2

ANNEXURE E: LANGUAGE EDITOR'S LETTER



CERTIFICATE OF EDITING

29 May 2019

To whom it may concern

This is to confirm that I have completed the language editing of the five chapters of the thesis **Content development for an operational manual for intercountry adoption social workers in South Africa** submitted for the degree *Magister Scientiae* in Child Protection at the North-West University by Rene Ferreira (23447133).

I have not edited the content page or the bibliography.

Yours faithfully

Ailsa Williams

☎ 082 298 7115 ✉ williams.ailsa@gmail.com