



The Family Origins Research in Colombia

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Gobierno
de Colombia



Why a Family Origins Research?

- Usually an adopted person begins a family origins research based on a deep psychological need (affective-emotional and cognitive), often related to the identity establishment and the construction of a coherent own history.
- Some adopted feel this need but not everybody, and can manifest it or not at different moments of their life and express it in a spectrum of intensity that differs from one person to another.
- All children and adolescent set up a personal and family story that change through their whole life, even until they are adult people, that's why, to be born in a biological family and grow up in an adoptive family, is a essential part of this story, as determine the way the children begins and moves forward in the construction of their way to see themselves, their caregivers and the world.
- When a person begins to have autonomy from others in the construction and evolution of the concept about himself/herself and the world, arise basic questions as :
 - ¿Who m 'I? or ¿Who I want to be?(...)



- But for an adopted person arise additional questions like :

✧ ¿Who were my biological parents? ¿Why they decided o were not able to take care of me?¿if their conditions had been other, they would have taken care of me?¿Who would be I, if I had grown up with them? ¿Do they need my help right now?, among other multiple questions.

- The lack of answer to those questions may produce feelings as anxiety, uncertainty, insecurity and uprooting, among others.
- In summary, the reasons that would motivate a search for origins are diverse, from:
 - ✧ Need to know what led their parents to not assume the up breeding
 - ✧ To imagine that they can be helped at this time
 - ✧ Need of information for personal reaffirmation and the establishment of identity
 - ✧ Finding of a coherent continuum in the own life story
 - ✧ Even for simple curiosity



... all this converge with other elements such as the developmental period in which the person is, the interaction with the family system, the community and its view about the adopted person, etc.

ICBF Role in the family origins searching process, and encounters

- In Colombia the ICBF is the Central Authority under the Hague Convention
- Specifically the Adoptions Sub direction has the responsibility to regulate the accomplishment of Hague guidelines' and write the particular norms and guidelines for adoptions in Colombia.
- The ICBF is responsible for reserve international and domestic adoptions records.
- And is responsible too for process the family origins research requests. Currently these requests are centralized on the Adoptions Sub-direction.
- ICBF received requests for family origins research about adoptions done in 50's and 60's, years before the creation of ICBF in 1968, and work on those requests helping people to rebuild their adoption process that should be done through the Judges without ICBF intervention.



Legal Bases for the Family Origins Research

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention)

Article 30

1. The authorities from a Country shall ensure the conservation of the information they have regard children's origins, in particular the information about their parents identity as well as the children and families' medical history
2. Said authorities shall ensure access, with the necessary advice, for the children or their representative to this information to the extent the law in that Country allow it.

Article 31

(...) The personal data obtained or transmitted under the Convention, in particular those mentioned in the articles 15 and 16 (adoptive families data's and adoptable children data's), may not be used for purposes other than those for which they were obtained or transmitted

Legal Bases for the Family Origins Research

Law 1098 of 2006 By which the Childhood and Adolescence Code is issued

Article 75. Reserve

- All the documents and administrative and judicial proceedings of the adoption process will be reserved for a term of twenty (20) years from the judicial decision
- About them just can be issued a copy for the adoptive parents who ask for it directly or through an attorney, for the adopted person who is 18 years old, and for the government control entities that ask for it for criminal or disciplinary investigations

Article 76. Adopted person right's to know family and origin

- Every adopted person has the right to know his/her origin and the nature of his/her family ties. The parents will judge the moment and the conditions in which it is not unfavorable for the child or adolescent to know this information



Legal Bases for the Family Origins Research

Technic-Administrative Adoptions Program Guideline aproved trthough resolution 255 from March 29 of 2016 and modified by resolution 1368 from December 23 of 2016

Step 34. Family Origins Search

- In concordance with articles 75 and 76
- Previous to start the family origins research, the adopted person should knows that can exist a risk at contact the biological family (cases with adoptability resolution as protection measure).
- In all cases, the biological family searching requests must be sent to the Adoptions Subdirection.
- ICBF has no authorized any organization part of the civil society to provide the family origins research service, because is looking for protect its adopted people from a search done without the strictness and care the process needs in it selves.

Instructive - Origins Search for children, adolescent and adults adopted (V1 – October 2016)

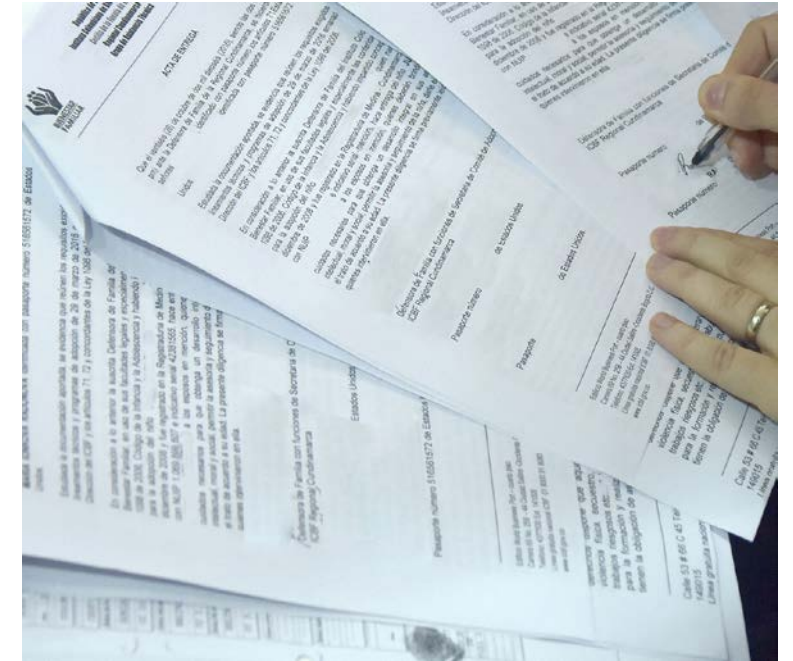


Services offers in family origins research and encounters

Services are offered to each member of the adoption triad :

An **adopted person, older than 18 years old** (adult in Colombia) may ask to the ICBF for:

- A copy of his/her attention history (contain the administrative and judicial documents' about his/her protection and adoption process)
 - His/her origin name and surname's
 - His/her biological parents name and surnames
 - His/her biological siblings name and surnames
 - The names and surnames of any other significant person that is mentioned at the history (Grandparents, uncles, aunts, etc.)
 - His/her socio-family history (The information about why he/she arrived to the ICBF protection system, the work done by the ICBF with his/her biological family
In summary, the whole file)



- Searching of his/her biological family (encounter)
 - Information allowing him/her to contact his/her biological mother
 - Information allowing him/her to contact his/her biological siblings (if they were adopted, just if they has asked too for it or agree the contact when ICBF or one of its partners contact them about it -Central Authorities, ISS, Accredited Agencies, etc.-)
 - Information allowing him/her to contact his/her biological father or any other significant person that is mentioned at the history was related to his/her care.



Note 1: Is important for the adopted to know the multiple possible results: 1. The biological family members can accept or not the contact 2. Possibility to find the updated contact information 3. Possibility they are not living in Colombia 4. Finally could happen they are not alive any more

Note 2: In all cases ICBF gives the psychosocial support to facilitate the family origins search process for each member of the adoption triad

An **adopted person under the 18 years old** (Child, adolescent or young in Colombia) can't move forward into a family origins research alone or by their own, only his/her **adoptive parents** may ask to the ICBF for :

- A copy of their son/daughter attention history
- Searching of their son/daughter biological family (encounter) - This process just happen in exceptional cases, and must exist a concept from a physical or psychological health professional that support this request, saying this search is really necessary and would not be counterproductive for the child, adolescent or young adopted.



Note 1: This restriction was established in consideration to the sensitive and shocking the information found could be, for a person who is still vulnerable because of his/her age and emotional adjustment in construction.

An **biological family** may ask to the ICBF for :

(Biological mother, father, siblings who were not adopted)

- Update their contact information in the Misional Information System SIM, in case the adopted person looks for meeting them in any moment.
- Attach to the request a letter or photos for ICBF share them with the adopted person if he/she makes a request for family origins research.



Note 1: In Colombia the biological family loose every rights and duties on a child when exist an adoptability resolution or a consent in firm; in that way is not possible to give them any information about the adopted person unless he/she is looking for them too.

Overview of active requests for family origins research

Here is a current overview of our active requests for family origins research according to the year of reception of them:

At May 10/ 2019			
Year	Requests received per year	Closed	Number of active requests
2015	722	719	3
2016	882	823	59
2017	969	748	221
2018	1204	540	664
2019	414	30	384
Total	4191	2860	1331

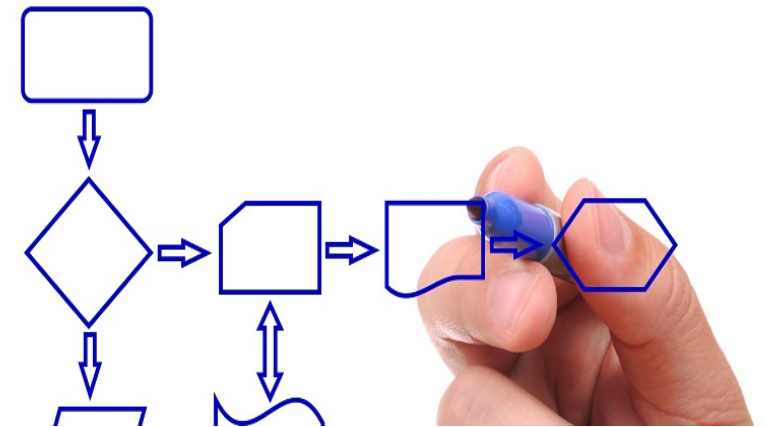
Most of them comes from countries like United States, France, Holland, Italy, Spain, Sweden, Norway and Denmark for international adoptions. In this sheet are include too the requests related to domestic adoptions



Order of processing the requests

The processing of requests is done taking into account the following criteria:

- The order of applications arrival.
- The concordance of both parties requests (we received from an adopted person, and from his/her biological family, requests at same time).
- Priority cases:
 - Requests about an adopted person who has special medical needs
 - Requests where the adopted person is in a state of psychological/social distress
 - Requests from adopted persons who knows the contact information for presume biological family and perhaps are in touch with these persons already.



Note 1: The speed in which a process moves forward depends on multiple factors, like the quantity and veracity of the information that is found in the attention file.

The stages in the family origins research

- Unarchive and analyze the attention file
- Send the attention file to the adopted person (If the information on the file is too sensitive or shocking, we send a light summary and offer a psychosocial support by phone or through e-mail to the persons who lives in another country or personally to the ones who lives in Colombia or are visiting, then we ask them to look for a professional support previous to send the complete file)

If the person chose to proceed with the next step(...)

- Validation of the identity and location of the person sought (ICBF doesn't use the media to find biological family, just the data bases information from other government and private institutions; this avoiding use wrong information for homonyms, people past away, people living outside the country, etc.)
- Contact the person we are looking for (We ask the consent to be able to disclose his/her identity and facilitate the encounter)
- The Encounter (May exist language barriers, cultural differences and socio-economic imbalances)



The psychosocial support

- Psychosocial intervention we offer works in the form of support that take place during the request processing
- Respect at the individuality and own characteristics of each person and each case
- The needs and expectations clarification as well as the understanding of its changing nature
- The neutrality of the intervention towards the whole parties involved
- The intervention should adapts to the different results that we can obtain throughout the process (Deal with several scenarios: lack of information, incomplete adoption files and suspicions of illegal practices, impossibility to find the person sought, learn that died, among others)



Criteria for close an request

- Withdrawal from the petitioner
- When we send the attention history and the petitioner only has asked for that
- A lack of information on the attention history that prevent us to move forward
- About the biological family:
 - The negative from the biological family to be contacted by the adopted person
 - The impossibility to find the contact information for the biological family
 - The person sought, past away
- Shortly after the encounter



Final comments

- Is necessary to strength the ones existing and create new good relations of collaboration with the countries involved in requests
- Improve the practices and administrative procedures to facilitate the processing of request in compliance with the legal framework
- Is necessary to sensitize the adopted people and adoptive parents to prefer the central authorities or accredited organizations to support them in their family origins research, better than use directly the social networks
- The family origins research service needs to evolve and change according to changing legislative requirements, society demands, advances in technology, research results in the psychosocial field, among others.



References

- *The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention) of 29 May, 1993*
- *Law 1098 of 2006 By which the Childhood and Adolescence Code is issued*
- *Technic-Administrative Adoptions Program Guideline approved through resolution 255 from March 29 of 2016 and modified by resolution 1368 from December 23 of 2016*
- *Instructive - Origins Search for children, adolescent and adults adopted (V1 – October 2016)*

¡Gracias!





¡Thanks!



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