

THE SLOVAK EXPERIENCES WITH TRANSNATIONAL ADOPTION

Levická Jana – Levická Katarína
Slovak Republic

Transnational adoption in Slovak Republic

- Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption entered into force for the Slovak Republic on 1/10/2001.

Legislation of Slovak Republic:

- The Family Law no. 36/2005
- The Law on Socio-legal Protection of Children and Social Care no. 305/2005

METHODS - goals

- The objective of our study was to find out:
 1. whether the legislation of the Slovak Republic ensures the transnational adoption process in accordance with child's best interests;
 2. what the trend of transnational adoption in Slovakia is like;
 3. to identify countries where the applicants interested in Slovak children are from;

METHODS - goals

4. to find out whether the documentation prepared for foreign applicants contains some differences in comparison with the documentation intended for domestic applicants, it means Slovak adoption applicants;
5. to find out the opinion of employees and children from children's homes who deal with international adoption.

METHODS

- quantitative analysis of documents:
 - 1. Slovak legislation related to the international adoption (The Family Law and The Law on Socio-legal Protection of Children and Social Care)
 - 2. the annual report of the Centre for the International Legal Protection of Children and Youth in Bratislava for the period of years 2003–2009.
- non-structured interview

Legislation on adoption

- both Slovak legal norm state that adoption must be preferred to other forms of surrogate family care
- The Family Law states the eventuality of under age person adoption if the adoption is in accordance with **child's best interest**
- the criteria that enable to determine the definition of the best interest of the child are not clearly set
- it is necessary to be more specific about international adoption conditions

Development of the international adoption in SVK in 2002-2009

Year	2002	2003	2004	2005	2006	2007	2008	2009	Sum
Applicants for international adoption	15	120	100	85	41	54	25	44	484
Children placed in pre-adoption care abroad	3	47	78	41	34	51	51	49	354
Children kept in the records	61	52	60	23	56	101	77	55	485

Source: The Centre for International Legal Protection of Children and Youth

Children placed in pre-adoption care in foreign countries – part I

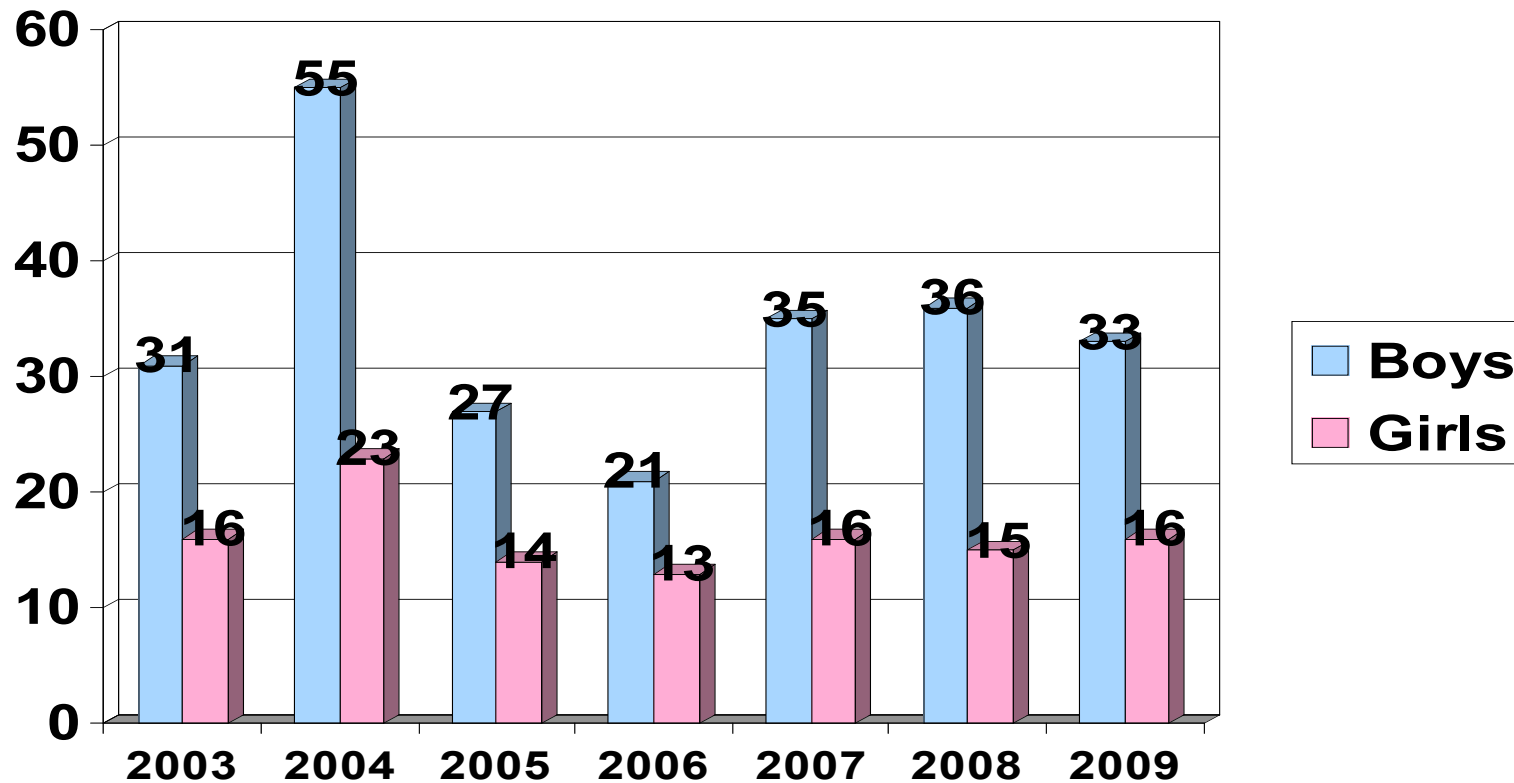
State	2003	2004	2005	2006	2007	2008	2009	Sum
<i>France</i>	11	4	10	0	2	0	0	27
<i>Italy</i>	29	65	26	23	30	29	24	226
<i>Monaco</i>	1	0	0	0	0	2	1	4
<i>Canada</i>	4	1	0	0	0	0	0	5
<i>Austria</i>	2	1	0	3	4	2	0	12

Children placed in pre-adoption care in foreign countries – part II

State	2003	2004	2005	2006	2007	2008	2009	Sum
<i>Netherlands</i>	0	3	2	3	7	10	9	34
<i>Sweden</i>	0	3	2	2	6	7	15	35
<i>Czech Republic</i>	0	1	0	0	0	0	0	1
<i>Germany</i>	0	0	1	3	2	1	0	7

Source: The Centre for International Legal Protection of Children and Youth

Children in pre-adoption care in foreign countries - by gender



Source: The Centre for International Legal Protection of Children and Youth

Average age of children placed in pre-adoption care in foreign countries

Year	Average age
2003	3,3
2004	4,4
2005	4,6
2006	4,5
2007	4,2
2008	5
2009	3
Overall average age	4,14

Source: The Centre for International Legal Protection of Children and Youth

Children's opinions

Positive opinion on international adoption occurred among children around 14 years and above

Miška, 15 years:

‘I would like it, yes I agree with an international adoption. I would not mind it, even if they separate me from my siblings (now, when she is older – when she was younger, she would not leave them), from the beginning yes, but then I would get used to it.’

Children's opinions

Children in the age of 8-12 years disagreed with international adoption, it raised concerns in them

Nataša, 13 years:

‘I do not like international adoption, I would prefer to stay in Slovakia. I do not want to be separated from my siblings. It should be the last option.’

Vierka, 12 years:

‘Maybe, but I'd rather stay in Slovakia, I am at home here. I do not want to be separated from my siblings. If the same family adopt us all, in that case I would go. We are six, who would take so many children?’

Children's opinion

Petrík, 9 years:

- 'Ou, aunt, how would I talk to them? After all, nobody would understand me. And I would have problems at school.'

Evka, 7 years:

- 'No one would understand us.'

Children's opinions

Older children associated the international adoption with good economic security of applicants

Ivko, 18 years:

‘It would depend on the family I would go to, if they are secured. Probably their financial situation is not so bad when they can afford to chase kids around Europe. This should be a good option for a better start. Right now, I would not mind to be separated from my siblings, but when I were younger, I would have been.’

Children's opinions

Jozef, 16 years:

'I've heard of it. They were also here, came on that luxury car, I think they were Italians. Why not? I could swim in the sea the whole summer, and also they might have a yacht. I would take that ...'

CONCLUSIONS

- 351 Slovak children placed in pre-adoption care abroad during the years 2003-2009
- foreign applicants are willing to adopt also older, disabled children and children of Romany origin
- enhance the quality of the Slovak legislation on adoption
- strengthen other forms of surrogate family care

THANK YOU FOR YOUR
ATTENTION!