

# Adoption in Sweden

Policy and Procedures  
concerning  
Intercountry Adoption

**MIA**  
Swedish Intercountry  
Adoptions Authority

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## Introduction

The adoption of children whose parents, for various reasons, were unable to look after them is an ancient practice in Sweden. Most adoptions formerly involved Swedish children: unwanted children, children of unmarried mothers or children from poor and excessively large families.

Adoption used to be a means whereby childless couples could care for a child on a permanent basis. To some extent, adoptions also served to provide childless couples with heirs.

In Sweden today, unmarried mothers are socially accepted and can live well. As a result of this improvement, combined with opportunities for family planning and a generally high standard of living, hardly any Swedish children nowadays are presented for adoption.

The adoption of children from other countries became a topical question in Sweden after the end of the Second World War, with reference to children from countries involved in the war who had come to Sweden as foster children and were found after the war to have lost their nearest relatives. In the late 1950s, initiatives for adoption were taken by Swedish persons whose work abroad or personal contacts had put them in touch with children from other countries who needed parents. Sweden has had adoption contacts with other countries since the mid-1960s.

The adoption in Sweden of children from other countries in the last 40 years has had a positive effect on the view taken of adoption. Today there is an open attitude towards adoption generally which was lacking previously. An adopted child is appreciated just as much as other children and enjoys the same rights as children born within the family.

Since the mid-1970s, between 900 and 1800 children have come to Sweden every year for adoption. Today there are an estimated 45000 Swedes from different parts of the world who have been adopted in Sweden. Statistics show that one out of every hundred new children in Sweden today is adopted from abroad. This means that, for a long time, children adopted from other countries have been a common feature in Swedish society.

The overwhelming majority of children adopted in Sweden come from countries outside Europe. As a rule they are quite unlike their adoptive parents in appearance and it is clear for all to see that they are not members of the family by birth. This makes it natural for adoption to be acknowledged by other persons and by the child concerned and for parents to answer questions about the child's origin. Adoptive parents often meet together in associations where they can acquire information about the children's native countries. TV and radio broadcasts, newspaper articles and books about adoption are further signs of the interest taken by the Swedish general public in intercountry adoption.

## The Swedish Intercountry Adoptions Authority (MIA)

In 1973 the Government set up The Swedish Council for Intercountry Adoptions (NIA) to be the central public agency in general charge of adoptions from other countries.

A Government resolution of July 1, 1981 gave NIA the status of a national board – The National Board for Intercountry Adoptions (NIA) – an executive body under the Ministry of Health and Social Affairs.

In 2004 the Swedish Government decided that NIA should be wound-up and reorganized as the Swedish Intercountry Adoptions Authority (MIA).

MIA is the central administrative authority for issues concerning intercountry adoption intermediation, with the task of establishing high quality intercountry adoption operations in Sweden.

This means that MIA monitors the Swedish adoption organizations' work in intercountry adoption intermediation to ensure that it is conducted in compliance with the law and the principle of the best interests of the child as expressed in the UN Convention on the Rights of the Child and in the Hague Convention of 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption.

MIA shall monitor that adoption intermediation is conducted in an ethically acceptable way and shall perform the tasks referred to in the Intercountry Adoption Intermediation Act (1997:192).

MIA considers whether an individual case of adoption should be allowed to be implemented and also considers in certain cases whether foreign adoption decisions should apply in Sweden.

According to the Instructions issued by the Government, MIA shall in particular:

- authorize and supervise voluntary organizations
- consider whether the procedure is acceptable or not, before the child leaves its country, in certain individual cases such as family-related adoptions
- observe international developments and gather information on issues relating to adoption of foreign children
- observe the development of costs of adoption
- negotiate with authorities and organizations in other countries
- conduct information operations and provide information and assistance to authorities and organizations
- consult with organizations of adopted persons and also with the National Board of Health and Welfare and other authorities and organizations whose operations affect adoption issues.

MIA has a special Council, comprising six members, which shall monitor the operation. The Director General of MIA shall be a member of the Council and its chairperson. The Authority has twelve employees and is located in central Stockholm.

The Intercountry Adoption Intermediation Act, LIA, which came into force on July 1, 1997, prescribes that practical activities concerning adoptions in Sweden are to be conducted by authorized voluntary organizations.

Guidelines for these activities are issued by MIA, which also decides on questions of authorization.

It is the concern of the Swedish authorities to ensure that a child coming to Sweden for adoption is intended for adoption and is accompanied by documents making it possible for the adoption to be valid in Sweden or for the adoption process to be fulfilled.

## Swedish policy on intercountry adoptions

The Swedish Parliament in 1979 declared the Swedish policy on intercountry adoptions stating that the best interests of the child are paramount in accordance with the basic principles of Swedish child and youth care policy. Thus consideration for the child and its future development is the overriding principle in all adoption activities.

The decision on what is considered the best for a child should be settled in the child's country of origin. The official Swedish view is that the preferences of the countries of origin concerning the children's future and the ability of Sweden as the receiving country to guarantee their security should together constitute the preconditions governing intercountry adoption. The Swedish viewpoint is that the scale of intercountry adoptions should hinge on the prospects of providing these children with secure surroundings and family links by means of adoption.

Most of the children's countries of origin have today ratified the UN Convention on the Rights of the Child. In that convention there is a special article concerning international adoptions. That policy is clear. It is considered best for a child to remain within its original family or within its country of origin. Intercountry adoption, however, is considered an alternative solution for a child rather than growing up in an institution. The decision whether a child is available for adoption must be made in the child's country of origin.

According to Swedish law, intercountry adoptions should preferably be carried out through authorized non-profit organizations. When somebody wants to adopt a related child, or if there are other special reasons, MIA can allow the adoption to be carried out without assistance from an authorized organization.

Sweden helped to secure the approval by the UN General Assembly in 1986, of the Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption. In 1990 came the Convention on the Rights of the Child, which Sweden has ratified. Sweden also played an active part in drafting the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption approved in 1993. In 1997 Sweden ratified the 1993 Hague Convention.

## Swedish rules and regulations on adoption

Families who want to adopt a child must secure the consent of the local social welfare committee according to the Social Services Act, Chap. 6.

The local social welfare committee carries out a careful investigation of conditions in the prospective adoptive family before such consent can be granted. The result of the investigation is presented in a home study which should include the following concerning the prospective parents:

- Previous conditions: their childhood and adolescence, education, occupations and relationships with parents and brothers and sisters.
- Present living conditions: home environment, school situation, work, income and wealth.
- Previous and present state of health.
- Personality: distinctive characteristics and interests, membership of clubs and associations, leisure pursuits and friends and acquaintances.
- Religious affiliation and/or attitudes.
- Marriage and marital relationships: the view they take of their own and any previous relationships. Attitude of the people around them to their plans for adoption. Intention or otherwise to have more children. Any other children in the family.
- Motives for adoption.
- Knowledge and experience of children, ideals of upbringing. Expectations of and preparations for parenthood.
- References from at least two persons who know the applicants well.
- Assessment of the resources of the applicants as adoptive parents and their ability to take care of children of a certain age and with certain needs.

The investigation is carried out by a professional social worker – an official of the local social welfare committee – who furnishes the documentation for the decision by the committee as well as for the authorities in the other country representing the child.

Consent may only be granted if the applicant is suited for adoption. When making this assessment particular regard should be paid to the applicant's knowledge and understanding of adoptive children and their needs and the implications of the planned adoption, the applicant's age, health status, personal qualities and social network. The applicant should also have participated in a parental course assigned by the municipality prior to the adoption.

If the applicant(s) obtain consent, this is valid for two years.

Before the adoption procedure starts in the child's country of origin the social welfare committee in Sweden shall consider whether consent should be granted for the adoption procedure to continue.

An applicant whose application for consent is rejected by its local social welfare committee can appeal to an administrative court.

As soon as the child arrives in Sweden this must be reported to the local social welfare authority. During the time that elapses between the arrival and the completion of the adoption in Sweden, the family is under the supervision of the social welfare authorities. The supervisory and counseling function shall be performed by a specially appointed social worker.

If the adoption is completed in the child's country of origin, the adoptive parents must apply to MIA in order to have the adoption order declared valid in Sweden. However, an adoption in accordance with the Hague Convention is automatically valid in Sweden.

If the child has not been adopted in its country of origin, the prospective adoptive parents have to apply for adoption by petitioning a Swedish court of law (a district court). The district court consults the local social welfare committee before making a decision.

The rules of adoption contained by the Children and Parents Code stipulate the following.

- The adoptive parents must be at least 25 years old.
- The child's biological parents (or a specially appointed custodian) must have given their consent to the adoption.
- No consideration must have been given or promised for the adoption. A married couple can only adopt jointly. Two persons of the same sex can also adopt jointly if they live together as registered partners. It is also possible for a single person to adopt a child.

Once the process of adoption has been completed, the child acquires the same status as if it had been born in the family.

The adoptive parents become the child's guardians and custodians and as such are bound to make provision for the child's upkeep and upbringing. The legal relations between the adopted child and its biological relatives no longer apply. The social welfare authority has however to make provision, in its care of children and young

persons, for the special needs of support and help which may exist following the conclusion of judicial or other proceedings concerning adoption.

In the process of adoption the child acquires the family name of its adoptive parents. It can also be given permission to retain its former family name in combination with the new name if so desired.

The child becomes a Swedish citizen as part of the completion of adoption formalities in Sweden.

Swedish law does not allow the cancellation of an adoption.

## Rights and obligations

Like all other parents in Sweden, – married or single – adoptive parents are entitled to

- parental insurance which legally entitles the parents to leave of absence from work together with financial compensation in connection with the child's arrival. This applies even before an adoption has become effective in Sweden. Sickness benefit is paid when the parents stay at home from work on account of the child being ill. Both parents are entitled to make use of the parental insurance scheme.
- family allowance for families with children up to 16
- subsidized public health, medical and dental care
- subsidized public day care centers, pre-schools and leisure time centers
- free public education up to university level.

Under Swedish law, young persons come of age when they reach eighteen, and it is also at this age that they become entitled to vote and to be elected in political elections.

## Authorized organizations

Six organizations have been authorized according to the Act on Intercountry Adoption Intermediation. These organizations have contacts in more than 30 countries.

A Swedish organization authorized according to the Intercountry Adoption Intermediation Act receives a certificate showing that it has permission from MIA to give such adoption assistance. The authorization is a guarantee that the organization fulfils the conditions of the Act and conditions laid down by MIA. The authorized organisations are accredited according to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

Authorization to work with intercountry adoption intermediation in Sweden may only be granted to associations whose main purpose is the intermediation of intercountry adoptions. If an association also conducts operations other than intercountry adoption intermediation, the other operation may not jeopardize confidence in the adoption operation. Authorization may be granted only if it is clear that the association will intermediate adoptions in an expert and judicious manner, on a non-profit basis and with the best interests of the child as its foremost guiding principle. Authorization is also subject to the association having a board and auditors as well as statutes providing for the association to be open.

An association that is authorized in accordance with Section 6 of the Act on Intercountry Adoption Intermediation may be granted authorization to work with intercountry adoption intermediation in another country on condition that

1. the other country has adoption legislation or some other reliable regulation of intercountry adoption, which takes into account the fundamental principles for intercountry adoption expressed in the United Nation's Convention on the Rights of the Child and in the Hague Convention of 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption,
2. the other country has a functional administration concerning intercountry adoption operation,
3. the association reports the costs abroad and how they are distributed, and
4. with regard to the cost profile, the balance between the Swedish associations and the circumstances generally, it is considered to be appropriate that the association commences or continues adoption co-operation with the other country.

An association that has been granted authorization to work with intercountry adoption intermediation in another country may operate in that country only if the relevant authority in the other country has granted permission for it to do so or has declared that it is prepared to accept the association operating in the country.

An authorized organization shall require the applicants to complete the adoption as soon as possible and to make the necessary arrangements concerning the child's citizenship. The organization shall notify the child's country of origin of the adoption and naturalization orders.

The organization shall also ensure that reports concerning the child's development are sent to the relevant agencies in the child's country of origin, insofar as such reports are prescribed by the National Authorities of that country or have been otherwise agreed on.

An authorization shall be revoked if the association no longer fulfils the conditions of the Act on Intercountry Adoption Intermediation or conditions laid down by MIA.

## What is the adopted child's position in Sweden?

Most of the children brought to Sweden for adoption have come from Asian and Latin American countries. An increasing number of children are also adopted from countries in Eastern Europe.

In Sweden today, children adopted from abroad are met with openness and a positive interest that provide a firm foundation for their adjustment to their new families and social surroundings. Several Scandinavian studies of children adopted from abroad have been carried out since the beginning of the 1970s. These first studies focused on the children's physical health but later on focus was concentrated more on the child's social adjustment.

The first study in Sweden on adopted children's adjustment and development was carried out in 1979. It was based on conversations with the young people themselves, interviews with the parents, as well as information from the schools and the school health services. This study was followed by other studies on for example, the adjustment process during the first year with the family, adjustment problems during adolescence, identity development and mental health in adopted adolescents, language development and how adopted women cope with the birth of their own children and motherhood.

As a group, these children are characterized by the fact that they were very much longed for. For most of the parents, the children's arrival in the family signified a totally absorbing experience, especially for the fathers. This strong desire for children and the joy of being together with them characterize both the families who desired children because they could not give birth to them and those who adopted even though they already had children of their own. The mutual feeling of belonging and intimacy are something that develop and take time in the case of most of the families. In some families, the psychological child-parent relationship came about after a short time. For others, it was a question of months, sometimes years, before the children and parents had grown together to the point that one could say that a psychological child-parent relationship existed. As soon as the psychological child-parent relationship exists in a natural and unaffected way, the situation within the family becomes the same as in all other families. In everyday life, the family spends very little time thinking about the fact that the child has not always been a member of the family or that he or she comes from another culture.

It seems that about one-third of the children in the studies had such great difficulties that the adjustment period was very burdensome for both them and their parents. In summary, many of the children who were more than three years old on arrival had problems with their new families during the first three months, which

can be viewed as a normal process. After a year, about one-third of the children still had problems, the most common of which were expressions of a lack of self-confidence: the children were unsure of their abilities, afraid to try new situations and gave up easily. About one-third of the children were completely healthy on arrival, while one-third had two or more physical symptoms.

The medical problems disappeared in a fairly short time. Those children who were under-nourished caught up surprisingly quickly.

The majority of the children learned enough Swedish in about three months to function at home and with their friends. At the same time, the child lost his or her mother tongue very quickly. Parents, teachers and nurses are in complete agreement that today most of the children have a very well-developed use of the spoken language.

Research has also shown that, during various periods of their childhood and adolescence, most adopted children are very interested in their antecedents. This makes it essential for adoptive parents to be told everything there is to know concerning the child's descent and previous circumstances: what things were like at the orphanage; what the child was like as a baby; why it came to Sweden; that is, everything that can help the child to achieve a healthy self-image. The main principle therefore is for the adoptive parents to be told everything that is known about the child.

Adults who were adopted have written books about growing up in Swedish society as an adopted child from abroad. These books have received a great deal of attention and appreciation.

Adopted young people and adults have also formed organizations of their own in which they get together, make trips to their country of origin, etc.

## ORGANISATION

Ministry of Health and Social Affairs

### Swedish Intercountry Adoptions Authority (MIA)

- authorization and supervision of voluntary organizations
- consideration whether the procedure is acceptable or not, before the child leaves its country, in certain individual cases such as family-related adoptions
- observation of international development and gathering of information on issues relating to adoption of foreign children
- observation of the development of costs of adoption
- negotiation with authorities and organizations in other countries
- conduction of information operations and provision of information and assistance to authorities and organizations
- consultation with organizations of adopted persons and also with the National Board of Health and Welfare and other authorities and organizations whose operations affect adoption issues
- decisions according to the Act on International Legal Relations Concerning Adoption

### Local social welfare committee

- home studies
- consent to receive a child according to the Social Services Act
- consent to the continuation of the adoption procedure
- supervision of prospective adoptive homes
- follow-up report

### Authorized organizations

- mediation of applications
- correspondence with contacts in other countries in individual cases
- mediation of follow-up reports from adoptive parents

Country of origin of the children

Applicants / adoptive families