



- ▶ *Version française ci-dessous.*
- ▶ *Versión española más abajo.*

August 2010

ISS/IRC Circular n°93 to the Central Authorities of the receiving States and Circular n°69 to the States of origin

Results of the survey concerning maintaining the natural birth order in adoption

Dear Colleagues,

Following a request submitted earlier this year from the New Zealand Central Adoption Authority and ISS New Zealand, the ISS/IRC undertook a survey concerning maintaining the natural birth order in adoption.

The ISS/IRC received a total of 26 answers, among which 6 were from States of origin and 20 were from receiving States. The questionnaire had been disseminated to various competent authorities for the protection of children in adoption in States of origin and receiving States.

Below you will find a summary of the replies, followed by a brief commentary by the ISS/IRC, answers to the questionnaire and the list of persons who replied to the survey. The circular is only available in English, with the exception of answers which are kept in the original language. A loose translation in English is provided of the latter.

With best regards,

The ISS/IRC Team

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Circulaire n°93 du SSI/CIR aux Autorités centrales des Etats d'accueil et Circulaire SSI/CIR N°69 aux Autorités centrales des Etats d'origine

Résultats de l'enquête relative à l'ordre naturel de naissance dans le cadre de l'adoption internationale

Chers Collègues,

Suite à une requête de l'Autorité Centrale de la Nouvelle-Zélande et de SSI Nouvelle-Zélande reçue plus tôt cette année, le SSI/CIR a entrepris une enquête relative à l'ordre naturel de naissance dans le cadre de l'adoption internationale.

Le SSI/CIR a reçu 26 réponses, dont 6 émanaient d'Etats d'origine et 20 d'Etats d'accueil. Le questionnaire a été diffusé auprès des différentes autorités intervenant dans le domaine de la protection de l'enfant dans le cadre de l'adoption internationale au sein des Etats d'origine et d'accueil.

Vous trouverez, ci-dessous, une synthèse des réponses obtenues, suivie d'un bref commentaire du SSI/CIR, ainsi que le détail des réponses et la liste des personnes qui ont participé à cette enquête. La circulaire n'est disponible qu'en anglais, à l'exception des réponses qui ont été conservées dans leur langue d'origine. Une traduction approximative en anglais est disponible pour ces dernières.

Cordialement,

L'équipe du SSI/CIR

Circular n°93 del SSI/CIR a las Autoridades centrales de los Estados de acogida y SSI/CIR Circular N°69 a las Autoridades centrales de los Estados de origen

Estimados/as Colegas,

En base a la solicitud de la Autoridad central de Adopción de Nueva Zelanda recibida anteriormente este mismo año, el SSI/CIR realizó una investigación sobre el mantenimiento del orden natural de nacimiento en la adopción.

El SSI/CIR recibió un total de 26 respuestas, dentro de las cuales 6 provinieron de Estados de origen y 20 de Estados de acogida. El cuestionario fue difundido a varias autoridades competentes en materia de protección de los niños en la adopción en los Estados de origen y los Estados de acogida.

Abajo, encontrarán un resumen de las respuestas seguido por un breve comentario del SSI/CIR, las respuestas al cuestionario y la lista de las personas que respondieron. La Circular sola esta disponible en inglés, excepto las respuestas presentadas en su idioma original. Una traducción sucinta de estas ultimas en inglés esta incluida.

Saludos cordiales,

El equipo del SSI/CIR

Summary

Definition:

This circular was based on the following definition of maintaining natural birth order: when a child is to be adopted, s/he should be younger than the children already within the family.

Overview of the outcomes:

	Laws maintaining natural birth order	Policies maintaining natural birth order
Receiving States	Queensland (Australia) Western Australia (Australia) Switzerland (Geneva) – general provision about considering children already within the family	All States and territories in Australia Belgium Denmark Germany (except Berlin, Bradenburg, Frankfurt and Mainz) Norway Sweden
States of origin		* Colombia has guidelines that address families who already have children where there is no explicit prohibition on adopting out of birth order, although in principle there must be a one year difference with youngest child.

	Practices maintaining natural birth order	Exceptions to maintaining natural birth order
Receiving States	New South Wales (Australia) Belgium (except Flemish) Belgium (Flemish) Canada (Quebec) Cyprus Denmark Germany (Berlin and Bradenburg) Germany (except Berlin, Bradenburg, Frankfurt and Mainz) Germany (Frankfurt) Netherlands Switzerland (Luzerne) Portugal	New South Wales (Australia) Belgium (except Flemish) Belgium (Flemish) Canada (Quebec) Cyprus Denmark Germany (Berlin and Bradenburg) Germany (except Berlin, Bradenburg, Frankfurt and Mainz) Germany (Frankfurt) Netherlands Switzerland (Luzerne) Portugal
States of origin	Burkina Faso Dominican Republic Madagascar Philippines	Colombia Dominican Republic Philippines

Summary of benefits/limitations:

Benefits of maintaining natural birth order:	Limitations of maintaining natural birth order:
Children already in the family retain their status. Ensure that children have their place in the family and do not feel displaced or disorientated	Should not be at the expense of the best interests of the child, which should be the primary consideration
Limits a key factor in adoption breakdown	Complicates the adoption of children with special needs including older children and siblings
Avoids rivalry/competition with the adopted child	A family who is well prepared should be given the opportunity to care for an older child, if appropriate.

	Otherwise, families with biological or adopted children will not be considered to adopt even if they have the capacity to care for another child.
Helps older children in the family to rejoice in his/her role as an older sibling	Intra-family adoptions could be an exception
Will limit the number of adjustments that the family will have to make, especially for children already in the family	
Adopted children are often developmentally delayed and therefore, if they are adopted into a family with a child who is younger and more developed, this could be a source of pressure	
As the younger child, the adopted child will be able to receive the attention that s/he needs	
Older children already in the family can help with learning the new language and communication	
Adoptive family will be asked less impertinent questions from the outside world	

Situation in receiving States

Laws and policies

In general, most receiving States do not have laws requiring the maintenance of the natural birth order. As an example of one of the rare laws in existence, prospective adoptive parents in Queensland (a state of Australia) can not lodge an expression of interest to adopt a child if they have a child less than one in their care (Adoption Act 2009). Moreover, the Chief executive must take into consideration that it is ordinarily in a child's best interests to be the youngest child in a family, by at least two years, at the time of placement (applicable only in domestic adoptions). Western Australia has similar legislative requirements. In Switzerland, the Civil Code has a provision that requires that the adoption should be in the best interests of the child and ensure that there is not an inequitable effect on children already within the family.

Various receiving States such as Australia, Denmark, Germany and Norway, have specific policies, in terms of guidelines, which gives preference to maintaining the natural birth order as it limits the disruption and displacement of children already in the family, whose best interests must also be considered. In some States, there can be a mandatory policy requirement of having a gap of at least one or two years with the youngest child in the family. Denmark requires a gap of nine months. In countries such as Belgium, they have guidelines that are not mandatory but are seriously considered by the social workers when preparing their evaluations.

In terms of practices, all receiving States (except Monaco and Sweden) that responded to the questionnaire have a specific practice maintaining the natural birth order as described in detail below (section 3.2). Monaco does not have a specific practice maintaining the natural birth order although this would change if it is a requirement of the State of origin. Monaco stated that families with children and families without children are dealt with exactly in the same manner, without a priority being given to the latter. In Sweden, there is no specific practice on maintaining the natural birth order. The focus on the assessment process is on the parenting capacity and the needs of the child(ren) already in the family.

All receiving States that had practices maintaining the natural birth order also had exceptions, generally on a case by case basis. An individual assessment of the family would be undertaken, with a special focus on the children already in the family to ensure that their interests are not at risk. In general there should be no permanent conflict of interest between children already in the family and the child to be adopted. Moreover the family is evaluated in terms of how prepared they are and whether there is an existing bond with the child to be adopted as well as how they will possibly deal with the potential difficulties. Exceptions, if they are granted, are often in cases of

intra-family, sibling or special needs¹ adoptions. Moreover, Canada (Quebec) noted that not maintaining the natural birth order is rarely preferred if there are other alternatives available and that a distinction is made between the child's developmental and chronological age.

Situation in States of origin

There are no States of origin that have an explicit law or policy that requires the maintenance of the natural birth order. However, in Colombia, the Guidelines for the Adoption Programme, has a section devoted to "Families already with children" (Ch 3.4.6), which covers the situation of siblings, special needs children and step children. Ideally there should be a one year gap with the youngest child. An exception to this would depend on a favourable psycho-social analysis of the parents, existing children and the child to be adopted on the new situation.

With regard to practices, Burkina Faso and Madagascar stated that the age of the children already in the family is one factor taken into account during the matching process, where there is an emphasis on maintaining the natural birth order. Both Burkina Faso and Madagascar stated that they had not yet dealt with such a case in practice. In the Philippines, the natural birth order is maintained to avoid role reversals/changes.

Exceptions are permitted by all States of origin. In Colombia so long as the family is able to prove that they have the capacity to offer a stable and appropriate family for the child, the natural birth order may not necessarily be respected. In the Dominican Republic, this factor (i.e.: not maintaining the natural birth order) is evaluated as a potential conflict for the existing family structure with the hope identifying solutions. In the Philippines, there is heavy reliance on the social work report and considerations include (1) spacing (number of years between children); (2) sex of each child (and in what sequence males and females are born) and (4) age of prospective adoptive child. In Portugal exceptions are permitted when the child is already integrated into the family or where the child's biological age may be greater, but not necessarily his cognitive age, to children already in the family.

1. ISS/IRC Comment

Maintaining the natural birth order in adoptions is an important issue, especially in the context of intra-family, sibling or special needs adoptions. Moreover, it is emerging as a crucial consideration for prospective adoptive parents given the reality that many children with adoption plans are older, especially those in foster care and therefore, there must be some flexibility when approaching this topic. Maintaining the natural birth order is often viewed as a success factor for an adoption.

The maintenance of the natural birth order among the States that responded to the circular is widespread in practice, although less so in policy and rarely in legislation. Such practices are based on a number of advantages including, *inter alia*, ensuring that children already in the family are able to retain their status and do not feel displaced or disorientated. Moreover, this practice helps avoid rivalry and competition as well as gives the older child(ren) already in the family an opportunity to revel in his position and assist the younger child with the new language, communication etc. Some States also noted that by not respecting the natural birth order, it has been known to be a key factor for adoption breakdown. It appears that many of these advantages have been observed in the research undertaken on this topic (see resource section 3.4).

The ISS/IRC is pleased to see that there is a common sense approach to 'exceptions' to maintaining the natural birth order as many States referred to the need to deal with each child as an individual. This is consistent with the protecting both the best interests of the child to be adopted (article 21 UNCRC) but also the general best interests of the children already in the family (article 3 UNCRC) and principle of non-discrimination (article 2 UNCRC).

¹ Children with special needs are those who may be: suffering from a behaviour disorder or trauma; physically or mentally disabled; older children (usually above 7 years of age), or part of a sibling group. See Permanent Bureau Guide to Good Practice 1 http://www.hcch.net/upload/adoGUIDE_e.pdf at page 92

Given the clear advantages of maintaining the natural birth order, it nevertheless, seems sensible that exceptions be allowed, with regard to at least the following elements:

- needs and interests of children already within the family
- needs and interests of the child to be adopted
- chronological and developmental age of the child to be adopted as well as the children already in the family
- any existing bonds of child to be adopted with the prospective adoptive parents/family
- capacities and resources of prospective adoptive parents
- extended support network of the family
- how the family anticipates to resolve any potential conflict
- availability of post-adoption support

If based on a thorough evaluation², there is a decision that it is in the best interests of all the children involved that the natural birth order not be maintained the ISS/IRC recommends that practitioners and parents read the short work of Melina Lois, *When Parents Adopt Out of Birth Order*,³ which provides some excellent practical tips for daily parenting. It emphasises the need to 'treat children as individuals, with privileges and responsibilities given on the basis of ability rather than age ... Comparisons between the academic achievements of children are always inappropriate, but in no case should a younger child be held up as an example to an older brother or sister.'

In conclusion, in principle the ISS/IRC believes that the natural birth order should be maintained and that an appropriate gap exists between the children already within the family. However, the best interests of each child should be the primary consideration and in some cases, this may mean that the natural birth order is not maintained as an exception.

3. Answers to the questionnaire

3.1 Laws and policies concerning maintaining the natural birth order

Country	Laws	Policies
Australia (Victoria)	No	<p>We have a practice policy (not legislation) that we maintain birth order and the adopted child will always be the youngest child in the family. Our legislation requires us to consider the best interests of children already in the family and we feel that maintaining the birth order limits the disruption and displacement of children already in family.</p> <p>We have evidence of placement breakdowns that have involved children of same age (one adopted and one birth) and of same sex where the competing issues became destructive and the adopted child was relinquished, this was not a placement that was organised via Australia but the family relocated to Victoria after the placement was made.</p>

² As a case example of an exception, the ISS/IRC is aware of one family that made a deliberate decision to adopt a child in between the ages of two children already within the family. This decision was intended to ensure the both the older and younger child already could retain their status. An assessment was made that all the family and child to be adopted were prepared for this new structure.

³ Melina Lois, *When Parents Adopt Out of Birth Order*, Adoptive Families, May 2010 (this resource is

		<p>Victoria would actively encourage applicants to explore having birth children (when not infertile) before commencing with an adoption due to our practice stance on birth order.</p> <p><u>Exceptions</u></p> <p>If we are approached by an overseas country due to an older sibling requiring a placement, which has occurred, we would approach the family and assess their capacity. We would see this as exceptional circumstances and would act outside of our practice guidelines if felt to be in best interests of both siblings to be reunited.</p>
Australia	<p>For all States except Queensland, there is no legislation but there is a policy.</p> <p>Queensland – Please refer to the legislative requirements in the <i>Adoption Act 2009</i> and <i>Adoption Regulation 2009</i>. The <i>Adoption Act 2009</i> s76 requires an applicant is not eligible to lodge an expression of interest if that person has custody of a child less than one year in age. This criterion does not include a child in care who may be placed with the person as a foster carer.</p> <p>The <i>Adoption Act 2009</i> s161 requires that Chief executive must take into consideration that it is ordinarily in a child's best interests to be the youngest child in a family, by at least two years, at the time of placement. This legislative obligation only applies to placement decisions made in Australia.</p> <p>Western Australia – Please refer to the legislative requirements in the <i>Adoption Act 1994</i>, <i>Adoption Regulations 1995</i> and <i>Adoption Rules 1995</i>. The <i>Adoption Act 1994</i> s52(1) requires that where a child has already been placed or there is a child in the family, the child to be adopted is to be at least 12 months younger than the next oldest child in the family. There is to be a two year gap between placements of children and the child placed is to be the youngest child.</p>	<p>New South Wales – There is no requirement in legislation. However, generally we would expect that the child would enter the family as the youngest child and there would be enough of a gap between that child and the next one in the family to enable each child to have their own space and position in the family. For example, it is highly unlikely that a gap of less than one year would be allowed as generally this would be a reasonable timeframe for a child to settle into a family. The gap may need to be bigger if either child has specific needs that must be taken in consideration.</p> <p>The only situation where this may be overridden is where an older sibling comes into state care and it is thought it is in their best interests to be placed with a younger sibling and the family is assessed as capable of managing the challenges of such a placement.</p> <p>Australian Capital Territory – There is a policy requirement that a placement of the second or subsequent child will only be facilitated when the age gap between the youngest child in the family and a child to be placed is at least two years. The adoption of a second child may be expedited, based on view that it is in the child's best interests to have a sibling. There is no maximum limit of children in household. See www.dhcs.act.gov.au/ocyfs/services/adoptions</p> <p>Northern Territory – There is a policy requirement that it is preferable for there to be at least two years age gap between children and the adopted child should always be the youngest child.</p> <p>South Australia – There is no requirement in legislation or policy. However, the suitability for placement of child is based on an assessment of the capacity of the family to meet the needs of the child to be placed, taking into account any other children already in the family.</p>

		<p>Tasmania – There is a policy requirement that children to be adopted must be at least two years younger than the youngest child. See: http://www.dhhs.tas.gov.au/health_and_wellbeing/children_and_families/related_topics/adoption_and_information/services/adoption_and_information_service ></p> <p>Victoria – There is a policy requirement that if there are birth children already in the family, the youngest child must be at least 12 months of age before the applicants are eligible to apply for intercountry adoption. Other children in the family, must have been in the family's care for at least 12 months. There should be a minimum gap of two years between the last child's entry to the family (inclusive of birth, step or adopted children) and the placement of an adopted child into the family.</p> <p>See http://www.cyf.vic.gov.au/intercountryadoption/informationkit>. Please note this document is generally updated at least every two months, at times more frequently.</p>
Belgium	No	The maintaining of natural birth order within a family is taken into account during the assessment of the suitability of the candidates for adoption who already have children. It is a guideline for every intermediary in the adoption process. It is a guideline, not a mandatory provision. In exceptional cases (for example, intrafamily adoption), a matching contrary to this order will be approved. If this occurs, the federal central authority asks the central authority of the community to provide further explanation concerning the approval of this matching.
Belgium (Flemish)	No, see practice	No, see practice
Burkina Faso	No, see practice	No, see practice
Canada (Quebec)	<p>Il n'existe pas au Québec une loi ou une politique spécifique relative au maintien de l'ordre naturel de naissance lors de l'adoption d'un enfant. Toutefois, les pratiques cliniques militent en ce sens et il existe un consensus à cet effet.</p> <p>See practice</p>	<p>Il n'existe pas au Québec une loi ou une politique spécifique relative au maintien de l'ordre naturel de naissance lors de l'adoption d'un enfant. Toutefois, les pratiques cliniques militent en ce sens et il existe un consensus à cet effet.</p> <p>See practice</p>
Colombia	El Código de la Infancia y la Adolescencia – Ley 1098 de 2006- no establece prohibición alguna relacionada con la adopción de niños, niñas y adolescentes que tengan una mayor edad en relación con la de los hijos de los adoptantes.	Con fundamento en lo anterior, el lineamiento técnico administrativo del programa de adopción vigente dispone: "3.4.6 Familias solicitantes con hijos. La norma no contempla prohibición alguna sobre las familias que tengan hijos matrimoniales,

	<p>Entre otros requisitos la Ley 1098/06 dispone que: (i) Podrá adoptar quien, siendo capaz, haya cumplido 25 años de edad, tenga al menos 15 años más que el adoptable, y garantice idoneidad física, mental, moral y social suficiente para suministrar una familia adecuada y estable al niño, niña o adolescente, y (ii) La existencia de hijos no es obstáculo para la adopción (Artículo 68).</p> <p>En este sentido, si los solicitantes cumplen los requisitos señalados en el Código será viable la adopción de un niño, niña y adolescente con una edad mayor a la de sus hijos.</p> <p>Para la legislación vigente el niño, niña y adolescente adoptado deja de pertenecer a su familia y se extingue todo parentesco de consanguinidad, e ingresa a la familia adoptante para ejercer plenamente sus derechos, todo bajo el principio de igualdad en relación con los demás hijos.</p> <p><i>Children's and Adolescent Code – no prohibition linked to adoption of children and adolescents that are older than those already in family. There is no obstacle to adopting other children if they are already in the family (article 68).</i></p> <p><i>The most important thing to ensure is that the family environment is stable and PAPS meet criteria, even if the child to be adopted is older than the children already in the family.</i></p>	<p>extramatrimoniales o adoptivos y que pretendan adoptar otro hijo.[1] Dicha solicitud deberá iniciar con la entrevista desde Psicología del o los hijos biológicos o adoptados, con el objeto de evaluar el ejercicio del rol de padres, establecer la participación de los hijos en la decisión de los padres de adoptar. Ante la negativa de por lo menos uno de los hijos biológicos o adoptivos de recibir el nuevo miembro de la familia, el profesional debe suspender el estudio de la solicitud de adopción, orientar la familia para que reciba el apoyo requerido y sólo ante evidencias ciertas se reanuda el proceso previa evaluación del psicólogo.</p> <p><i>Ch 3.4.6 of the Guidelines for the Adoption Programme deals with families already with children. The Guidelines does not have a prohibition for families who have children from their marriages, outside marriages or adoptive who would like to adopt another child. The request to adopt a child starts with an assessment of children already in the family to evaluate how the parents exercise their parental role and assure that the children's views are taken into account. In the case where there is a negative response from at least one child, the professional must suspend the evaluation and direct the family to receive some support. Only if there are certain proofs can the evaluation process recommence.</i></p> <p>Cuando la pareja solicitante de adopción desee otro hijo menor que el que tiene, se tendrá en cuenta su solicitud para un niño al menos un año menor que éste. En aquellos casos en los cuales desean acoger un niño con mayor edad a la de los existentes en el hogar, esta es viable siempre y cuando el estudio psicosocial incluya la favorabilidad, certificando las condiciones, la capacidad y la preparación de todos los miembros de la familia para acoger en su hogar un niño mayor.</p> <p><i>When the couple would like to adopt a child that is younger than the children already in the family, there must be at least one year difference with the youngest child. If the couple would like to adopt a child that is older than the children already in the family, the psycho-social evaluation must be favourable ensuring that the family meets all the conditions as well has the capacity and is prepared to care for an older child.</i></p> <p>Cuando los solicitantes tengan un hijo con alguna discapacidad física o mental moderada y/o severa, debe examinarse la conveniencia de esta adopción ya que esto podría alterar el</p>
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[1] Parágrafo 1° del Artículo 68 del Código de la Infancia y la Adolescencia.

	<p>funcionamiento de la dinámica familiar y poner en riesgo tanto el bienestar del niño que fuera asignado como del que se encuentra en el medio familiar.”</p> <p><i>When the candidates already have a child with a disability, an evaluation must be made with regard to the suitability of the adoption as this could affect the family dynamics and put in danger both children.</i></p> <p>Así mismo el Lineamiento establece: “3.4.13 Hijo del Cónyuge y adopciones de consanguíneos. Para cónyuge o consanguíneo y demostrado que la tenencia del niño no se encuentra incurso en un delito, el Defensor de Familia procederá a definir la situación jurídica una vez se emita desde las áreas psicosociales y nutricionales un dictamen favorable para la continuidad del trámite. Este tipo de solicitud tiene dos etapas administrativas, una que define la situación jurídica del niño frente a su familia de origen, familia extensa o familia amiga, la cual se desarrolla en el Centro Zonal a través de la Defensoría de Familia y la otra que establece la idoneidad física mental, social y moral de la familia aspirante a la adopción sobre la que conceptúa el equipo del centro zonal, regional e Institución Autorizada y la define el Comité de Adopciones de la Regional o Seccional e Institución Autorizada.</p> <p><i>The Guidelines 3.4.13 Adoption of partner's child and children of blood relations. For these cases, where it is shown that the child is not illegally with the parents, the Family Defender will define the legal situation once a favourable opinion is given by the professionals regarding the situation. This type of demand has two stages: 1) define the legal situation with regard to biological family (i.e.: extended family or close friends) and 2) Establish the physical, mental, social and moral aptitude of the family requesting the adoption.</i></p> <p>Se debe tener en cuenta de manera especial la vinculación afectiva y pautas de crianza. La aprobación de la familia y posterior asignación del niño la hará el Comité de Adopción teniendo en cuenta, en estas circunstancias, la voluntad ya expresada por los solicitantes respecto a un niño determinado.”</p> <p><i>Special account must be made between the tie and education.</i></p> <p><i>The approval of the family will be undertaken by the Adoption Committee taken into account the wishes of the PAPs already expressed for a child has already been identified.</i></p> <p>En consecuencia con esta normatividad, no existe restricción para la adopción de un niño, niña o</p>
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		<p>adolescente cuya edad supera la de otros hijos de la familia adoptante.</p> <p><i>There is no restriction for the adoption of children who are older.</i></p>
Cyprus	<p>In the existing law of Cyprus, there is no provision dealing with the need to maintain the natural birth order when adopting a child.</p> <p>See practice</p>	<p>In the existing law of Cyprus, there is no provision dealing with the need to maintain the natural birth order when adopting a child.</p> <p>See practice</p>
Denmark	<p>In Denmark we do not have a particular law dealing with the need to maintain the natural birth order when adopting a child.</p>	<p>But we have a guideline (and a practice) saying, that when you adopt a child into a family where there are already children there has to be about nine months age difference between the siblings and the new child must be younger than the child who is already in the family.</p>
Dominican Republic	<p>Nuestro sistema jurídico no restringe la adopción tomando en cuenta el orden natural del nacimiento.</p> <p><i>No law regarding the maintenance of the natural birth order.</i></p>	<p>No, see practice</p>
Germany (Berlin and Brandenburg)	<p>No, see practice</p>	<p>No, see practice</p>
Germany (except Berlin, Brandenburg, Frankfurt and Mainz)	<p>In Germany, there is no law dealing with this topic.</p>	<p>However, the Federal Working Group of Regional Youth Welfare Offices has published recommendations which are of outstanding importance in the practice of adoption placement procedures. According to these recommendations, principally an adoptive child who will be integrated into a family should be younger than the youngest child. The other children already living in the family shall be in the position to support and assist the new child with his/her integration.</p>
Germany (Frankfurt)	<p>No, in Germany there is no law regarding the natural birth order when adopting a child.</p>	<p>No, see practice</p>
Germany (Mainz)	<p>§§ 1741 und 1745 BGB eröffnen die Möglichkeit bei Stellungnahmen der GZA in gerichtlichen Adoptionsverfahren die Problematik der natürlichen Geburtenfolge aufzugreifen. Es gibt jedoch keine gesetzliche Regelung mit einer ausdrücklichen Aussage zur natürlichen Geburtenfolge.</p> <p><i>§ § 1741 and 1745 Civil Code open up the possibility (where GZA states a case) to deal with the issue of natural birth order in judicial adoption processes. However, there is no statutory provision with an explicit statement about the natural birth order.</i></p>	<p>Aus Sicht der GZA ist die analoge Einhaltung der biologisch vorgegebenen Geschwisterreihe bei der Vermittlung von Kindern in Familien mit bereits vorhandenen leiblichen oder adoptierten Kindern ein wesentliches und in jedem Fall zu beachtendes Kriterium. Wird das Kriterium nicht beachtet, so wird dies als gravierender fachlicher Fehler einzuordnen sein, zumal die Folgen oft erst nach Jahren sichtbar werden. Indiz einer solchen Fehlplatzierung wäre das Scheitern des Adoptionsverhältnisses.</p> <p>From the perspective of the GZA is the analogue compliance of the biologically predetermined series of siblings in the placement of children in families with pre-existing biological or adopted children an essential criterion and is in every case to be thought through. If the criterion is not respected, it will be classified as a serious</p>

		professional error, especially since the consequences are often visible only after years. Evidence of such misplacement would be the failure of the adoption relationship.
Madagascar	Non, aucun texte juridique. See practice.	No, see practice
Monaco	Non	Non
Netherlands	No	No, see practice
Norway	No	According to guidelines given by the Ministry (the former Ministry of Children and Family Affairs) in September 1998, the adopted child should, as a general rule, be the youngest in the family. The reason for this is that it is considered being best for the child to fall into the same role as a biological child's entry into the family, and that a family with adopted children resemble other families as much as possible regarding number of children, the children's age etc. The adopted child has to adapt to a new life, and will for a period be the one in the family that initially needs most care and support.
Portugal	La loi portugaise ne contient aucune disposition à ce sujet.	
Switzerland (Aarau)	Ein Gesetz existiert nicht. Wir orientieren uns an den biologischen Möglichkeiten der Familiengründung. Das letzte Kind in einer Familie muss immer das jüngste Kind sein. A law does not exist. We focus on the biological possibilities of starting a family. The last child in a family must always be the youngest child.	
Switzerland (Geneva)	Art. 264 Code Civil A. Adoption de mineurs I. Conditions générales Un enfant peut être adopté si les futurs parents adoptifs lui ont fourni des soins et ont pourvu à son éducation pendant au moins un an et si toutes les circonstances permettent de prévoir que <u>l'établissement d'un lien de filiation servira au bien de l'enfant sans porter une atteinte inéquitable à la situation d'autres enfants des parents adoptifs.</u> Cet article concerne autant le bien de l'enfant adopté que des autres enfants, naturels ou adoptés antérieurement.	
Sweden	No law	See handbook

3.2 Practices and exceptions concerning maintaining the natural birth order

Country	Practice when natural birth <u>is</u> maintained	Practice when natural birth order <u>is not</u> maintained
Australia (Victoria)	See policy above	NA
Australia	<p>See policy above.</p> <p>New South Wales – There are a few issues that must be explored in this type of placement:</p> <ul style="list-style-type: none"> • What are the needs of the child that is going to join the family? • Do the family have the capacity to meet these needs? • Would the placement of the child negatively impact on the sibling currently in placement to a point where a placement together is contraindicated? <p>This would require individual assessment of both children as well as the carers/adopters. Every case like this is quite unique and must be assessed on a case by case basis.</p>	<p>This would require individual assessment of both children as well as the carers/adopters. Every case like this is quite unique and must be assessed on a case by case basis.</p>
Belgium	<p>This assessment is carried out on an individual basis, depending on the composition of the family. In any case, the adoption is prevented from jeopardizing the position of the oldest (biological) child. Before this exception is granted (for example, in intrafamily adoption), the candidates for adoption, as well the children who are already part of the family are screened. Only if the interests of the children who are already part of the family do not conflict with the adoption, can the exception be granted.</p>	<p>This assessment is carried out on an individual basis, depending on the composition of the family. In any case, the adoption is prevented from jeopardizing the position of the oldest (biological) child. Before this exception is granted (for example, in intrafamily adoption), the candidates for adoption, as well the children who are already part of the family are screened. Only if the interests of the children who are already part of the family do not conflict with the adoption, can the exception be granted.</p>
Belgium (Flemish)	<p>In practice the Flemish central authority does not allow matchings of children who are older than the children already in the family. Some exceptions may occur: for example in some intra family adoptions where the child has no possibility to stay with his family in the country of origin, we sometimes do accept, but this is only in rare circumstances.</p>	<p>This can only be accepted exceptionally in cases where it concerns a child of the family (intra-family adoption) and the child has no possibilities with family in it's own country. In the assessment of the PAPs will also be checked if the child(ren) who are already in the family are capable of dealing with the placement of this new child. The PAPs are screened on how they will deal with possible difficulties in this matter. If the assessment has as a result that the children already in the family will not be deprived in their best interest, it can be accepted, otherwise not.</p>
Burkina Faso	<p>Oui, l'Autorité centrale a une pratique liée à la nécessité de maintenir l'ordre naturel de naissance lors de l'adoption d'un enfant. En effet, lors de l'étude des dossiers d'adoption, nous prenons soin de noter l'âge des enfants biologiques ou adoptés vivant déjà dans le foyer. Et généralement lors de l'apparement, il est fait en sorte que les enfants qui sont les premiers arrivés dans la famille soient les aînés et les derniers les petits frères ou sœurs.</p>	<p>Nous n'avons jamais rencontré ces genres de situations parce que nous veillons à ce que l'enfant qui est déjà dans le foyer garde son droit d'aînesse.</p>

Canada (Quebec)	<p>Les pratiques cliniques développées au Québec favorisent le maintien de l'ordre naturel de naissance lors de l'adoption d'un enfant. Le respect de la hiérarchie de l'âge vise notamment à préserver le statut de l'enfant. De plus, ces enfants étant bien souvent plus vulnérables en raison de leur situation ou de leurs caractéristiques personnelles, nous devons nous assurer de faciliter leur intégration dans le milieu adoptif.</p> <p>Exceptionnellement, cet ordre naturel peut être brisé, par exemple si l'enfant connaît déjà le milieu et si nous avons une très bonne connaissance des capacités des adoptants. Les caractéristiques des enfants concernés doivent aussi être prises en compte dans l'évaluation de cette possibilité. Cette option sera toutefois rarement favorisée si d'autres possibilités sont présentes.</p>	<p>Chaque situation qui serait contraire à l'ordre naturel de naissance doit faire l'objet sur d'une évaluation rigoureuse et spécifique des besoins de cet enfant et des capacités du milieu adoptif concerné. Il y a aussi lieu de faire une distinction entre l'âge chronologique et l'âge développemental.</p>
Colombia	<p>Tal como establece la Ley 1098 de 2006 y el lineamiento técnico administrativo del programa de adopción, la familia debe garantizar idoneidad física, mental, moral y social suficiente para suministrar una familia adecuada y estable al niño, niña, adolescente ó grupo de hermanos.</p> <p><i>As stated in the law and guidelines, the family must guarantee that they have the aptitude to offer a stable and appropriate family for the child or siblings.</i></p> <p>En este sentido los informes psicológico y social deben brindar los elementos de análisis, tales como recursos personales y de pareja, la preparación de todo el grupo familiar, especialmente de los padres para que le garanticen una adecuada inserción al niño por llegar, el equilibrio y el desarrollo armónico de toda la familia.</p> <p><i>The psychological and social background reports must provide analytical elements such as personal resources of the couple, preparation of the entire family, especially the parents to guarantee that the adequate insertion of the child and to good and harmonious development of the family.</i></p>	
Cyprus	<p>However, in practice, we advise prospective adoptive parents to seriously consider the ages of children already in the family and to avoid disturbing the birth order of the children in the family.</p>	<p>In practice, we did not have any specific case in which we needed to assess whether it is in the best interests of a child to be with other sibling, if this new siblings will not be in the natural birth order, still it is important to note that during the assessment of a placement of a child various factors are taken into consideration to decide whether it would be in the best interest of the child to be placed in a family. One important factor that should be taken into consideration is how well prepared are all the members of a family to accept such a child. At the same time, exceptions are made when the child to be adopted is a relative child.</p>
Denmark		<p>The Danish National Board of Adoption has recently made a decision in a very special adoption case where the Board decided, that it can be in the best interests of the new child even if there will not be a natural birth order – depending on the circumstances in the case. But this case is an exception to the main principle written above.</p> <p>The decision whether it is in the best interests of</p>

		<p>the new child to be with other siblings, if this new child will not be in the natural birth order is based on the specific circumstances from case to case. It is not possible to make an exhaustive list of circumstances that will lead to such a decision.</p> <p>Such a decision will be based on for example: The age of the parents and the other children in the family, the age of the new child to be adopted – and the age difference between these persons.</p> <p>The parents resources and reflections and the resources of the family - including the children. And are there for example a special relation between the family/the children and the new child.</p>
Dominican Republic	<p>En la práctica es un factor que se evalúa para, como bien apuntan, buscar soluciones a posibles conflictos que se pudiesen suscitar en la estructura familiar.</p> <p><i>In practice, this is a factor that is evaluated to identify solutions where there would be an eventual conflict in the existing family structure.</i></p> <p>Los Futuros Padres Adoptantes con interés de adoptar un Niño, Niña o Adolescente, mayor a los hijos (biológicos o no) que conforman el hogar familiar, reciben una orientación acerca de cómo manejar la disyuntiva, tomando siempre en cuenta que cada caso es particular y se debe a sus propias razones para acceder a la figura de la adopción.</p> <p>PAPS who would like to adopt an older child than those already in the family, receive some guidance about how to manage the situation, taking into account each individual case.</p>	<p>Se evalúa a través de las entrevistas con los Futuros Padres Adoptantes, los trabajos sociales y el perfil psicológico de la pareja; ampliándolo con el campo de la investigación hacia la familia extensa.</p> <p><i>We evaluate the social and psychological profile PAPS and the extended family.</i></p>
Germany (Berlin and Brandenburg)	<p>The placement of an older adoptive child to adoption applicants with younger children is only recommended in single cases if there is a good reason (e.g. blood relationship between child and adoption parents).</p>	<p>The exception to the rule (of maintaining the natural birth order) can only be justified in exceptional cases.</p>
Germany (except Berlin, Brandenburg, Frankfurt and Mainz)	<p>See policy above.</p> <p>The Regional Youth Welfare Office in Cologne outlines that the approach to maintain the natural birth order derives from the experiences with biological children who often react competitive on the arrival of a now born child. The situation of competition is, however, insupportable for adoptive children who are in need of stable attention and love. The Regional Youth Welfare Office has even experienced that the placement of a child was discontinued due to the nonobservance of maintenance of the natural birth order.</p> <p>The Regional Central Authority in Hamburg additionally indicates that apart from the</p>	<p>According to the Regional Youth Welfare Office in Münster it is not principally the better choice for a child to grow up with siblings. In fact, it is more important which sibling position one or more children are giving up by the arrival of the new child. It might be more challenging to integrate a new child being older as the only child who is losing his/her position as first born child than to integrate a child “between” the third and the fourth child. The difference of age between the children is also crucial for the decision of making an exception from the principle of only integrating youngest children.</p>

	<p>maintenance of the natural birth order the age difference between the children in the family shall be at least 2 years. The adoption of a further child additionally presupposes that all other children have found a stable position in the family structure.</p>	
Germany (Frankfurt)	<p>Nevertheless the professionals participating in the adoption process agreed to the necessity to maintain the natural birth order.</p>	<p>Family international frankfurt would consider the adoption of a new child, who would be outside the natural birth order, only in cases of stepchild- or relative adoption. In these cases we would – as usual - first ask for a child report, in order to assess, whether this child is need of a new family and how the bonding are to this specific family. In cooperation with the competent Youth Authority here we would than assess the family situation with regard to their resources to take a child into the family who would be out side the natural birth order, which influenced all family members.</p>
Germany (Mainz)	<p>Für die meisten Geschwisterbeziehungen ist eine tief wurzelnde emotionale Ambivalenz typisch, es sind gleichzeitig negative und positive Gefühle vorhanden.</p> <p>Ein Kind, das in eine „neue Familie“ aufgenommen wird, wird sich mitunter als defizitär empfinden: Es muss möglicherweise die fremde Sprache mehr oder weniger mühsam erlernen, der durch die Kultur bestimmte menschliche und soziale Umgang untereinander mag ihm noch ungewohnt erscheinen. Aber auch für die leiblichen Kinder der Familie tauchen Probleme auf, da sie sich durch den Wunsch der Eltern nach einem weiteren, fremden Kind in Frage gestellt fühlen. Wird mit dessen Aufnahme die biologisch vorgegebene Geschwisterreihe nicht eingehalten, können sich Rivalitätskonflikte, die unter Geschwistern als normal gelten, zuspitzen.</p> <p>Im Praxisleitfaden der GZA für Fachkräfte der Adoptionsvermittlungsstellen zur Feststellung der Adoptionseignung nach § 7 AdVermiG heißt es dazu u.a.: „Inwieweit das Vorhandensein eines leiblichen Kindes einen kindbezogenen Risiko- oder Schutzfaktor darstellt, bleibt der Einzelfallprüfung vorbehalten. Grundsätzlich bestehen häufig dann ungünstige Voraussetzungen für die Entwicklung eines Adoptivkindes, wenn in der Familie ein leibliches Kind der Adoptiveltern mit geringem Altersabstand zum Adoptivkind lebt. Nach der Recherche von Kasten (Fußnote 72) kann sich das Vorhandensein leiblicher und anderer adoptierter Kinder in der Familie jedoch auch als positiv auswirken und die Abbruchgefahr reduzieren, wenn angemessene Altersabstände von zwei und mehr Jahren zwischen den Kinder liegen...“</p>	

	<p>Die anerkannten Auslandsvermittlungsstellen im Zuständigkeitsbereich der GZA gaben bei Nachfrage zu dieser Thematik an, die biologisch vorgegebene Geschwisterreihe zu beachten. Der als Minimum einzuhaltende Altersabstand zum jüngsten Kind der Familie wird unterschiedlich eingeschätzt, er variiert von einem bis zu drei Jahren.</p> <p>Auch die Vermittlung von Geschwistern zu bereits vorhandenen Kindern wurde als problematisch angesehen und abgelehnt, wenn damit „Sandwich-Situationen“ erzeugt würden.</p> <p><i>A child who is admitted to a "new family", will sometimes feel as deficient: it may need to learn the foreign language with more or less difficulty, the human and social dealings determined by the culture amongst each other may appear unusual. But even for the natural children of the family problems arise, because they feel challenged by the desire of the parents for a further, foreign child. If the biologically determined birth order is not observed with the inclusion (of the adopted child), rivalry conflicts which are normal among siblings may come to a head.</i></p> <p><i>In the practical guide for professionals of adoption agencies (issued by) GZA the suitability of adoption is determined under § 7 AdVermiG: "To what extent the existence of a biological child is a child-risk or protective factor needs remains to be examined on a case-by-case. Basically, there are often unfavourable conditions for the development of an adoptive child in the family when a natural child of the adoptive parents already lives (in the family) with low age difference to the adoptive child. According to the research of Kasten (footnote 72) the presence of other persons and other adopted children in the family also be a positive factor and reduce the dropout risk if appropriate age differences of two or more years between the children exist ... "</i></p> <p><i>The recognized international agencies within the jurisdiction of GZA replied when asked on the subject that the biologically determined sibling serie needs to be considered. The minimum age difference to the youngest child of the family is assessed differently, it varies from one to three years.</i></p> <p><i>Also, the placement of siblings to already existing children was viewed as problematic and rejected if it created "sandwich situations".</i></p>	
Madagascar	Oui, comme l'adoption est un projet de vie familiale, Madagascar a toujours pensé à ce	Jusqu'à maintenant, depuis 2007, nous n'avons pas encore eu de telle expérience mais s'il s'agit

	<p>maintien de l'ordre naturel de naissance. Nous tenons toujours en considération l'âge de l'enfant déjà au sein de la famille en attribuant un enfant moins âgé (un petit frère ou une petite sœur).</p>	<p>d'un rapprochement de fratrie, si l'ordre naturel de naissance n'est pas respecté : c'est vraiment une question de disponibilité de la famille adoptive ainsi que son évaluation psycho sociale, s'il est bien mentionné dans l'agrément en vue d'adoption ainsi que le rapport d'évaluation que la famille est apte à accueillir cet enfant (plus âgé) nous acceptons cette adoption.</p>
Monaco	<p>Monaco, Etat d'accueil, ne traite pas différemment l'adoption d'enfants par une famille au sein de laquelle il y a déjà des enfants que par un couple sans enfants. Seul l'Etat d'origine de l'enfant choisi par les futurs parents adoptifs peut accorder une priorité pour les couples sans enfants.</p> <p>Monaco n'a pas adopté de loi ou mis en place une politique spécifique relative à la nécessité de maintenir l'ordre naturel de naissance lors de l'adoption d'un enfant ; en revanche, l'Autorité centrale du pays d'origine de l'enfant, dûment éclairée par le rapport social sur la structure familiale du futur couple adoptif ainsi que par la lettre de motivation décrivant le profil de l'enfant souhaité, pourra adresser, si elle l'estime opportun, une proposition d'apparement respectant cet ordre naturel de naissance ; il demeure qu'en principe les couples souhaitent adopter un enfant le plus jeune possible, traduisant ainsi implicitement le souhait d'un respect de cet ordre naturel de naissance lorsque ces couples ont déjà au sein de leur foyer un ou des enfants biologiques ou adoptifs.</p> <p>Monaco n'a pas de pratique liée à la nécessité de maintenir l'ordre naturel de naissance lors de l'adoption d'un enfant. Seules les motivations des futurs parents adoptifs sur le profil de l'enfant souhaité sont prises en considération</p>	<p>Il appartiendrait davantage aux Autorités compétentes de l'Etat d'origine de l'enfant, informés par l'Autorité centrale de l'Etat d'accueil sur la situation familiale des futurs parents adoptifs par l'envoi des rapports social, psychologique, médical et de moralité, de se prononcer sur l'opportunité de proposer un enfant à l'adoption qui respecte ou pas l'ordre naturel de naissance.</p>
Netherlands	<p>In the Netherlands, our starting point with regard to the placement of children for adoption in families which already have one child, or several children, is that the child to be adopted should be younger than the (adopted) child or children already present in the family. Redefining the natural birth order of the family and displacing a child from his or her position in the family is considered undesirable.</p>	<p>In the case of a request to place an older adopted child in the family, the Child Protection Board is of the opinion that this is only possible in the case of immediate family members. Moreover, the Child Protection Board considers the following points important:</p> <ul style="list-style-type: none"> - that any information available on the bond between the children is thoroughly studied; - that information on the child in question is available. Why has the child been given up for adoption? - the implications that the child's placement in the family in question will have for that family; - what will change in the role and position of the children already present in the family. <p>One of the accredited bodies reports that a</p>

		derogation from the basic principle was made once, after a further study conducted by a social worker and an educationalist. This case involved a mentally handicapped adopted child who functioned at a much lower level than the child already present in the family. Another accredited body reports that in such cases the adoption placement takes place under more intensive guidance and counselling, and where required, a referral for extra after-care is given.
Norway	See policy above. Advance approval to the adoption of a second (or third, fourth) child should according to the guidelines not be granted before the last arrived adopted child has been in the family for at least a year. As a general rule, there should be a two-year age difference between the new adopted child and the children already in the family.	Exceptions may be made if the children are siblings. Many adopted children have a difficult background. It is therefore considered important that these children in the attachment period do not have to compete with the other children in the family about their parent's presence and contact.
Philippines	<p>The Philippines through the Inter-country Adoption Board does not have specific laws or policies defining the maintenance of the natural birth order in a family. The Philippines has a large number of "older children" (6 to 15 years) requiring permanent families, maintaining the natural birth order is however the general rule. Older children fall under the "Special Home Finding" group. These children are not matched by ICAB, rather, they are pre-identified by families and the families usually have younger children.</p> <p>As a general rule the Inter-country Adoption Board maintains the natural birth order of either the biological or adopted child already in the family. ICAB confirms that this would augur well for a smooth relationship and bonding between all the children in the family because the birth order is not disrupted and there are no role reversals/changes.</p> <p>Philippine Intercountry adoption system requires PAPs to indicate the age of their child preference and the choice (or limitation, as when specified by the Central Authority PAP approval) is given very strong consideration by the ICAB.</p>	<p>If an older child must be placed in a family that will disrupt the birth order, other considerations will enter into the matching process such as but not limited to: (1) spacing (number of years between children); (2) sex of each child (and in what sequence males and females are born) and (4) age of prospective adoptive child.</p> <p>There is heavy reliance on the child's case worker and the case study report. The needs of each child is determined by his or her background and environment. If the child is in an institution chances are that the older child requires "siblings". As for children in foster care, the actual family profile/set-up is considered.</p> <p>Much consideration is given to the fact that the prospective adoptive child will be needing and demanding a lot of attention hence the consideration on whether to place them in a situation where there are other children in the family.</p>
Portugal	<p>Oui; la pratique dans les services d'adoption est dans le sens de lors du matching tenir compte de l'ordre naturel de naissance quand il y a déjà d'autres enfants nés ou adoptés dans la famille adoptante.</p> <p>Cette pratique advient du fait que l'on considère généralement que l'intégration d'un enfant dans une famille adoptive qui a déjà d'autres enfants est facilitée si l'on respecte l'ordre naturel des naissances. En effet, si celui qui arrive plus tard est plus jeune que ceux qui sont déjà intégrés dans la famille, qu'il s'agisse d'enfants biologiques</p>	<p>Il s'agit d'une pratique générale que doit céder devant des situations spéciales où lorsque les conditions qui le justifient ne sont pas présentes. Par exemple, dans le cas d'adoption de fait (c'est-à-dire, adoption d'un enfant qui est déjà de fait intégré dans la famille adoptante) d'adoption de l'enfant du conjoint, lorsque les enfants issus de précédentes unions cohabitent déjà, ou dans le cas de l'adoption d'un enfant qui ayant un âge biologique supérieur aux autres enfants déjà dans la famille présente un retard cognitif qui nous permet présumer qu'il accepterait son rang</p>

	ou d'enfants adoptés, on respecte le cycle vital de la famille, ce qui facilitera évidemment l'intégration du nouvel arrivé.	d'enfant cadet.
Sweden	<p>In Sweden there is no particular law, policy or practice dealing with the need to maintain the natural birth order when adopting a child. As you can read in the enclosed file taken from The Adoption Handbook for the Swedish Social Services, focus - in the assessment of the applicants - is on the parenting capacity and the needs of the child(ren) that already lives in the family, rather than the child to be.</p> <p>Maintaining the natural birth order seems obvious and has not yet become a critical issue in Swedish intercountry adoptions. The situation might change quickly as the children in need for adoption are getting older. This is why we look forward to study the views on this issue from the ISS/IRC countries</p>	
Switzerland (Aarau)	<p>Ja, im Kanton Aargau ist die Einhaltung der Geschwisterreihenfolge eine Praxis.</p> <p>In der Bewilligung für die Aufnahme eines weiteren Kindes wird das mögliche Alter festgelegt. Dabei wird auch der Hinweis angebracht, dass das Kind mindestens ein Jahr jünger sein muss, als das bereits in der Familie lebende Kind (Geburtsdatum des jüngsten in der Familie lebenden Kindes wird festgehalten). Die Aufnahme des vorgeschlagenen Kindes wird nur gutgeheissen, wenn das Kind in das bewilligte Altersegment passt und auch mindestens ein Jahr jünger ist, als das in der Familie bereits vorhandene jüngste Kind.</p> <p><i>Yes, in the canton of Aargau the compliance of the sibling order is a common practice</i></p> <p><i>When the authorization for the admission of another child is given, the possible age range is determined. It is also a recommendation that the child will be at least a year younger than the child already living in the family (date of birth of the youngest child living in the family is recorded). The inclusion of the proposed child is only approved if the child fits in the approved age segment and is at least one year younger than the youngest child that already exists in the family.</i></p>	
Switzerland (Luzerne)	<p>With us there is a practice that the new child to be included must be at least a year younger than the youngest child already living in the family. So the child that arrives last in the family is always the youngest which corresponds to a natural family planning.</p>	<p>With a rule there should always be the possibility for exceptions. We can imagine that, in very specific situations, eg where there is already a relationship between the family and the child for a given reason, it may be better for the welfare of the child to be included in the well known family, even if it is not the youngest, than to experience the rupture of a relationship and to get used to another place. Generally we think that there may</p>

		be aspects that are to be weighted higher than the natural family order.
Switzerland (Institute for Adoption)	<p>Es gibt in der Schweiz kein Gesetz, das die Geschwisterfolge – wenn ein Adoptivkind dazu kommt – regelt.</p> <p>In der Praxis wird aber generell darauf geachtet, dass die natürliche Geschwisterfolge eingehalten wird, das heisst, dass ein Kind, das zu anderen Kindern dazu adoptiert wird, immer das Jüngste in der Familie sein muss. Es soll kein Kind durch das Hinzukommen eines älteren, adoptierten Geschwisters "entthront" werden.</p> <p><i>There is no law in Switzerland, which regulates the birth order for cases where an adopted child is added.</i></p> <p><i>In practice, however, it is generally ensured that the natural birth order is maintained, meaning that a child who is adopted to other kids, should always be the youngest in the family. No child should be "dethroned" by the addition of an older, adopted sibling.</i></p>	

3.3 Advantages/limitations of maintaining the natural birth order

Country	Advantages	Limitations	Additional Comments
Australia	<p>New South Wales - Yes, it is important to children that they have their position in the family maintained as if not they can feel displaced, disoriented and thereby negatively affected. If they are the eldest and then a child is placed above them, they lose that position of being the eldest and all the trappings that go with this-power, responsibility, special place, priority, etc.</p>		<p>New South Wales: We have had a number of adoption breakdowns over the years where the natural birth order was not maintained and this was a significant factor in the breakdown of the adoption, although not the only cause. This led our agency of having a firm practice not to support any "slotting" of children. As adoption is a service for a child, if such practice increases the risk for the child, there will probably always be another family who can meet the child's needs.</p> <p>For example, there was one case where a female child aged 8 was placed in a family where there was a 4 year old boy (adopted from birth). This adoption disrupted due to the inability of the family to manage the entry of a much older child into their family and the behavioural differences of an</p>

			<p>older child (her behaviour was not that difficult). There was also an issue between the younger child managing the disruption of having an older sibling come into the family and him losing his place as the only and eldest child.</p> <p>There was another case where a female child aged 7 was slotted between the older female child and the younger male child (both had been adopted from birth). This adoption disrupted again due to the inability of the family to manage the behavioural differences of an older child. There was also an issue with both children accepting this child and managing her behaviour. As the child did not come in as the baby, she felt very displaced and without a special place in the family, increasing pressure on the whole situation.</p>
Belgium	The children who are already part of the family retain their status as oldest brother/sister. This improves the odds that they will not feel threatened by the arrival of the adopted child, and that no rivalries will occur between them.	The maintenance of the natural birth order within a family complicates the placement of children with 'special needs', such as older children and siblings.	
Belgium (Flemish)	The children already in the family keep their status as oldest brother or sister. This enlarges the chance that they will not feel threatened in their original position and that competition on this level will not take place.	<p>If it is in the best interest of a child to be placed in a family and the subsidiarity has been respected, AND the current family members understand the need of the placement and are up to dealing with this (see result of the assessment of the PAPs), it can be defended in some intra family situations.</p> <p>Another problem might occur: more and more special needs and siblings are in need of intercountry adoption. This might have an impact on the future practices when we have in mind the search for adoptive parents for children in need.</p>	

Burkina Faso	Le maintien de l'ordre naturel de naissance permet de sauvegarder la stabilité de la famille au regard des autres familles naturelles. Ça permet aux enfants de s'accepter et de préserver leurs droits (d'ainesse) sans équivoque. Mieux l'enfant vivant déjà dans le foyer se sent respecter ce qui le sécurise et lui donne le plaisir et le courage de jouer son rôle de grand (e) frère ou sœur (protecteur de ses petits frères et sœurs).	Le non respect peut engendrer des discordes entre les enfants et même le rejet des parents si l'enfant premier venu ne transcende pas la situation.	
Canada	Il vient faciliter l'intégration de l'enfant et l'ajustement de la famille à celui-ci. Il permet généralement d'éviter les situations d'opposition, de rivalité et de comparaison. Les impacts sont généralement plus faciles à gérer pour l'enfant (ou les enfants) déjà présent(s) dans la famille. Il faut voir la famille dans une perspective systémique et dynamique. Aussi, l'arrivée d'un enfant plus vieux vient briser l'ordre naturel et peut avoir des répercussions importantes sur ce système.	Certaines limites relatives au maintien de l'ordre naturel peuvent se présenter dans le contexte où il peut être difficile de recruter des milieux adoptifs pour des enfants présentant des caractéristiques particulières (enfants plus âgés, avec des besoins spéciaux, etc.). Toutefois, on ne peut écarter les considérations cliniques qui militent en faveur du maintien de l'ordre naturel puisque l'intégration positive de l'enfant et sa stabilité doivent toujours être visées.	Les situations qui ont donné lieu au non-maintien de l'ordre naturel sont exceptionnelles. Bien que certaines aient donné lieu à des intégrations positives, d'autres ont nécessité des interventions particulières pour soutenir le milieu adoptif ce qui nous indique d'agir avec prudence et vigilance dans les situations qui ne respecteraient pas l'ordre naturel de naissance.
Colombia	A la fecha no se han considerado, en cumplimiento de Ley y la normatividad en materia de adopción y en razón al interés superior del niño apto para la adopción. <i>To date, we have not considered the advantages of this practice</i>	La limitación puede observarse en algunas familias adoptantes que optan por mantener el orden de edad de sus hijos, restringiendo esta posibilidad para los niños mayores <i>The limitation can be for families wanting to adopt older children</i>	
Cyprus	Maintaining the natural birth order of the family will probably has less effect on the structure and lifestyle of the family and the adjustment of the family members.	Probably a family who is well prepared will be able to respond to the needs of the child even if the natural birth order is not maintained. By having laws or policies which strictly regulate the natural birth order when adopting a child, then probably you take away the chance of a child to be placed in such a family, especially taking into consideration that most of the children available today for	

		intercountry adoption are older children.	
Dominican Republic	<p>Dentro de las ventajas, bien podríamos destacar: permite una mejor integración del niño, niña o adolescente adoptado/a, tanto a nivel individual como a nivel familiar. Al respetar este orden, se mantiene el ciclo evolutivo natural de la familia y la participación de los miembros de la misma en cada etapa de desarrollo del nuevo integrante.</p> <p><i>We can mention a better integration for the child as an individual and within the family by respecting the family cycle and participation of each member at each stage of development of the new child.</i></p>	<p>1) Se cierran las posibilidades de adoptar niños, niñas y adolescentes de distintas edades. 2) El compromiso de la desinstitucionalización de los niños, niñas y adolescentes, con la celeridad con que estamos comprometidos. 3) Por otra parte, al buscar la manera de acomodar la asignación a dicho orden, se corre el riesgo de incurrir en la práctica de buscarle un niño a una familia y no de buscar una familia para ese niño, principio jurídico con el cual tenemos la obligación de cumplir y velar en torno a su interés superior.</p> <p><i>1) limits adoption of children and adolescences of different ages</i></p> <p><i>2) Compromises the commitment to timeframes for de-institutionalisation. Also, by respecting this order, this can promote risks for looking for a child for a family rather than a family for the child.</i></p>	<p>El orden del Mantenimiento Natural de Nacimiento es un punto a tratar con sus particularidades.</p> <p><i>Maintaining natural birth order needs to be treated with all its specificities</i></p> <p>Nuestra legislación no lo asume como regla por las mismas características que puede presentar la adopción.</p> <p><i>Our laws does not include this principle as a rule for adoptions</i></p> <p>Un ejemplo de este tema, bien podría ser la adopción de un Niño, Niña o Adolescente hijo de cónyuge, donde dicho niño forma parte de un hogar donde su interacción es manifiesta y comprobada; culminando para establecer los lazos con un proceso de adopción.</p> <p><i>As an example for this theme could be adoption of a partner's child where s/he who is already part of the family and there are positive and proven interactions, where the relationships culminates with an adoption (i.e.: only formalises the reality).</i></p> <p>Otro ejemplo es la adopción a familia extensa por el fallecimiento de los padres biológicos o una pérdida de autoridad parental definitiva.</p> <p>Another example is the adoption by extended family where the biological parents are deceased or where they have permanently lost their parental authority.</p> <p>En estos casos, no se puede tomar en cuenta el mantenimiento del orden natural de nacimiento, ya que bien se podría caer en una violación al principio V de la ley 136-03 Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas y Adolescentes, el cual enmarca la importancia de</p>

			<p>siempre observar el Interés Superior del Niño en todo proceso de su vida.</p> <p><i>In these cases, we can not consider the maintenance of natural birth order as this could go against Code mentioned above, which places the best interests of the child.</i></p>
Germany (Berlin and Brandenburg)	<p>The compliance of a natural birth rank when placing an adoptive child is less accident-sensitive for the adoptive family, because the „new“ child in the family is not given priority to the children who are already in the family. Advantages like a facilitated Integration course of the adoptive child in the new family have already been described.</p>		<p>In the course of my long lasting activity in the field of work adoption it has confirmed that besides many other technical issues, the decision, whether a child should be placed to adoptive parents without child or to a family with children, this question is important as to the success of the adoption parents. In this context it is also decisive whether the children in the family are biological children or children adopted. The experience has taught, that it is more easy for an adoptive child, especially if it becomes older, to share with a brother or sister the same birth status. In this case a statement as to a „real and unreal“ brother or sister is not made.</p> <p>Every child has an individual personality. No child can replace any other child. Many adoption applicants think that it is an advantage for the adopted child when they have already biological children, because they have already made practical experiences with children. As to interacting with children it is surely positive to have made experiences, but you also have to consider that many an adopted child has already had separations and is only reluctant to build up new relationships. In a family situation, in which there are already children, the adopted child has not only to build up a new relationship to the parents but also to his brothers and sisters. This is a big challenge and can become</p>

			difficult for the child but also for the whole family.
Germany (except Berlin, Brandenburg, Frankfurt and Mainz)	<p>Adoptive children who are not related to the adoptive family are often retarded in their development and need more attention and support than children of same age having grown up in their family of origin without major mental stress. If the adopted child is older but less developed than the youngest child this might be a problem for the further development of the two children and for the integration of the adopted child.</p> <p>Regional Youth Welfare Office in Hamburg: The new child as youngest child will have a comfortable position in the family and will get most of the attention as "small and helpless". The role of older children will not be in question. These children can even strengthen their identity and competence by handing over information and knowledge to the youngest child. The placement of children in the middle of this structure, though, lead to imbalance.</p>	Regional Youth Welfare Office in Münster and Hamburg: There might be situations in which the natural birth order can be interrupted for a good reason, for example in relative adoption cases. However, this should be an exception and one should pay even more attention to the difference of age between the children.	In complicated cases, the Regional Youth Welfare Office in Cologne has decided to dissolve the problematic constellations and to look for new parents for each single adoptive child in order to have a guarantee that the adoptive parents can pay their entire attention to one child in need.
Germany (Frankfurt)	With the birth of a child comes his "natural" role within the family—being the oldest; having as well more "rights", but as well more duties and so on.	The need of a child in need, which can not otherwise taken care for, by other relatives	
Madagascar	L'adoption est un projet de vie comme tout autre projet de vie familiale avec enfant né biologiquement, le respect de l'ordre naturel de naissance est vraiment essentiel pour une vie naturelle et harmonieuse de la famille.	En cas de rapprochement de fratrie comme cité ci-dessus, il faut toujours considérer l'intérêt supérieur de l'enfant.	
Monaco	L'avantage principal qui paraît se dessiner serait celui une meilleure intégration de l'enfant dans sa nouvelle cellule familiale ; la présence d'enfants plus âgés pourrait faciliter le dialogue, l'apprentissage de la langue, la communication de l'enfant adopté avec ses	Ce n'est cependant pas une garantie absolue, tant il convient de connaître, au travers des rapports social et psychologique de l'enfant proposé à l'adoption, l'historique de son parcours de vie, afin de vérifier si cet ordre naturel de naissance doit effectivement être pris en	

	nouveaux parents adoptifs.	considération dans l'intérêt supérieur de l'enfant lors de son intégration dans sa nouvelle famille adoptive.	
Netherlands	<ul style="list-style-type: none"> - maintaining the "natural" birth order reduces the chance of friction arising between the children, which friction can be caused, for example, by jealousy; - the parents and children are asked less impertinent questions by the outside world; - the children retain their original position in the family; - placing a child in a "higher position" in the family can make another child feel no longer safe in the family. 		According to the Child Protection Board there were reportedly bad experiences that had occurred in the past. Unfortunately, they were unable to give any examples.
Netherlands (University Leiden)	<p>Still, next to scientific, a number of practical arguments can be given not to place out of biological order - some examples:</p> <ul style="list-style-type: none"> - the adjustment issues that children already in the family face, are huge: it is not easy to become middle child when you have been the eldest before - parenting style and adapting your style and parenting to a new child whose previous phases you have not shared, whilst you elaborate on earlier experiences with other children. This is a huge effort to accomplish and needs specific counselling. 		
Philippines	Easier adjustment and bonding between the siblings. No additional pressure on the children to adjust.	Families with biological or adopted children will not be considered to adopt even if they have the capacity to care for another child.	Considering the number of "older children" placed by the Philippines with families with biological and adopted children, disruptions if any account for less than 2 percent of total adoptions since 1995 which is the establishment of the Inter Country Adoption Board.
Portugal	Le maintien de l'ordre naturel de naissance permet l'assimilation de la filiation adoptive à la filiation biologique.	Les limites sont dictées par l'intérêt de l'enfant et la prévisibilité du succès de	

	<p>Bien que différent l'adoption est toujours comparé à la filiation biologique et cette coïncidence entre l'ordre d'arrivé en famille et l'ordre naturel des naissances facilitera d'un côté l'intégration de celui qui arrive et d'un autre côté une meilleure acceptation de la part de ceux qui y sont déjà, ce qui facilitera à nouveau l'intégration du nouvel arrivé.</p>	<p>l'adoption.</p>	
<p>Switzerland (Aarau)</p>	<p>Adoptionsforscher fanden heraus, dass es klare Zusammenhänge zwischen der Geschwisterkonstellation und dem Adoptionserfolg gibt und raten davon ab, die Geschwisterfolge zu "verdrehen".</p> <p>Es zeigt sich, dass Adoptivkinder, die als ältestes in eine Familie mit ausschliesslich jüngeren Kindern gekommen sind, ein ungünstigeres Selbstkonzept entwickeln als Jugendliche, die als jüngstes oder als Einzelkind aufgenommen worden sind (Quelle: www.adoptionsberatung.at/index.php/articleprint/62/-1/67/)</p> <p><i>Adoption researchers found that there are clear links between birth order and the adoption success and do not recommend to distort the birth order "</i></p> <p><i>It turns out that adopted children who have come to be the oldest in a family with only younger children, develop a less favorable self-concept as children who have been admitted as the youngest or only child (Source: www.adoptionsberatung.at/index.php/articleprint/62/-1/67/)</i></p>		

3.4 Resources

Electronic versions available at ISS/IRC

Melina Lois, When Parents Adopt Out of Birth Order, Adoptive Families, May 2010

“Recommendations of the Federal Working Group of Regional Youth Welfare Offices” – “Empfehlungen der Bundesarbeitsgemeinschaft der Landesjugendämter” – available only in German

Hildegard Niestroj, Die Vermittlung von Geschwisterkindern in Pflegefamilien – available only in German

Swedish Central Authority Handbook, section on “Parenting capacity when applicants already have children”

References only available

Barth. Richard P Devon Brooks, A Longitudinal Study of Family Structure and Size and Adoption Outcomes, School of Social Welfare, University of California at Berkeley, USA, 1997

Brodzinsky, D.M & Brodzinsky, A.B (1992). “The Impact of Family Structure on the Adjustment of Adopted Children. Child Welfare”, 71 pp. 69-76.

Claudia L. Jewett. Adopting the Older Child (Boston: Harvard Common Press, 1978)

Frits Boer, Judy Dunn, “Children's Sibling Relationships: Developmental and Clinical Issues”. Lawrence Erlbaum Associates, 1992 Hillsdale, New Jersey Hove and London.

Geerars, H.C, 't Hart, H., & Hoksbergen, R.A.C., (1991), “Waar Ben Ik Thuis?”, adopted adolescents on adoption, their family, problems, out-of-home placement and visions about the future. Utrecht: Rijksuniversiteit Utrecht, Adoptiecentrum.

Greef, H. de & Hoksbergen, R. (1995). “Adoptiefjongeren in De Residentiële Zorg”, a case file study of adopted young people in residential care. L.L.E. Ligthart, L.A. van de Voorde, & F.L.A. Keyser (Red.) “Tehuis...Thuis...Tehuis..”, adopted young people in residential care, pp. 63-92, Breda, FICE Nederland.

Hans Sohni, Geschwisterbeziehungen in Familien, Gruppen und in der Familientherapie, Vandenhoeck & Ruprecht, 2004

Hartmut Kasten, Die Geschwisterbeziehung I+II, Hogrefe Verlag, 1992 und Geschwistervorbilder, Rivalen und Vertraute, Ernst Reinhardt Verlag, 1998

Karl König; “Brothers and Sisters”, a study in child psychology. Geneva, 1977.

Nienstedt, Monika u. Westermann, Arnim: Pflegekinder und ihre Entwicklungschancen nach frühen traumatischen Erfahrungen. Völlig überarb. Neuaufl. Stuttgart 2007, S. 342ff.

Rene Hoksbergen (dutch adoption expert) in Böcker/Kropzik: Adoptionen in der Einen Welt, Seite 68 et seq.)

Paulitz, Harald: Adoption. Positionen, Impulse, Perspektiven. 2., überarb. u. erw. Aufl. München 2006. S. 242ff.

Examination of Annegret Winter-Stettin (terre des hommes), 1984: File analysis of replacements. This study showed that the risk of replacements is high in the following situations (New child is older than other siblings, Notably problematic case history or special health problems, “Replacement children” had often been placed without consideration of the sibling order, Gap between the original adoption wish of the adoptive parents and the finally adopted child, Adoptive parents’ motivation to adopt a child is questionable, On the arrival of the new child the family situation is problematic). The result of this examination was that especially the children having been placed in the middle of the sibling order could not stay in the family. Also the placement of children who were the oldest children in the family (contrary to the sibling order) failed disproportionately. Less problematic was the placement of children as youngest or only child.

Walper, Thönnisen, Wendt, Bergau, Geschwisterbeziehungen in riskanten Familienkonstellationen, Materialien 7, SOS-Kinderdorf, Sozialpädagogisches Institut, 2009

For placement of siblings in an adoptive family, there is to GZA's knowledge little scientific literature. Prof. Hartmut Kasten (University of Bayreuth, University of Munich, publication on the Internet and in Paulitz: Adoption) has researched this in previous years and has also published results. On behalf of Prof. Wolf, University of Siegen, is Dipl.Päd. Daniela Reimer's in the process of exploring or working on the topic - with special focus on foster children. Practitioners such as psychologists, Oliver Dipl.-Hardenberg and Irmela Wiemann are also dedicating their time to this subject.

4. List of persons who answered the questionnaire

	Receiving States		
	Country	Name	Authority
1	Australia (Victoria)	Katie Brown	Department of Human Services L20 570 Bourke St, Melbourne 3000
2	Australia (Commonwealth Central Authority on behalf of all States and Territories, except Victoria)	Natalie Maddern	Intercountry Adoption Branch Australian Government Attorney-General's Department National Circuit, Barton ACT 2600
3	Belgium (except Flemish region)	Marleen Grauls Diensthoofd	Directoraat-generaal Wetgeving, Fundamentele rechten en Vrijheden Dienst Internationale Adoptie - Federale Centrale Autoriteit
4	Belgium (Flemish region)	Dorine Chamon	Director Flemisch Central Authority
5	Canada (Quebec)		Central Adoption Authority
6	Cyprus	Christina Kontou	Social Welfare Services of Cyprus
7	Denmark	Karina Haahr-Pedersen	The Department of Family Affairs
8	Germany (except Berlin and Brandenburg)	Sarah Gerling	Bundeszentrale für Auslandsadoption Federal Office of Justice Adenauerallee 99 - 103 53113 Bonn, Germany
9	Germany (Berlin and Brandenburg)	F. Licht Via Sarah Gerling	Central Adoption Agency of Berlin-Brandenburg (ZABB) Hans-Wittwer-Straße 6, D-16321 Bernau
10	Germany (Frankfurt)	Sabine Benisch	Family International Frankfurt Monisstr. 4, 60320 Frankfurt
11	Germany (Mainz)	Via Sarah Gerling	Regional Central Authorities of Rhineland-Palatinate and Hesse based in Mainz
12	Monaco	Bruno Nardi	Direction des Services judiciaires 5, rue Colonel Bellando de Castro 98000 MONACO
13	Netherlands	Helen Verleg	Youth Policy Division, Ministry of Justice Directorate-General for Prevention, Youth and Sanctions
14	Netherlands	Dr. Anneke Vinke	ADOC Leiden University
15	Norway	Bente Hoseth	Barne-, ungdoms- og familiedirektoratet (Norwegian Directorate for Children,

			Youth and Family Affairs)
16	Sweden	Åsa Barkeling	Myndigheten för internationella adoptionsfrågor (MIA) Swedish Intercountry Adoptions Authority Box 308, 101 26 Stockholm, Sweden
17	Switzerland (Aargau)	Katja Nusser	Departement volkswirtschaft und inneres des kantons aargau Sektion Bürgerrecht und Personenstand Zentrale Behörde
18	Switzerland (Geneva)	Stephane Auerbach	ISS, Fondation suisse Case postale 1469 10, rue Alfred-Vincent CH - 1211 Genève 1 Mt. Blanc
19	Switzerland	Message via Stephane Auerbach	Swiss Institute for Adoption
20	Switzerland (Luzerne)	Sandra Fasola	Regierungsstatthalter des Amtes Luzern Bundesplatz 14, Postfach 3439 6002 Luzern
21	United Kingdom	Andy Elvin	ISS, Children and Families Across Borders Unit 1.11, Canterbury Court, 1-3 Brixton Road, London, SW9 6DE

	States of origin		
	Country	Name	Authority
1	Burkina Faso	Alphonsine Sawadogo	Directrice des placements et des adoptions, Burkina Faso
2	Colombia	Mary Luz Lizarazo Bernal	Profesional Subdirección de Adopciones ICBF Sede Nacional
3	Dominican Republic	Librada M. Vidal Vizoso	CONANI Av. Máximo Gómez No.154 esq. Rep. de Paraguay Ensanche La Fé, Apartado Postal 2081 Santo Domingo, República Dominicana
4	Madagascar	Faranirina Andriamampianina Rahelimalala	Autorité Centrale Pour L'adoption Malagasy Ministère De La Population Et Des Affaires Sociales
5	Philippines	Bernadette Abejo	Inter-Country Adoption Board ICAB #2 Chicago St corner Ermin Garcia St. Barangay Pinagkaisahan, Cubao, Quezon City, Philippines 1111
6	Portugal	Isabel Pastor	Unidade de Infância e Juventude Departamento de Desenvolvimento Social Rua Castilho, n.º 5, 3.º andar - 1250-066 Lisboa