

Intercountry adoption on the internet

This study by **Shihning Chou, Kevin Browne** and **Melanie Kirkaldy** investigated whether intercountry adoption agencies on the internet upheld the principles of the UN Convention of the Rights of the Child (UNCRC 1989) and the Hague Convention (1993). A systematic search on the UK-based Google search engine was carried out. The search yielded 2,383 hits, of which 116 were adoption agencies. All 116 agencies were registered in the USA and 37 per cent of the agency websites clearly stated that potential adoptive parents are allowed to select a child they wish to adopt, with 34 per cent offering the option to apply online. The average total fee for intercountry adoption per child was US\$20,338 with an average application fee of US\$273.97. The majority of websites displayed photographs of children: 9.5 per cent showed photos of named children who had been adopted, 25 per cent displayed photos of named children currently available for adoption and 50 per cent of websites displayed general photographs of children with no identifiers. Furthermore, 18.1 per cent of agencies used terminology that promoted children as a commodity rather than as individuals in need. There was a positive correlation between agencies using such terminology and those displaying photographs with personal information. If these views are accepted, it means that it can be estimated that at least 38 per cent of the agencies were in breach of the UNCRC and the Hague Convention.

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Introduction

There has been a sharp increase in the number of intercountry adoptions over the past three decades (Kane, 1993; Selman, 2002) and a parallel decrease in the number of national adoptions of young children (Hoksbergen and Laak, 2005). Offering children for intercountry adoption has been used as a solution to poverty and child abandonment in developing

nations and countries undergoing economic transition where there is poor family support and a lack of child welfare services (Browne *et al*, 2006). However, there has been debate about the appropriateness of this approach. First of all, only four per cent of the children in institutions are 'true' biological orphans with both parents deceased (Browne *et al*, 2005). The legitimacy of children with living parents and relatives being placed for adoption without a prior attempt to rehabilitate them with their biological families has been questioned, as exemplified by the recent case of young boy in Malawi being adopted by the celebrity Madonna. Even in cases where intercountry adoption is the only option left for a child, other than prolonged institutional care, concerns have been expressed that the needs of the child are not adequately considered or matched appropriately to adopting families (Saclier, 2000; Mulheir *et al*, 2004). So far, this issue has been flagged up in field observations. Thus, there is an urgent need for scientific and systematic investigations to establish the extent of this problem. One way to explore it is to compare the current intercountry adoption practice against the international legal benchmarks: the UN Convention of the Rights of the Child (UNCRC) provides guidelines to ensure the welfare and the rights of the child are upheld, and the Hague Convention is the standard of care for children that have been moved across borders.

Extent of intercountry adoption

It is difficult to ascertain true figures for the number of intercountry adoptions worldwide due to the lack of a central and unified system of recording intercountry adoption cases (Weil, 1984; Selman, 2002). For example, in England and Wales the statistics on adoption do not distinguish between domestic and intercountry placements. Despite these difficulties,

estimates have been made using various sources, such as the US records on the number of visas issued to children adopted abroad. Kane (1993) estimated that the minimum number of intercountry adoption between 1980 and 1989 was approximately 162,000, averaging 16,000 a year ($\pm 10\%$). Estimates for the early 1990s ranged between 15,000 and 20,000 a year worldwide (Duncan, 1993). A more recent UNICEF study (1999), cited in Selman (2002), estimated the number for seven major receiving countries between 1993 and 1997 as between 16,027 and 23,199 per year. The UNICEF figures suggest that intercountry adoption is on the increase.

At the time the above estimates were made, Romania was one of the major donor countries. The Government of Romania National Authority for the Protection of Children's Rights (ANPCA, 2005) has data related to international and domestic adoptions since 1997. The data show that 20,132 Romanian children were adopted in eight years (1997 to 2004): 10,936 (54%) were officially recorded as being internationally adopted and 9,194 (46%) domestically adopted. Approximately three-quarters of these children were less than four years old. However, this age group (0–4 years) only represented nine per cent of Romanian children in public placement centres in 2000, the year in which the number of intercountry adoptions peaked at 3,035. This represented approximately one in every 2,000 young children in Romania. In fact, domestic adoptions have only outnumbered international adoptions since 2002 when a moratorium was imposed. There were 1,115 cases pending in January 2005 when national legislation in Romania restricted international adoptions to parents and grandparents who live outside the country. Contrary to popular belief, 38 per cent of the children requested for intercountry adoption were residing in foster care rather than in institutions and 103 applications referred to children who were not deemed adoptable when the application form was completed (Government of Romania Office for Adoption, 2006). Since 2002, most applications came from Spain (37%)

and the USA (28%), countries that also have high numbers (over 2 per 1,000) of young children in institutional care (Browne *et al.*, 2006; Johnson, Browne and Hamilton-Giachritsis).

Psychological care and adoption practice

It is increasingly argued that young children with a background of institutional care may have significant delays in brain growth and in social and cognitive development (Johnson, Browne and Hamilton-Giachritsis, 2006). Attachment disorder and pseudo-autistic behaviour are also often observed (Rutter *et al.*, 1999; O'Connor *et al.*, 2000, 2003; Rutter and O'Connor, 2004). The insecurity in these children makes them vulnerable and their permanent care complex. Once the decision of adoption is made, the transition between home, any temporary alternative placements and the adoption home, if not handled sensitively and carefully, can provoke further trauma and anxiety for the child (Yarrow and Klein, 1980; Mulheir *et al.*, 2004). Throughout the transition, adopted children go through a series of losses, including the loss of biological families, extended families, previous carers and peers in institutional and/or foster care. Self-identity and ethnic/cultural connections may be challenged, especially if the adoption is transracial or international (eg Brodzinsky *et al.*, 1984; McRoy, 1991; Triseliotis, 1991; Brodzinsky, 1990, 1993; Smith and Brodzinsky, 1994; Baden and Steward, 2000). For example, a child who is adopted by parents of the same ethnic group has a choice as to whether to disclose their adoption status as they may be considered as a biological offspring, whereas a child who is adopted by parents of a different ethnic group has no choice but to disclose the fact that they are adopted. This will have a psychological and social impact on the child.

It has been argued that a child's attachment to adoptive parents could be undermined by the complications during transitions and the inadequate matching of family characteristics to the needs of the child (Brodzinsky, 1987). For example, childless couples who may not have

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adequately resolved their feelings about their infertility may resent one another and/or the adopted child, a dynamic that could destabilise the family as a whole. Another factor which may affect parent-child relationships is the stress, uncertainty and anxiety that adoptive parents experience while seeking to adopt, such as undergoing the necessary assessment process, and the impact of these experiences on their mental health (Brodzinsky, 1987). Later in life, adopted children may find it difficult to come to terms with their adopted status and experience confusion about their own identity (Brodzinsky, 1984; Baden and Steward, 2000).

Therefore, it seems logical to conclude that adoption, especially intercountry adoption, should not be considered until all other options have been assessed. When adoption is deemed the best option for a child, it is essential to match her or his needs to the skills and capacity of surrogate caregivers and potential adoptive families. Adequate post-adoption follow-up and support for the child and adoptive family are also needed to make sure that children are thriving in a stable and happy environment.

International legislation

The international legislation that promotes principles of children's rights is the 1989 United Nations Convention on the Rights to the Child (UNCRC). The principles that govern the practice of moving children across borders are outlined in the 1993 Hague Convention, which is essentially based on the UNCRC.

UN Conventions of the Rights of the Child
The principles in the UNCRC related to intercountry adoption are as follows:

Article 2 States Parties shall respect the rights of the child without discrimination of any kind and take all appropriate measures to ensure that the child is protected against all forms of discrimination.

Article 3 In all actions concerning children, the best interests of the child shall be a primary consideration.

Article 8 The state has a responsibility to protect the identity of the child.

Article 9 The child has a right to live with their parents.

Article 16 Personal information about the child should be protected and not displayed for the public to view.

Article 19 States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 20 Children should only be placed for adoption after attempts to rehabilitate the family have failed following foster care.

Article 21 Adoption should only be carried out in the best interest of the child and by competent authorities.

Article 23 A disabled child has the right to special care. Foster and adoptive families must be trained to deal with special needs, and adoption should only take place when needs are addressed by adoption families.

It is clear from the UNCRC Articles that the state has a responsibility to protect children from harm. Childcare services should ensure the optimal physical and psychological development of the child and the promotion and maintenance of a secure attachment to their primary carer. The principles outlined in the Articles are resonant to the findings from decades of psychological research on child development. These Articles apply to children who are cared for by their biological parents, professional foster carers and adoptive families. States should ensure that attempts are made to support and rehabilitate all families.

When it is not possible or safe for the child to be cared for by their biological parents, relatives, surrogate caregivers and potential adopting families may be considered. The needs of the child are matched to the skills and capacity of potential carers. This matching principle dictates the selection of the surrogate

carers. An evaluation of the success of a new placement is as important as the assessment, matching and preparation process. The evaluation determines whether the child is thriving in their new environment with their new caregiver. State social services are usually involved in the evaluation of national adoption and foster placements. However, concerns have been expressed over whether this applies to international adoptions. Some authors have highlighted the disparity between national and international adoptions (Saclier, 2000; Selman, 2000).

Furthermore, the role of ethnicity in the selection of children for international adoption is yet to be determined. What has been observed in research studies, however, is the over-representation of minority ethnic children with disabilities among those who remain in residential care (Browne *et al*, 2005).

Hague Convention

Specifically in relation to intercountry adoption, the Hague Convention (1993) states that:

The child must be adoptable. (Article 4)

Only reasonable fees should be charged. (Article 32)

These legal restrictions ensure that children are not placed in danger. Both child and parental rights cannot be easily relinquished legally and services are not financially driven.

The Inter-Parliamentary Union and UNICEF publication on Child Protection in 2004 also expresses concern over the lack of legislation governing intercountry adoption in some countries and identifies it as a problem in Chapter 9 on Trafficking and the Sale of Children (Inter-Parliamentary Union and UNICEF, 2004). Page 81 states:

International Adoption: In the last two decades, intercountry adoption has progressively changed. From its initial purpose of providing a family environment for children, it has become more demand-driven. Increasingly in industrialised countries, intercountry adoption

is viewed as an option for childless couples . . . To meet the demand for children, abuses and trafficking flourish: psychological pressure on vulnerable mothers to give up their children; negotiations with birth families; adoptions organised before birth; false maternity or paternity certificates; abduction of children; children conceived for adoption; political and economic pressure on governments . . . Indeed, a booming trade has grown in the purchase and sale of children in connection with intercountry adoptions.

Use of the internet

With the growing popularity of the internet, there has been a dramatic increase in the number of adoption agencies setting up websites and/or directly offering their services using this facility. It allows easy access to agencies and relevant information. However, it has been noted that the type of information and services offered on the internet have been poorly regulated. As a result, children are placed at risk of abuse, trafficking and exploitation. For example, interviews conducted with convicted sex offenders have identified language that promotes their interest in children as a commodity or object of desire (Elliott, Browne and Kilcoyne, 1995). In addition, studies of internet chatrooms have shown how sex offenders use language to stalk and trap their intended child victims (O'Connell, Price and Barrow, 2003). There is clearly a need to investigate inappropriate language and terminology and the extent of the violations of child rights found on international adoption agency websites.

Study aims and objectives

The aim of this study was to investigate the extent to which international adoption agencies operating on the internet ensure the welfare and rights of children by following the principles set out in the UNCRC and the Hague Convention.

Methods

Search strategy

A systematic search was carried out on a PC through the Microsoft Internet

Explorer at 3pm on 28 September 2004. The search engine used was the UK-based Google facility (www.google.co.uk). The search term was 'international adoption agency' entered with a request that all the words had to appear in the title. All the other settings were left as default. The total number of hits was recorded and the titles returned from the search were looked at to remove duplicates, sub-pages, broken links and non-agency sites. However, non-agency websites that contained links to or lists of actual agency sites were also used to identify additional agencies. Finally, websites that were confirmed to be active agency sites were then examined using a list of criteria.

Criteria and variables

A checklist was applied to each website and the following information was extracted from each website:

- website address, indicating the type of agency (commercial or voluntary);
- agency name;
- the country where the agency was registered;
- donor countries;
- receiving countries;
- cost of the adoption process (ie application fees, agency fees and approximate total cost);
- whether general information on adoption process is freely available (ie do prospective parents have to register details or pay in order to obtain further information?);
- agency names that encourage paedophile fantasy or imply 'market promotion' (eg 'angel', 'heart', 'loving', 'hope' or 'dreams');
- whether children with special needs are available;
- whether photos of potential adoptees are displayed;
- the selection process of children for adoption;
- whether an escort option is available;

- whether post-adoption follow-ups and support are provided; and
- if there is an option of applying to adopt online.

Treatment of data

All the websites and information were entered into SPSS where frequency counts and Chi-squared statistical calculations of association were carried out.

Results

The search yielded a total number of 2,383 hits, of which 116 were adoption agencies. All those identified in this study were registered in the United States. This was the main receiving country. There were 62 different donor countries; on average, every agency dealt with 5.6 donor countries. The top five were Russia (N = 88), China (N = 75), Ukraine (N = 75), Guatemala (N = 72) and Kazakhstan (N = 53). It was found that 37 per cent of the agencies have a website address ending in '.com', 2.6% ending in '.net' (both likely to be commercial) and 60.3 per cent ending in '.org' (likely to be non-commercial).

All the agencies charged potential adoptive parents application and/or agency fees. Nearly half (48.3%) stated that they charged application fees and only 2.6 per cent stated that they did not. The remainder (49) did not specify whether they charged application fees or not. For agencies that charged an application fee, the fees to make an application ranged from US\$50 to \$1,000 with an average of US\$274.

With regard to agency fees to facilitate the adoption process, only 0.9 per cent clearly stated that they did not charge agency fees and 62 per cent did not say. For those agencies that specified an amount (37%), the charges ranged from US\$1,700 to \$9,400 with an average of US\$4,327. The minimum total cost ranged from US\$7,500 to \$35,000 with an average of US\$20,338.

Overall, 14 agencies (12%) were found to have names that could give a misleading impression and 21 agencies (18%) used terminology that could be associated with this. Of most concern were 13 agen-

Table 1

Percentages of all agencies (N = 116) displaying features that are considered poor practice

<i>Features/variables</i>	<i>Percentage % (N = 116)</i>
Definitely charging application fees	48.3
Definitely charging agency fees	37.0
Inappropriate agency names	12.1
Inappropriate terminology in the text	18.1
Displaying photos of potential adoptees	25.0
Displaying photos of children already adopted	9.5
Displaying personal information of children	11.0
Displaying both photos of potential adoptees and their personal information	18.9
Allowing potential adoptive parents to select a child	26.7
Offering the option of adopting online	34.4
No general information on adoption process	41.4
No provision of escort services	61.2
Not stating the provision of follow-up and support	58.6
Dealing with the adoption of children with special needs but failing to specify follow-up services	30.6

cies (11%) that not only used questionable terminology but also displayed personal information (such as medical information) on children available for adoption. A total of 51 agencies (44%) specified that children with special needs were available for adoption. However, of the 51 agencies definitely dealing with children with special needs, only 27 (52.9%) clearly stated the provision of post-adoption follow-up and support.

The majority of websites (N = 98; 84.5%) displayed photographs of children. Fifty-eight (50%) displayed general photographs for illustrative purpose; 11 (9.5%) showed photos of children who had already been adopted and 29 (25%) displayed photos of children available for adoption. Over three-quarters of these agencies (75.8%) also displayed photos of children available for adoption, together with date of birth, name and/or medical/social information.

Thirty-one (26.7%) of the websites clearly stated that potential adoptive parents were allowed to select a child they would like to adopt and 40 agencies (34.4%) offered the option to apply online. Ironically, nearly half (47%) of the websites did not provide enough general

information about adoption process and regulations and only 48 agencies (41.4%) clearly stated the provision of post-adoption follow-up and support. Furthermore, 25 agencies (21.6%) clearly stated the option to escort the child to the host country. The majority (61.2%) did not offer this option and 20 agencies (17.2%) did not make it clear whether it was offered at all.

The above findings are summarised in Table 1.

Associations between factors

The Chi-squared test of statistical association was used to explore associations between factors. The display of children's photographs was found to be positively associated with the use of questionable names previously mentioned ($p < 0.05$) as well as the use of seemingly inappropriate terminology ($p < 0.0001$) in that they gave the impression that the child was a commodity rather than an individual in need. It was also found that agencies which displayed photographs of children were more likely to allow prospective parents to select a child ($p < 0.0001$).

It was found that none of the agencies that used questionable language gave

indications of cost. There is no difference in the charges between those registered as commercial (.com) and those registered as non-commercial (.org).

Overall, it was concluded that 38 per cent of agencies scrutinised were in breach of the principles of the UNCRC and the Hague Convention at the time of the survey by:

- displaying photolistings of children;
- using fantasy terminology; or
- allowing parents to select a child.

Discussion

The results in this study have highlighted a number of major problems in current intercountry adoption practice, the most fundamental being that it does not always prioritise children's needs or respect their rights. This is highlighted by the fact that over a third of the websites explicitly gave adoptive parents the power to select a child they wish to adopt and less than half specify the provision of post-adoption follow-up. One agency 'Adopt an Angel' (www.adoptanangel.org) states: 'We specialise in providing a child search designed especially for your needs.' It can also be illustrated by the breach of children's privacy, as the agencies expose those children's photographs and other personal information to anyone with access to the internet, including individuals who sexually fantasise about children. They also use terminology that promotes children as a commodity and an object of desire. One website (www.precious.org) argued in favour of photolistings as they speed up the waiting time by making images and information more accessible to potential adoptive parents. Such justification is weak as it allows adoptive parents to select a child based on her or his appearance without addressing the child's real needs. Also, it does not outweigh the violation of children's privacy and the danger of those images being misused for the gratification of sexual desires.

Another controversial aspect is the financial gain available through intercountry adoption. The National Adoption Information Clearinghouse (www.naic.acf.hhs.gov)

estimates the total cost of an intercountry adoption in 2004 to be in the region of US\$7,000 to \$30,000, figures confirmed by the current study. However, the total fees stated by agencies are only a guide, as many do not specify travel costs and other expenses such as post-adoption follow-up. In addition, the application fees can range from free to \$1,000 and agency fees from free to \$9,400, representing a huge variation for theoretically the same services. As long as there is financial profit, international adoption inevitably becomes part of a market economy where national adoption by people living in less economically developed countries cannot compete with those who can afford to pay the fees. Hence, there is a consumer driven 'export' of children from less economically developed to more economically developed countries such as the USA, France and Spain.

As much as international adoption agencies and lobbyists emphasise their philanthropic intent, the financial gains for the donor countries may actually hinder the development of domestic family services. The activities of international adoption agencies normalise intercountry adoption rather than treating it as an alternative care possibility when in-country solutions cannot be found for the care of the child (eg after foster care and national adoption have been considered). This undermines the development of national and local alternative care services (Dickens, 1999, 2002).

On the other hand, the import of children also has an effect on children in need in the host countries. In part, children with disabilities and those from discriminated minority ethnic groups find it hard to be placed for adoption within their own country as potential adoptive parents choose children from abroad. Combined with more strict controls governing national adoption, these children are condemned to reside for long periods in institutional care (Browne *et al*, 2005) and are sometimes eventually sent abroad for international adoption (Smolowe, 1994).

Indeed, it is the child's right (UNCRC, Article 19) for state agencies to support and help families in difficulty with the

purpose of promoting the optimal and safe care of the child whilst keeping a family together. This may require health and social services to help rehabilitate parents who have problems with mental health, anger or substance misuse. Furthermore, the UNCRC Article 21 specifies that adoption should only be considered when care by the birth family or long-term foster parents is not a feasible 'permanence' option and that it requires comprehensive assessments and sensitive handling by skilled professionals to ensure that it is in the best interest of the child. Matching the skill and capacity of surrogate caregivers and potential adopting families to the needs of the child is essential and common practice for in-country adoptions. However, international adoption seems to work on the principle of the adopting parents selecting (often from photolistings) a child to satisfy their needs, which may not be in the best interests of the child (Saclier, 2000). For instance, it may lead to permanent separation from brothers and sisters. Pre-adoption assessments and a comprehensive consideration of the needs of the child are often absent in countries that provide children for intercountry adoption (Saclier, 2000; Dickens, 2002).

In addition, there is no guaranteed follow-up provision for international adoption, as seen in this study where only 41 per cent of agencies offered this service. Often, immigration authorities do not inform social services of adopted children being brought into a country and the involvement of state agencies relies heavily on the adoptive parents giving appropriate information. The information on a child that is returned to childcare professionals in the country of origin often consists of no more than photographs and a letter of thanks passed on to them by the international adoption agencies (Browne *et al.*, 2004). Thus, it seems essential to establish a mechanism to effectively follow up children after international adoption. This is even more important for children with special needs.

Conclusion

This study sheds some light on the current conduct of intercountry adoption.

However, there are limitations: 1) the search was not exhaustive – this sample includes only four per cent of the estimated 3,000 registered agencies in the United States (www.nolo.com) and 2) the study was undertaken in 2004, since when practice might have changed. Nevertheless, several recommendations that would improve the situation can be made.

First of all, there is a need to tighten the Hague Convention and national legislations in relation to intercountry adoption:

1. *Fees* Article 32 of the Hague Convention states that only reasonable professional fees can be charged but a clearer definition of what is deemed 'reasonable' is urgently needed (Duncan, 2000). There should be no direct charge to parents who wish to adopt and government should have the power and resources to oversee and follow up adoption cases.

2. *Assessment of children and their biological families* Guidelines on the criteria to be met, to prove a child adoptable, are essential. A simple legal necessity, such as a biological parent has not been in contact with the child for over six months, does not prove the child is available for adoption or protect the child's rights. There is a state responsibility under the UNCRC (Articles 19 & 21) to assess comprehensively the parents' chances of being rehabilitated to care for their child with appropriate health and social service support before considering alternative care of any kind.

3. *Assessment of prospective adoptive parents* A detailed screening process of adoptive parents should be universally implemented. Currently, regulations on the eligibility for international adoption vary across countries and even across different states in the USA. There are also huge discrepancies in the regulations between national and international adoptions where national adoptions are governed under much tighter regulations. It is important that the same standards are applied to both national and international adoption in terms of safeguarding children's physical safety and psychological well-beings.

4. *Selection* It is paramount that adoptive parents are selected based on the child's needs, and the placement decision has to be in the child's best interest. It is the view of the authors that in order to protect children's privacy and safety, agencies should not display personal photos and personal information on the website. They should only be released to adoptive parents who are deemed suitable and matched to a child. Furthermore, the language should be more factual and strictly professional. Overly emotive words must be avoided to prevent commercial promotion or paedophile interest.

5. *Transition* Once a decision is made, both the child and the adoptive parents should be prepared for the transition to ensure sensitive care is provided to the child. The process should be gradual and based on the individual child's needs and ability to adjust rather than the adoptive parents' timescale. On the other hand, adoptive parents should receive support for the change in their life and to deal with stress as well as their adverse experience prior to adoption.

6. *Follow-up* Both the receiving and donor states have a responsibility to follow up children's progress and ensure services are available for those with needs. Any services provided by the non-governmental sector do not relinquish governments from their responsibilities.

A survey of international adoption agencies operating on the internet found that they do not always uphold the UNCRC. The preferences of adoptive parents were usually placed before the needs of children and breaches of children's privacy and reducing children to commodities were commonplace. Due to the use of photolistings and questionable language, the adoption agencies which 'advertise' on the internet may be placing children at risk by exposing their images to individuals who inappropriately fantasise about children. Combined with a lack of comprehensive assessment and screening of prospective adopters, there is potential for children to be placed at risk of harm. Therefore, there is an urgent need to tighten the Hague Convention and

ensure governments really follow the principles set out in international legislation.

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