Adoption from care in Finland: currently an uncommon alternative to foster care

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Introduction

In Finland, inter-country and domestic adoptions are guided by the Adoption Act. A few children are adopted from care but most domestic adoptions are step-parent adoptions in reconstituted families. It is thus hardly surprising that the concept of ‘adoptions from care’ does not exist in Finnish legislation, policy or practice.

The history of adoption legislation is longer in Finland than that of child welfare legislation. Ever since the first Adoption Act in 1925, adoption and child welfare legislation and practice have been organised as two separate and different types of interventions into family life. Throughout the history of adoptions, their profile has changed considerably. Domestic adoptions were common up until the 1970s (Kauppi and Rautanen, 1997). In the post-war period, many children were placed with new families through adoption or adopted abroad (Kauppi and Rautanen, 1997; Pösö, 2009). In fact, immediately after the Second World War, more children were adopted than placed in foster families by care order decisions. During the war, approximately 70,000 children were transferred to Sweden and Denmark as ‘war children’ for their safety (Korppi-Tommola, 2008). The volume of adoptions and ‘war children’ had an impact on later generations as many experienced the separation of children from their parents as part of the country’s history and, perhaps, their own family history.

In the 1970s, the profile of adoption slowly changed towards inter-country adoptions with Finland as a receiving country. The numbers of inter-country adoptions started to grow when legislation regulating inter-country adoptions was passed in 1985. The peak in inter-country adoptions was reached at the same time as in other Western countries.
in the early 2000s, with a decline in numbers since (Selman, 2010; Official Statistics Finland, 2019).

The first Child Welfare Act, introduced in 1936, specified for the first time the criteria for removing a child from parental care into public care. According to the second Child Welfare Act in 1983, in-home services should always be prioritised and child removals implemented only as a last resort. Child welfare authorities were – and still are – obliged to support the child and family in their own community by providing in-home services in those situations where universal services and benefits for families are not enough to secure the child’s health and development. This emphasis in Finnish child welfare legislation and policy is obviously of a family service orientation, with a focus on children’s rights, as described in the comparative child welfare literature (Gilbert et al, 2011). Despite this emphasis on universal, preventive and in-home services in legislation and policy, more than 1 per cent of children under the age of 18 are in out-of-home care each year as a result of the Child Welfare Act. There are three main forms of out-of-home care placement: care orders, emergency placements and supportive voluntary placements. All placements – even care orders, which have the highest thresholds and most severe implications for family life – should always be only temporary as the Child Welfare Act 2007 does not guarantee any permanent placements. Nevertheless, reunifications are rare in child welfare (Pösö et al, 2019).

This brief overview on the history of adoptions and child welfare removals highlights that when exploring adoptions from care in 2020, we can see traces of the complex history regarding the separation of children from their parents and the state’s attempts to support families and avoid permanent out-of-home placements as a part of child welfare. The present practice of adoptions from care is understandably influenced by the history and culture regarding separations. In the first half of this chapter, we will describe the legislation, guidelines and statistics regarding adoptions from care in more detail, and then move on to explore the nature of present practice and knowledge about adoptions from care in Finland.

Legislation and guidelines about adoption from care

The Adoption Act 2012 covers all situations of adoption in which a legal relation of a parent and a child is to be ratified between the adoptee and adoptive parent(s). The Act addresses the adoption of minors and adults, and regulates both domestic and inter-country adoptions.
Five principles of the present Adoption Act are of special importance to the topic of adoptions from care. First, the principle of the child’s best interests should guide all adoption decisions:

In all decisions and other measures concerning the adoption of a minor child, the best interests of the child shall be the paramount consideration. Particular attention shall be paid in assessments of the best interests of the child to how a child who cannot grow up in his or her family of origin can best be ensured a permanent family as well as balanced development and wellbeing. (§ 2 Adoption Act 2012)

Second, adoption requires consent given by the birth parents and the child if he or she is 12 years or older. Only in exceptional cases may adoption be granted without consent, and then only when the child’s best interests strongly support adoption (§ 11 Adoption Act 2012). If the parties actively object or withdraw from expressing their view, the nature and intensity of the contact between the child and the parents should be considered when assessing the child’s best interests. If the parents have challenges in expressing their view due to their health or disabilities, or if their whereabouts are not known, adoption may be granted only in exceptional situations. Third, adoption counselling for adoptees as well as for the birth and prospective adoptive parents is an essential precondition for any adoption decision (this is explained in more detail in the following section). Fourth, the (district) court makes all decisions regarding adoption. Its decisions may be appealed. All adoptions are handled by authorities as private adoptions are not allowed in Finland. Fifth, the (district) court may grant the right to maintain contact between the adopted child and their birth parents if it has been agreed upon between the parties and is not contrary to the best interests of the child (‘open adoption’).

Although the Adoption Act does not recognise adoption from care as a distinct category, the guidelines given to practitioners by the Ministry of Social Affairs and Health in 2013 separate adoptions of ‘a child not previously known’ and adoptions of ‘a previously known child’ to the prospective adoptive parents. The latter means intra-familial adoptions (for example, reconstituted families) and adoptions from foster care (Sosiaali- ja terveysministeriö, 2013b: 20). Although prospective adoptive parents usually have to apply for a permit from the National Adoption Board at the Supervisory Authority for Welfare and Health in order to adopt, the permit is not needed if the foster parents intend to adopt a child whom they have fostered for at least a
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year. The child welfare authorities have to assess the adoption option from the point of view of the child’s best interests and the relationship between the child and the foster parents. The guidelines also specify adoption counselling, which we will present in the following section.

Adoption is not mentioned in the Child Welfare Act 2007 as a form of removal or placement. Removals by the Child Welfare Act have different criteria, procedures and decision-making bodies from those of adoption (Pösö and Huhtanen, 2017). However, when looking at the government proposals for the Adoption Act and Child Welfare Act, one notes that adoption has been occasionally contrasted with child welfare removals, and its nature as an alternative to such removals has been debated to some extent in the legislative process over the years. The intention to keep adoptions and child welfare removals separate has, however, been consistent throughout the history of adoption and child welfare legislation. For example, when the Child Welfare Act 2007 was prepared, the government proposal included the following statement:

The child’s best interest could be best met in some child welfare situations by adoption decisions even when the parents object. It is not, however, proposed that there would be any regulation about adoption in the Child Welfare Act. Instead the regulations of the Adoption Act should be used in those cases. (Hallituksen esitys eduskunnalle lastensuojelulaiksi ja eräiksi siihen liittyviksi laeiksi, 2006: 91)

In this statement, the legal regulation of adoption was once again separated from the regulation of child welfare removals.

From the perspective of keeping child welfare removals separate from adoption, it is interesting that the web-based ‘Handbook of child welfare’ by the Finnish Institute for Health and Welfare clearly takes the stance that the possibility of open adoption makes adoption more similar to placements in foster care than previously (Terveyden ja hyvinvoinnin laitos, 2020). The handbook, which is aimed at professionals, describes adoption as one form of family-based foster care, with the difference of being permanent as compared with ‘ordinary’ (that is, temporary) foster care. The handbook encourages social workers to consider it as an option in situations where the child needs long-term care outside their home. However, neither the handbook nor the national guidelines specify in any detail the criteria for considering adoption as an alternative to foster care placement. It
is up to each individual social worker to consider whether adoption is in the best interests of the child.

**Decision-making and the preparatory processes**

The district courts (numbering 20 in Finland) make all adoption decisions. The adoption process can be initiated by either the birth parent(s) or the prospective adoptive parents by requesting adoption counselling from social services. If foster parents want to adopt a child in their care, they can initiate the decision-making process.

According to Sections 10–11 of the Adoption Act, adoption can be granted only with consent from both the birth parent(s) and the child, if he or she is 12 years or older. Neither can adoption be granted against the will of a child younger than 12 years if the child is so mature that their view can be taken into consideration. Adoption can be granted without this consent only in exceptional circumstances. Consent is acquired in the process of adoption counselling, in which the birth parents, child and prospective adoptive parents are given information about the legal elements of adoptions, as well as advice, assistance and an opportunity to reflect on the impact of the decision. At the end of the counselling process, the parties sign a document in which they express their consent (or objection). As the courts do not necessarily organise oral hearings in all civil court cases (Nylund, 2017), this document may be the main source of information about the parties’ views for the court. For several reasons, adoption counselling is an essential part of the decision-making process; hence; it is described in more detail here.

Under the Social Welfare Act 2014 and Adoption Act 2012, municipalities must provide adoption counselling by a registered social worker with a master’s degree-level university education. The organisation of provision differs between municipalities. At the moment, approximately 70 per cent of adoption counselling has been outsourced to Save the Children Finland as the only non-municipal agency granted permission to provide adoption counselling (Laine et al, 2018).¹ In the municipalities providing the service themselves, adoption counselling is often placed organisationally within the municipal child welfare agency or family law units (Eriksson et al, 2015).

Pre-adoption counselling is provided to every party in the process, and it is a prerequisite for the decision-making process. According to guidelines by the Ministry of Social Affairs and Health (Sosiaali- ja terveysministeriö 2013b), adoption counselling with the birth parent(s) should include information about the legal aspects of adoption and
other options to provide good care for the child, as well as information about the psychosocial aspects of adoption. Counselling should make it possible for the birth parent(s) to also process the matter on an emotional level. The expression of consent (or objection) should always follow a period of reflection. If the child being adopted has reached the age and degree of maturity that enables them to express their view on the adoption, the social worker should work with the child in a holistic manner, informing about and explaining the aims and consequences of adoption. When relevant, efforts should be made to determine the child’s attitude towards maintaining contact with their birth parent(s) after the adoption. Then, a child aged 12 years or older is asked to give their view about the adoption. For prospective adoptive parents, adoption counselling should include a thorough process of assessment and preparation for adoptive parenthood (for a description, see Eriksson, 2016).

Adoption counselling results not only in the parties’ better understanding of adoption, but also in formal assessments and statements provided by adoption counsellors to the district court. The documents include a report about the suitability and motives of the prospective adopter(s), as well as the assessment of the adoption from the point of view of the child’s best interests.

For children adopted from care, the decision-making process is the same as for any type of adoption. However, if foster parents are to become adoptive parents, they do not need a separate permit for adoption, though they should still be provided with adoption counselling. In addition, the child welfare authorities in charge of the child in care provide their own assessment, which is not needed for other types of domestic adoptions. Although there is no research available to highlight the courts’ decision-making processes about adoptions, we assume that those processes are more to confirm the outcome of the preparatory process than to question or reinvestigate the motives, circumstances or views as adoption applications typically include the consent of all parties.

**Adoptions and children in care: numbers and profiles**

In 2018, there were 404 adoptions in total in Finland (Official Statistics Finland, 2019). This number includes 273 adoptions of children (see Table 7.1) and 131 adoptions of adults. Of these adoptions, 65 per cent were intra-familial adoptions. Intra-familial adoptions refer to the process in which a married spouse or the other partner in a registered partnership adopts their spouse’s child(ren).
Table 7.1: Children adopted and in care by care order during 2000–18

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of adoptions of children</th>
<th>Domestic adoptions of children</th>
<th>Adoptions from care</th>
<th>Children in care by a care order decision (31 December)</th>
<th>Children in care by care order decision per 100,000 children (31 December)</th>
<th>Children in care by care order decision leaving care during the year for reasons other than ageing out of care</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>338</td>
<td>118</td>
<td>N/A</td>
<td>6,643</td>
<td>585</td>
<td>4.2%</td>
</tr>
<tr>
<td>2005</td>
<td>444</td>
<td>108</td>
<td>N/A</td>
<td>8,135</td>
<td>737</td>
<td>4.2%</td>
</tr>
<tr>
<td>2010</td>
<td>408</td>
<td>224</td>
<td>N/A</td>
<td>8,925</td>
<td>823</td>
<td>4.1%</td>
</tr>
<tr>
<td>2015</td>
<td>317</td>
<td>199</td>
<td>10</td>
<td>9,052</td>
<td>844</td>
<td>4.1%</td>
</tr>
<tr>
<td>2018</td>
<td>273</td>
<td>190</td>
<td>N/A</td>
<td>9,295</td>
<td>878</td>
<td>4.3%</td>
</tr>
</tbody>
</table>

Notes and sources:  

a Data from Official Statistics Finland (2019).  
b Data from Laine et al (2018).  
c Data from Finnish Institute for Health and Welfare, provided by request on 9 March 2020 (including children aged 0–17 years, excluding those turning 18 during the year).
As legislation does not recognise adoption from care as a separate category, there are no statistics on these adoptions. The only systematic study highlighting the number of adoptions from care (Laine et al., 2018) is one that analysed all district court judgments of domestic adoptions ($N = 623$) in 2015 and 2016. Judgments that included information linking the child to the child protection system were selected and studied in more detail. As a result, the researchers estimate that 13 children had been adopted from care: ten children in 2015 and three children in 2016. The court case files were not informative in their details about the child welfare background in every case, so it is important to treat the numbers of adoptions from care as only approximate (Laine et al., 2018). The case files documented the care order decision in only ten cases, though it is very likely that all of them had been taken into care by a care order decision. Nevertheless, the numbers do confirm the message from child protection practice: children are adopted from care but very rarely.

The children adopted from care in 2015 and 2016 were between 2.5 and 14 years old at the moment of adoption, with the average age being 7.6 years. All decisions were based on consent. The birth parents, together or on their own, had initiated the adoption process in 11 cases, whereas the child initiated in one case and the foster family in another case. In all cases, the adoptive family was the foster family in which the child had stayed from 0.5 years to 13.5 years (Laine et al., 2018).

In the same study by Laine et al., there were newborns who had been adopted at birth: 20 in 2015 and 30 in 2016. The parent-to-be had contacted the adoption counselling service during the pregnancy on their own initiative, and child welfare authorities were only involved in organising the placement of the baby during the mother’s period of reflection. Thereafter, the children were placed in adoptive families. All decisions were based on the consent of the relevant parties. These numbers may be contrasted with the numbers of infants (aged under one year) taken into care, which were 27 in 2015 and 38 in 2016, suggesting that newborn adoptions are almost as common as infants’ care order placements (Flykt et al., 2020).

Regarding children of all ages, there were 9,295 children in care (by a care order decision) on the last day of 2018 (878 children per 100,000 children under the age of 18) (see Table 7.1). In that year, 1,777 children were taken into care by a new care order decision (Terveyden ja hyvinvoinnin laitos, 2019: 8), which is significantly higher than the number of domestic adoptions of children (190). The number of children in care increased over the 2000–18 period. If emergency removals, supportive voluntary placements and aftercare placements are
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included in the numbers as well, the number of children and young people in out-of-home care is much higher: in 2018, 18,544 children were in out-of-home care. In 2018, 55 per cent of children in care were in foster care (of which 13 per cent were in kinship care), 28 per cent in residential care and 12 per cent in professional family homes (Terveyden ja hyvinvoinnin laitos, 2019: 6). (This does not add up to 100 per cent since 5 per cent lived in supported accommodation or with parents.)

The placements of children in care tend to be long-term. Of the children in care in 2018, 50 per cent had been in some form of out-of-home care for almost half of their lifetime or more (Terveyden ja hyvinvoinnin laitos, 2018). In addition, reunifications of children and families are rare before the child reaches the age of 18. In 2018, 4.3 per cent of children in care exited care for reasons other than ageing out of care (see Table 7.1).

Too many or too few?

Although we only have information about the numbers of adoptions from care for 2015 and 2016, it is reasonable to assume that the overall numbers of adoptions from care are very small. Considering the number of children in care and the fact that most children stay in care for long periods during their childhood, it is relevant to ask whether the number of adoptions from care is too small.

As the current Child Welfare Act does not acknowledge permanent placements, reunification with the birth parents must be constantly evaluated. Although permanency is only occasionally and in passing on the agenda in child welfare policy (Sosiaali- ja terveysministeriö, 2013a), the child’s right to and need for permanency has been the main argument advocated by some Finnish child welfare experts (for example, Sinkkonen and Tervonen-Arnikil, 2015) in favour of increasing adoptions as an alternative to care order placements. In that view, adoption is seen as being a better basis for permanent relations and overall permanency in childhood, and consequently in the best interests of the child. In a recent survey (Heinonen, 2018), practitioners working with children and families in health and social care (N = 771) took a positive view of adoption as an alternative to care order placements since, in their view, adoption could better meet children’s needs for permanent relations. However, social workers working in child welfare were more hesitant in their views than their colleagues in other fields of health and social care. These more hesitant opinions emphasised the rights of parents to have a family and the parents’ attempts and opportunities to overcome their problems (Heinonen, 2018).
These two perspectives on adoptions from care – the child’s need for permanency and the parents’ right to be reunified with their child – provide different views on the question of whether the number of adoptions is too low or too high. From the first perspective, the number is obviously very low. It might not, however, look so low if we include the adoptions of newborns in the analysis.

The number of newborn adoptions is higher than the number of children under the age of one year taken into care, as described by the study covering 2015 and 2016 (Laine et al, 2018). As noted earlier, preparations for newborn adoptions start during the pregnancy, and they rest on the parents’ initiative. There is no solid research on the motives or situations of parents deciding to voluntarily relinquish their infant for adoption in Finland. However, messages from adoption counselling professionals suggest that the reasons are often related to challenges that the (adult) parent(s)-to-be would experience in their future role as parent(s) as the pregnancy may have been unwanted or poorly timed. When Finnish children were adopted to other countries in the 1950s–1970s, the motives were related to the social stigma attached to being a single mother and the social deprivation of the post-war country (for example, Pösö, 2009). Society has changed since those years, and Finland is now known to have one of the most progressive family policies (Eydal and Kröger, 2010). Single mothers are supported in many ways, and it is possible to terminate pregnancy. Nevertheless, some parents-to-be feel that they cannot or do not want to look after their child with the services and benefits provided, and that their rights and obligations as parents should be given to other adults. The very existence of newborn adoptions is a reminder that parents themselves also organise permanent care for their children without the involvement of the child welfare authorities. The legal, organisational and practical separation of adoptions from child welfare removals makes it possible.

Critical points in present policy and practice regarding adoption from care

The fragmentary nature of psychosocial counselling

As described earlier, adoption counselling is a fundamental precondition for any adoption initiative to proceed. Expertise in delivering adoption counselling requires both legal knowledge and a high level of know-how in terms of the psychosocial and emotional aspects of adoption. Knowledge used in adoption counselling is also important for the
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adoption process itself as social workers giving adoption counselling function as gatekeepers. If they decide not to give counselling to a certain party or refuse to complete it, the petition will not make it to court.

The requirement for social workers to have adoption expertise in handling pre- and post-adoption services was included in the Adoption Act 2012. However, as adoptions are small in number, the opportunities to acquire such specialised knowledge are limited (Eriksson, 2016). In addition, as adoptions from care are rare and the national guidelines for adoption counselling predominantly focus on other types of adoption, we can assume that there is very little expertise in adoptions from care among social workers. A recent study by Eriksson et al (2015) demonstrates that only half of prospective adoptive parents in inter-country adoptions considered the social worker offering adoption counselling to have enough adoption expertise. This was more common in specialised units offering the service compared to those organisational arrangements in which adoption counselling was integrated within other social work tasks. The same diversity of expertise is likely to exist regarding adoptions from care.

Unfortunately, there is no research that would give us some understanding of the birth parents’ position in adoption counselling when the child is already in care. Even anecdotal knowledge is limited. We can only speculate that if adoption counselling is not provided properly and if the child welfare authorities express even a suggestion of pressure towards adoption, the true expression of consent required during the adoption counselling process would be threatened. In the worst-case scenario, the possibility of open adoption could falsely be used to make adoption’s legal implications on parental rights obscure and groundlessly similar to those of foster care placement.

The complex issue of consent

Consent is a complex issue in any form of separation of children from their parents. Sections 14–17 of the Adoption Act define the conditions for informed consent. First, the person must have enough time to thoroughly deliberate the adoption decision. This is further specified for newborn adoptions: consent should not be given before eight weeks have passed since the birth of the baby. If the person has not received adoption counselling, there must be other ways to guarantee that they are fully informed of the nature of adoption. Consent should be given in written form, and the person has the right to withdraw their consent before the court has made its decision.
This trust in consent and consensual decisions is typical of Finnish child welfare. Most child welfare removals are also based on consent, including those care order removals that restrict parental rights (Pösö et al., 2018). However, the role of consent in parent–child separations is currently not much questioned in Finnish society. Rather, it is taken for granted that parents (and children of a certain age) can give their consent to adoption (or a care order), there are legitimate procedures to receive consent and the decision-making systems can rely on the expression of consent. For outsiders to Finland, the custom of relying strongly on consent given as part of adoption counselling may be seen in a more critical light. Moreover, the likely differences in the quality of adoption counselling may suggest that consent is not necessarily always based on thorough information.

**Low levels of post-adoption support**

Both pre- and post-adoption counselling and services should be provided according to the Adoption Act. The present form of post-adoption services is, however, limited to assistance in establishing contact between the adoptee and their birth parents. After an adoption has been granted, the child and the adoptive family rely on the same services as other families, even if the adopted children’s needs and experiences are often similar to those in care. Foster carers who become adoptive parents miss out on the psychosocial support they received from child welfare workers to deal with the special needs of the child. This highlights the nature of adoption as being a means of creating a family resembling a biological one and not primarily as a way to answer the needs of a child who cannot be looked after by their birth parents.

The lack of post-adoption support might be a big obstacle for some foster parents to become adoptive parents as they would lose all financial and psychosocial support given by child welfare services as foster carers (Laine et al., 2018). From a service perspective, the status of the adoptee differs from that of a child in care. Children in care are entitled to aftercare services, among other services, which support their independent lives after care, both financially and in other ways. If they are adopted, they no longer have access to aftercare services and they become dependent on the adoptive parents’ private support.

**Lack of research**

Given the infrequency of adoptions from care, it is hardly surprising that the knowledge base and research on the topic is very limited in
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Finland (Laine et al., 2018). There have been development projects with related publications carried out by some non-governmental organisations (NGOs) with the ambition of increasing social workers’ awareness of adoption – in particular, ‘open adoption’ – as an alternative to child welfare removals (for example, Partanen et al., 2013; Timonen, 2013; Sinkkonen and Tervonen-Arnkil, 2015). There is some Finnish research on the inter-country adoption process from different perspectives (for example, Sukula, 2009; Eriksson, 2016; Högbacka, 2017) and on the adjustment and belonging of inter-country adoptees (for example, Raaska, 2015; Ruohio, 2016); however, there is scarce current knowledge on the domestic adoption process. Due to the lack of research, little can be said about the present processes and outcomes of adoption from care, as well as its possible strengths and weaknesses. It would be important to learn more about those children who were adopted from care, the reasoning and motives of the adults involved (foster parents, birth parents and social workers), and the position of the siblings in those cases. Self-evidently, the decision-making system and adoption counselling in these cases need to be studied as well.

Conclusion

Currently, adoption in Finland is seen as a means of creating families through legal bonds rather than a method of permanent placement for children in care. Adoption policy and practice has mainly concerned inter-country adoptions and services for prospective adoptive parents. At the same time, domestic newborn adoptions are granted every year without much attention, and issues related to adoptions from care and the rights and needs of children in long-term care have been on the margins of child welfare policy.

However, some researchers anticipate that the focus of adoption policy may shift from the prospective adoptive parents more to the rights of the child in the future (Eriksson, 2016). This shift may bridge adoptions and child welfare removals in a new way, and eventually increase adoptions from care. Three tendencies support this scenario. First, there is an obvious need to rethink how the rights and needs of children in long-term care are best met as children are rarely reunified with their parents. Positive views on adoption by some practitioners as an alternative to foster care might slowly start to influence practice (Heinonen, 2018). Second, the present system of child welfare removals has been criticised as being costly and insufficient in its outcomes, requiring new approaches to providing care for children who are not looked after by their parents. Third, as inter-country adoptions
are decreasing due to a lack of children available for adoption, thus suggesting a change in the ‘adoption market’ (Högbacka, 2008), domestic adoptions could become more of an option for ‘creating a family’ for those who want to adopt a child. Nevertheless, we find it unlikely that there would be a fundamental change in favour of non-consensual adoptions in the future.

Self-evidently, the challenge will be how to effectively integrate these tendencies to safeguard the best interests of the child while making decisions that treat all parties fairly. The alternatives of permanent foster care and adoption should be wisely balanced.

Acknowledgements
Tarja Pösö’s contribution to this chapter has been supported by the project ‘Consent and Objection in Child Welfare Decision-Making’, funded by the Academy of Finland (decision 308 402).

This project has received funding from the Research Council of Norway under the Independent Projects – Humanities and Social Science program (grant no. 262773).

Disclaimer: This chapter reflects only the authors’ views and the funding agency is not responsible for any use that may be made of the information contained therein.

Notes
1 Save the Children Finland plays an important role in adoption practice, with adoptions being an important part of the organisation’s work since the 1920s (Garrett and Sinkkonen, 2003; Kauppi and Rautanen, 1997).
2 Adoptions of adults may include adoptions in which foster parents adopt a foster child when the child becomes an adult.

References


