

INTERNATIONAL ADOPTION

.....
LOVE WITHOUT
BORDERS





PODER JUDICIÁRIO
ESTADO DO RIO DE JANEIRO

**Court of Appeals of the State
of Rio de Janeiro State Judiciary
Committee for International
Adoption – CEJAI-RJ**

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INTERNATIONAL ADOPTION: LOVE WITHOUT BORDERS

The booklet **“INTERNATIONAL ADOPTION: LOVE WITHOUT BORDERS”** was prepared based on the work performed by the CEJAI-RJ personnel, who perceived the extent of the important change that their work was capable of driving in the lives of so many children and youngsters who were not ensured their right to community and family life.

CEJAI-RJ received countless stories of abandonment, violence, rejection, exploitation, children being re-

turned, severe pain, anguish, sadness and hopelessness. Many complex situations that caused us to face difficulties, fears, anxiety; and others that faced us with discrimination, ignorance and obstacles... We worked, suffered and rooted together for the success of each adoption process, respecting its specificities and particularities.

It is with great pleasure that we later receive updates on those children and youngsters, pictures of their happy

faces, of how they are overcoming their difficulties, and their progress within a new situation of life.

It is so gratifying to know that those boys and girls we came to know, who had a history of life on the streets, of drug use, physical and sexual abuse, and abandonment, are now writing a different story for their lives!

So, we would like to share the joy and fulfillment that this work brings us. However, we must also share our concern with all of those children and all of those teenagers that we have been unable to help, despite our tireless efforts to place them in a substitute international family.

Children who are put up for international adoption aged more than 10 years and/or lacking the necessary documents (final sentence abolishing familial power, consultation to the CNA, social and psychological reports), arrive at CEJAI/RJ by the bunch and, unfortunately, sometimes we find that, for a matter of just a few months, there is no happy ending to be found for them.

Our goal in making the work of CEJAI-RJ more visible is to eradicate certain paradigms concerning international adoption and expand the number of legal professionals that seek, with this institution, a chance, which is often the last, to ensure the rights of Brazilian children and teenagers.

Have you, Judge, Public Defender, Prosecutor, Social Worker and Psychologist assigned to Children's and Family Courts and Foster Care Institutions, ever thought that your work can give a child a chance to find a family?





INTERNATIONAL ADOPTION

In 1970, a Swedish lady, who was a widow and lived in Rio de Janeiro, frequently visited the Romão Duarte orphanage, where she helped the children as a volunteer. One day, she came before the court and told me that she felt sorry for the children who were never visited by relatives, while in her

country, Sweden, many couples wanted children and could not have them. I spoke with the curator Araújo Jorge and with the social worker Julieta Pires. Should we try it? However, there was no law in place, no jurisprudence, or even any known prior practice. We came up with three conditions:

1 let's request the legislation of that country, to make sure that our children would not be second class citizens there; **2** let's request a study of the families, just like we require here, and **3** let's only send children who have no chance of being placed in a Brazilian family. We carried out the processes, everything was okay, the family studies were excellent, including exams, testimonies and even a recommendation by the Brazilian Consul-General assigned to the country. We sent 7 children.

Twenty years later, the people at the NIA, which is the branch of the Swedish government in charge of adoptions, came to Rio. I asked that they locate the Brazilians who were sent there. They refused. But I slipped into the pocket of one of them a list of the names and addresses of the families. Two months later, I received a letter: they had found six. I became desperate. What had we done?? What if one of them had been arrested, or was extremely impoverished, or something like that. Two more months passed and the reports came. I called TV Globo, and you know the rest: the TV show "Fantástico" produced

that news report. Maria Lundim is a classical dance instructor. Julie Nordvall works at a clinic for the elderly. Marcos is a nurse. Fátima, who was sent at the age of 9, lost her father and inherited some money. Lourdes is a secretary and plays golf. David is a hiker and is in the military service. 5 years passed and they called to the Consulate. They had missed one. They showed me a picture, in a magazine, of a young man who looks like a movie star: it was Matias. He is a tour guide. He took a group to Turkey, the bus caught fire, Matias saved many people, and is now a national hero in Sweden.

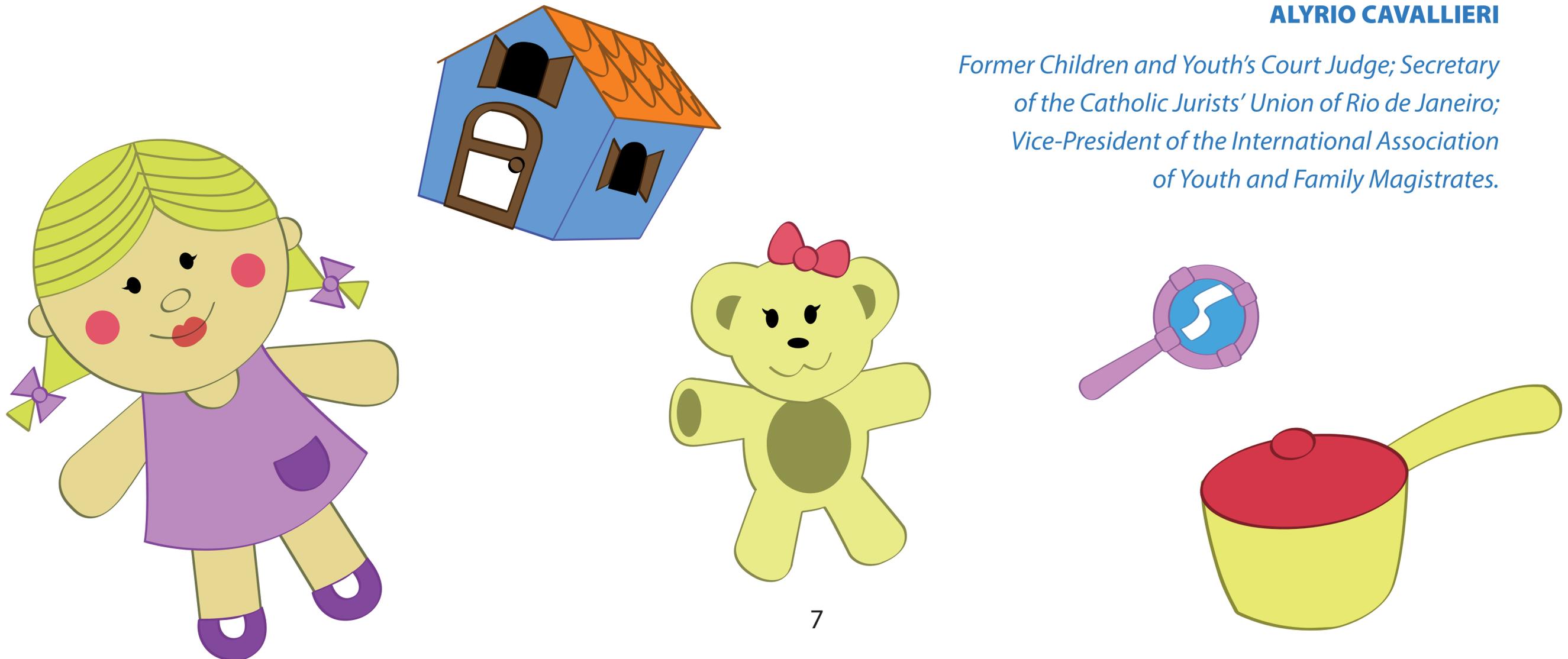


In June 1996, Maria and Julie came to Brazil with their mothers. They visited Romão Duarte several times, they wanted to see the house that they came from. They cried the whole time. They brought suitcases of presents for the girls there. They had lunch at our house. They ate beans with farofa and drank Guaraná. They are tan and lovely and speak only English and Swedish. I was so moved that I only pretended to have lunch. They sang a Swedish song

that said that our meeting was written a long time ago. Isn't it a nice story? Those three little rules, mentioned at the top, which were invented at a Court in Rio, so many years ago, are now incorporated into laws, treaties, conventions, and even the Children's and Youth's Statute, among so much impropriety existing in it. They are pure common sense. But could they have worked without something that is not stipulated in the law: love?

ALYRIO CAVALLIERI

Former Children and Youth's Court Judge; Secretary of the Catholic Jurists' Union of Rio de Janeiro; Vice-President of the International Association of Youth and Family Magistrates.



HOW DOES CEJAI/RJ WORK?

The **STATE JUDICIARY COMMITTEE FOR INTERNATIONAL ADOPTION (CEJAI)** is the central authority in charge of enforcing the obligations imposed by the Hague Convention, in each Brazilian State. The **CEJAI** unit in the State of Rio de Janeiro, created by Resolution nº 5/95, of the Board of Magistrates, which was reformulated by Resolution nº 07/2009 and amended by Resolution nº 11/2013, began effectively operating in this State in late 1996. Its mission is to conduct a prior study and review the applications for Qualification for Adoption, presented by foreign applicants, or Brazilian applicants residing or domiciled abroad.

WHO ARE THE PEOPLE THAT MUST APPLY FOR QUALIFICATION WITH CEJAI/RJ?

- Foreign nationals residing in Brazil holding **temporary work visas, courtesy visas** or diplomatic visas who wish to adopt a Brazilian child/teenager;

- Foreign nationals residing abroad who wish to adopt a Brazilian child/teenager;
- Brazilian nationals residing abroad who wish to adopt a Brazilian child/teenager;
- Brazilian nationals residing in Brazil who wish to adopt a foreign child/teenager.

Foreign nationals residing in the country who wish to adopt a Brazilian child/teenager in Brazil, holding a **permanent visa**, must apply, just like Brazilian nationals, at the respective Children and Youth's Courts within their place of residence, which is to say that this will be a case of **Domestic Adoption**.



HOW SHOULD BRAZILIAN CITIZENS APPLY TO QUALIFY FOR THE ADOPTION OF FOREIGN CHILDREN/TEENAGERS?

Brazilian citizens or persons residing in Brazil who are interested in adopting a foreign child/teenager must, first, apply for qualification with the Children and Youth's Court within their place of residence, adhering to the rules and procedures adopted in each judicial district. The qualification decree must state that the applicant is "qualified to adopt", without referencing either domestic or international adoption.

The Judge of said Court will forward a copy of the qualification proceeding to CEJAI/RJ, attaching the application for international adoption, informing the home country of the child. CEJAI/RJ will review the documents produced and proceed with the execution of a supplementary technical evaluation. When the evaluation is completed, and the approval of the State Prosecutor's Office has been procured, the proceeding will be referred to a Judgment Session in order to confirm the qualification. Following the

issuance of the Qualification Report, the proceeding will be remitted, through the Federal Central Authority, to the home country of the child/teenager.

HOW SHOULD PERSONS RESIDING ABROAD WHO WISH TO QUALIFY FOR INTERNATIONAL ADOPTION PROCEED?

The process begins in the person's home country, with the production of all of the documents required for the qualification for international adoption. Once the lawful requirements have been satisfied, the judge will forward the documents to the technical service in the applicants' place of residence, which will review the documents and issue an opinion as to the possibility of adoption of one or more children/teenagers. This opinion will be remitted to the authorities, which will grant the **statement or decree/authorization of adoption**. After this has been procured, the applicant will choose an accredited body to represent him or her in Brazil and arrange for the remittance of the mandatory documents in order to

enter an application for qualification to adopt in the State of Rio de Janeiro.

In addition to the documents required for domestic adoption, the **statement of acknowledgment** will also be required, which must be signed by the applicants, establishing that they understand that the adoption process in Brazil is totally free of charge, irrevocable, and that no contact can be made with the parents of the child/teenager to be adopted, nor with any person who has custody of the child/teenager prior to the issuance of the **Qualification Report** by CEJAI/RJ.

HOW DOES THE PROCESS OF QUALIFICATION FOR ADOPTION WORK?

As of the delivery of the application for qualification to adopt by foreign applicants, attaching the required legal documentation, including social and psychological evaluations performed in the home country of the person wishing to adopt, the proceedings for the international adoption begin.

After all of the assumptions have been confirmed, the technical personnel has completed its evaluation and the State Prosecutor's Office has approved, the Reporter of the proceeding, upon finding the applicants qualified to adopt, will render a decision determining their inclusion in the CEJAI-RJ Registry, and in the National Adoption Registry.

In Rio de Janeiro, the qualification of a foreign applicant is tied to the indication of a child/teenager, once the applicant has expressly declared that he or she will accept any indication made by the technical personnel of CEJAI/RJ.

WHICH CHILDREN SHOULD BE PUT UP FOR INTERNATIONAL ADOPTION?

The Judge in charge of the Children and Youth's Court should put up for international adoption all children that could not be successfully reintegrated with their families nor placed in a substitute Brazilian family.

The Judge will send an official letter to CEJAI/RJ, attaching the following documents:

- Sentence abolishing familial power;
- Certificate establishing that said sentence is final;
- The information that a search was conducted with the National Adoption Registry and that there are no Brazilian parties interested;
- Birth certificate of the child/teenager;
- Death certificate of the parents, in the event that they are deceased;
- Medical report on the child/teenager and/or a copy of the vaccination booklet;
- Statement attesting to the child's/teenager's education level;
- Social and psychological reports, in compliance with the provisions of article 4 of the Hague Convention.

According to the recommendation in the "Routines and Procedures Guide for Focused Reassessment

Hearings," when a child/teenager is made available to CEJAI/RJ, he/she will not be indicated for adoption by qualified Brazilians during a period of 90 (ninety) days. During this period, CEJAI/RJ will attempt to place the child/teenager through this Committee's Registry and/or will conduct an active search among the accredited international bodies mediating international adoptions.

HOW ARE CHILDREN/TEENAGERS INDICATED TO APPLICANTS FOR THE PURPOSE OF INTERNATIONAL ADOPTION?

Following the examination of the lawful requirements and of the qualification and aptitude to adopt, the applicants are included in the CEJAI/RJ Registry and in the National Adoption Registry. They will then be consulted by the technical personnel, through the accredited bodies representing them, when a child/teenager is found that fits the intended adoption profile.

When no applicants are found for the child/teenager put up for international adoption in the CEJAI/RJ

Registry, an active search is conducted, that is to say, all the representatives of the accredited bodies are contacted so that they may check if there are any applicants in their respective jurisdictions fitting the profile in question. If any applicant accepts, the process of remittance of the applicant's documents to CEJAI/RJ begins.

In both of these situations, the children/teenagers are introduced through reports prepared by the technical personnel of CEJAI/RJ.

If the foreign applicant accepts the indicated child/teenager, the procedure will be carried out in coordination with the technical personnel of CEJAI/RJ, the Children and Youth's Courts, and the Placement Programs.

WHAT HAPPENS AFTER THE CHILD/TEENAGER IS ACCEPTED BY THE APPLICANTS?

It is only after the express acceptance by the applicants interested in adopting and the approval by the State Prosecutor's Office that the **Statement of Continuance** is issued, which is a document re-

quired by the Hague Convention, in article 17 and subsections, by which both countries, the placement country and the home country, ratify the agreement, so that the adoption process may proceed.

After a response is received to the **Statement of Continuance**, the process is referred to the Reporter of the proceeding, so that he or she may prepare the report, requesting a judgment agenda.

If the process is approved by the Committee at the Judgment Session, the **Qualification Report** will be issued, which will then be signed by the Session president. This is the document that will support the application for adoption, to be submitted to the Judge of the Children and Youth's Court that is competent over the child/teenager to be adopted.

WHAT IS THE TRIAL COHABITATION PHASE LIKE WITHIN THE INTERNATIONAL ADOPTION PROCESS?

All qualified applicants, upon arriving in Rio de Janeiro, are received and assisted by the technical personnel

of CEJAI/RJ, in order to be given explanations and directions concerning the adoption and the trial cohabitation phase. Afterward, the adopters, accompanied by said personnel, will be introduced to the child/teenager at the foster care institution. The trial cohabitation phase will begin after the court authorization is issued and the child/teenager is released from the foster care institution.

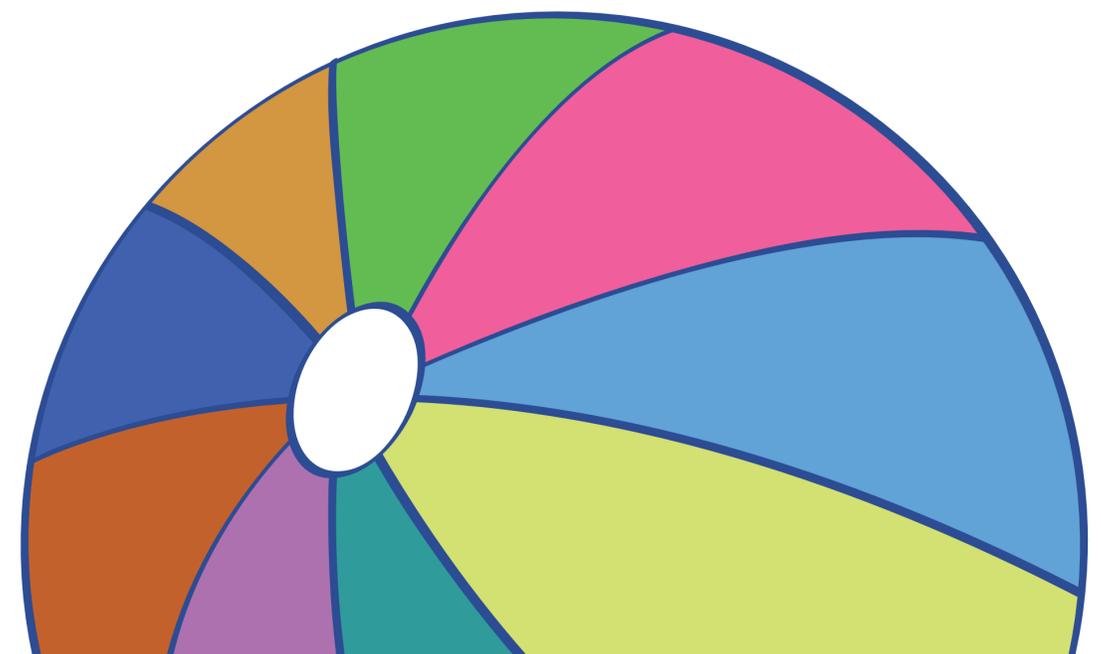
The trial cohabitation phase, which will take place in Brazilian territory, will, save for very rare exceptions, have a duration of thirty days. During this period, the family will occupy a rented property, where it will establish domestic routines and a family dynamic similar to what will exist in the placement country.

The monitoring and evaluation of the trial cohabitation phase will be incumbent upon the technical personnel of the Children and Youth's Court that put the child/teenager up for international adoption. The recommendation is that the first interview or home visit be scheduled within no more than seven days after the child's/teenager's release from the fos-

ter facility, in light of the peculiarities and the brief duration of the adaptation and evaluation period.

At the end of the trial cohabitation phase, a hearing will be held to confirm the adoption, with the issuance of an order to cancel the child's/teenager's birth certificate and the issuance of a new certificate.

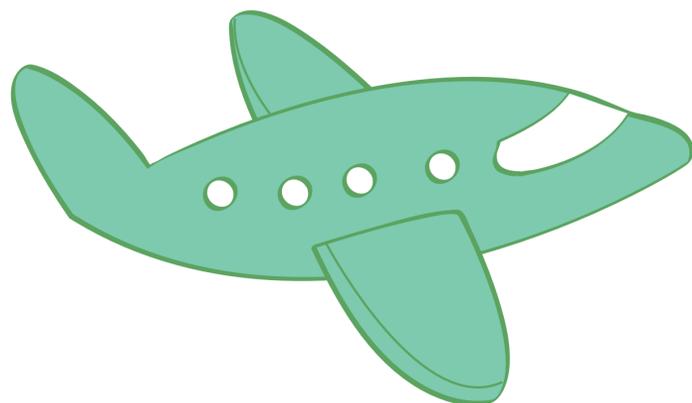
Upon the rendering of the final adoption decree, and the issuance of a new birth certificate, CEJAI/RJ will release the **Certificate of Compliance**, which is the document that makes the adoption process valid and enables the issuance of a passport by the Federal Police, in addition to the issuance of a visa by the proper Consulate, thus allowing the entry of the child/teenager into the placement country.



AND AFTER OUR CHILDREN LEAVE, DO WE NEVER HEAR FROM THEM AGAIN? WHAT HAPPENS AFTER THE ADOPTION?

Every six months, during a period of two years, the Accredited Body or the Central Authority that mediated the adoption must submit **post-adoption reports**, advising on the adaptation of the child or teenager to his or her community and family life, as well as the **citizenship certificate and the birth certificate issued in the placement country**.

CEJAI/RJ, following the examination of the reports received, remits them to the parties involved in the finalized adoption: the Judge who decreed the adoption; the Reporter of the proceeding; the Technical Personnel at the Court and the Foster Care Institution, as well as the Member of the State Prosecutor's Office.



Clearly, in order for the application for qualification for international adoption to be granted, a number of documents are required, in addition to reports and opinions, both in the adopter's home country and in Brazil, submitted through the State Judiciary Committees for International Adoption. No qualification will be granted and no child/teenager will be allowed to leave the country unless all lawful requirements are met. And, when the child/teenager arrives in the placement country, the adoption continues to be monitored by the state bodies and the accredited organizations. It is the fulfillment of these legal requirements that assures us that the fundamental rights of our children and teenagers will be protected and gives us the necessary courage to afford them the opportunity to find a new family.

Ultimately, the language of adoption is universal: availability, acceptance, love and inclusion.

STATISTIC DATA

CEJAI - RJ	
Children/Teenagers Adopted	
2009	36
2010	30
2011	50
2012	18
2013	21
Total	155

HOME JUDICIAL DISTRICTS OF THE ADOPTED CHILDREN					
Court	2009	2010	2011	2012	2013
VIJI Capital	3	14	13	3	5
1 ST VRIJI Madureira	13	7	20	3	9
2 ND VRIJI Santa Cruz	12	4	-	2	2
2 ND VFIJI Macaé	3	-	-	-	-
VFIJI São Pedro D'Aldeia	1	-	-	-	-
VU São Francisco do Itabapoana	2	-	-	-	-
VIJI Niterói	2	-	2	2	4
VIJI Petrópolis	-	5	9	8	-
VU Conceição de Macabu	-	-	1	-	-
VU Iguaba Grande	-	-	3	-	-
VIJI São Gonçalo	-	-	2	-	-
VU Paty do Alferes	-	-	-	-	1
Total	36	30	50	18	21

LEGISLATION

- Hague Convention, dated May 29, 1993: Enactment of the Convention for Protection of Children and Cooperation for International Adoption;
- Children and Youth Statute – Law nº 8069/1990, as amended by the Adoption Law, nº 12010/2009;
- Decree nº 3087, dated June 21, 1999 – Enacted nationwide
- Convention for Protection of Children and Cooperation in terms of International Adoption, concluded in Hague, on May 29, 1993;
- Decree nº 3174, dated September 16, 1999 – Identifies the central authorities in charge of the enforcement of the obligations imposed by the Convention for Protection of Children and Cooperation for International Adoption, and creates the Board of Central Administrative Authorities of Brazil;
- Resolution nº 11/2013, by the Board of Magistrates, which amends Resolution nº 07/1999, providing

for the creation of the State Judiciary Committee for International Adoption in the State of Rio de Janeiro, and its regulations;

- Internal Regiment of the State Judiciary Committee for International Adoption in the State of Rio de Janeiro;

RECOMMENDED MOVIES

- 1) *The Blind Side*, USA, 2009 – Genre: Drama
- 2) *Despicable Me*, USA, 2012 – Genre: Animation
- 3) *Meet the Robinsons*, USA, 2007 – Genre: Animation
- 4) *Enemy Mine*, USA, 1985 – Genre: Adventure
- 5) *Stuart Little*, Parts 1 and 2, USA, 1999 and 2002 – Genre: Children
- 6) *O Contador de Histórias (The Storyteller)*, Brazil, 2009 – Genre: Drama
- 7) *The Odd Life of Timothy Green*, USA, 2012 – Genre: Fantasy/Drama
- 8) *Any Day Now*, USA, 2012 – Genre: Drama
- 9) *Kung Fu Panda*, USA, 2008 – Genre: Animation
- 10) *Rio*, USA, 2011 – Genre: Animation.

RECOMMENDED BOOKS

- 1)** A História Bonitinha de Maria Estrelinha (*"The Cute Story of Maria Estrelinha"*)
Author: Márcia Lopes de Carvalho
Publisher: Edicon
Year: 1997

- 2)** O Livro da Família (*"The Family Book"*)
Author: Todd Parr
Publisher: Panda Books
Year: 2012

- 3)** Somos um do Outro – Um livro sobre adoção e famílias (*"We Belong to One Another – A book about adoption and families"*)
Author: Todd Parr
Publisher: Panda Books
Year: 2005

- 4)** Adoção Tardia – Da família sonhada à família possível (*"Late Adoption – From the dream family to the possible family"*)
Author: Marлизete Maldonado Vargas
Publisher: Casa do Psicólogo
Year: 1998

- 5)** Adote com Carinho - Um manual sobre aspectos essenciais da adoção (*"Adopt with Care – A guide on the crucial aspects of adoption"*)
Author: Lidia Weber
Publisher: Juruá Publisher
Year: 2011

TALK TO CEJAI – RJ

CEJAI - RJ – State Judiciary Committee for International Adoption Central State Authority

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