

Adoption crises and breakdowns¹ in Italy

Fact-finding survey at Juvenile Courts

Executive Summary

In order to identify the risk and protection factors and carry out systematic and effective prevention actions, investigating and deepening the issue of adoption crises is a primary task incumbent on all the institutional actors involved in adoption procedures. With this study, the Commission for Intercountry Adoption (CAI) is offering its contribution by carrying out a survey covering the entire Italian territory. The national dimension of the survey is, to date, unique on the international scene.

This survey stems from the determination and belief that a highly complex phenomenon such as adoption, particularly intercountry adoption, requires extensive and non-fragmentary cognitive data in order to be well governed and sustained.

Moreover, in its Conclusions and Recommendations of its Fifth Meeting that took place in July 2022, the Special Commission (SC) on the practical operation of the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Convention) underlined the importance of collecting data and statistics on post-adoption services. Indeed, such a review plays an instrumental role in informing the provision of such services, preventing and responding to adoption crises and breakdowns, and encouraging States to carry out more research in these areas. In addition, the SC has urged States to evaluate their pre- and post-adoption services in order to determine whether improvements can be made to prevent adoption crises and breakdowns.

The widespread interest that this study has generated, also at international level, is motivated by the scarcity of research on the subject and by the wish, expressed by all professionals in the field, to find further cognitive tools to better understand the origin and nature of adoption crises. This will enable them to more effectively direct the interventions of all the professionals involved, in order to be able to prevent and avoid the definitive dissolution of family ties.

The commitment of the Commission for Intercountry Adoption and the Istituto degli Innocenti, which provided much of the scientific, technical, and statistical support, enabled this study to be carried out. The study, in fact, highlighted a quantitative snapshot of the phenomenon of adoption crises and breakdowns that have reached such a problematic level as to involve the judicial authorities and, at the same time, an in-depth examination of these problems, thus opening up for reflections on all the actors surrounding adoptive families.

From a methodological point of view, the survey started out with a strictly quantitative approach. Following this approach, the research design defined the object of analysis, structured the data collection tools and indicated the cognitive purposes, including the scope of the phenomenon, limited to the crises and breakdowns that emerged in the five-year period from 2014 to 2018, corresponding in 95% of cases to adoptions that were completed between 2003 and 2016. The number of cases of adoption crises and breakdowns that were surveyed in relation to the 2014-

¹ For the distinction between “crisis” and “breakdown” see the International Social Service (ISS) 2018 report “Towards a greater capacity: Learning from intercountry adoption breakdowns”, page 29, whereby a “crisis” is defined by serious problems without the need for separation, while a “breakdown” results in a formal separation decision; https://assets.website-files.com/5f02fe3bff6de28dca82125/5f682805714231bf8770f4c0_Towards%20a%20Greater%20Capacity%20v2.pdf

2018 period amount to 926 in intercountry adoption and 140 in domestic adoption, referring respectively to 29,743 and 9,721 adoptions pronounced between 2003 and 2016.

Regarding the unit of analysis, the cases to be investigated were identified as underage adoptees – whether through domestic or intercountry adoption – who after adoption experienced at least one of the following conditions in the 2014-2018 five-year period:

- judicial order terminating parental responsibility;
- measures restricting parental responsibility with or without the child's removal from the family;
- other child protection measures and/or supporting the adoptive family.

Once the cases were identified, the collection of relevant data by honorary judges was carried out through a survey tool consisting of an online questionnaire composed of three modules:

- the first aimed at collecting the main biographical information of the child
- the second aimed at gathering information on the proceedings and measures involving the child and the adoptive family;
- the third one, for an in-depth study of the cases and compiled on the basis of the documentation gathered in the file(s) (reports, hearings, pleadings, etc.).); it is divided into five thematic sections: (A) on the child (health conditions, educational situation, pre-adoptive experience); (B) on the adoptive family, information on the individual parents and on the couple's history; (C) on the adoption process; (D) on the post-adoption phase, with particular attention to the network of external subjects who have intervened in support of the family; and (E) on child protection interventions, possible removal from the family, any civil or criminal proceedings against the child and listening to the child.

In addition to quantifying the phenomenon of adoption crises and breakdowns, an in-depth analysis of individual files was also considered crucial to reconstruct individual trajectories and to gather information on the work of the overall services system, to identify critical junctures and good working practices for timely detection of critical situations.

In the survey, a broad definition of 'adoption crisis and breakdowns' was chosen, but with clearly defined perimeters, considering it as the instability, the difficulty, the crisis, the rupture of the bond and of the relationship between children and adoptive parents, detected in the analysis of the proceedings and the related measures adopted by judicial authorities.

Thus, considering these general premises, a first aspect to be emphasized concerns the wide participation of the Juvenile Courts (24 out of 29, i.e. 83%) – a privileged observatory for investigating the phenomenon at stake – with the assent and constant cooperation of their Presidents and the in-depth work of the honorary judges engaged in the study of the various files and in the completion of the detailed questionnaire designed as the main survey tool.

The quality elements of this survey can be summarized as follows:

- adequate representation of all territorial Juvenile Courts;
- the participation of small and large Juvenile Courts (with respect to the territories of competence and the number of adoptions);
- reduced gap in the loss of information capacity between the various sections of the questionnaire and substantial homogeneity in the levels of completion for domestic and intercountry adoption cases.

The development of a new methodology, based on queries to the Sigma information system (Automated Juvenile Justice Information System), has made it possible to achieve an initial remarkable result in terms of the census of cases of adoption crises and breakdowns: the definition of a new and original statistics which, on the basis of data extraction and cleaning of data pertaining to the Juvenile Courts, would potentially allow the number of adoption crises and breakdowns to be updated on an annual basis, with the possibility of calculating the incidence of the phenomenon. This would be an asset and a novelty that would benefit the entire network of those who, in various capacities, are involved in the issue, first and foremost the single Juvenile Courts, which could have a tool capable of monitoring the procedures in place. Moreover, it would benefit experts and researchers and, last but not least, the municipal, regional and central administrations and lawmakers that, thanks to a constantly updated picture of the phenomenon, would be able to expand the tools at their disposal to design and implement appropriate policies and interventions.

This research, therefore, aims not only to provide a knowledge base on the nature of adoption crises and breakdowns and their evolution but also to initiate a future constant monitoring of this issue.

Nevertheless, first of all it must be emphasized that adoption stories are almost always success stories. This is confirmed by the incidence of adoption crises and breakdowns, which affects, on average, three out of every one hundred intercountry adoptions and 1.4% of domestic adoptions.

However, the estimate of the afore-mentioned incidence must be read in the light of two factors that are not negligible and that make its assessment more complex:

- the estimate represents the share of the phenomenon that, due to the intrinsic problematic nature of the situations, has required the intervention – even repeatedly over time – of the competent judicial authorities; it therefore represents the tip of the iceberg of a phenomenon that is undoubtedly more extensive and concealed, which often does not pass through the courts but is managed by the territorial services and by the network made up of accredited bodies, associations and professionals. It is difficult to say how extensive these submerged cases are since there is a lack of sufficiently robust data to propose evaluations and conjectures, but experts in the sector tend to assess a double, if not triple, value;

- the estimate presented above is destined with good certainty to grow in the coming years. In fact, it concerns a historical period of intercountry adoptions (2003-2016) in which the incidence of special needs children – which include siblings, children aged 7 years and older and children with health problems of various kinds and who are generally considered to be at greater risk of a crisis/breakdown throughout their adoption histories – although on the increase, was around 20%, i.e. a percentage far removed from the one emerged in recent years based on the monitoring by the Commission for Intercountry Adoption, accounting for over 60% and foreseen to grow in the coming years.

On the other hand, it is undeniable that the data collected show how much greater the risk of incurring a crisis is in intercountry adoptions than in domestic adoptions, estimated to be almost twice as much. Synergic action by the States of origin and the receiving States is therefore essential to implement and make more effective the entire child protection system, including the reception, the taking in charge, the preparation, the care in accompanying the child and the adoptive family, to ensure the continuity of the entire adoption process, also beyond its completion. This applies first of all to the child involved as well as to the couple and, later on, to the adoptive family.

While being aware that no two crises/breakdowns are the same, they can present different levels of severity based on the measures ordered by the judicial authority. The severity levels defined in the study are the following ones:

- **high severity**, concerning children affected by measures of termination of parental responsibility (including those opening up to the possibility of a new adoption);
- **medium severity**, concerning measures of limitation of parental responsibility, with or without removal of the child (constituting two different subspecies of this severity level);
- **low severity**, for situations in which parental responsibility is not affected, but the social services and/or the health services (Child Neuropsychiatry, Addiction Service, etc.) are mandated for guidance and/or support, including in-home services and prescriptions are issued to one or both parents or to the child, as well as situations in which support is ordered to continue until the adoptee's 21st birthday.

Many stimuli emerge from the research and should be highlighted so that they may become a shared knowledge for the actions of those committed to the well-being of couples and children experiencing an adoption crisis or breakdown.

The first one has to do with the severity level of the crisis/breakdown: by far the most represented are the cases falling into the group of medium severity, i.e. crises or breakdowns that led to a limitation of parental responsibility (68.4% of the total). Such cases regard mainly situations in which the child's removal from the adoptive family has in fact taken place (53.3%), without this necessarily being definitive, but rather temporary and with margins of reversibility.

This category is followed by the so-called low severity cases (18.1%), entailing crises at an early stage, or at least of limited severity, and for which the interventions mainly concern support and assistance, in order to overcome the critical situation.

Finally, the third group of crises concerns a smaller but highly significant incidence (13.5%) of situations in which the measures issued concern the termination of parental responsibility for one or both parents, hence dissolving the parent-child relationship.

The consultation of the files and the resulting data collected also reveal protection and risk factors that are particularly relevant to produce tangible changes in the operational management of the cases.

The **protection factors** include the availability of information and data on the various actors involved in the adoption process and crisis/breakdown phase. It is evident, in fact, how conscious actions undertaken in the best interest of the child can only derive from a clear and documented picture of reality.

The **risk factors** that have emerged are many, some of which coinciding with international research on the matter, although there are several new interesting elements.

The average age at adoption is, without any

doubt, a significant risk factor. In all the cases observed in the survey, the average age of the child at adoption is almost 8 years, which is significantly higher than the average age of 5.7 years of foreign children adopted during the period covered by this research.

This figure therefore suggests that adopted children and young people who experience a crisis or breakdown after their adoption have a potentially longer critical pre-adoption experience, which

could in some way affect the successful outcome of the adoption itself, also because of the greater difficulties the parents might encounter in the day-to-day relationships.

Similarly relevant is the fact that the average age at adoption rises with the crisis severity, up to an average age of 8.6 years in high-severity cases.

The average age at adoption is much lower in cases of domestic adoption crises or breakdowns, at 6.7 years, – although this figure is based on 62 cases only, which calls for caution in interpretation. However, reviewing the severity of these cases, the gradual increase in the average age at adoption is confirmed, ranging from 5 years in low-intensity crises to 7.3 years in high-intensity breakdowns.

A further element of risk to be taken into consideration is the length of time between adoption and the first proceeding indicating the onset of the crisis, taking place on average at 6.2 years. The available data indicate that the latency time of an adoption crisis is much shorter in cases characterized by the termination of parental responsibility (3.3 years), thus showing that the early onset of the crisis is an indicator of a higher risk for the crisis to become more difficult to recover.

This evidence is also confirmed by what is observed in regard to crises in domestic adoption, even though the data available are based on 62 cases only, which calls, again, for cautious interpretation. The time lapse between adoption and the first proceeding is on average one year longer (7.3 years) than observed for intercountry adoption, dropping to an average of 4 years for high-intensity breakdown cases.

In line with international research, interesting and concurring insights come not only regarding the time lapse between adoption and the first proceedings but also regarding the age of the child at the onset of the adoption crisis.

Overall, the average age of the child at the first proceedings related to intercountry adoption crisis is about 14 years. In line with what has been observed above, the early onset of the crisis is related to its more serious outcome, with an average age of 12 years in high-severity cases.

The critical stage of adolescence is also confirmed in domestic adoption crises, where the earliest onset of the first proceeding has emerged to be mainly for high-intensity cases, at an average age of 11.4 years.

A further risk factor may also be identified in the presence of more than one child at the time of adoption (whether siblings or not), especially in terms of child-couple matching. It has also been observed that only about 45% of crisis cases concern children adopted alone, compared to about 80% of couples who requested the adoption of only one foreign minor, as shown by the monitoring carried out by the Commission for Intercountry Adoption. It may therefore occur that couples who are originally and actually not ready to adopt more than one child finally decide themselves for such an option in order to achieve adoption, subsequently finding themselves in challenging situations characterized by possibly higher complexities.

The presence of siblings as a risk factor for a crisis is much discussed in the literature. In fact, it highlights the need for services to take into account also relationships among sibling – whether biological or acquired – with a holistic approach in taking in charge the entire family, beyond the critical parent(s)-child relationship. Moreover, in the case of biological siblings, they should themselves be assessed by social services and accredited bodies before adoption.

Finally, even considering the concurrent adoption of several minors as a risk factor, no significant differences emerge for intercountry adoption among the four severity profiles (high, medium with

removal, medium without removal and low) such as to suggest excessively unbalanced risks between one profile and the other.

Geographical origin as a risk factor deserves special attention. Considering that the minors involved in intercountry adoption crises or breakdowns come from only eight countries (in descending order of number and incidence: Brazil, Ukraine, Russian Federation, Colombia, Poland, Bulgaria, Hungary and Ethiopia) – representing about 80% of the total number of crises detected – differentiated rates emerge among them with the highest values, and in particular higher than the above-mentioned average of 3.1% of crises for intercountry adoptions, among Brazilian (5.4%) and Hungarian (4.3%) children. However, when analyzing the distribution of severity profiles by country of origin, it emerges that high-severity cases are more represented for adoptions from the Russian Federation and Bulgaria.

These elements of interest add to many others that deal, with data at hand, with the specifics of the state of health, the educational situation, the profile of the adoptive family, the delicate post-adoption phase, the crucial issue of the removal from the adoptive family, thus providing evidence, connections, suggestions and tracks guiding the daily work of experts in the field.

A further consideration is related to the progressive growth of adoptions of children with special needs, which already account for more than 60% of all intercountry adoptions and are almost certainly going to increase in the coming years. Considering that the risk factors identified by this survey (age at adoption and siblings) are present in the vast majority of these adoptions, the incidence of adoption crises/breakdowns seems destined to grow in the coming years. This circumstance, together with the attainment of adolescent age by the many thousands of children and young people adopted in the past decade, makes it necessary to increase the support to be activated in the post-adoption phase for certainly longer periods than at present. As already mentioned, greater knowledge of these trajectories and a periodic update on the monitoring of adoption crises would certainly represent important prevention tools against possible adoption crises.

The crisis of the parent-child bond can manifest itself at different times, in different forms and at different levels of complexity. Moreover, the broad phenomenology that characterizes the crisis event reflects the multiplicity of factors – both risk and protection ones – that profoundly affect the individual adoption experience. When interpreting the outcomes of adoption paths it is necessary to start from the assumption that these are not only a “private fact” which depends exclusively on the parents' resources and the child's history or characteristics but also, and above all, a “social fact”. In fact, it depends on the response and the quality of the community as a whole, on the support opportunities offered by the services and by the various actors involved in the pre- and post-adoption process.

In conclusion, the hope is that this work will provide all the members of the network – the Commission for Intercountry Adoption, the accredited bodies, Juvenile Courts, social services and family associations – with a valid tool for reflection and knowledge in order to direct their actions in support of the well-being of adoptive parents and adopted children with greater awareness, as well as a valid starting point, to be enriched with subsequent analyses and comparisons, both at national and international level.