Adoption Policy

Inter County Adoption
Inter Country Adoption

SCOPE OF THIS CHAPTER

This procedure applies to the assessment and approval of applicants’ resident in the UK who wish to adopt a child who is resident abroad; it also covers the procedures to be followed by the Adoption Service in relation to the placement of a child resident abroad with approved adopters.

For procedures in relation to the placement of a child resident in the UK with adopters resident overseas, see Placement for Adoption Procedure.

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1. Introduction
Applications for overseas adoption can only be accepted from residents of the local authority’s area.

Applications will be accepted from couples or single people.

Applicants will be expected to identify one country from which they wish to adopt and should have a good understanding of that country’s culture and be able to demonstrate that understanding. Applicants will be expected to bring any adopted child up in the knowledge that he/she is adopted and to preserve and promote the child’s cultural and ethnic origin.

There is a charge for the assessment process for applicants.

2. Responding to Requests for Information

All requests for information about inter country adoption made by telephone or letter will be responded to promptly. Staff in the Adoption Service will establish that the caller lives in the local authority area and if so, send an Adoption Information Pack relating to both domestic and inter country adoption within 5 working days. An Initial Enquiry Form should be completed in relation to each enquiry received and Information Pack sent.

The Information Pack will include information about the nature and implications of adoption, the procedures involved in adopting a child domestically and from overseas, the assessment and post-approval process and charges, the checks required in relation to the prospective adopters and members of the household, and the likely time-scale involved. The information will also include expectations of prospective adopters and how the adoption agency prioritises applications to adopt children from outside the UK and looked after children, including how they are referred to other adoption agencies.

The information will also relate to the preparation and support services available to adopters (made available before, during and after adoption), including addresses and other contact points of other agencies that may be able to assist the prospective adopters particularly in relation to any specific requirements of different countries, for example the Department for Education website.

Those receiving the Information Pack will be asked to contact the Adoption Service if they wish to know more and proceed further.

3. Initial Meeting

Those who contact the Adoption Service to know more will be invited to the office or visited at home or invited to an Information Meeting, to explore the main issues. It is expected that where prospective adopters are a couple, both will be present.

The purposes of the initial meeting are:

- To explore why the prospective adopters wish to adopt, whether they have considered domestic adoption and how fully they understand the issues and challenges involved in adopting from overseas;
• To discuss the need to identify personal referees, the process of Disclosure and Barring Service and other required checks including full medical reports;

• To discuss and advise on any factors that may have an adverse effect on their application including any health problems, previous police convictions, age restrictions for such countries as China, financial status and particularly whether they are in receipt of any public funds that may affect their application;

• To identify tasks that the prospective adopters will need to complete before proceeding to a formal application, including the need to have identified the country from which they wish to adopt and the relevant regulations for that country;

• If the prospective adopters have not identified the country from which they wish to adopt, they should be encouraged to consider this and to begin to develop their knowledge of the country chosen;

• To answer as far as possible any questions the prospective adopters may have regarding inter country adoption;

• To explain clearly the law relating to inter country adoption and the need to comply with the relevant requirements, including whether they meet the relevant requirements as to Domicile and Habitual Residence (all prospective adopters must either be domiciled or have been habitually resident in Great Britain for a minimum of one year);

• To explain the implications for the adoption process of whether the chosen country is a Designated Country or a Non-Designated Country, and whether the Hague Convention applies;

• To outline the process involved in adopting a child from overseas;

• To identify the adoption service’s expectations of the prospective adopters, including their attendance at Preparation Groups, their commitment to the home study process and their commitment to complete pieces of work themselves as part of the home study;

• To explain the Council’s charges for the home study and the charges involved in attending Preparation Groups. Also to explain that the charges are non refundable and are payable regardless of whether or not the applicants are approved.

4. Formal Application

If the prospective applicants wish to proceed further with an application after the initial meeting, they will be sent an application form to complete and return, together with the an invoice for the fee for the home study report and checks.

At this point, the prospective adopters will be expected to have identified their country of choice, researched the country’s specific requirements and be in a position to confirm their eligibility under that country’s criteria. They should also be clear about the age range and gender of the child or children they wish to adopt and whether they are prepared to consider adopting a sibling group.

The appropriate level of fee is payable regardless of whether an application is successful. The fee will increase to £1975 for all applications received by DfE on or after 1 October 2018. This means that there will no longer be fee...
reductions from means testing or relative exemptions applied. Please also note that there will be no fee refunds paid for applications withdrawn on or after 1 October 2018.

Where applicants have had a home study reported completed by or on behalf of a different adoption agency within the last 2 years and that report is made available, the fee for a second report will apply.

The applicants must also agree to undertake and pay for a medical examination (see paragraph 6 below), identify three personal referees (including one relative) and consent to the taking up of references and other statutory checks (see Section 7, Checks and References).

Once a completed Application Form has been received, a new Adoption Case Record should be opened for the applicants.

An adoption social worker will be allocated. The allocated worker must fulfil the qualifications and experience criteria set out in Adoption Panel Procedure, Reports to Adoption Panel.

The allocated worker will make a referral for the prospective adopters to attend a course of Preparation Groups.

5. Preparation Groups

The prospective adopters will be expected to attend the full course of Preparation Groups and must meet all the costs in relation to their attendance.

The Preparation Groups form part of the assessment process and the applicants will be advised that their home study will not be undertaken until their full attendance at the course of Groups has taken place.

A report by the facilitators of the Groups will be included when the Prospective Adopter's Report is presented to the Adoption Panel.

In the event that the prospective adopters are unavoidably absent from one or more of the Groups, the allocated adoption social worker will liaise with those running the Groups as to whether the prospective adopters can fit into the missed Group(s) on a later course.

If prospective adopters decide to withdraw from the assessment process during the course of Groups, they should be encouraged to discuss this with the Group facilitator and their adoption social worker will be informed. No refund will be paid. Where applicants confirm their withdrawal from the process, they will be informed in writing that the application process is terminated.

6. Health

Prospective adopters must have a full medical examination and agree to a written report being obtained, at their own cost, from their GP. The social worker will provide the applicants with the relevant BAAF medical forms for completion by the GP.
The GP must be specifically requested to review the prospective adopter’s full medical history and address any matter relevant to the applicant’s parenting or caring capacity.

The prospective adopters should have been seen in the three months prior to the medical report having been completed, and the report must have been written within the 6 months prior to the Adoption Panel meeting considering the application.

Where the prospective adopter’s GP has expressed concerns or where clarification of the implications of any health issues is required, detailed advice must be sought from the Medical Adviser at an early stage and the implications fully discussed with the prospective adopter and in the report. It may be necessary for reports from other health professionals also to be obtained and presented to the Adoption Panel.

7. Checks and References

A Disclosure and Barring Service Form should be completed once a formal application has been made. Applicants will be asked to confirm their identity in accordance with the requirements set out on the Form.

As well as writing to the Disclosure and Barring Service (for enhanced checks), checks will be made with the relevant Health Trust, Probation, Education and Children's Social Care Services records.

(In some instances, the relevant overseas authority may consider that Disclosure and Barring Service checks are only valid for 6 months, in which case the adoption social worker should explain to the applicant that second Disclosure and Barring Service checks will need to be carried out again later in the assessment process).

Applicants will also be asked to provide the names of two personal referees and a third referee, who is a relative. Applicants should be encouraged to choose people who know them well, have children of their own and have knowledge of the applicants’ contact with children.

At the same time as the statutory checks are sent out, the personal referees and the relative referee will be sent a letter of introduction and form to complete. Referees will be informed that their references are given in confidence and will not be disclosed to the applicants.

The referees should be asked to comment on:

a. The length of time the referee has known the applicant, in what circumstances, how they met and how regularly they are in contact;

b. Where there is a joint application, the couple’s relationship including its stability and quality, the couple’s strengths and ways of coping with stress and how mutually supportive the couple is;

c. The applicants’ general physical and emotional well being;

d. How the applicants relate to children, with examples, and what experience the applicants have of caring for children;
e. How the applicants have adjusted to childlessness if this is the case, how they have prepared to become adoptive parents, how much they have shared with the referees and how open they are in talking about the issues surrounding adoption;

f. How ready the applicants are to adopt from overseas, with examples, how might they be able to deal with racism and help their child to develop strategies to deal with this, and how their network will react to a child from a different ethnic background;

g. If the applicants have children of their own, how the referee thinks a child from a different ethnic background will impact on the other children in the family;

h. Any reservations the referee has and whether the referee wholeheartedly supports the application.

After the completed references have been received, the referee will be contacted and advised of the contact date for a personal interview. (The relative referee is not always interviewed although still regarded as a valuable resource to gain an insight on how the extended family regards the applicants’ plan to adopt a child from overseas).

A written reference must also be obtained from the employer where an applicant is or has been employed to work with children in any capacity or vulnerable adults.

Where a prospective adopter has made a previous application to foster or adopt, the relevant agency must be asked to confirm in writing the outcome of the application and provide a written reference.

The administrative staff of the Adoption Service will record the dates when replies to checks are received. The replies to the checks should be placed in the confidential section of the prospective adopter's Adoption Case Record.

Where the checks disclose information as a result of which a person is a Disqualified Person (Adopter), the prospective adopter will be informed that the application cannot proceed. If the information leading to this decision relates to a previous conviction of a member of the applicant's household, the details of the offence can only be disclosed to the applicant with the consent of the relevant person; without such consent, the applicant can only be informed that the reason relates to information obtained from the checks but no details can be given.

Where there are concerns about an applicant's circumstances, for example where there are concerns about their health, or about the information obtained from referees or about the applicants' attempt to cover up information about offences, the applicant may be advised not to proceed with the application.

Where the applicant disagrees with the advice and/or is not willing to withdraw, a brief Prospective Adopter's Report on the application should be presented to the Adoption Panel and the procedure to be followed should be the same as if the report was a full report on the Prospective Adopter. See Section 9, Presentation to the Adoption Panel to Section 11, Representations/Review Procedure

8. Home Study
The allocated adoption social worker will carry out a home study of the applicants, which should be completed within 8 months of the receipt of the application. (The allocated worker must fulfil the qualifications and experience criteria set out in Adoption Panel Procedure, Reports to Adoption Panel).

The assessment is carried out in the same way as for domestic adopters and the same procedures should be followed as set out in the relevant sections of Assessment and Approvals of Prospective Adopters Procedure.

This procedure only sets out the additional procedures in relation to inter country adopters.

In addition to obtaining detailed background information on the applicants, the process should examine the applicants’ understanding of the issues involved in adopting a child from overseas, their ability to cope with the practical and emotional difficulties that may arise and their understanding of trans-racial adoption.

During the home study, applicants should be asked to prepare pieces of work in order to demonstrate their understanding of the issues involved and their ideas for managing these.

As part of the home study, the assessing social worker should consider:

a. The applicant's ability to meet the chosen country's eligibility criteria (for example some countries impose age restrictions) and any outstanding immigration issues should be clarified;

b. The applicant's financial status and the likely effect on their financial circumstances if a placement is made. (Some countries will require documentary evidence of income, savings and property value and one of the immigration conditions to the UK is that the adopted child will be maintained and accommodated adequately without recourse to public funds). Applicants in receipt of public funds can only therefore be considered if they will not have to rely on additional public funds to support their child;

c. For this purpose, public funds include income support, housing benefit, child benefit, working families’ tax credit, council tax benefit, attendance allowance, severe disablement allowance, invalid care allowance, disability living allowance, disability working allowance, jobseekers’ allowance;

d. The implications of adopting a child who shares few, if any, of the racial, cultural and linguistic inheritance of the adopters' family and who may have suffered considerable early disadvantage must be explored in depth with applicants, in particular their understanding of trans-cultural issues and the child's cultural heritage and their ability to help a child make sense of their background and the child's search for identity;

e. The applicants' ability to accept uncertainty regarding a child's medical and social background, and developmental prospects;

f. The suitability of the applicants to adopt more than one child, if this is what they have applied for.

The assessment should contain a summary of the strengths and weaknesses of the applicants in relation to the adoption of a child from overseas and any potential risk factors highlighted.

Where the prospective adopters are being assessed in relation to a particular child, the social worker should obtain the maximum available information on the child and the assessment should address the ability of the prospective adopters to meet the needs of the child concerned.
The assessment should also consider the likely need for adoption support services of the applicants and any member of their family, including:

- Advice and counselling, for example with managing a child’s behaviour and/or helping the child to deal with racism or any other discrimination;
- Health, education, leisure and cultural services;
- Information about local and national support groups and services;
- Helping the child to explore his or her birth heritage.

See Adoption Support Procedure

Once the assessing social worker has completed the report, it should be submitted to the manager for approval. If there are any issues of concern raised in the assessment or there are issues which require clarification, the manager should obtain a second opinion on those issues from another experienced practitioner, before approving the report.

As with all assessments of prospective adopters, the completed Prospective Adopter’s Report should be shared with the applicants. The applicants should be given a copy of the Report and asked to sign the report and/or submit any comments in writing, for example, by expressing disagreement or support for the recommendations.

The applicant will be given 10 working days in which to provide any such comments or they can be asked to sign a disclaimer stating they do not wish to take 10 days to comment.

The applicant should also be advised of their right to attend the meeting of the Adoption Panel, which considers their case.

The social worker will then send copies of the Prospective Adopter's Report, the applicants' written comments (if any), full health report, report on the interviews with the referees and the Preparation Groups, and any other relevant documents, to the Panel Administrator at least 10 working days before the relevant Adoption Panel meeting.

9. Presentation to the Adoption Panel

The procedure is the same as for all prospective adoptive applicants and the applicants will be invited and encouraged to attend the Panel when their application is considered. The decision to attend rests with the applicants and a wish not to attend will not prejudice consideration of their application.

Applicants who decide they wish to attend should be fully prepared and provided with written information on the procedure prior to their attendance, including the membership of the Panel. If the applicants know a particular Panel member, the applicant may request that the Panel member stand down. (Panel members are in any event expected to declare an interest in these circumstances - see Adoption Panel Procedure.

During the consideration of the application, the Adoption Panel should have advice from a Panel Adviser with experience in the area of inter country adoption.
The Panel will consider the written report together with all the supporting documentation and any additional information presented verbally, make a recommendation to the Agency Decision Maker (Adoption) regarding the suitability of the applicants to adopt a child, and give advice as to the named country from which the prospective adopters should adopt. The Panel must also consider and may give advice on related matters, including the number, age range, gender, likely needs and background of the child or children for whom the applicant would be suitable. In relation to cases where the assessment is in relation to a particular child, the advice should also specify the name and date of birth of the child.

The recommendation and any advice given will be recorded in writing, with reasons, in the Panel's minutes.

The applicants will be informed verbally of the Panel recommendation on the same day as the meeting.

10. After the Adoption Panel's Recommendation

The Adoption Panel's written recommendation, advice and copies of all reports considered will be sent to the Agency Decision Maker (Adoption), who will make a decision as to the suitability of the applicant to adopt a child from a named country.

Where the Agency Decision Maker (Adoption) is minded to disagree with the Panel recommendation, he/she must first discuss the case with another senior officer with the appropriate experience, who must not be a Panel member. This discussion must be recorded and placed on the child's and the prospective adopter's Adoption Case Record.

The decision must be made within 7 working days of the Panel meeting and must be recorded, together with reasons.

The applicants will be advised orally of the decision within 2 working days.

Written notice of the decision, signed by the Agency Decision Maker (Adoption), will be sent to the applicants within 5 working days of the decision.

Where the decision is that the applicants are suitable, the notice will include the agency's view as to the number, age range, gender, likely needs and background of the child or children for whom the applicant would be suitable, as well as the country from which they wish to adopt.

In cases where the assessment is in relation to a particular child, the decision and notice should specify the name and date of birth of the child. The letter should also make clear that the decision is subject to the endorsement of the Secretary of State for Education and that it does not guarantee that a child will be considered suitable for them by the overseas authorities.

The notice should also advise the applicants of the next stages of the process, the length of time for which the assessment report is valid, the need to report any change of circumstances and the circumstances in which an update report may be required.

Where the decision differs from the recommendation of the Adoption Panel, a copy of the Panel recommendation will also be sent with the notification.
Counselling, advice and support should be offered to the applicants as necessary.

11. Representations / Review Procedure

If the Agency Decision Maker (Adoption) decides not to approve the application, the applicant will be advised that if he or she wishes to challenge the decision, representations should be submitted either in person or in writing to the next available Adoption Panel, or a referral can be made to the Independent Review Mechanism.


12. After Approval

Following approval, the Panel Administrator will forward to the Department for Education the reports presented to the Adoption Panel, the Adoption Panel minute and the written notice of the Agency Decision Maker (Adoption) decision. The documents must be sent by recorded delivery.

Once the documents are sent, the Adoption Service will usually not be involved further with the application, until the chosen country identifies a child for whom an adoptive family is sought.

Some countries, notably India and Thailand, require undertakings from the applicants' local authority to be included in the support documents. Where applicable, a letter confirming this undertaking needs to be given to the applicants for the applicants to include with the documents they have to send to the Department for Education.

The Secretary of State will check whether the statutory requirements have been met and will then decide whether to issue a Certificate of Eligibility and Suitability and inform the Adoption Service and the prospective adopters of the decision.

The Certificate, if granted, will state that the prospective adopters have been assessed as suitable to adopt and a child adopted by them will be granted leave to enter the United Kingdom subject to Entry Clearance and the making of an Adoption Order.

The Department for Education will then arrange for the necessary papers to be passed to the relevant overseas authority, which decides whether to accept the application and identifies a child to be matched with the adopters.

The Department of Education will confirm in writing to the adoption service and the prospective adopters that the papers have been sent.

13. Matching
The matching part of the process may be the subject of considerable delay depending on the waiting list of the chosen country.

If the authorities in the relevant country approve the application, when a suitable child is available for placement, they should send the papers to the Department for Education, who will in turn send them to the Adoption Service and the prospective adopters.

Occasionally, the country will inform the prospective adopters directly; they should be advised during the home study to inform the adoption social worker immediately if this happens.

The adoption social worker should then arrange to discuss the child with the prospective adopters at a face-to-face meeting to be held within 10 working days of receipt of the information, before the prospective adopters make a decision or make any plans to travel to meet the child.

The preparation of the prospective adopters for the adoptive placement should include the adoption social worker assisting the prospective adopters to gain full information about the child, arranging access to a specialist advice as appropriate and stressing the importance of post-adoption reports consistent with any undertakings given to the child's state of origin.

Before accepting a child, the prospective adopters must travel to meet the child. Where a couple are applying to adopt, both applicants must travel.

As soon as the prospective adopters have accepted the match, the adoption social worker should advise them to apply for entry clearance for the child, by sending the child's details to the Entry Clearance Officer at the UK Embassy or High Commission closest to the country where the child is living.

Where there are no suitable children to match with the prospective adopters, the overseas authority will notify the Department for Education, and they will notify the adoption service. An adoption worker will be allocated to inform the prospective adopters and assist them to decide what further action to take, including a further report to the Adoption Panel seeking approval for a different country.

14. Post Placement Duties

The Adoption (Designation of Overseas Adoptions) Order 1973 as amended in 1993 enables adoption orders in countries listed in the Order to be recognised in the UK.

Children from Designated Countries

If an adoption order has been made in a Designated Country, it is recognised under UK law and the child's visa usually states 'for settlement'. The adoption service then has no further involvement other than providing or making arrangements for post-adoption services, if appropriate (see Adoption Support Procedure).

Adoption Orders made in Designated Countries do not automatically result in the child acquiring British citizenship. An application for registration will usually need to be made; application forms can be obtained from the Nationality Directorate of the Home Office or from any British Diplomatic Post.
Children from Non-Designated Countries

The arrangements for the placement will vary from country to country; the prospective adopters will either adopt child in the child's country or bring the child to the UK for the purposes of adoption in a UK Court.

If an Adoption Order has been made in a Non-Designated Country, the Order is not recognised in the UK.

The prospective adopters must seek clearance for the child to enter the UK from the nearest British Embassy, Consulate or High Commission. If the Entry Clearance Officer is satisfied that the entry requirements have been met, a visa for a limited period, usually one year, will be issued.

The prospective adopters must notify the adoption service within 14 days of arriving in the UK with the child of their intention to apply for an Adoption Order (or their intention not to provide a home to the child). This notice should be acknowledged by the Adoption Service.

An adoption application cannot be made until the child has lived with the prospective adopters for 6 months or more. Where the prospective adopters have not complied with all the necessary regulations, the child must have lived with them for at least 12 months.

On receipt of the notification, the adoption service will arrange for a social worker to monitor the child's welfare by regular visits to the family home. The allocated worker must fulfil the qualifications and experience criteria set out in Adoption Panel Procedure, Reports to Adoption Panel.

An Adoption Case Record must also be set up for the child. Any information received from the relevant authority in the child's state of origin, the agency that approved the prospective adopters (if not the local authority), the prospective adopters, the Entry Clearance Officer and the Department for Education should be placed on the case record.

The allocated worker must send notification of the child's arrival in the UK to the prospective adopter's GP (including a written and up to date health report on the child), the Primary Care Trust and (where the child is of school age) the education service for the area where the prospective adopter lives.

Visits to the child should be weekly until the first review.

The allocated worker should also arrange for the placement to be reviewed within 4 weeks of the receipt of notice of intention to adopt. Thereafter the requirement is for the local authority to visit and review not more than 3 months after the first review and thereafter every 6 months.

The purpose of the review is to enable the local authority to consider whether the child's needs are being met and if not, what advice and assistance may be provided. To do this, the review must consider the child's needs, welfare and development, and if any changes are required to meet the child's needs or assist his/her development; the arrangements for the provision of adoption support and whether there should be a re-assessment of the need for those services; and the need for further visits and reviews.

If the prospective adopters notify the local authority of their intention to move to the area of another local authority, the original local authority must notify the new authority of the child's name, sex, date and place of birth; each prospective adopter's name, sex, date and place of birth; the date the child entered the UK; the date
of the notification to adopt; whether an adoption application has been made and if so, the stage of the proceedings; and any other relevant information.

The allocated social worker should advise prospective adopters of the most appropriate timing of their adoption application. It is likely that the prospective adopters will need to apply for an extension of the child's visa, which is usually straightforward if an adoption application has been made.

When the prospective adopters make their adoption application, the Court will notify the Adoption Service and request that a Court Report is produced supplied directly to the court.

If no adoption application has been filed within 2 years, a special review must be held. This review must consider the child's needs, welfare and development, and if any changes are required to meet the child's needs or assist his/her development; the arrangements for the exercise of Parental Responsibility in relation to the child; the terms of the child's entry clearance and the child's immigration status; the arrangements for the provision of adoption support and whether there should be a re-assessment of the need for those services; the arrangements for meeting the child's health care and educational needs; the reason why no adoption application has been made; and the options for the child's future permanence.

When an Adoption Order is made in the UK, it automatically confers British Citizenship on the child provided one of the adoptive applicants is a British citizen at the time the Adoption Order is made.

Where the adopters are not British citizens, they will need to seek clearance to allow the child to remain in the UK, on the same basis as them.

15. Post Adoption Support

Families who have adopted from abroad are eligible for assessment for adoption support as set out in Adoption Support Procedure.

16. Placement Breakdowns

If, after the child is placed, the prospective adopters decide not to proceed with the adoption or an Adoption Order is refused or a Convention Adoption Order is annulled, the child's social worker must regard the child as a Child in Need and assess the child within 7 days in accordance with the Assessment Framework, including whether it remains in the child's interests to be placed in the UK and/or to be placed with an alternative adoptive family.

The child's social worker must notify the Department for Education of the outcome.

Where it is decided that it would not be in the child's best interests to remain in the UK, the child's social worker must notify the Department of Education. The Department of Education will notify the relevant overseas authority, which will make arrangements for the return of the child.
Where it is determined that it would be in the child's best interests to remain in the UK, the child's social worker must take the necessary steps to identify a suitable alternative placement in accordance with the Placement for Adoption Procedure and amend the child's immigration status.

Once an adoptive family has been identified, the child's social worker will notify the Department of Education. The Department of Education will advise the child's country of origin of the change.

17. Review of Prospective Adopter’s Approval

The requirements for reviewing the approval of approved inter country adopters with no placement is the same as for agency adopters, i.e. every 12 months - see Assessment and Approvals of Prospective Adopters Procedure, Review of Prospective Adopters’ Approval.

This requirement to review continues until (in relation to a Convention country) the prospective adopters have received notification in writing from the central authority that an agreement under Article 17 has been made so the adoption may proceed or (in relation to a non-Convention country) the prospective adopters have visited the child in their country and confirmed in writing that they wish to proceed with the adoption.