

**DEPARTMENT OF SOCIOLOGY
UNIVERSITY OF GHANA, LEGON**

**CHILD RIGHTS PROMOTION AND PROTECTION:
THE DEPARTMENT OF SOCIAL WELFARE AND INTER-COUNTRY
ADOPTION IN GHANA**

BY

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DECLARATION

I hereby declare that except for references to other people's works which have been duly acknowledged, this thesis is the result of my own research under the supervision of Professor Clara Korkor Fayorsey of the Sociology Department, Professor Kwaku Osei-Hwedie of Social Work Department and Doctor Cynthia Akorfa Sottie also of the Social Work Department. This thesis has neither been presented in part or in whole to another academic institution for any degree.

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ABSTRACT

This study investigated the effectiveness of services delivered by the Department of Social Welfare (DSW) in inter-country adoption procedures. Qualitative research methods were employed and data were collected through in-depth interviews and documentary analysis. Twenty three participants were drawn from officers of the Department of Social Welfare, Judicial Service, adoption facilitators, biological parents of adopted children, and personnel from Anti-Human Trafficking Unit of the Ghana Police Service. The findings suggest a lack of understanding of adoption by many Ghanaian parents. These parents equate adoption to foster care where children return to their biological families at maturity age. The research points to four categories of adopters who adopt children inter-country from Ghana. The children adopted include biological children, children of relatives, house helps; children surrendered by their parents, and abandoned children. The reasons for adoption range from the desire of childless couples to parent a child to circumventing visa procedures in the case of relatives to enable the adopter travel across borders with a child or children. In addition, the research found that, poor Ghanaian families are lured by adoption facilitators into terminating parental rights and placing their children for inter-country adoption. The findings indicate that Department of Social Welfare is failing to uphold child rights and sometimes aiding adoption facilitators to circumvent procedures. The Children's Act, Act 560 of 1998 and the Adoption Rules, Constitutional Instrument 42, of 2003 are not elaborate on inter-country adoption making the regulations weak for the practice. Institutional strengthening and amendment of adoption laws in order to promote child welfare in inter-country adoption is recommended. Lastly, it is further recommended that a separate law and regulation be enacted for the inter-country adoption of children in Ghana.

DEDICATED

TO THE MEMORY OF

SAMUEL KOFI DZOLALI (1995-2012 SOCIAL WORKER'S ESTIMATION)

Kofi as he was affectionately called, suffered from sickle cell disease and lived under institutional care in Ghana, at the Osu Children's Home for fourteen years. He survived under the hard conditions of the institutional care regime but died a year after an inter-country adoption which relocated him to the United States of America (USA). Kofi had sickle cell crisis, a challenge the Osu children's Home and Ghanaian Doctors dealt with effectively over the years. He could not survive the crisis in the USA, a country believed to possess all the advances in medical facilities Kofi needed. May all the children who are adopted through inter-country adoption processes from Ghana find love, care, and permanency needed for their best interest, and may Kofi's soul rest in perfect peace!

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LIST OF ACRONYMS

ACPF	African Child Policy Forum
AFRC	Armed Forces Revolutionary Council
AGs	Attorney General’s Department
AIDS	Acquired Immunodeficiency Syndrome
ASDO	Assistant Social Development Officer
CABAs	Children Affected By AIDS
CASWO	Chief Assistant Social Welfare Officer
CHRAJ	Commission on Human Rights and Administrative Justice
CI	Constitutional Instrument
CYB	Christian Youth Builders
CYO	Catholic Youth Organization
DNA	Deoxyribonucleic Acid
DOVVSU	Domestic Violence and Victim Support Unit
DSW	Department of Social Welfare
GNCC	Ghana National Commission on Children
HIV	Human Immunodeficiency Virus
HMSO	Her Majesty Stationary Office
ICA	Inter-Country Adoption
IRC	International Reference Centre for the Rights of Children Deprived of their Family
ISODEC	Integrated Social Development Centre
ISS	International Social Service
LEAP	Livelihood Empowerment against Poverty Programme
LI	Legislative Instrument

MESW	Ministry of Employment and Social Welfare
MGCSP	Ministry of Gender, Children and Social Protection
MOE	Ministry of Education
MOH	Ministry of Health
MOWAC	Ministry of Women and Children
ND	No Date
NDC	National Democratic Congress
NGO	Non-Governmental Organization
NSPS	National Social Protection Scheme/National Social Protection Strategy
OAU	Organization of African Unity
OCH	Osu Children's Home
OVC	Orphan and Vulnerable Children
PAAs	Prospective Adoptive Applicants
PAPs	Prospective Adoptive Parents
PhD	Doctor of Philosophy Degree
PLWHAs	People Living With HIV/AIDS
PNDC	People's National Defence Council
POA	Power of Attorney
PSDO	Principal Social Development Officer
SASDO	Senior Assistant Social Development Officer
SDA	Social Development Assistant
SDO	Social Development Officer
SOS	Save Our Souls
SSDO	Senior Social Development Officer
UK	United Kingdom

UN	United Nations
UNICEF	United Nations International Children's Education Fund
USA	United States of America
YPG	Young People's Guild

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

“There is no place any longer for inter-country adoption; Africa can look after its own children” (David Mugawe, 2012).¹

The sentiments such as the one quoted above are rife among stake holders in inter-country adoption (ICA) from Africa. While the debates continue among professionals and stake holders, children are being placed for inter-country adoption from Africa and Ghana.

It is estimated that there are over 53 million orphaned children in Africa, where ICA is on the increase. The children adopted annually from the year 2000 to 2010 in Africa were 29,095 to 45,298². Yet only 13 African countries have ratified the Hague Convention on inter-country adoption³. There is a serious and growing concern among governments, human and child rights advocates that ICA poses serious risks and challenges⁴. Although, some children benefit from the system, experiences from some countries⁵ suggest that ICA is marred with serious challenges such as procedural problems, and illicit activities like child trafficking, sale and other forms of abuse (Smolin, 2007a & b; ACPF, 2012 a; b; c; & e; Smolin, 2013).

There is lack of comprehensive documentation in terms of national regulations, policies and practice on ICA at the regional level in Africa. There is also a great concern for the psychological dimension and other challenges adopted children face due to the cultural disconnect they are exposed to. Cultural disconnect such as race, identity, age, and beliefs due

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1. This is a sentiment expressed by David Mugawe, Executive Director of the ACPF, during the final session of the Policy Conference in May 2012.
 2. (ACPF,2012b:1)
 3. Hague contracting African States: 1996- Burkina Faso, 1999 - Mauritius & Burundi, 2003- South Africa, 2004- Guinea & Madagascar, 2006- Mali, 2007- Kenya, 2008- Seychelles, 2009- Cape Verde, 2010- Togo, 2011- Senegal, 2012- Rwanda (ACPF, 2012a:11& e).
 4. A report on an intergovernmental meeting for Southern and Eastern Africa hosted by the government of South Africa in February 2010 (ACPF, 2012a:5)
 5. Experience from Cambodia, Ethiopia, Guatemala, India, Nepal, China, United States of America (USA) and Vietnam.

to lack of screening could affect adopted children negatively if not handled with care. Given this background, African Child Policy Forum (ACPF) dedicated the Fifth International Policy Conference (a biennial Conference which acts as platform for policy dialogue), held from 29 to 30 May 2012, in Addis Ababa, Ethiopia, to the theme of ICA (ACPF, 2012b; ACPF, 2012e).

In support of ACPF's position, Professor Phillips, after the Addis Ababa conference, further explained that:

“In recent years, inter-country adoption has become the subject of public debate, leading to a division between those who support this form of adoption and those who view it with a jaundiced eye” (Phillips, 2012:1).

According to her, inter-country adoption does pose risks to the rights of the child when not in line with regulations. Countries that have acceded to *“The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption of 1993”* here after referred to as Hague Convention still grapple with challenges concerning child rights in ICA (Phillips, 2012). The Hague Convention has a principle of subsidiarity which generally requires that inter-country adoption be a measure of last resort. ICA could be resorted to only after family preservation measures such as child support grants, cash transfers, and general social protection programmes have been undertaken systemically on a larger scale by government.

There is a draft action on ICA of children in Africa (2012). Guidelines ‘O’⁶ and 100⁷ of the draft action state that, in order to strengthen children’s family environments, and promote children’s best interests in the context of inter-country adoption, states are encouraged to draw on regional expertise, technical and other assistance from intergovernmental, non-governmental, academic institutions, and international and regional financial institutions. The

⁶ Training, Research and Data Collection

⁷ Strengthening children’s family environments

efforts are to be directed towards research, dissemination of information, strengthening of infrastructure and information systems and services aimed at promoting children's best interest (ACPF, 2012d). Based on these guidelines, African states, including Ghana, are to establish credible data-gathering and analysis systems to ensure evidence-based policies. Also, decision-making on the needs and appropriate responses in the sphere of alternative care services aimed at promoting children's best interests and protection such as foster care and adoption must be based on credible data.

The strong set of social norms (relationship by blood) that typically regulates family membership in Ghana makes it particularly interesting to study inter-country adoption. It is also important to delve into what is being done by the Department of Social Welfare to uphold the best interest of the children and families involved. African societies have, for centuries, been able to care for their children, including those left without parental care, based on collective values and wisdom. In the Ghanaian society, the family is recognized as a basic social unit and the major instrument through which the critical tasks of living are coordinated, organized, directed and executed. The family's importance is manifested in the way it regulates, maintains and protects its members. The idea of a family in Ghana extends beyond its conjugal [father, mother, and children] members. In Ghana, the family is viewed as a complex web of relationships in which all members have a common ancestor, either male or female. In patrilineal descent groups, children are members of their father's kin group and inherit the father's property at his death. In matrilineal descent groups membership is traced through the uterine line, so that children belong to their mother's kinship (Matrikin) and not to their father's. Membership to family/kin/ethnic group is determined by blood relations and not as a result of an individual's choice (Yimam 1990; Ferrara, 2006; Kutsoati & Morck, 2012).

Historically, families are bastions of emotional and financial support. This is evident in the expressions such as; ‘the family is the corner stone of society’, ‘the family is the basic unit of social organization’, and ‘the family is the basic unit of social and economic activity’. Therefore, when problems of suffering, deprivation, want, deviance, and death occurred in Africa they were solved by the family or lineage. Each man was his ‘brother’s keeper’, and group responsibility gave at least a degree of economic security. That is, the family could pay for education and training of its members. The family’s social safety nets could support risk-taking and entrepreneurship. No one was solitary, all had confidence of status in society, and there was no need for poor relief (Yimam, 1990; Kutsoati & Morck, 2012). The African family is seen or regarded as another form of community as it is more communal in its approach.

However, traditional African family now finds itself in a state in which its traditional self-sufficiency has diminished and, to some extent, can no longer cope with the growing needs and demands of its members. With time, the traditional approach to protecting and caring for its members has changed. No plea for due recognition of the family’s role in the development of social welfare services in Ghana should be taken as intended to suggest a return to traditional practice. That is, no wholly traditional approach to the solution of modern problems can be successful. Hence, new ways must be found to solve the problems.

The present reality, that the very fabric and integrity of the African family is threatened, among others, by poverty, disease, Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS), and conflict, leaves children in dire circumstances. Due to the inadequacy of the traditional family’s help in times of difficulties, Ghana enacted the Intestate Succession Law, People’s National Defence Council (PNDC) Law 111 of 1985 (hereafter referred to as PNDC Law 111) and the Children’s Act, Act 560 of 1998 (hereafter referred to as the Children’s Act) to compel men from the matrilineal system to provide for

their spouses and children (Kutsoati; Morck, 2012). However, even though these laws have been passed, enforcement is not adequate. As expressed by Kutsoati and Morck, (2012:15),

“Government officials in charge of providing social services are often reluctant to enforce the formal law and apply sanctions when it is violated because these same officials are often also charged by their traditional communities with upholding customary laws”.

Although laws such as PNDC Law 111 and the Children’s Act have been passed, the non-enforcement of the laws places children in difficult circumstances.

Adoption is a transaction that is not new in Ghanaian society as it is known to Ghanaian customary law and recognized by the courts. Adoption’s effect on matters such as succession to property, and office are matters of great concern, and subject to the approval of the extended family of the adoptee. Issues regarding adoption are of particular concern to the family in Africa and particularly in Ghana where the extended family still plays important roles in individual’s life (Akpalu, 2007).

Formal adoption in Ghana began as a result of *social change*. Social change is seen as the alteration of mechanisms within the social structure, characterized by changes in cultural symbols, rules of behaviour, social organizations, or value systems (Cameron, 2008). Such changes include colonisation and monetization of the economy. As a result of colonization, traditional political institutions were altered, leading to changes in all the other institutions [such as religion, education, marriage, economy and health].

The initial change was partially due to the conscription of men who were bread winners into the colonial army to fight in the First and Second World Wars. During the same period, members of families began traveling outside their villages to cities in search of greener pastures. The migrations partly led to disintegration of the families. The family then lost its effectiveness in protecting and providing members with the necessities of life. The change in the family structure led to many adjustment difficulties ranging from juvenile delinquency to

unmarried mothers and their children who were considered illegitimate, shameful and shunned by society and their families. Illegitimacy may not be a widely used word today, and young people may not even recognize it as an insult. This term designated children born outside wedlock together with their parents as deviants who did not deserve to be cared for in families. As a label, illegitimacy described their collective status as outcasts who were legally and socially inferior to members of legitimate families headed by married couples (Ayson, 2007). Reasons such as illegitimacy led to child abandonment by unmarried mothers from respected and prestigious families to protect their image. As a result many children became vulnerable without family care necessitating social services provision by the state.

The historical context for considering orphaned children or ‘foundlings’ as wards of the state is rooted in the modern idea that a state has a vested interest in protecting its next generation of citizens, when parents and families fail to do so or are incapable of doing so [*Parens patriae*]; that is, the power of the state to act on behalf of the child and provide care and protection equivalent to that of a wise parent (Siegel & Senna, 2000; Kelley, 2010).

In response to the challenges posed by the social problems of the time [unmarried mothers, child abandonment, broken marriages, street children/families, and child delinquency], the foundations of the Department of Social Welfare (DSW) were laid by the establishment of the post of Secretary for Social Services in 1946. DSW’s first task was to provide social services to the people and work in conjunction with institutions in the fields of health, housing, agriculture and youth (Social Welfare Development Plan, 1944/45; Cap. 28, Ordinance No. 66 of 1946).

Since then, the Department of Social Welfare has provided welfare services to the citizenry. The Department currently focuses on a three-core programme, namely;

1. Child rights promotion and protection,

2. Justice Administration and

3. Community care

All service provision is organized under these three headings. However, child rights promotion and protection is said to cut across and, therefore, the core of all programmes of the Department (Laird, 2008). Work with children has consequences for the family, community and administration of justice and welfare. One of the mechanisms to protect vulnerable children is to place them with permanent families where they would be loved and raised in a congenial atmosphere for growth and total development when their biological families are unable to provide them a home. The process of placing children without parental care with permanent families for care is known as Adoption (Department of Social Welfare, 2000). Inter-country adoption is the type of adoption where a child adopted by a national or a foreign national is taken out of jurisdiction after the adoption.

In traditional African culture, the boundaries of kinship groups are often tightly drawn and a premium is placed on the continuation of a 'line of decent'. Such structures make it difficult to include an *outsider* such as an adopted child. Adoption practice conflicts with the African practice of ancestor worship, which argues that a child deprived of roots, would lose contact with ancestors. The African understanding of children as belonging to, or affiliated to a particular family also makes adoption seem senseless (Wilson, 2010). In Ghana children either belong to the fathers' or mothers' descent group (see Ferrara, 2006; Kutsoati & Morck, 2012). This intensifies the consideration of identity of children and family of origin in inter-country adoption. It calls for people of the same lineage to maintain the bond and cultural backgrounds of their offspring or family ties from one generation to another. Hence, it would be difficult for groups which believe in preservation of their lineage/clan to put a child in an environment or under the care of another person who has a different cultural background.

1.2 Statement of the Problem

Literature available suggests serious child rights abuse in inter-country adoption (Smolin, 2007a & b; Phillips, 2012; ACPF, 2012a; b; c & e; Smolin, 2013). Ghana has been cited by Selman (2012) as one of the top ten sending countries in Africa. Ghana placed 116 children in 2009 and 129 in 2010 for inter-country adoption. Also, Ghana is listed as the 6th sending country in Africa which is labelled as the new frontier in inter-country adoption (ACPF, 2012c). Whereas the practice of inter-country adoption decreased between 2004 and 2010 in Hague contracting states, Ghana increased by four folds as a non-Hague contracting state (ACPF, 2012a; 2012b; Selman 2012).

Inter-country adoption, when not properly regulated and controlled, can lead to the sale of children for the purpose of illegal adoption (ACPF, 2012a). Although it has been difficult to properly document the practice of child sale for illegal adoption there is evidence from the literature that, there have been cases of children sold by their parents, abducted and later trafficked or placed for adoption because they were wrongly considered as orphans (Smolin, 2004; 2006; 2007; 2010; 2012b; 2012c; Smolin & Smolin, 2012).

According to the ACPF (2012a), in practice, inter-country adoption suffers from poor regulation in many African countries and where regulations exist; implementation of the regulations is inadequate. It is, therefore, possible that child laundering, trafficking, abuse and sale flourish under the guise of inter-country adoption in Ghana.

Inter-country adoption is commonly viewed as an appropriate response to the extensive poverty that exists in many developing nations including Ghana. Inter-country adoption is seen as a humanitarian act that transfers a child from extreme poverty and its vulnerabilities and limitations, to the wealth, comfort, and opportunities of developed nations. Ghana is a developing nation and has a population that lives under the \$1 a day international poverty line

[currently, \$1.25 per day]⁸. Parents living under or near the international poverty line struggle to provide bare subsistence for themselves and their children. Many children and adults suffer from malnutrition, lack of clean water, sanitation, electricity, medical care, housing, and education. The need to rescue these children from this kind of poverty is understandable as noted by Smolin (2007 a).

Respect for the rights of vulnerable children depends on the quality of services provided by DSW. Although the effectiveness of DSW's services has repercussions for inter-country adoption in Ghana this has not yet been comprehensively studied. There is need to explore the question of whether DSW exercises due diligence in placing children up for inter-country adoption. This includes assessing the conditions of the children placed for inter-country adoption by asking:

- a. Whether inter-country adoption is an effective, appropriate, or ethical response to poverty in Ghana,
- b. Whether the adoption was necessary,
- c. Whether assistance in the form of financial/social support could have been provided to keep the original family together and whether it was done,
- d. Why \$6,000 to \$12,000 is spent to move a child from one family to the other while so little (if any) was available to keep the child with the original family and
- e. Whether the adoption respected the rights of the original parents and family without taking advantage of their poverty and misfortune in order to meet the desires of others for children or for profit?

⁸ Global Profile of Extreme Poverty,
Background paper for the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda
Prepared by the secretariat of the Sustainable Development Solutions Network 15 October 2012

An adoption system that cannot provide accurate, clear, and satisfactory answers to these questions lacks legitimacy. This research aims at assessing the situation of children who are placed for inter-country adoption in Ghana and at finding out whether DSW adheres to laws and regulations in placing these children.

1.3 Research Questions

The main question this study seeks to answer is: how effective is the Department of Social Welfare's role in child rights promotion and protection in Ghana's inter-country adoption procedures? Specifically, the study seeks answers to the following questions;

- 1 What procedures does DSW follow in placing children in inter-country adoption?
 - What are the conditions that make children adoptable?
 - Which processes are followed in inter-country adoption if a child is found adoptable?
- 2 What kinds of children are placed by the DSW for inter-country adoption?
 - Do their conditions warrant inter-country adoption?
 - Could such children not have adoption placement in Ghana?
- 3 What measures can be taken to improve the system of inter-country adoption?

1.4 Significance of the study

The field of inter-country adoption has not been comprehensively documented in Africa (ACPF, 2012a) and also in Ghana. The study will fill the knowledge gap on the role played by Department of Social Welfare in Ghana's inter-country adoption processes. It would also highlight the gaps in practice with respect to child rights promotion and protection, and would help to facilitate improvement in service delivery in the process of adoption in general and inter-country adoption in particular. In addition, it will serve as a guide for the evaluation of current services and as a study document for social workers [who would provide services] in

the area of adoption, juvenile justice administration and child and family welfare. Lastly, it would be useful to policy makers in providing information to guide policy formulation that would enhance the role of the Department of Social Welfare in promoting and protecting child rights in inter-country adoption. The research is timely considering that, child laundering, trafficking, abuse and sale could flourish under the guise of inter-country adoption. The research therefore, will contribute to knowledge in child rights promotion and protection in Ghana's inter-country adoption processes by seeking answers to the questions posed.

1.5 Definition of Key concepts

The following definitions are used in this research for the concepts outlined below:

Child rights promotion and protection: Placing a child for inter-country adoption only after all attempts by the DSW to support biological families with family preservation assistance (which includes social protection) has failed; all deliberate attempts to place the child within Ghana failed, and inter-country adoption is the only opportunity for the child to have a permanent compassionate family care.

Adoption: The official transfer through the court system of all the parental rights that a biological parent has to a child, along with an assumption by the adopting parent, of all the parental rights of the biological parents: that are being terminated and are assumed in their entirety by the adoptive parents, including the responsibility for the care and supervision of the child, its nurturing and training, its physical and emotional health, and its financial support (Adoption Dictionary, 2011).

Domestic adoption: It is an adoption that involves the adoptive parents and an adopted child having the same nationality and the same country of residence.

Inter-country adoption: It is the adoption of a child by a person who resides outside Ghana and the removal of the adopted child from the jurisdiction.

International adoption: This adoption applies to an adoption that involves parents of a nationality other than that of the child, whether or not they reside and continue to reside in the child's habitual country of residence (UNICEF International Child Development Centre, 1998).

Fit person: A person of full age [25 years and above] who is of high moral character and integrity and of sound mind capable of looking after a child, is not a relative of the child and has been registered by a Probation Officer or Social Welfare Officer as being able to provide a caring home for a child (Children's Act, Act 560/98).

Children's Home: A residential place where a child is given temporary substitute family care (Adoption Dictionary, 2011).

Children in Care: Children being looked after by the State or Local Authority following a court order (Thoburn, 1994).

Children Accommodated: This refers to children being cared for by the state at the request of parents or of older children themselves (Thoburn, 1994).

Justice Administration: The management of the state institutions for the fair and humane treatment of persons found in conflict or in contact with the Law.

Juvenile: A juvenile is a person under eighteen years who is in conflict or in contact with the law (Juvenile Justice Act, Act 653 of 2003; Children's Act, Act 560/98).

Juvenile Justice Administration: The management of the state institutions for the fair and humane treatment of juveniles found in conflict or in contact with the Law.

Juvenile Justice System: Society's efforts to control juvenile crime through public and private crime prevention and social control agencies (Siegel & Senna, 1985).

Social Welfare: The means for meeting human needs that collectively serve the common good (Johnson & Schwartz, 1994).

Social Protection: The set of all initiatives, both formal and informal, that provide social assistance to extremely poor individuals and households; social services to groups who need special care or would otherwise be denied access to basic services; social insurance to protect people against the risks and consequences of livelihood shocks; and social equity to protect people against social risks such as discrimination or abuse (Devereux & Sabates-Wheeler 2004).

Welfare Principle: According to the Juvenile Justice Act and the Children's Act, this principle relates to the best interest of a juvenile which shall be:

- (a) Paramount in any matter concerned with the juvenile; and
- (b) The primary consideration by a juvenile court, institution or other body in any matter concerned with a juvenile (Juvenile Justice Act, 2003 Act 653: The Children's Act, 1998, Act 560).

Lacuna: The lack of a law or legal source addressing a situation.

Care Order: A care order is a court order that places a child under the care of a local authority. The local authority then shares parental responsibility for the child with the parents, and will make most of the important decisions about the child's upbringing like where it lives and how it is educated (Department for Children, Schools and Families, 2005a).

Capabilities: The alternative combinations of functioning a person is feasibly able to achieve. Formulations of capability have two parts: functioning and opportunity freedom, the substantive freedom to pursue different functioning combinations. Ultimately, capabilities denote a person's opportunity and ability to generate valuable outcomes, taking into account relevant personal characteristics and external factors (Alkire & Deneulin, 2009).

Social vulnerability: The inability of people, organizations, and societies to withstand adverse impacts from multiple stressors to which they are exposed. These impacts are due, in

part, to characteristics inherent in social interactions, institutions, and systems of cultural values (Ballesteros, 2008).

1.6 Organization of Thesis

The thesis is in eight chapters. Chapter One introduces the study, and presents an outline of the whole research. The introductory part covers the outline of the study. Chapter Two reviews literature on the various child rights protection measures and legislations on inter-country adoption, the services delivered by social welfare staff with reference to child rights promotion and protection and their capabilities and vulnerabilities considering inter-country adoption. The chapter also describes the theoretical framework and the concepts used in the study. Chapter Three describes the methods used to conduct the research; it covers procedures adopted for data collection and analysis. Chapter Four gives an overview of the Department of Social Welfare's mandate and its operations from its inception to date. Chapter Five presents findings and analysis on the kinds of children placed for inter-country adoption. Chapter Six discusses research findings on procedures in inter-country adoption and adherence to regulations. Chapter Seven discusses emerging issues in inter-country adoption and Chapter Eight focuses on the summary, conclusions and recommendations made from data analyses.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews literature on the various child rights promotion and protection measures; implications and legislations on inter-country adoption. It also considers the services delivered by social welfare staff with reference to child rights promotion and protection, their capabilities and vulnerabilities in inter-country adoption procedures. Empirical evidence points to receiving countries manipulating and exploiting countries of origin to place wanted children by use of payments directly and indirectly to persons involved with inter-country adoption. This view is explicit in the assertion by the ACPF which states that:

“... The combination of vast amounts of money and the lack of transparency that characterizes too many inter-country adoptions from Africa today favour the maintenance, not to say the increased exploitation, of the status quo. Money determines not only the way these adoptions are carried out, but also the reasons for which many are initiated. Money does not just matter - it is a key factor that must be tackled if the human rights of African children are to be effectively protected vis-à-vis inter-country adoption” (ACPF, 2012a: 3).

Inter-country adoption is determined by the amounts paid and the accumulation of wealth is the reason for placing children. Children and poor families are the commodities in such placements. Some researchers see receiving countries of adopted children as mostly disregarding the best interest of the children involved; such that, permanency, love and family care which are key issues in upholding child's best interest are overlooked, therefore, legitimizing and incentivizing stealing, kidnaping, trafficking, and buying of children from poor countries serving as origins of children placed for inter-country adoption (Smolin, 2004; 2005; 2006; 2007; ACPF, 2012a). The child's best interest is served when inter-country adoption is properly conducted and well-regulated. The adoption should offer the child a permanent and appropriate family where the child has been definitively deprived of its family environment and cannot be allowed to remain in it. Inter-country adoption should be a solution

to the family deprivation suffered by such children; that is by the adoption offering such children the opportunity to experience life they could not have in their country of origin. Inter-country adoption must not unnecessarily deny the children the opportunity to live with parents or relatives which could lead to trauma and long term emotional problems (Saclier, 2000; Save the Children, 2010).

There are arguments for and against inter-country adoption and the need to take precautions when inter-country adoption has to be resorted to (The Hague Convention, 1993; Act 560, 1998)⁹. This means that the DSW, which is the central authority mandated to uphold child rights, must have the requisite personnel capacity in terms of skills, knowledge, logistics and office space to stand up to the task of protecting children.

2.2 Theoretical Framework

This work is situated in the functionalist perspective using the systems theory. The concepts of influence, strain, vulnerability and capability are used in accessing output and outcomes of Department of Social Welfare's service provision in line with child rights promotion and protection. Proponents of the systems theory include Emile Durkheim, Max Weber, Talcott Parsons and Robert Merton, with contributions from Amartya Sen, among others.

Durkheim was interested in how societies were organized and how they maintained cohesion or group identity over time. His believe was that human beings experienced a unique social reality not experienced by other organisms. He argued that order can only be maintained through the consent of individuals within the group who share the same morals and values. In his 1893 doctoral thesis, published as *The Division of Labour in Society*, Durkheim (1984) explained that in highly organized systems, the division of labour contributes to the maintenance of societies. In complex societies, individuals perform various roles that, while

⁹ Chapter II, Article 4a&b; Section 85(1)

they lead to specialization and segmentation, also create a high degree of mutual interdependence between units (Durkheim, 1984). He was particularly interested in how roles and the division of labour maintained society in a macro sense. Durkheim is famous for his concept of “anomie,” which describes individuals who are alienated because they are unable or unwilling to fit into society through compliance with the normative expectations of the group and thus fail to fulfil expected roles. To a social worker, *anomie* describes situations where there is a severe disruption in the goodness of fit between an individual and his or her social context (Merton, 1938).

For example, parents are expected to conform to certain norms and role expectations that include providing their children with adequate food, shelter, medical care and ensuring that their educational needs are met. Severe cases of role disruption on the part of parents lead to state intervention through protective services rendered by the DSW staff. When parents are unable to meet these expectations after protective services have been provided and the children are to be placed for ICA, social workers are expected to investigate prospective adoptive applicants for suitability to permanently care for the children within the family setting.

Max Weber was a contemporary of Durkheim known for his work studying complex social institutions and organizations. Weber believed that governments and bureaucracies are essentially coercive in nature and are maintained through their “monopoly” of the legitimate use of violence or force. He also studied the way in which various types of leaders may influence society because, they are very often government employees carrying out the policies of the state. Weber’s position that the best interests of the individual or client system served by Social Workers may conflict with the interests of those in power must be of consideration for child rights promotion and protection (Weber, 1946).

Talcott Parsons (1951), called his theoretical framework “structural functionalism.” Structural functionalism states that social structures involve interaction and relationships among “actors” and are characterized by a functional imperative. This is to say that a defining attribute of a social system is its function in the larger social environment. As posited by Rapoport (1968), people seek a design that has a 'good fit' with the dynamics of that society with their own expectations, and with the expectations of their situation.

Systems theory enables investigators to understand the components and dynamics of client systems in order to develop balanced intervention strategies, with the goals of enhancing the ‘*goodness of fit*’ between individuals and their environments (Anderson et al. 1999). The system can therefore be looked at as a whole, with its relationships and interactions with other systems as a mechanism of growth and change.

A system is defined as “an organized whole made up of components that interact in a way distinct from their interaction with other entities and which endures over some period of time” (Anderson, Carter, & Lowe, 1999: 4). Laszlo & Krippner (1998: 7) defined a social system as “A complex of interacting components together with the relationships among them that permit the identification of boundary maintaining entity or process”. From the two definitions, a system is maintained by a complex balance of diverse social factors among which are functions, norms and values. The systems approach attempts to view the world in terms of complex integrated parts. It focuses attention on the whole as well as on the complex interrelationships among its constituent’s parts. The systems theory attempts to identify specific entities capable of being modelled as systems, and wider areas as their relevant environment. In performing a systems analysis, one starts with identifying the problem. Once the manifestation of the problem has been identified and described, the analysis can proceed inward to the subsystems and outward to the environment (Laszlo & Krippner, 1998).

Laszlo & Krippner (1998) opined that a four step approach of analysis is needed to render possible the consideration of entities as diverse as individuals and societies through the rubric of systems theory:

1. The starting point is consideration of the embedding context that includes, and is to some extent defined by, the phenomenon under consideration (Inter-country adoption and child rights promotion and protection).
2. Description of what may be defined as identifiable discrete entities existing in their own right within the larger framework of the overall ensemble “sub-wholes within the embedding whole” (for example, the DSW, the courts, ICA facilitators, families and children placed for adoption in Ghana within the Justice system).
3. Attention shifts to the specialized parts within the identifiable wholes, with emphasis on understanding the structures, their compositions and modes of operation (the three core programme of the DSW and how child rights promotion cuts across, operations of ICA facilitators and the circumstances of children and families in the ICA triangle).
4. Then, the analysis refocuses on the embedding context, integrating the perspective obtained at each of the preceding steps in the understanding of the overall phenomenon, including its internal context (issues/pressures within Ghana as a country of origin such as poverty, weak welfare structures) and those external (as receiving countries’, power and influence). There are interactions between government social workers (DSW staff) with foreign adoption social workers or facilitators with multiple motivations. For example, friendships with the outsider and benefits that come with the ICA industry such as provision of aid to residential facilities caring for children, sponsorship for officers to travel abroad, and conference attendance which may seem professional but may not be in the interest of the child (Rotabi, Roby, & Bunkers, (in press).

Key to the understanding of the systems analysis is the emphasis on function as well as structure, relationships and bonds in addition to the element and components to which they pertain. The study of DSW's services in child rights promotion and protection within inter-country adoption process under consideration therefore is expressed in terms of its roles and functions within the society. Since in societal systems, human beings are the critical factor. Thus, change must, of necessity, emanate from both within and outside the system. The systems approach seeks to understand a situation as a system of interconnected, interdependent and interacting problems, such as poverty, conflict, disease, bad leadership, and climate change. As ICA has often been advocated as a child rescue strategy following disasters by some scholars (Bartholet, 1999; Bartholet, Wulczyn, Barth, & Lederman, 2011 & Bartholet, 2011), so have others denounced ICA as child trafficking, sale and laundering (Smolin, 2007a & b; ACPF, 2012 a; b; c; & e; Smolin, 2013).

The systems approach is based on the belief that we can shape our future on the one hand through the power of understanding the characteristics and requirements of the environment, and on the other hand, through aspirations and expectations of the people (Jordan 1998). The Department of Social Welfare programmes in relation to the child, the family and the family's socio economic status (that is, conditions that compel relinquishment such as parents' lack of options and their misunderstandings of the ICA process) could be presented as systems within the inter-country adoption process in Ghana. Using the concept of influence as explained by Parsons (1951), there are four ways of getting results in interaction which he called paradigm or modes of gaining ends.

1. Through inducement by offering a person something that he/she wants so that he/she will comply (offering a parent who relinquished a child financial support to rent a room or start a small scale business to care for his/her remaining children).

2. Through deterrence of suggesting that by not complying, something bad will happen to the person (choosing to keep all the children may result in all the children not going to school or learning a trade in addition to dying from preventable diseases due to poverty and inconsistent welfare services provided by the DSW in Ghana).
3. Through activation of commitment or suggesting to the person why it would be wrong in the person's view point to refuse to comply (parents of children placed for ICA are in poor conditions with often more than two children making child care a burden. Accepting to relinquish one child in order to receive help to care for the remaining ones is better than keeping all of them without education, healthcare, adequate food and shelter).
4. Through persuasion of offering reasons why it would be a good thing for the person to comply, independent of situational advantages (even though facilitators and staff of DSW stand to gain by making available children for placement with clients of international organizations, biological parents are made to believe that they and their children are the ultimate beneficiaries).

In other words, in a system, a person has influence because he/she occupies position that makes people believe in him/her. In inter-country adoption, receiving countries have influence because they are perceived as rich, superior and developed, while countries of origin do not have influence because, they are seen as poor, inferior and underdeveloped (ACPF, 2012a). According to Parsons (1951), persuasion is done in the persuader's interest, but the persuader uses language that suggests it is not in the interest of the persuader, but in the interest of the person being persuaded. That is, the outcome would benefit the one being persuaded.

Merton (1949) had argued that people wish to succeed at whatever vocation they find themselves. In normal life situation, people will wish to succeed in the various vocations they are talented in, but if achievements fail to bring recognition or if one gets recognition for

doing nothing or the wrong thing, strain results. According to Merton (1949), strain then leads to profiteering in the professions and shady practices in business.

The inter-country adoption system involves the DSW, the children placed for inter-country adoption and their families and the courts/judiciary in Ghana. The DSW as a sub system also has interacting parts (the three core programme) as child rights promotion and protection cuts across. If the DSW sub system functions well, child rights will be promoted and protected, but when dysfunctional, child rights could be compromised. To promote and protect child rights, parents are expected/required by society and law to care for their children by providing affectionate and caring homes referred to as '*necessaries of life*'. That is to provide their children with shelter, food, health care, clothing and a peaceful family environment for growth and development. When parents are unable to provide their children with necessities of life, the state through staff of DSW is expected to provide interventions known as family support services. These include provision of resource information, counselling, financial support and health insurance, temporal fosterage in an institution or family and skills training for jobless parents. Family support services provided by the DSW staff is expected to help families experiencing difficulties care for their children to prevent separation.

It is only after family support services have been provided and the family fails to provide care to the child/ren but wishes to relinquish a child or children that relinquishment may be accepted. The DSW staff has an obligation to first obtain a care order from a court of competent jurisdiction after a thorough investigation/assessment of the situation in order to provide temporary family or institutional care. After a legal care order has been obtained for a particular child's care, if it becomes clear that foster care which is temporary cannot meet the needs of the child, informed parental consent is needed before a child is placed for adoption.

When a child is made available for adoption, the DSW by law and administration is required to first make diligent efforts at placing the child within the child's extended family or immediate community. When that is not possible, attempts shall be made for adoption placement intra-country (within Ghana). Inter-country adoption option can only be employed after all efforts to get placement within the child's environment and all alternatives have failed.

In effect, the inter-country adoption system in Ghana does not involve facilitators. So, if facilitators from multinational adoption organizations are involved and family support services are not provided by staff of DSW but place children with inter-country adoption applicants then, the inter-country adoption system could be said to be dysfunctional and could result in what Durkheim called *anomie* (child right promotion and protection could be disregarded in the process). This is because the role and expectation by law for staff of DSW (guardian ad litem) is to *litem* and perform professional *matching* for vulnerable children with qualified intra-country or inter-country adoption applicants. The investigative role of DSW staff is vital as much as the supportive services expected for vulnerable families for child rights to be promoted and protected (Functional system).

DSW staff may allow facilitator involvement due to strain making both DSW staff and poor families vulnerable to a highly powerful, well-resourced multinational adoption facilitator influence. Whereas DSW staff and poor families' capabilities can be enhanced by the state providing DSW with needed logistics, adequate funding and family support services, a lack of it could render staff vulnerable to influence.

Staff of DSW who are trained as social workers will wish to succeed in terms of having adequate logistics to work with, enough funding for service provision, gaining promotions for work well done, earning enough to take care of their families and living an appreciably

comfortable life compared with other colleagues with equal training and experience in similar employment. In the absence of job satisfaction in the form of promotions and other fringe benefits, strain will result and shady practices which will compromise child rights could be performed to profit staff of DSW.

Therefore, in the inter-country adoption process, where receiving countries are powerful in social, political and economic context; they may tend to persuade both poor and vulnerable families to relinquish their children. The staff of the Department of Social Welfare also, if not sanctioned for wrong doing or recognized for their work in upholding child rights in inter-country adoption, may experience role strain which could lead to profiteering and shady practices in service delivery in terms of inter-country adoption. For example, if allegations of corrupt practices are made against officers and investigations prove such [allegations to be true and recommendations to sanction officers involved are made but no action is taken, it is possible that rules and regulations could be disregarded by others too to profit themselves.

2.3 Pressure to Place more Children

ACPF (2012b: 19) reported that many delegates at the intergovernmental meeting of the eastern and southern African countries in February 2010 acknowledged that with growing pressure from receiving countries to adopt more children, they were struggling to find and place the number of children required. Later that year, several eastern and southern African delegates at the intergovernmental meeting of the regions again expressed serious concerns about how their countries were being pressured to make more children available for inter-country adoption (ACPF, 2012b). According to the ACPF, (2012b), the approaches to pressure African governments vary, however, the common ones include:

- 1 The offer of development assistance to selected aspects of the protection system linked to potential enhancement of an inter-country adoption programme.*

- 2 *Inviting relevant officials to the receiving country's capital or sending missions to countries of origin for talks on cooperation on inter-country adoption.*
- 3 *Submitting applications to adopt in numbers that far exceed the needs expressed and logistical capacity of the country of origin (ACPF, 2012b:19).*

ACPF (2012a) further reported that financial issues constitute a major obstacle to ensuring that inter-country adoption is carried out in an ethical manner. For example, inadequate funding of child and family welfare programmes and poor remuneration for adoption officials in countries of origin makes the system susceptible for exploitation. From the explanation by ACPF (2012a) presented earlier, it is clear that, there are innumerable ways in inter-country adoption to bypass rules and create fraudulent paper work (Smolin, 2007a). Money means influence, and of course the glaring disparity between the economic situation of most governments, agencies and individuals in Africa and that of their counterparts in industrialized countries which also serve as receiving countries or final destinations already creates conditions where the latter can take advantage of the former (Smolin, 2007b). This reflects Parson's concept of influence. Poor and illiterate families are induced by offering them some kind of help after which the families feel compelled to give out their children.

2.4 Child Welfare Institutions and Services

Child welfare services and institutions are concerned with the physical, social, and psychological well-being of children, particularly, children suffering from the effects of poverty or lacking normal parental care and supervision (Encyclopedia Britannica , 2008). Child welfare systems typically receive and investigate reports of possible child abuse and neglect. Child welfare institutions also provide services to families that need assistance in the protection and care of their children and arrange for children to live with kin or with foster families when they are not safe at home. These institutions further arrange for reunification, adoption, or other permanent family connections for children leaving in foster care (Factsheets, 2012).

Attempts to find homes for children whose biological parents cannot or will not provide for them are guided by two overriding principles. These are that decisions made shall be in the best interest of the children; and that the goal should be for permanency in a secure, stable, and nurturing environment (Schulman, Kendrick, & Kendrick, 1993).

Inter-country adoption is an alternative care measure but could be detrimental in the absence of due procedure and appropriate regulations. For example, to ensure effective child rights promotion and protection, in the aftermath of the Haitian earthquake in 2010, Kelley (2010) observed that aid organizations jointly endorsed that:

1. There is the need for all children to have a right to a family and families have a right to care for their children during emergencies
2. There is the need to provide unaccompanied and separated children with services aimed at reuniting them with their parents or customary care-givers as quickly as possible.

Interim care is to be consistent with the aim of family reunification, and should ensure children's protection and well-being. To be able to carry out interim care and keep children without care within their immediate environment entails commitment of care agencies and all stake holders.

2.5 Procedures in placing children in inter-country adoption

Ghana prides itself as the first country in Sub Sahara Africa to ratify the United Nation Convention on the rights of the child in 1989. Currently, apart from the UN convention on the rights of the child, there is also the African Charter on the Rights and Welfare of the Child 1999 and The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption 2003.

Chapter two of the Hague convention sets out requirements for inter-country adoption and contains obligations for both the child's country of origin and for the receiving country. In the State of origin, safeguards include:

1. The adoptability of the child to be in the best interest of the child and other national options must have been thoroughly investigated.
2. All parties involved have to be duly informed regarding the consequences of their consent to inter-country adoption. The consent should be freely and voluntarily given and, in case of the biological mother,
 - Not before the child is born
 - Consent should not depend on financial or other gain.

If age and maturity of the child permit, the child should be sufficiently informed;

- His/her wishes and opinions should be taken into consideration, when applicable
- His/her consent should be obtained freely

The receiving State has to ensure that:

1. Prospective adopters are suitable and eligible to adopt the child;
2. Prospective adoptive parents have received counselling where required; and
3. The child is able to legally enter and live permanently in the receiving country (Chapter II, Hague Convention, 1993; Act 560/1998 Sec. 70 a-d)

In sum, before a child is placed for inter-country adoption, first of all, the adoptability of the child has to be in the context of the best interest of the child by investigating thoroughly in-country options for alternative care. All parties involved [biological families/parents, guardians and the child] should be duly informed of the consequences of consenting to inter-country adoption.

It is in this context that the Hague Convention seeks to prevent illicit movement of children across borders in the name of inter-country adoption. Although The Hague convention is not binding on Ghana, the current Act, Act 560 that regulates adoption acknowledges its elements such as the suitability of PAPs in their country of residence and the principle of the best interest of the child.

The African Charter on the Rights and Welfare of the Child of 1999, is a recall to the Declaration on the Rights and Welfare of the African Child (AHG/ST.4 Rev.I) adopted by the Assembly of Heads of State and Government of the Organization of African Unity, at its Sixteenth Ordinary Session in Monrovia, Liberia from 17 to 20 July 1979. It also recognizes

the need to take appropriate measures to promote and protect the rights and welfare of the African Child (Organization of African Unity (OAU), 1999).

The situation of most African children as stated by OAU (1999) remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the children's physical and mental immaturity. The African Children's Charter (1999) recognizes that the child occupies a unique and privileged position in the African society and that for the full and harmonious development of its personality, the child should grow up in a family environment and in an atmosphere of happiness, love and understanding. The African Children's Charter (1999) recognizes that the child, due to the needs of its physical and mental development, requires particular care with regards to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security (OAU, 1999). Consideration of the virtues, cultural heritage, historical background and the values of the African civilization should inspire and characterize the reflection on the concept of the rights and welfare of the child. The promotion and protection of the rights and welfare of the African child also implies the performance of duties on the part of everyone (OAU, 1999).

This is a reflection of the Africanisation of child laws indicating the awakening of African states to the need to implement child rights in ways that are suited to the African context. It is explicitly stated that, endemic poverty lies at the heart of children's vulnerability to becoming marginalized, excluded and liable to serious rights violation (Smolin, 2006; & Sloth-Nielson, Chirwa, Mbazira, Mezmur, and Kamidi, 2008; ACPFa, 2012).

Therefore, progressive rolling out of child support grants by some African countries is an indication of implementation of children's rights to social assistants and an adequate standard

of living thereby addressing the protection and vulnerability of children. South Africa was cited as a good example in the continent (Sloth-Nielson, Chirwa, Mbazira, Mezmur, & Kamidi, 2008).

Sloth-Nielson, Chirwa, Mbazira, Mezmur, & Kamidi, (2008) further noted that both human and financial resource constraints are at the root of some of the major implementation challenges as far as potentially beneficial laws and policies are concerned, reflecting the concept of capability. One important indicator of effective child-friendly law relates to the innovative use of legal provisions, structures and existing communal strengths to harness what is already available as benchmark of progress in Africa. For example, child rights protection and promotion connotes diverse and complex issues. Issues such as assistance to child victims of sexual abuse, violence, displacement, refugee and migrant, trafficking and the list continues. Any of these could on its own form the body of a dedicated research.

The OAU (1999) seems clear and states that although it is the primary responsibility of parents to raise their children, the state has a duty to assist parents in this regard if need be. This is however not a strait jacket situation where families take primary responsibility and states take secondary responsibility as that has the tendency of drenching down the significance of children's socio-economic rights, as state obligation would be seen as indirect and exercised through parents. Sloth-Nielson, Chirwa, Mbazira, Mezmur, and Kamidi (2008) take the position that it is important for legislation to clarify the relationship between parental duties and state obligations.

The consequence of dysfunctional family and structural problems such as poverty has led to the separation of children from their birth families (Aldridge, 1994; Cohen, 1994; Bartholet, 2007; & Smolin, 2007). The question of whether adoption is good or bad when the child finds him or herself in 'adoptable' condition has been very controversial among researchers. Some

scholars believe that it is in the best interests of the child to assist birth families to stay together. However, others call attention to the child's right to protection from a harmful environment and therefore accentuate on the child to be placed in other families capable of giving appropriate care in a safe environment (Smolin, 2007: Aldridge, 1994).

A total of 90 countries have either ratified the Hague Convention or have acceded to it. It is only a handful, most of which are African countries, which have not ratified it. Given that children who are adopted to or from non-member countries run a considerably higher risk of having their rights violated, countries are increasingly encouraged to sign up to the Hague Convention (Phillips, 2012).

Phillips (2012) again reported that top sending countries are mainly non-Hague member countries. For instance, registered inter-country adoptions in 2011 showed that the top five countries of origin were non-Hague member countries (China 4,405, Ethiopia 3,455, Russia 3,325, Colombia 1,577, and Ukraine 1,070). Signals, however, are that numerous unregistered illegal adoptions take place from non-Hague countries which imply that the factual number of inter-country adoption is significantly higher. This picture painted by Phillips (2012) could be the case in Ghana even though Ghana was not mentioned in her presentation. Ghana is a non-Hague Country but processes inter-country adoptions. Especially so when UNICEF (2009) had reported that links between child protection and social protection strategies and programmes are generally weak in the West African region. In effect, overall linkages are rare and potential synergies remain unrealized as institutional capacity, interagency coordination and resource limitations continue to be major challenges.

2.6 Monitoring Mechanisms in Inter-Country Adoption

It is increasingly understood that social protection policy frameworks and programmes must be informed by recognition of the diversity of vulnerabilities and risks, and the way in which

they evolve across the life cycles (Holzman et al., 2003 cited in United Nations International Children's Education Fund (UNICEF), 2009). At the core of social protection is a concern for addressing vulnerability and risk. Adoption is one of social protection measures for orphaned and vulnerable children (OVC) in Ghana. While adoption involves the loss of the child's original family, inter-country adoption often involves an additional loss of the child's birth culture and language (Smolin 2007).

Adoption implies making compassionate decisions on behalf of children, who by virtue of their age and situation such as being abandoned, orphaned and vulnerable, are unable to take decisions in reference to their wellbeing (OAU, 1999). However, as stated (UNICEF, 2009), people's intentions in adoption might not be always in the best interest of the child. This is the reason why due process has to be followed in adoption to safeguard the best interest of all children in need of adoption.

Thoburn (1994) noted that the worker's first task is to establish his own evaluation of the client's meaning. It is this 'meaning' given by the client to his experience which shapes the nature of the problem and of the response of the worker. The worker preparing a report for the court thus has a duty to be familiar with whatever knowledge may be relevant to decisions about the impact and likely outcome of alternative placements and practice for each individual child. But knowledge will rarely be enough on its own (Thoburn, 1994). Thoburn (1994) continued to explain that working with children needing placement away from home, demands knowledge as much as possible about them and their circumstances and about the chances of success of the different placement options. An 'imaginative leap' is almost always needed to make the connection between knowledge and understanding which is necessary for accurate empathy to be conveyed, and appropriate decisions to be taken.

The other essential ingredients of effective practice are skills in communicating, especially, with children to help them convey what their situation means to them; and skills in working with them to help bring about necessary change. It also requires the ability to provide support and care in those situations which cannot be significantly improved. Staff of DSW who serve as *the Next Friend of the child* will need good communication skills, and understanding of working with children and underprivileged families in addition to sound knowledge of laws and policies relating to adoption and alternative care. This is as Thoburn (1994) puts it '*a little knowledge is worse than useless*' making unqualified social workers (in terms of training and experience) with DSW unsuitable for inter-country adoption schedule.

2.7 Anonymity of Adoption Applicants

Applicants who wish for their identity to be confidential may, before making their application, apply to the court for a serial number in Britain (HMSO, 1971). It is, however, not clear if same can be done by an applicant in Ghana. Perhaps due to the ignorance on the part of applicants no one has yet dared to test the system by applying for anonymity in any adoption case. It is mentioned in the Ghanaian law and seems an interesting phenomenon to study within inter-country adoption practice. These could have implications for the child adopted through inter-country processes in case he/she during adulthood decides to look for his/her biological family in Ghana. The issue of anonymity could be investigated further for its uses, consequences and implications in Ghana.

2.8 Preservation of Adoption Statistics

It was reported as early as 1971 in Great Britain that the returns on adoption is not a statutory requirement and the figures are not believed to be particularly reliable as cited by Her Majesty's research office. For example, statistics of a number of adoption orders and interim orders made, and also the number of applications which had been refused by the courts, or which had been withdrawn or allowed to lapse were not available. Total number of

applications made in a given year and the number standing adjourned at the end of the year were not classified and recorded (HMSO, 1971).

The University of Oregon reported under Adoption History Project that accurate historical statistics about twentieth century adoptions are unfortunately, almost impossible to locate. A national reporting system existed for only thirty years (from 1945 to 1975) and even during those periods data were supplied by states and territories on a purely voluntary basis (<http://pages.uoregon.edu/adoption/topics/adoptionstatistics.htm> 26/4/2011). Ghana seems to be in a similar situation now. UNICEF (2013) reported that, inter-country adoption in Ghana involves multiple authorities, that is, the DSW, the Courts and the Registrar General's Department. Although each of these institutions is expected by law to keep records of adoption cases, it is rarely adhered to resulting in paucity of data across these institutions. When this happens it becomes very difficult to analyse the adoption trends within a period to ensure that adequate protection measures are in place for children placed for adoption and their families.

Lack of effective preservation of reliable statistics by department of social welfare and other mandated organizations on the children adopted and sent out of Ghana could serve as fertile grounds for malpractices in inter-country adoption in particular.

2.9 Offences Related to Adoption

Under international human rights norms, birth parents possess equal and inalienable rights based on their inherent dignity as persons.

“The poor often are subjected to debt bondage, human trafficking, illicit child labour, and a variety of slavery-like practices. Those with less, and have nothing left to sell, offer but themselves and their loved ones”. The poor wittingly become the primary human commodities of these markets (Smolin 2007a: 7).

Smolin (2007) noted that the problem for the poor is that they often seem to lack a better alternative. Their desperation and frequent lack of access to legal protection render them ripe

for exchanges that exploit them because their bargaining position (if any bargaining is involved) is generally 'poor'. The rich, middle-class, and organised criminal elements have superior capacities to influence the police and courts, allowing them to cheat and defraud the poor with relative impunity. Adding to their vulnerabilities are the illiteracy and lack of education of many of the poor. Hence poverty is frequently characterised as an extreme powerlessness which renders the poor defenceless in the face of rights abuse even when they are aware (Smolin, 2007a).

It is illegal for any payments or reward to be given in consideration of adoption arrangements in Ghana. Payments may however, be made to an adoption agency or local authority for expenses incurred by them in an adoption and the court itself may authorize in certain cases a payment or reward. The application form sent in by prospective adopters includes a question about whether payments have been made (Act 104/1962; Act 560/1998 sec.83). The law is clear on the infractions concerning adoption placements and processes but this situation could work only when the *guardian ad litem* adheres strictly to regulation and rules putting DSW at the centre of child rights promotion and protection per its legal and professional mandate.

2.10 Reasons that account for Whites adopting Black Children from Africa

There are many reasons why people opt for inter-country adoption. These reasons range from religion to altruism. Although the persons who adopt inter-country seem selfless, researchers have provided other reasons which are beyond religion and charity. Bartholet (1991) has argued that race has been an important factor to be considered by many prospective adoptive parents. There are a lot of lines, each identified by the race, disabilities, and age of the children available, together with the length of wait and the difficulty and cost of adoption. That is, even when an adoptive parent wishes to adopt same race/white child, the period of wait and economic implications coupled with procedural arrangements, influence final decision.

In a study on trans-racial adoption, Jennings (2006) observed infertility support group meetings and conducted face-to-face interviews with a group of White, economically privileged, infertile women. She explored how race relations shaped women's responses to infertility. She asked if women viewed trans-racial adoption as a viable way to meet their parenting needs, while exploring how women negotiate and renegotiate their understanding of race as treatment options failed and as they encounter a shortage of healthy White infants. Her findings point to a number of issues and problems associated with inter-racial adoption process. She notes that women chose international adoption for complex reasons:

- In some instances, maternal concern intersected with race relations govern choices. For instance, one of her research participants adopted a child from Latin America because she believed that a Latino child would encounter less racism than a Black child in that region of the United States.
- Reasons such as less restrictive screening criteria in some countries (e.g., age and marital status) moved other women to international adoption (Jennings, 2006).

Jennings (2006) outlined a number of issues and problems associated with inter-racial adoption processes such as several of the assumptions that underscored the dominant discourse surrounding the 1994 passage of the Multi Ethnic Placement Act (MEPA) and its 1996 amendment, the Inter-ethnic Adoption Provision (IEP) in the United States of America. Advocates of trans-racial adoption argued that the race-matching policies established by the National Association of Black Social Workers created placement delays. Grounded in the 'best interest of the child' standard, the passage of the MEPA-IEP overturned race-matching policies and made it illegal to consider race, ethnicity, or national origins when placing children for adoption. She concluded that in situating the trans-racial adoption debate in a discourse of reverse discrimination, advocates advance a simplistic picture of race and adoption; and an understanding that the author's arguments is based on faulty assumptions (Jennings, 2006). Her findings, therefore, generate a more complex picture of race and adoption. It is not because racism does not exist but for the less restrictive procedures and the cost of processing such adoptions.

According to Jennings (2006), the low cost and flexible criteria of special needs adoption, was only considered when weighing the benefits and cost of private adoption against international adoption. Some women chose international adoption because they believed that, as a participant put it, “in the end, you get a child”. But others also believe that the birth mother in inter-country adoption was less likely to change her mind (Jennings, 2006: 13) after the adoption process. Black children, therefore, are not adopted by white families only because they want them but because in the circumstance, they have no choice given the fact that healthy white infants are not available for placement, and when available at all, the cost of adopting white children is high for middle and low income families (Jennings, 2006). This view is implicit in Smolin (2007a) who stated that the relative empowerment of single pregnant women has resulted in a situation where only a small proportion voluntarily relinquishes their parental rights. The result is that for healthy white infants, the number of prospective adoptive parents far outstrips the available ‘supply’ of adoptable babies. This, he stated, was due to the unwillingness of birth parents to offer their children for adoption limiting the availability of babies for adoption.

Under the circumstance, the adoptive parents from developed countries now turn their attention to developing countries due to poverty and hard living conditions and using their influence to adopt wanted children from their parents. In effect;

“The inter-country adoption system has itself become an exploitative system built upon the vulnerability of the poor” (Smolin 2007a: 26).

For reasons such as influence, children from developing countries such as Ghana are found adoptable by whites even when they are not adoptable and biological parents love and will like to keep them.

Jennings, (2006) further reported that, some women in the United States of America drew on a system of ‘race ranking’ to determine which children best would assimilate to their family

and lifestyle. These women believe that children from other countries (especially Eastern Europe, China, and Korea) would have fewer problems (i.e., in the areas of behaviour and intelligence) and would assimilate more easily to a White, middle-class lifestyle than U.S. born Black or Black biracial children (Jennings, 2006). She noted that, the few women in her study who conducted a domestic trans-racial adoption often adopted a biracial infant. This is because White economically privileged couples rarely adopt Black infants or children as they want children who will be accepted by their neighbours and peers (Patton 2000). It is interesting to find the same white families traveling to Ghana to adopt black children who they would not adopt in their countries of residence. The decision to adopt black Ghanaian children may be due to weak inter-country adoption regulations and the inability of biological parents in Ghana to change their minds after the adoption procedure. Although maternal and practical concerns played a role in the decision to conduct an ICA, race thinking also informed this choice.

The tendency to equate social worth with Whiteness is reflected in the price of adoption. For example, a 1990 fee schedule for a U.S. adoption agency reported in Simon et al (1994) cited in Jennings (2006), underscores the link between race and social value. This agency charged \$7,500 for White infants, \$3,800 for biracial infants and \$2,209 for Black infants. Although the price structure has changed (White infant adoption can now cost tens of thousands of dollars), the practice remains the same. White healthy infants are the most highly valued children in their society (Jennings, 2006). The varied responses of the women in Jennings' study to trans-racial adoption high-light the complex and sometimes troubling ways that race privilege informs the adoption process. This brings to the fore the concept of vulnerability for black adopted children in a white community and how children from developing countries are abused in the guise of alternative care. Inter-country adoption, if not properly regulated and

procedures followed, could make wanted children to be taken from their families without recourse to emotional ramifications that may occur.

2.11 Child Care with Special Reference to Institutionalization

Children in need of care and protection are assessed by social workers and recommendations made to a court of competent jurisdiction which only makes a care order if it is certain that the child is suffering, or is likely to suffer significant harm. Care order is made if the harm is caused by the child's parents or the harm would be caused because of insufficient care being given to the child by the parents or guardian in the future (Sub-Part II, Set. 16-20, Act 560/1998).

Also, care order is made when there is evidence that the child is likely to suffer harm because he/she lacks parental care or is beyond parental control (www.direct.gov.uk). Once a care order is made, it places responsibility on the local authority or government to look after the child, and to provide him/her with accommodation and care. The authority, therefore, becomes responsible for the child's welfare while the care order is in place. A care order can only be made for children less than 17 years of age. A care order stops if the child is adopted, and can only last until their 18th birthday (Act 560/1998). One way of providing care to such children under the care order is through institutional care.

Millham et al (1986) as cited by Thoburn (1994) found that children were particularly likely to come into care following crisis or difficult behaviour on the part of the child. About 45% of the children studied by Millham et al went into care from single parent families, and only 27% of cases were the children living with both natural parents. Not only did the children have to cope with change, but the change was often precipitated, and accompanied by violence. Social workers did not know of the whereabouts of the natural fathers of a third of the children studied. Thoburn, (1994) stated that it had become increasingly clear in recent

years that children who have disabilities, apart from losing a parent through marital breakdown turned to being abused by strangers or care givers. This suggests that adoption and, therefore, inter-country adoption could make vulnerable children's conditions worse off due to wrong assessment and recommendations by social workers.

Also noted by Thoburn (1994), Black children of mixed parentage tend to stay longer in care. Most children especially the younger ones go into care under the unsatisfactory home conditions or other reasons categories. If anything, these figures understate the problems of the children themselves, since children in temporary placements are, to an extent, in '*cold storage*'. Their problems often only show up in the context of close relationships so that they may appear relatively '*problem free*' until they are again required to form close attachments to natural or substitute parents. According to the report, increasingly, children who were not previously known to have been abused had started to tell their caregivers about earlier abusive experiences. This invariably has an impact on their behaviour, and early placements for adoption in the case of those whose parents or families are not in the position to reunite with them is crucial (Thoburn 1994). Apt, Blavo, & Wilson (1998); The Children's Act, Act 560 (1998 sec. 26), recommends and confirms the importance that children who are not cared for by families for a period should be placed for adoption. This reflects a weakening of the system where welfare system itself sometimes becomes grounds for child rights violation.

2.12 Conditions that make Children Adoptable

According to Akpalu (2007), the outcomes of adoption for both infants and children are positive and show that both families and children do well. However, it depends on age at which the child was adopted as well as the child's background. HMSO (1971) raised an interesting issue in Britain that, Doctors and Nurses sometimes encourage childless individuals to take abandoned and orphaned children in the clinics and hospitals without following due process. This practice especially when it occurs in inter-country adoption could

encourage exploitation of the poor and the vulnerable who seek access to medical care in such facilities. This is because, even when children are abandoned or orphaned, it is possible to find them alternative care in-country if DSW is informed.

As Smolin (2007a) noted, there exist relationships of exploitation that can serve as a barrier to efforts to promote development that empowers the poor. The poor often are embedded within a web of hierarchical relationships with wealthier classes that often exploit them, but sometimes assist and defend them. Assistance that seek to empower the poor, necessarily disrupt those existing relationships and those with interest in maintaining current relationships with the poor, therefore, may resist empowerment assistance. Smolin (2007a) analyzed inter-country adoption and poverty as human rights and concluded that inter-country adoption agencies inevitably form relationships with individuals and organizations in sending nations. Although the purported purpose of such linkages may be child welfare, the essential purpose of such linkages is to source adoptable children. Inter-country adoption agencies selectively connect to those organizations and individuals willing to focus on placing a significant number of children for inter-country adoption. The kinds of deals struck among inter-country adoption agencies, facilitators, intermediaries, and orphanages often look remarkably like child trafficking. Facilitators, scouts, touts, and others, many of whom have absolutely no training or background in child or family welfare, may be paid for each child they bring into a facility. A money and demand driven system fueled by an unremitting search for adoptable children does not seem to integrate easily into the concept of a family welfare system that invests in families (Smolin, 2007a).

Similar situations have been stated by Home office research unit (HMSO, 1971), where third party placements were made. HMSO (1971) reported there was a third party who appeared from one report to be associated with one of the nursing homes. The guardian stated that this third party had learned of the child through a matron of the nursing home where the child was

born. The third party said the applicants were personal friends of hers. The applicants said they were introduced to her with a view of adopting a child by a friend of theirs who had previously adopted children from her. Out of the 17 doctors mentioned in that report, 3 appeared more than once. In conclusion, the report stated that, although one cannot state how many third parties were involved with placement; one thing was clear that there were a number of individuals who did a considerable number of placements and to whom would-be adopters are referred with the specific aim of having a child placed with them.

In the 1970s (HMSO, 1971), a number of third parties appeared in more than one application included in the survey. Out of the seven nursing home matrons who were named as third parties, as many as five were involved in two, three, or four applications, and it was sometimes clear from remarks in the guardian's reports that they arrange other adoptions as well. Medical Doctors in private hospitals and clinics arrange adoptions by placing children with prospective adoption applicants either after being approached by applicants on the basis of recommendations by friends. The reports however do not investigate whether such doctors do receive any reward or payments in respect of these adoptions (HMSO, 1971). One matron, for example, was said to have arranged a previous adoption for the same applicants. This situation if prevalent in Ghana could result in serious child rights abuse situations especially where inter-country adoption is concerned. This is because a dearth of data on children in need of adoption exists. This makes the question does the *guardian ad litem* ensure that all the required precautions are taken during placements and throughout the adoption procedures in Ghana very relevant.

2.13 Persons Touched by Adoption

Persons who adopt inter-country from industrialised countries do so because of infertility and other reasons. According to Bartholet (1993); AIFS (2008), reasons such as limited number of adoptable children in their countries due to the use of contraceptives, abortion and increased

tendency of single parents to keep their children necessitate inter-country adoption. Bartholet (1993), also, noted that in the poorer countries, war, political turmoil, and economic circumstances contribute to a situation in which there are very few prospective adopters in comparison with the vast numbers of children in need of homes.

Thoburn (1994) stated that the most striking feature of the families of children who are looked after is the transient nature of family relationships. Children from single parent families have always been at greater risk of coming into care, but the higher incidence of marital breakdown, combined with a tendency to remarry, has led to a higher incidence of children from 'changing' or 'reconstituted' families coming into care. In a survey of adoption in Great Britain (HMSO, 1971), it was also noted that, trends in the volume of adoption by parents and step parents may well be related to changing patterns in the marriage divorce and remarriage rates.

It also appears that those in the professional and intermediate classes are more likely to adopt children than those in other groups in Great Britain (HMSO, 1971). The same report noted that, adoption agencies, in general, experience a greater demand for girls than for boys. Nevertheless boys and girls appear to have equal chances of being adopted. For example, of children whose adoptions were registered in Britain in 1969, 51% were boys and 49% were girls. This ratio of boys and girls was the same as among all births that year including illegitimate births. The rise in Ghana's inter-country adoption of late may be due to the changing family structure and reconstituted families as it pertains elsewhere.

It has been established in the United States of America by adoption history research that, adoptive kinship is not typical. Families touched by adoption are significantly more racially diverse, better educated, and more affluent than families in general. This is realized because in 2000, "adopted son/daughter" was included as a census category for the first time in United

State of America (<http://pages.uoregon.edu/adoption/topics/adoptionstatistics.htm> 26/4/2011). This issue has not been dealt with to this extent in Ghana and therefore, not possible to tell the categories of persons touched by adoption.

2.14 Child Legal Status before Adoption

Majority of children who were adopted during the late 1960s in Great Britain were illegitimate. Legitimate children who were adopted were mostly being adopted by parents and step parents; it was only in a few cases that other relatives and non-relatives adopted legitimate children. For example 51% of adoption by parents and step parents related to illegitimate children. Among non-parent adoptions, the great majority of children (91%) were illegitimate (HMSO, 1971 p.32). This may no longer be the case in Great Britain but in Ghana today, although statistics on legal status of children before adoption is not available, a similar situation could be the case looking at some factors related to the adoption of children as indicated by (HMSO, 1971; Bartholet, 2005; AIFS, 2008.):

- Parents separated or divorced
- One parent dead or both dead
- One or a combination of the following
 1. No home or suitable accommodation
 2. Unable financially to cope with another child
 3. Already have large family and unable to cope with more children
 4. Mother unable to cope with another child due to ill health
 5. And parents have no interest in child.

Before this time it would be strange for Ghanaians to see these as reasons for terminating parental rights but today it is possible for vulnerable families to give out wanted children to escape from their predicaments.

2.15 Inter-Country Adoption due to Parental Consent

Smolin, (2007a) noted that the difficulty with relinquishments by biological parents in developing nations is that the inclusive extended family structures in these countries make it easy not to imagine that biological parents can truly be extinguished or removed. These

biological parents may not easily or fully understand the concept of ‘relinquishment’ because, it is based on a model that is culturally foreign, exclusive, and nuclei rather than extended family known to them. Hence, the parents may assume that ‘their child’ will retain sufficient family loyalty. They hope that the children will continue to identify with the family, and continue that identity to stay in touch as they grow up, and later offer the entire family the advantages that come with having family members in a wealthy nation like the United States of America (Smolin, 2007a: 31-32). It is possible that with the Ghanaian cultural practice of fosterage within the family and community, biological parents who relinquish children might not understand the consequences of relinquishment as stated by Smolin (2007a).

For Smolin (2007:5), through the lens of international human rights; there are children whose families are “*too destitute to feed and clothe them*” in addition to the hard choices involved at the intersection of poverty and adoption. These are often hidden from view by an inter-county adoption system that usually keeps adoptive parents and birth families separated from one another (Smolin 2007a). Where the biological families are too poor (i.e. under or near \$ 1 per day), family preservation assistance must be provided or offered as a condition before accepting a relinquishment that makes the child eligible for inter-country adoption. Meanwhile, those who run these inter-country adoption agencies hide behind the Hague Convention that it will not be right to assist biological parents as that will mean exchanging their children for such help (Smolin, 2007a).

It would have been in the best interest of these children if help was provided their families first and if the families still are unable to care for them but prefer to relinquish their parental rights then that will be the families’ choice. However, that decision to give children for international adoption is not only influenced by the fact that the parents want the best opportunities in life for the child alone. The parents’ consent may also have a long term vision that one day their daughter/son will be successful somewhere [in Europe] and find their roots

back. Then, will connect to an economic conduct pipe to the consenting parent(s) and also connect other family members to Europe to become successful and bring money home. That is the best interest of the child to the parents (Armah, 2010).

Groups such as the American National Association of Black Social Workers (NABSW) and the British Association of Black Social Workers and Allied Professionals (ASBWAP) argued in support of same-race adoption in the second half of the 1970s. These groups, in particular, have referred to trans-racial adoption as a form of cultural genocide (Bartholet, 1991). To them trans-racial adoption constituted an attack upon the black community and that it harmed black children by denying their black heritage and the survival skills needed for life in a racist society (Bartholet, 1991). This reflects Chimezie's position that it is ideal to place the child in a family of his own family background (Chimezie, 1975). Thus, black children should be under the care or adopted by black families. The position of Association of Black Social Workers and Allied Professionals (ASBWAP) remains same even with the time lag. Flynn (2000) explored the current position on placing white children with black or white carers. She went on to examine how a skills-based approach can improve the options for both white minority ethnic children and white majority ethnic children.

World War II and the crisis after the Korean War did influence the quest for people particularly in the West to adopt children outside their countries as an initiative to 'save children' (Ortiz & Briggs, 2003). Another frequent explanation for the increased interest in trans-racial and inter-country adoptions is that the number of white healthy infants available for adoption decreased in the 1960s. However, some scholars are of the view that the change in attitudes towards people with different colour and origin has been a driving force (Jennings, 2006; Ortiz & Briggs, 2003). Nonetheless, this does not really address the question of willingness to adopt children from another country or for authorities to provide the possibilities to adopt children from other countries as compared to the frequent explanations

of shortage of healthy White children and distressed children during wars and natural disasters. Conflicting arguments can be made based on child welfare alone as Smolin (2007a) asserts.

2.16 Placements in Ghana for Inter-Country Adopted Children

It is argued that although inter-country adoption originated more than eighty years ago in the aftermath of World War II and the Korean War, the current trend of inter-country adoption is unprecedented (Adamec & Pierce, 2000; Volkman, 2003; Hubinette, 2004; and MIA, 2005; Smolin 2007a). The rise in inter-country adoption is due to systematic pressures from receiving countries which have often produced a practical preference for inter-country adoption over domestic adoption. In many sending countries, inter-country adoption often provides 'fees' and 'donations' that are not available for domestic adoption which creates an incentive to place children internationally. Under these circumstances, orphanages find ways to subvert rules favouring domestic adoption when a lucrative inter-country adoption is possible. This has produced the anomaly of inter-country adoption placements being made in locations where long waiting lists remain for domestic adoption (Smolin, 2007a). This makes it easier to collect fees as inter-country adoption does not have adequate laws and monitoring is weak.

2.17 Measures to Improve the System of Inter-Country Adoption and Conclusion

Situations such as poverty stricken conditions, marginalization of unwed mothers and their offspring's coupled with lack of effective domestic laws to effectively regularize in-country adoption in many countries particularly developing ones have paved way for inter-country adoption to serve as an alternative and it is flourishing (See Yngvesson, 2000; Fonseca, 2002: 2003; and Bartholet, 2007).

The shift to a work-based welfare programme with the expectation that poor families engage in paid employment requires a greater rather than diminished investment by the state to provide support for poor families. In this way, work pays off for low-income families moving off welfare through continued support for quality child care, health insurance, transportation, training, and on-going cash support as a supplement to wages (Hennessy, 2005). The social protection programmes, if done effectively, could encourage poor parents to keep their children and serve to protect poor families from falling prey to terminating parental rights. This falls in line with Smolin's (2007) view of inter-country adoption as having long term structural effects on a country's child welfare system.

In an attempt to answer the question of whether inter-country adoption is effective, appropriate, or an ethical response to poverty in developing nations, Smolin explained that:

“rather than contributing positively to an effective family or child welfare system, inter-country adoption has the potential to distort whatever system is already in place” (Smolin, 2007: 451).

Thus international adoption ignores the benefits of strengthening the countries' traditional and formal welfare systems by placing children who otherwise could benefit from alternative care within the country for inter-country adoption. Thus, inter-country adoption has been criticized on grounds that it further weakens already fragile structures in many developing countries and its inability to halt those gender and class relations that caused children to be separated from their birth parents.

Smolin (2007) in effect, views many inter-country adoptions as capitalizing on the vulnerability of the sending families. So rather than helping poor families to keep their children it capitalizes on poor people to relinquish their children to be adopted and sent to other countries.

Contrary to Smolin (2007), Bartholet (2007: 180) asserts that, the argument that:

“Children are best served by remaining in their community of origin are based on extreme romanticism, without any grounding in the available evidence and without support in common sense”.

Bartholet further advanced her point by stating that:

“opponents argue that children might be placed in in-country foster care and in that way benefit from remaining in their country and culture, as well as possibly linking them with their birth family; but foster care does not exist to a significant degree in the sending countries and the poor countries of the world overwhelmingly the homeless children of the world are living and dying in orphanages and on the streets” (Bartholet, 2007: 181).

Both of these arguments may be true, but, adequate monitoring and supervision on the part of local authorities (Department of Social Welfare in Ghana) in respective communities could be in the best interest of the children in question and their families.

CHAPTER THREE

RESEARCH METHODS

3.1 Introduction

This chapter presents what went into planning and conducting this study, that is; data collection and data analysis to facilitate the answering of the research questions. The chapter begins with the identification of the research methods adopted for the study. It also describes the research setting, data source and how data were collected. The research process includes the research design and population. The chapter also discusses how the data collected were analysed. The research was designed to examine the effectiveness of the services provided by the Department of Social Welfare in inter-country adoption. Out of the findings, contributions to scholarly works in sociology have been exhibited and recommendations made for further researches in the area of inter-country adoption, child rights promotion and protection in Ghana. A detailed account of how data were analysed using *Framework* is discussed. Framework is a matrix based method for ordering and synthesising data (Ritchie; Spencer & O'Connor, 2003: 220). The final part is on language, ethical considerations and research dissemination.

3.2 Research Methodology

Case study and observation methods were employed in carrying out this study, using the emic approach. The emic approach seeks to describe textual data in ways that capture the setting or people who produced the text on their own terms rather than in terms of predefined measures and hypotheses (Schutt, 2011). The emic approach was found most suitable to answer the research questions because the information required was to understand the subjective views, perceptions, and lived experiences of the participants in the study (Goodenough, 1970). These include the social welfare officers, judges, lawyers, court registrars and biological parents/families who are involved in the inter-country adoption system and facilitators. In

answering the question of the effectiveness of services provided by the DSW in inter-country adoption which is the main focus of this research; the meaning and interpretation of the concept of child rights, promotion and protection is important. It is to understand the meanings and perceptions given by the people involved and affected by the process.

The qualitative method was therefore employed over the quantitative method because of the nature of the data required and the subjective views of the sample. The research intent was not to quantify service delivery but to understand how child right is upheld in the inter-country adoption process through service delivery.

The concepts of influence, strain, vulnerability and capabilities were explored in assessing output and outcomes of Department of Social Welfare's service provision in line with the principle of social protection. The children and families of children placed for inter-country adoption find themselves in a social system that makes them vulnerable to social and cultural shocks. The staff of DSW who is to look up for the best interests of the vulnerable children found in the system are strained by lack of motivation making the officers susceptible to the influence of prospective adoptive applicants and their agents. Likewise, DSW is expected to perform certain roles and functions for the safety and comfort of children placed for inter-country adoption in Ghana.

3.3 Research Design

The research design is qualitative; using participant observations, case studies and documentary analysis methods. In-depth interviews were used as data collection techniques. In-depth interviews were found, especially, helpful to get information that otherwise might be difficult to come by (Salkind, 2000). This includes first-hand knowledge of persons involved in child rights promotion and protection. This also supports Laszlo & Krippner, (1998: 23) assertion that:

“What the reality is that affects the existence of social institutions, political states, and economic systems depends not only on what the case is, but on what its members and its leadership perceive it to be”.

The feelings and perceptions of biological families who have experienced inter-country adoption were sought.

The researcher self-administered in-depth interview guides [face to face] for the in depth-interviews. Also, content analysis of Departmental documents, reports on adoption and child rights promotion and protection was used as a means of data collection. Open ended questions enabled the researcher to ask follow up questions when necessary for clarifications. This facilitated the gathering of in-depth information on inter-country adoption processes from participants. It also offered the researcher an opportunity to ask follow up questions for further clarification on issues arising on child rights promotion and protection.

All research participants were selected from the Greater Accra region of Ghana because, the DSW has its head office located within the Greater Accra region. Reports from all the regions could be accessed and examined for knowledge on how cases were handled in the regions. Some inter-country adoption report files from the regions were assessed and their contents analysed for accuracy of skills and processes. Furthermore, services within the Department are structured and supposed to be standardised. There is therefore, a standard for service provision in line with national guidelines and policies. The procedures are expected to be the same across the 10 regions of Ghana.

Participant observations were made at the regional DSW adoption office and the courts where adoption orders were made. As stated by Kikumura (1998) cited in Rabe (2003), group membership provides special insight into matters (otherwise obscure to others) based on one's knowledge of the language and one's intuitive sensitivity, empathy and understanding of the culture and its people. Rabe (2003: 5) further stated that there are disadvantages of being an

outsider due to lack of shared experiences with those being researched as the researcher does not always understand or notice all the subtleties and variances at stake. There are communities who do not want outsiders to speak on their behalf as there are chances that “an outsider researcher may misrepresent them”. However, the researcher could also be seen as an outsider for being the one giving accounts to the academic community.

Insider and outsider perspective played a part in getting the consent of participants. The researcher was considered an insider and had the trust of DSW officers. This helped the researcher as colleague social welfare officers on adoption schedule introduced her to their clients. The researcher had earlier on participated as a social work professional in the adoption processes and had met some of the participants at one time or the other. It was easier with the trust relationship that existed between her and the members of the institutions concerned to obtain consent of the participants. The researcher is considered an insider because; she is a trained social worker who has worked for five years with DSW adoption unit and twenty one years with DSW in Ghana. At the time of this research, the researcher was on a study leave so had the advantage of being able to use the ambiguity of her status [as both an insider and outsider] and identity to work the insider/outsider angle as appropriate.

Some of the challenges faced as an insider and outsider included the participants thinking the researcher should know some of the questions posed because she worked in the system. Some kind of balance is needed and Naaeke, Kurylo, Grabowski Michael, Linton, & Radford (2012: 8) suggest that, “you must be an insider to gain the perspective of the group, as well as to be trusted with the backstage behavior often withheld from outsiders. Yet, a researcher must also maintain some critical distance so that s/he is not merely an unfiltered advocate for the group.” The degree to which a researcher is able to immerse into the phenomena being studied such that he/she can blend the insider outsider perspective being studied is therefore vital.

Being an insider was important in researching child rights promotion and protection and the services provided by Department of Social Welfare in inter-country adoption. The research would not have revealed the same depth and insight had the researcher not been an insider in the case of this study. This is because most of the practices, although stipulated by law, are shrouded in secrecy by the staff of DSW. To the officers, that is one of their kind wanting to document the why and how inter-country adoption is done in a particular manner. It is doubtful if a complete outsider could have achieved the same results obtained in this study.

Case study method was used considering the complex issues of child rights promotion and protection within inter-country adoption which is the subject of this research.

“Case study method allows the exploration and understanding of complex issues. It can be considered a robust research method particularly when a holistic, in-depth investigation is required” (Zaidah, 2007:1).

Case study helps explain both the process and outcome of a phenomenon through complete observation, reconstruction and analysis of the cases under investigation (Tellis, 1997). This is one reason the case method was chosen in addition to other qualitative research methods as the subjective views of persons involved were needed to understand the situation of the children placed.

Also, adoption reports, court dockets and manuals were examined for information on inter-country adoption practice. The in-depth interviews generated information on the objective of the study which was on effectiveness of services and not on the number of services provided by DSW. That is, available reports and those that could be found at the National Archives were sought. Officers working with the Probation, Justice Administration and Child Rights Promotion and Protection Units were contacted for documents in their possession. Police case jackets and reports related to children and inter-country adoption were also read for contextual issues and themes.

“A case study is a holistic inquiry that investigates a contemporary phenomenon within its natural setting. ...Holistic inquiry involves collection of in-depth and detailed data that are rich in content and involve multiple sources of information including direct observation, participant observations, interviews, audio-visual material, documents, reports and physical artefacts. The multiple sources of information provide the wide array of information needed to provide an in-depth picture” (Harling, 2012:1-2).

3.4 Data Collection Procedure

Participants for this research were sampled purposively for in-depth interviews. Judges in human rights court, adoption facilitators, police officers who investigate adoption cases, parents of adopted children and DSW adoption officers were contacted and interviewed for their special knowledge of the services provided by the DSW in inter-country adoption cases. This is because probability sampling strategies could not be possible and effective in bringing out results that would reflect the complexities involved in child rights promotion and protection in inter-country adoption. The information on child rights promotion based on DSW services can only be obtained from persons involved and within the inter-country adoption system.

Permission from the Director of Social Welfare and the Head of Judicial Service was obtained by first sending an introduction letter from the Department of Sociology at the University of Ghana, Legon, to the two government institutions.

Prospective officers who were available and willing to participate in the research were identified and informed about the research project. This was after meeting the designated contact persons who were appointed by the administration when the introductory letters were received. After meeting with the contact persons, they were briefed on the research intent and the kind of participants wanted (those working on adoption). Officers on adoption schedule at DSW and Judges at Human Rights Courts where adoption cases are assigned were identified. Initially the researcher had wanted to interview two judges from the circuit court and two from the high court with at least four years working experience in adoption. The

reason is that, the last four to ten years have seen changes in administration of inter-country adoption of children. But, it turned out that, those judges at the circuit court have been promoted to the High Court where their schedules still involve adoption. As a result, four High Court Judges were purposively sampled for the interview since the new Judges at the circuit court had been on the schedule for less than four years.

The DSW administrative rule is that each region forms a six member adoptive team and standards were set for all regional teams to follow. The eight years prior to this research has seen many changes in inter-country adoption in Ghana. Two experienced officers who had been on the schedule for at least five years were purposively selected from the six member adoption team in Greater Accra region for the in-depth interview. Two officers were selected because, one officer was on leave at the time of this research and, apart from the two officers who had worked for more than five years, the other three were new on the adoption schedule (less than one year).

The researcher was introduced to the officers by the designated officers who first called the officers on phone to inform them of the presence of the researcher and subsequently provided her with the telephone numbers of the selected officers. The researcher then followed up by making calls and booking appointments with officers before meeting them in person. At the initial meeting, the research intent was made known to the selected officers who verbally consented to participate in the research and appointments were made for the convenient days for the interviews. With the officers' consent the conversations prior to the interviews and the interviews were tape recorded.

The appointments were made after the initial contacts with the identified officers and the officers consented to grant the interviews. The contacts included personal visits and telephone calls at least one week or more before the set dates for the interviews to confirm and adjust

the time as necessary. These were done to establish legitimacy, convince potential participants [officers] of the importance to participate in the research and to ensure that the information to be obtained is sufficiently detailed to contribute meaningfully to the study.

Two officers on the adoption schedule from the Greater Accra regional office of the DSW were purposively sampled and interviewed after they verbally consented. In-depth interviews were conducted for their views on inter-country adoption, laws governing adoption and services provided by the department. The research intention was explained to them again before the interview sessions.

Four high court judges from the Judicial Service on adoption were also interviewed after they were purposively identified and sampled. The officers were interviewed on their views and perceptions of the law and the services provided by the officers of the DSW on child rights promotion and protection when inter-country adoption was concerned.

Four biological parents who had terminated or were in the process of terminating parental rights of their children were also purposively and conveniently sampled with the help of DSW adoption officers. The consent was given after, the DSW officers working with the parents, introduced the researcher to them and the purpose of the research explained thoroughly to them. They were also allowed to ask the researcher questions bothering on confidentiality and safety in terms of the information they were going to provide. Those who were willing and could make the time were interviewed.

The participants were not compelled to participate based on the contact with the DSW officials but participated voluntarily. The researcher sought permission and was permitted by the participants to tape record the interviews before starting the in-depth interviews. The biological parents were interviewed for first-hand information on their circumstances and the processes leading to the termination of parental rights and their perceptions of the processes.

There are persons who are employed by multinational adoption agencies to front for their agencies in Ghana. Such persons often are expatriates who then recruit Ghanaian nationals who go to the villages to scout for children needing institutional care such as children whose parents are poor, orphaned and in vulnerable conditions. They sometimes start operations by providing some community services where they identify poor families whose children are sent to their homes for care. After the families are made to believe that their children are better off with such institutional care, the families are made to sign documents terminating parental rights to the children who are then placed with prospective inter-country adoption applicants on their agencies' lists. Once the parents' relinquish the children and they place them with their clients, the next thing is to manoeuvre and obtain the recommendation from DSW officers for legal adoption orders from the courts. These people are referred to as adoption *facilitators*.

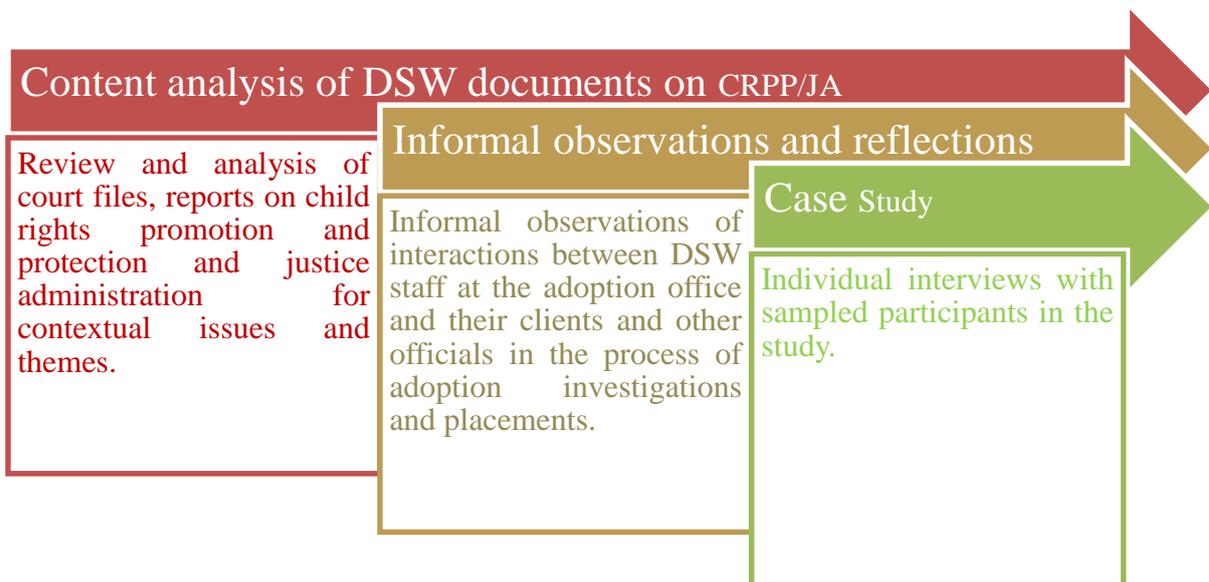
Four adoption facilitators from private multinational adoption agencies operating in Ghana with the knowledge of officers of DSW were purposively sampled with the help of DSW officers on adoption schedule. The facilitators were then interviewed on what led them into inter-country adoption and their perceptions of the work of officers of DSW who they work with to finalise adoptions they facilitate since the law makes no room for their participation in the adoption process in Ghana.

In addition to the officers, parents and facilitators, two retired staff of DSW who were known to have worked at decision making positions were identified and purposively sampled for their views, perceptions of service delivery over the periods on child welfare/child rights promotion and protection. The retired officers' contact details were obtained from officers who worked with them and were still in contact with them. The two retired officers were then interviewed on their views and perceptions of the DSW services over the years.

Finally three Police Officers from the Anti-Human Trafficking Unit of the Ghana Police Service, who had investigated inter-country adoption related cases, were sampled purposively after permission was secured from the Police administration. The Police officers were interviewed on the inter-country adoption cases that were reported to their outfit, sources of referrals and how the cases were handled and disposed.

The interviews were conducted in English, Akan and Ga, which are some of the local and official languages in Ghana. The in-depth interviews lasted on the average one hour. Verification and validations were done with all participants to confirm that the information gathered during the interviews reflected the views shared by the participants and well documented to ensure that patterns apparent in the data were real and not “merely wishful thinking on the part of the researcher” as opined in (Berg 2007: 48).

Table 1: Data collection process



An interview guide was used to collect information from practitioners. The use of an interview guide was employed on a number of grounds. First, it was not clear as to what the major child rights issues of concern to inter-country adoption in Ghana were and it was imperative not to curtail any avenue of exploration by imposing a highly structured mode of inquiry.

Content analysis of DSW court files, reports on child rights promotion and protection and justice administration was done. The content analysis and in-depth interviews were supplemented with informal observations at the DSW offices where adoption applications and reports were done. The informal observations provided information on the realities on the ground and what was presented in the adoption home study reports. During the field work it was discovered that rich information pertinent to answering the research questions could best be collected by spending time and taking note of contextual issues within the DSW adoption office and the courts where the adoption applications were granted.

In the course of the field work, essential data were garnered from informally observing and listening to both formal and informal interactions between and among adoption officers at DSW, facilitators, lawyers and family members/parents whose children were placed for inter-country adoption. The researcher observed back stage behaviour of DSW staff and facilitators; manoeuvrings of adoption applicants and facilitators to get DSW staff to produce reports for the courts to grant their adoption orders. These interactions would have been missed had the researcher simply conducted interviews and left. It was easier to understand relationships between the various actors within the inter-country adoption system by participating informally in the system by sitting and listening to DSW officers conducting interviews. Also, sitting at the waiting area to watch and listen to conversations among facilitators and biological families provided insight to complex interactions that take place in adoption process. Sitting at the waiting area helped to 'listen' to what had not been said during the in-depth interviews. Moreover, the observations helped to get a feel of the relationship between adoption facilitators, and adoption officers of DSW and biological parents/families, which was reflected in interactions when facilitators and parents were invited to the DSW adoption offices to discuss the adoption process and implications.

The informal observations assisted the researcher to “go beyond outward appearances and probe the perceptions, motives, beliefs, values, and attitudes” of the professionals and non-professionals in the inter-country adoption system (Casley & Kumar 1992: 41). In this way, both verbal and non-verbal behaviour was observed to understand how services are provided by DSW in line with child rights promotion and protection within inter-country adoption procedures.

3.5 Participants

A total of 23 participants made up of 2 DSW Staff on adoption, 2 retired DSW officers, 3 Police officers, 4 Judges, 2 court registrars, 4 biological parents, 4 facilitators and 2 Lawyers were involved in the study as shown in Table 2.

Table 2: Participants

Participants	Male	Female	Total
DSW Staff	1	1	2
Retired DSW officers	2		2
Police officers	2	1	3
Judges	1	3	4
Court registrars	1	1	2
Biological parents	1	3	4
Facilitators	3	1	4
Lawyers	2		2
Total	13	10	23

3.6 Research Setting and Population

The study population comprised all persons directly involved in the inter-country adoption system in the Greater Accra region. There are no designated lawyers for adoption and any lawyer of the adoptive applicant’s choice represents the applicant. Biological parents walk in alone or in the company of adoption facilitators as and when they want to relinquish a child.

The adoption procedures are regulated by law and are on a standard form. For these reasons, if regulations and directives are followed, adequate information could be gathered from a few people selected from each group. Persons within the inter-country adoption system include Judges in the courts, court Registrars, DSW staff, Police officers, facilitators and biological parents.

Purposive sampling method was found to be most appropriate for this research due to the categories of participants that were sampled in terms of those who are knowledgeable in adoption issues, available, ready and willing to participate in the interviews.

The population of interest was social welfare officers directly involved with inter-country adoption for at least five years, parents who had surrendered a child/ren for inter-country adoption placement, facilitators who are regularly at DSW for inter-country adoption procedures, lawyers who have represented adoptive applicants for at least 10 years and judges who have sat on adoption cases for a period not less than four years.

Research population comprised all social welfare staff on adoption schedule, retired probation officers, experienced adoption lawyers, court registrars, judges in the human rights courts, parents who surrender their children and adoption 'facilitators' in Accra. It is estimated that about 200 officials and agents are involved in the process in the Greater Accra region.

There are designated [human rights] courts where human rights cases, including adoption/inter-country adoption, are handled depending on the number of qualified human rights judges available. Adoption applicants are allowed to hire their own lawyers, so it is not possible to tell the number of adoption lawyers available. Any lawyer is allowed to handle cases once he/she qualifies and has been called to the Bar.

Also, the manageress of the Children's Home and her two deputies (the case worker, and the social worker) who compile reports on children available for adoption at the Homes are considered part of the officers involved in the adoption process. All adoption reports, verifications and complaints end up with the Deputy Director in charge of Justice Administration at the Head Office. The total number of officers directly involved with adoption in the Department numbers about 70 although other officers at the districts may act as sources of referral.

3.7 The Study Area

The study area is limited to the Greater Accra region of Ghana. The choice of this region is due to three fundamental factors:

1. The availability of children's homes [both government and privately owned] which serve as inter-country adoption nurseries, placement centres and the region's geographical location.
2. Accra the national capital and gateway to the country, houses the headquarters of the DSW, ministries, governmental and non-governmental agencies which also work on child welfare/child rights promotion and protection; hospitals, schools and recreational facilities.
3. Accra, the commercial nerve of the country, has the necessary infrastructure for child rights promotion and protection such as the Children's Department, Domestic Violence and Victim Support Unit (DOVVSU) of the Police Service which complement the work of Department of Social Welfare.

It is possible to find extremes of child rights abuse, and best practices in child rights promotion and protection in Accra. The responses from research participants in this area are more likely to provide the best outlook in child rights issues related to Ghana's inter-country adoption process.

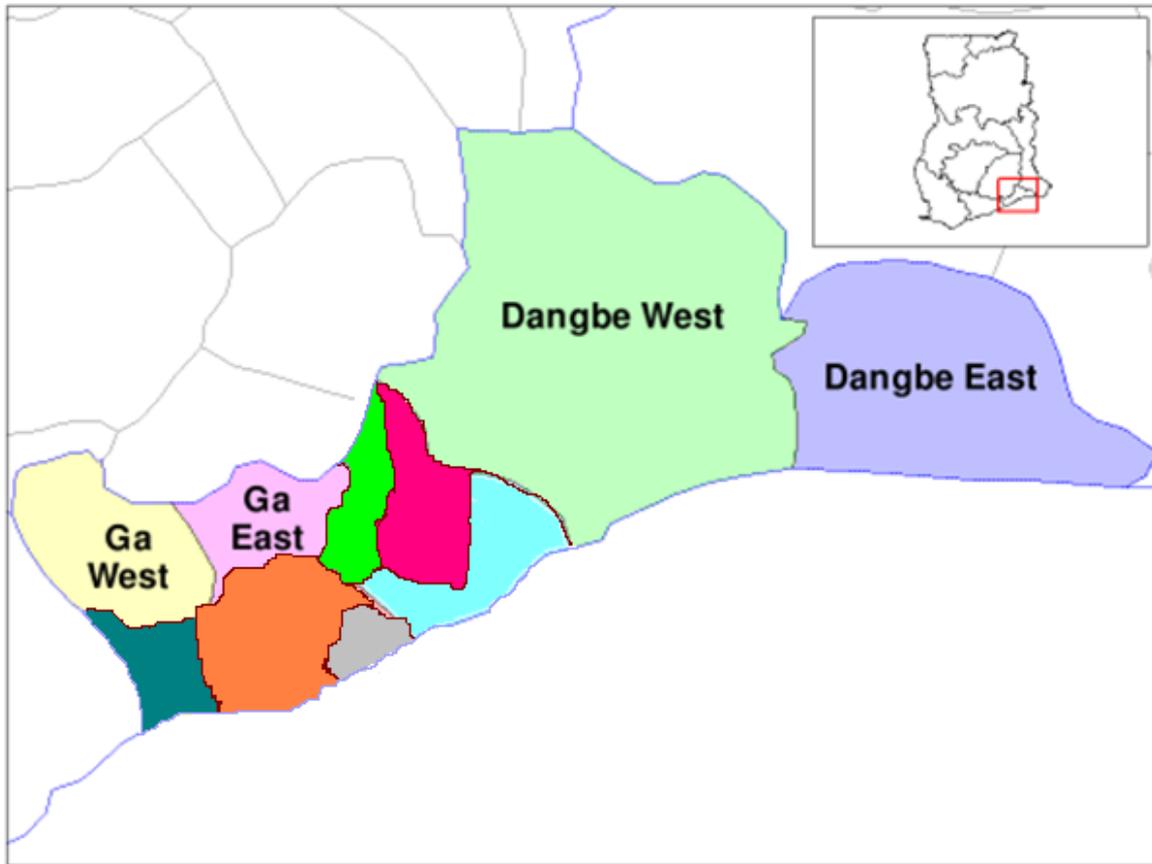
Map 1: A Map of Accra



Source: © http://greateraccrarcc.gov.gh/nature_of_land/accra_map.html

Map 2: Map of Districts within the Greater Accra Region

Inset: Map showing the Greater Accra Region within the National context.



Source: © http://greateraccrarcc.gov.gh/nature_of_land/accra_map.html

Legend

- Regional Boundary
- District Boundary
- Accra Metropolitan Assembly
- Tema Metropolitan Assembly
- Ga West Municipal Assembly
- Ga East Municipal Assembly
- Ga South Municipal Assembly
- Adenta Municipal Assembly
- Ashaiman Municipal Assembly
- Ledzokuku-Krowor Municipal Assembly
- Dangme West District Assembly
- Dangme East District Assembly

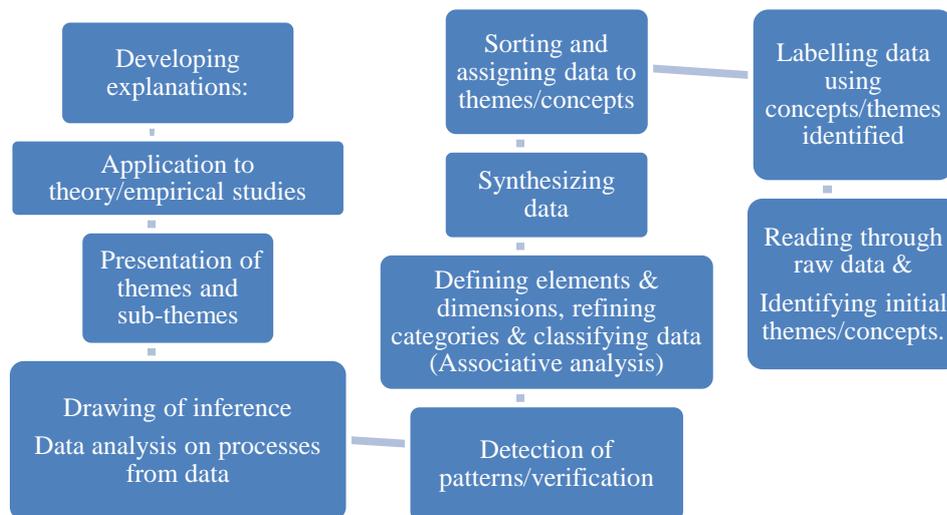
Some of the districts in this map have been re-demarcated, divided and renamed for effective management since 2013.

3.8 Recording and Transcription

Interviews were audio-recorded with permission from participants. Recordings were downloaded onto a sound file and labelled to facilitate easy retrieval. Labels indicated dates, times, titles and pseudonyms of participants. Transcription of data began during data collection. Data generated from the in-depth interviews, DSW court records, observation, and personal reflections were typed out as well.

3.9 Methods of Data Analysis

Table 3: Process of Data Analysis



Source: Adapted from Dey (1993).

All interviews and transcriptions were undertaken by the researcher. Initially, the researcher had intended to analyse electronic transcripts after coding for themes and emergent patterns using Nudist software. However, due to financial constraints [There was no financial support from the University and the Department of Social Welfare apart from Government of Ghana

bursary to purchase the software] the researcher used framework to analyse the data. Selected excerpts reflect key themes which were identified across the majority of transcripts.

Although analysis is the most difficult aspect of any qualitative research project, it is also the most creative. It is therefore necessary to establish a complete step by step operational procedure that will consistently result in qualitative data; the analysis is primarily determined by the nature of the project [which used in-depth interviews as data collection tool] which is seen from interactionist position as essentially symbolic (Berg, 2007).

The data generated from the research were qualitative in nature and was managed and analysed with the aid of a method known as 'Framework' which was developed in the 1980s by the United Kingdom (UK) National Centre for Social Research. Framework has been defined as:

...a matrix based analytic method which facilitates rigorous and transparent data management such that all the stages involved in the 'analytical hierarchy' can be systematically conducted. It also allows the analyst to move back and forth between different levels of abstraction without losing sight of the 'raw' data. Framework is based on thematic framework, which is used to sort and organize data according to "key themes, concepts and emergent categories" (Ritchie, et al., 2003: 220).

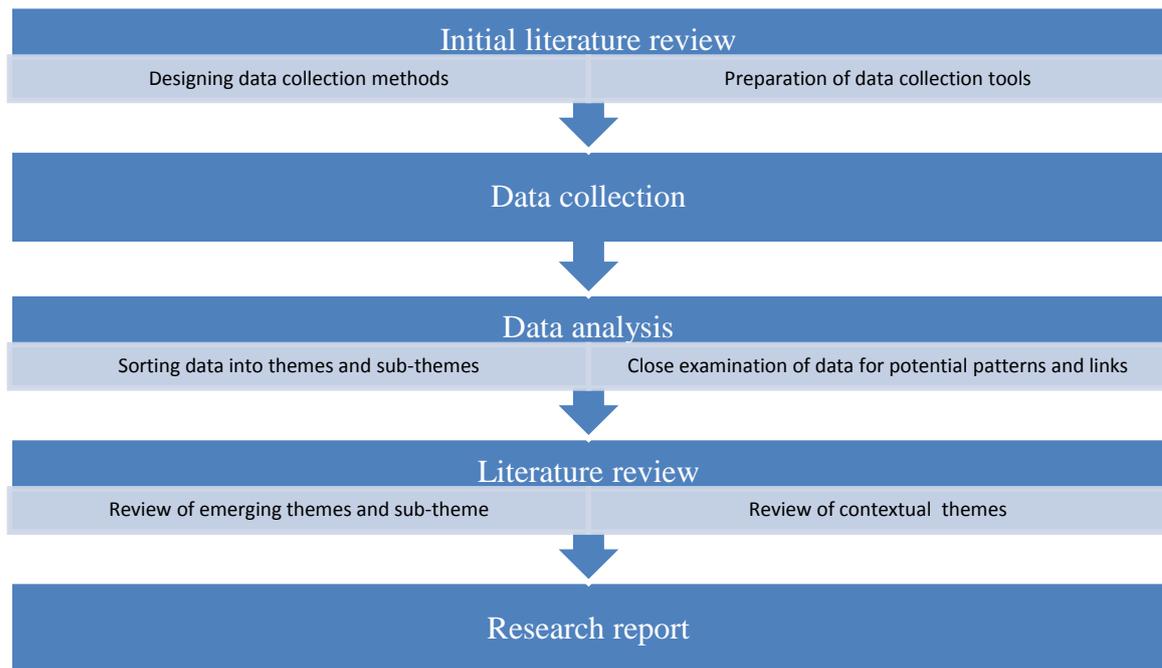
The process started by first building an index, followed by creating thematic charts in addition to doing a descriptive analysis, and building explanations. The final step involved building explanations and was divided into two stages to allow for a more detailed account of the stages of the analysis.

Building index helped to identify initial themes by reading through the raw data, and sorting them into themes and sub-themes. The raw data were read over a number of times thoroughly, keeping in mind the research questions. From the raw data, several themes were noted down. These themes were later sorted out into key themes and sub-themes as links were identified among the categories.

Qualitative analysis of data collected was done to make the information gathered beneficial in the practice of inter-country adoption in the country. Analysis and interpretation are essential if data collected are not to be rendered valueless by the inability to turn them into usable information (Casley & Kumar, 1992). Data collected through face-to-face in depth interviews were first edited after transcription, then coded, and analysed for conclusions and recommendations.

Content analysis was done after systematically indexing coded data and sorting data which were collected from official DSW documents on child rights promotion and protection and justice administration into coded classifications. The data were closely examined for potential patterns to see what findings actually emerged directly from the data. Conclusions were derived from the findings on the effectiveness of the services provided by the department and recommendations made for improvements and effective practice of Juvenile Justice Administration and Child rights promotion and protection under which adoption falls in the Department of Social Welfare core programmes. Summary research process is presented below.

Table 4: Research process



3.10 Ethical Considerations

Social scientists have an ethical obligation to their colleagues, their study population and the larger society. Research ethics revolve around various issues of harm, consent, privacy and confidentiality of data. Key informants like social workers who were also participants in the population under research have obligation to protect their clients' data. Therefore, they were only willing to give out information based on trust. That is, the rights, privacy and welfare of the people and communities who are stakeholders in child rights promotion and protection in inter-country adoption process are protected. Ethical issues were considered as required in all social science researches in terms of consent, privacy, and confidentiality of data. Participants' consent was sought after explaining the nature of the research and potential benefits at the beginning of each interview and there was affirmative response from participants. For privacy and confidentiality, the information obtained was recorded in such a manner that the participants cannot be identified. Also, care was taken by coding the responses

and presenting the information such that, any disclosure of the participants' response outside the research cannot reasonably identify the subject.

Furthermore, the researcher ensured that the study and its results did not place the participants at risk of criminal or civil liability, or be damaging to participant's financial standing, employability and reputation. These were adhered to, especially, with the very poor and vulnerable parents who terminate parental rights knowingly or unknowingly by giving children out for inter-country adoption. Confidentiality was kept by ensuring that any element and research records that might indicate the subject's identity were removed or coded. The anonymity and confidentiality of the informants were maintained by keeping personal information shared with the researcher confidential. The names of informants that were used in the thesis were not real names. For the purpose of confidentiality and anonymity, pseudo names were used. All informants in the research were adults and professionals who took part in the interviews or discussions voluntarily.

3.11 Credibility and Trustworthiness of Study

The credibility for qualitative enquiry depends on three important enquiry elements: the scientific rigor; the credibility of the researcher; and a fundamental appreciation of qualitative methods, inductive analysis, purposeful sampling and holistic thinking (Patton, 1999). To ensure credibility of the research, consideration was given to the weight of evidence and attempts made to look for the best fit between data and analysis.

Methods, sources, theory and perspective triangulation was done for in-depth interviews, content analysis of departmental records and literature to check out the consistency of findings generated by different data collection methods, different data sources within the same method, and perspectives or theories to interpret the data. This was to verify and validate the qualitative analysis, methods, theories or perspectives.

Finally, after transcribing the data, verification was done by cross checking with all participants to see if the data were the true reflection of the information provided in addition to peer reviews. This methods chapter is believed to have given a detailed account of the research process. All these contributed to the research findings being credible and reliable.

3.12 Limitations of the Study and Solutions

Initial investigations at the Department of Social Welfare indicated that the adoption files from 1970 to the 1980s, were currently not available and the DSW did not seem bothered about it. Earnest attempts were made by the researcher to locate those files by contacting officers who were privy to the information at the time. This, however, did not seem important to those at the helm of affairs in the Department although their attention was drawn to it by adopted persons who returned to the country in search of their birth families and their files could not be traced. The judicial service registry was contacted to assist in locating those dockets but the search was not successful as record preservation was a challenge there too. The researcher was unable to resolve this challenge. However, the researcher was informed at the judicial service registry that personnel from the archives section were organising the old documents for easy location and identification for future reference.

There is also the issue of confidentiality involving these records that must be considered. The Department of Social Welfare had to approve the study, and permission was sought from the Director of Department of Social Welfare which was granted. Being a staff of the department, it was possible to get the needed cooperation with the assurance that all ethical considerations were being respected. Those whose information was used had their identities protected.

3.13 Research Dissemination

This research is in fulfilment of the requirement for the award of a PhD degree at the University of Ghana. Manuscripts would be prepared from the research findings for publications in various academic journals. A handbook on adoption will be developed based on the findings for the department of social welfare to improve service provision.

CHAPTER FOUR

A PORTRAIT OF DEPARTMENT OF SOCIAL WELFARE

When a society proves itself to be incapable of recognizing its own vulnerability and a lack of resources prevents individuals from bracing themselves for a possible catastrophe, the way is then paved for natural phenomena to unleash their full destructive force (Amartya Sen in Alban Knecht 2010 p. 1).

4.1 Introduction

Chapter four outlines the roles and functions of the Department of Social Welfare [DSW]; tracing activities and programmes from the inception to date, that is, DSWs programmes and services as mandated by law and directed by administration. The chapter also looks at the nature of various services, personnel, budget provisions and funding for the services. This chapter is intended to set the tone for analysing the effectiveness of services being delivered by the Department for child rights promotion and protection in the inter-country adoption process.

The following legislations confirm DSWs mandate; The Children's Act, Act 560 (1998), the Legislative Instrument (L.I.) 1705 (2003) that regulates the Children's Act. The Juvenile Justice Act, Act 653 (2003) and the Domestic Violence Act, Act 732 (2007). While DSWs mandate, in respect to the vulnerable, has not changed, the definition of vulnerability and the categories of vulnerability have expanded and continue expanding even as society changes. In addition to urbanization and monetization of the economy, foreign influence on Ghanaian culture tends to facilitate many children, growing up in institutions instead of within the family (Andres, 2009).

4.2 The Establishment of the Department of Social Welfare (DSW)

A number of issues culminated into the establishment of the DSW on the 1st of April 1943 by first creating the post of Secretary for Social Services in the then Gold Coast:

1 The industrial revolution in Europe

- 2 The first and second world wars
- 3 The consequence of rural urban migration
- 4 Research and zest for work exhibited by Gold Coast Social Workers like Riby-Williams, Robert K. A. Gardiner, David Acquah, and Peter DuSautoy among others.

4.3 The Industrial Revolution in Europe (1780-1850)

Though industrialization was most prominent in Europe from 1780 to 1850, its transformative powers is seen as a theme through the period of 1815-1848. Capitalism and the Industrial Revolution went hand-in-hand with the Western European countries' liberal traditions. Among the Western European countries also, Britain was the ideal incubator for the Industrial Revolution because an "Agricultural Revolution" had taken place. The Industrial Revolution allowed increasing urbanization and greatly increased the overall wealth and production power of humanity. Further, the Industrial Revolution gave Western Europe the economic system and technology to dominate much of the world in the colonial period towards the end of the 19th century (<http://www.sparknotes.com/history/european/1848/section1.rhtml>).

The history of cocoa could be traced to the Dutch missionaries' first planting cocoa in the coastal areas of the then Gold Coast as early as 1815. In 1857 the Basel missionaries also planted cocoa at Aburi in the current Akwapim South District of the Eastern Region. However, these did not result in the spread of cocoa cultivation until Tetteh Quarshie, a native of Osu, Accra, who had travelled to Fernando Po and worked there as a blacksmith, returned in 1879 with Amelonado cocoa pods and established a farm at Akwapim Mampong in the Eastern Region. Farmers bought pods from his farm to plant and cultivation spread from the Akwapim area to other parts of the Eastern Region. With the spread of cocoa plantation, Sir William Bradford Griffith, the then Governor, also arranged for cocoa pods to be brought in

from Sao Tome in 1886 from which seedlings were raised at Aburi Botanical Garden and distributed to farmers (https://cocobod.gh/the_ghana_cocostory.php).

The industrial revolution in Europe resulted in the demand for raw materials from African countries including the then Gold Coast. The various coastal chiefs in the Gold Coast entered into trade monopoly and protective alliances with the early British traders, on behalf of the British Crown. The country began to depend, to a very large extent, on peasant cocoa-farmers for the stability of its national economy. With this development, men and women left their villages in search of economic activities in urban centres losing the control and support of family and traditional heads (Riby-Williams, 1954).

4.4 The First and Second World Wars

The conscription of many men into the Gold Coast army to fight in the world wars had its toll on the quality of care of children resulting in unmarried mothers and juvenile crime which constituted nuisance to the colonial administration. The unique nature of the natives' association with Western European civilization and the nature of culture fusion that resulted from the political and commercial relationships, the indirect process of culture assimilation which was characterised by adoption and imposition of European forms of education, law and order, social and religious values and other forms of social controls, all played a significant role in the nature of disorientation of natives from their indigenous culture. These were due to the absence of clear cut definition and limits of the dominant culture coupled with the lack of opportunities by the masses to acquaint themselves at first hand with the non-material attitudes and sentiments involved in the new culture. The uncertainty gave rise to the possibilities of free and multiple choices in all situations. The one way traffic during the war years (when rural dwellers migrated in large numbers to the urban centres) and the general agitation and economic hardships which followed, increased the problem of the

family's effectiveness in caring for its members (DSW and UNICEF, 2005; Riby-Williams, 1954).

4.5 The Consequence of Rural-Urban Migration

Rural urban migration resulted in a myriad of adjustment problems for the natives. With the loss of family and traditional support by the individuals who migrated to the urban areas, families experienced social situations like illegitimacy, homelessness, vagrancy and vandalism which were practically unheard of or rare in the rural areas. The family in the urban areas, caught up in the stresses of the urban economic situation which had tended to scatter its members and make them individualistic, was no longer able to set the pace and determine the standards (Nukunya, 2003; Riby-Williams, 1954).

As people worked and acquired their own property, there was less reliance on the extended family and extended family ties gradually weakened as members focused more on providing the needs of their immediate families (nuclei family). Allegiance to the extended family became weak and the extended family's effectiveness in protecting and providing for its members' basic necessities also became tenuous (Nukunya, 2003). Children from poor families for example, became disadvantaged because relatives no longer felt obligated to take care of children who were not their own.

4.6 Research and Zest for Work Exhibited by Gold Coast Social Workers

The four officers mentioned earlier had the opportunity to head the department in its early years. The first directors of the DSW were highly educated and experienced. They were passionate and committed to the work of the department. Apart from the hard work and dedication by these early officers, they researched and published extensively in their various fields of practice.

Robert Kweku Atta Gardiner was the first black director of the newly formed department of social welfare and community development. Gardiner earned a master's degree in Economics from Oxford University's New College in 1943. In 1953 Gardiner left academia, to enter the Gold Coast civil service. He successively served as Director of the Department of Social Welfare and Community development from 1953 to 1955, permanent Secretary of the Ministry of Housing from 1955 to 1957 and as the first Head of the Civil Service after the country gained its independence from 1957 to 1959. Gardiner left the country for appointment as Deputy Executive Secretary of the newly founded UN Economic Commission for Africa (UNECA) in May 1959. Gardiner published among others; *The Development of Social Administration*, 1954; *A World of Peoples* ((*BBC Reith Lectures*), (seven editions published between 1965 and 1992); '*Race and Colour in International Relations*' 1967 and *Research for Economic and Social Development in Africa*, 1967 (<http://archives.un.org> 27/9/2013).

James Riby-Williams was a Senior Probation Officer in the Gold Coast Department of Social Services. He researched into the causes of Juvenile Delinquency in the Gold Coast comparing the occurrence in the urban and rural areas. Riby-Williams (1954) noted in his research that, from whatever angle one chooses to approach the causes of juvenile delinquency, whether from the standpoint of the social worker or the sociologist or the social anthropologist, one is likely to be faced with a host of factors which when considered superficially would appear common to all communities in which the problem exists (www.unhistory.org/27/9/2013).

His research, found a contrast between life in the urban and the rural areas. The rural areas according to him depicted the 19th century Gold Coast and the contrast was so great in terms of material development and culture which was the reason for continuous flow of population into the urban areas. Amidst that turmoil of peculiar culture fusion, one traditional institution that was struggling most for survival was the African marriage.

Peter DuSautoy was a Classical Scholar, with a war degree in 1941 from Oxford University. Before serving in the Social Services Branch of the Colonial Secretary's Office in Accra, DuSautoy served as an Assistant District Commissioner and District Commissioner (DC) in Ashanti from 1942 until 1951. DuSautoy served for two years in the Ministry of Education and Social Welfare before being appointed Deputy Director in the newly-formed Department of Social Welfare and Community Development. By dint of hard work DuSautoy was promoted and served as Director, from 1955 to 1960. During his tenure as the Director, he made the Department serve all that was best in the emerging national ethos of Ghana.

In addition to his busy schedules, DuSautoy found time to write, two books, "Community Development in Ghana", and "The Organization of a Community Development Programme" among other publications. Other officers like Messrs' Peter Barnes and David Acquah of the Department of Social Welfare also contributed tremendously through cooperation in data gathering and in analysing welfare provision to vulnerable and delinquent children in the 1960s (Weinberg, 1964).

4.7 Initial Programmes and Services of DSW

In the estimates for the year 1943-44, the post of Secretary for Social Services was created in the Administrative Office Class II grade to undertake the co-ordination of social welfare work throughout the Gold Coast. In May 1943, the then Permanent Secretary to the Ministry of Defence and External Affairs assumed duty as Secretary for Social Services. His attention was not only to the formation of Department of Social Welfare to provide the necessary machinery for undertaking social welfare work in the Gold Coast. In addition, his work was to examine the wider field of social welfare in its relation to health, Town and Country Planning, Housing, Education and Agriculture (Government of Gold Coast, 1944).

After initial co-ordination of social welfare work for three years, the Department of Social Welfare (DSW) received legal backing by Colonial Ordinance number 66 of 1946 with the mandate to work with the vulnerable families and their mainstreaming into development. The initial memorandum was confined to a consideration of the policy which the DSW was to pursue in the first five years: 1945 to 1950. The objectives for this period were:

1. To promote and encourage a youth service
2. Rehabilitation of young offenders and juveniles in need of care
3. Introduction of a probation system
4. To set up a community centre in every District
5. To provide, in the four largest urban areas, Hostel accommodation for young women in employment (Gold Coast Government, 1944).

The initial plan did not include care of the disabled such as their occupational training and subsequent employment. However, investigations to ascertain the extent of disability present were initiated. The available machinery that examined the needs of the persons with disabilities existed in welfare committees which were formed in the Districts of the Gold Coast and were controlled by the central welfare committee presided over by the Governor.

The Department of Social Welfare, in April 1944, with a staff of one secretary of social services, an assistant secretary, one senior welfare officer and seven African assistant welfare officers began formal social work in the Gold Coast. Within the first ten years the Department expanded, and experimented in many fields of social welfare and community development and succeeded in putting into effect a progressive and country-wide programme of child welfare.

Within the ten year period, the staff of the department grew from 10 officers in 1945 to 200 officers in 1954 (Riby-Williams, 1954). Services within the ten year period included treatment

of juvenile delinquency, school welfare, day nurseries and boys' and girls' clubs, case work services, probation, community development and social centres and rural development involving a country-wide mass literacy campaign (Riby-Williams 1954).

Minimum qualification for candidates admitted to the school of social welfare initially was a Teacher's Grade "A" (Four year training certificate) or Cambridge School Leaving Certificate with three years' minimum field experience. Special candidates from other departments or organizations (Public works, Railways, Mines, etc.) were trained as in service trainees for the personnel branches of those departments. At various times of the year, less formal courses for voluntary leaders, officers of voluntary organizations and also refresher courses were organised, both at the school and in the regions by the department (Riby-Williams, 1954). During that period, every year, a number of government scholarships and practical study in British universities were awarded to deserving field officers, with a minimum of three years' experience in the academic field (Riby-Williams, 1954). The policy of providing first a period of local training for junior officers was due to a number of considerations: the complete lack of full professional training facilities at the local University Colleges, the immediate need for field personnel to carry out the Department's expanding programmes and the need to acquaint newly recruited officers first with local situations and resources so as to determine their suitability for any advanced professional training. It should be mentioned that before the School in Accra was established in 1945, the first African officers recruited for the Department-seven of them-were all financed by the then Government to take the two-year Social Science Certificate Course at the London School of Economics. Two of them also completed the Home Office (United Kingdom) special training course for Probation Officers. Of the seven trainees, only three eventually stayed with the Department (Riby-Williams, 1954).

4.8 Initial Welfare Institutions

Activities of the Department really began in 1946 after seven men and two women returned after training in U.K. Two assumed duty as Probation officers and the others as Assistant Welfare Officers. The department at the time concentrated on community and Youth centres as basis for welfare work among the urban communities. The department assumed responsibility for the Boys Industrial School at Mampong Ashanti which had previously been under the control of the Salvation Army on 1st April 1946. The Boys Industrial School at Swedru was opened in January 1947 and fifty eight (58) boys were admitted. A combined Remand and Probation home was established in Accra and a Panel of Juvenile Court Magistrates appointed in Accra the same year (Information Services Department, 1970).

4.8.1 Rehabilitation of Young Offenders and Juveniles in need of Care

As a first step, legislation to cover all matters relating to the apprehension, detention, trial, supervision, adoption and commitment of young offenders and juveniles in need of care was drafted and submitted to the colonial government for consideration. The colonial government was very concerned with the rehabilitation of young offenders. Therefore, it made laws for apprehension, detention, trial and supervision before the adoption law. The reason was partly due to the family's ability largely at the time to care for needy children.

4.8.2 Community Centres

The purpose of community centres was three fold:

1. Focus on the social life of the community
2. Provide a central point and facilitate variety of activities of youth service and to be a rallying point for all youth organizations and societies in the Districts.
3. Serve as the base at which and from which the welfare committee works to improve physical, mental and moral life of the community (Gold Coast Government, 1944).

4.8.3 The Design of a Community Centre

The community centre was to have extensive grounds for Physical Training classes, the playing of games and out-door gatherings. The centre was designed to include a large hall, one or more committee rooms, library, and a large porch for display of notices, an office, a canteen and store (Gold Coast Government, 1944).

4.8.4 Activities Organized at the Centre

1. Lectures, cinema shows, concerts
2. Night school, study groups
3. Society meetings (church societies, Red Cross, Young farmers club, Scouts, Boys club's etc.).
4. Library; reading and writing facilities, books, pamphlets, papers
5. Recreation and physical training

If there was no health facility/clinic, there was at least a child welfare clinic accommodated at the community centre for classes in child welfare and home craft organized for the young married women (Gold Coast Government, 1944).

4.8.5 Hostels for Young Women

There was evidence at the time that in the four largest towns, young women in employment found it difficult to obtain suitable accommodation and were in need of quarters to lead a protected life. For these reasons, parents of young women opposed to their daughters seeking employment in large towns for fear of being separated from control and being corrupted by unsavoury influences associated with the attractions of town life (Gold Coast Government, 1944). Furthermore, there was the realization that young women were likely to spend their meagre income on fineries at the expense of their health that is, going without adequate food in their eagerness to buy new clothes and to take part in the social life of their sets. The belief

was that the young women will like the hostel life and parents would also welcome such provisions for their daughters, especially;

1. If the hostel was efficiently managed by a woman of sympathy and understanding (high moral standing)
2. If bedrooms were well furnished to accommodate not more than two to a room
3. If there were adequate common rooms (dining, sitting, games, facilities for washing, sewing and ironing).

In effect, if there was adequate programme of social activities arranged within the hostel for the benefit of the residents and friends. The plan realized that salaries of the young women in employment were insufficient and was not able to pay boarding fees calculated to cover the full running costs of the hostels. For that reason government was to make funds to the hostel on a scale which permitted the management of the hostels to reduce fees for the young women who were deserving consideration and assistance. This however, was not to exceed 50% of the total cost of the accommodation and boarding fees (Gold Coast Government, 1944).

4.8.6 The Community Development Programme

In 1948, a Social Development Officer was appointed and was attached to the Political Administration Office. His duty was to advise on the initiation of mass education and social development work in rural areas. This was because the social welfare work of the Department had to be restricted largely to the urban areas. The colonial administrations generally became involved in social welfare activities in an intermittent and pragmatic manner. The first objective was to serve the needs of the European populations in the colonies, and secondly to protect the urban areas where the colonial power was concentrated. The result was an inadequate and fragmented system of social welfare and a poorly co-ordinated response to the needs of the majority of the African populations (MacPherson, 1982 cited by Asamoah, 1997). In many instances, the social welfare system was designed to meet the needs of the colonial

administration, with little attention paid to developmental needs of the indigenes which generated many agitations compelling the administration to act from time to time.

A pilot programme in social development was started at the end of 1948 by a mobile team in British Togoland [now Volta region]. The intention was to train the educated rural dwellers to enable them organize social service activities which will help raise the general standards of culture and living standards in those areas (DuSautoy, 1958).

The pilot programme was so successful that in 1949 it was repeated. After the significant success of the two previous years, Department of Community Development was formally established and a plan of mass education was unanimously approved by the Legislative Assembly in 1951. At that point the DSW was placed under the Ministry of Education and Social Welfare. The Housing Section of the Department split away to form a new Department of Rural Housing and the remainder was re-titled the Department of Social Welfare with a Director appointed who assumed duty towards the end of 1950. In 1952 the name of the Department changed and became the Department of Social Welfare and Community Development (DuSautoy, 1958).

4.8.7 Medical Social Work/Hospital Welfare

The Hospital Welfare Unit (Almoner's Department) began to function for the first time in the Mental Hospital and the then Gold Coast Hospital (Korle-Bu) in 1952. It however, found itself administratively as part of the medical department, but it was partly dependent on the Department of Social Welfare and Community Development for staff training and financing of some of its work. This unit was headed by a British trained Almoner and two African assistants with no previous experience of hospital work but with a local training in general elementary social work. This new Department was soon renamed Hospital Welfare Services and the title of Head Almoner re-designated to Chief Hospital Welfare Officer.

In 1955, after three years of operation in Accra hospitals, the hospital welfare service commenced operations in Kumasi Central Hospital (Komfo Anokye Hospital). The Hospital Welfare Unit was absorbed into the service of the Department of Social Welfare and Community Development as an adjunct of the Welfare Division in 1961.

4.8.8 Rehabilitation of Persons with Disability

The Rehabilitation Service was inaugurated in Ghana in the middle of 1961. When the section started its work, it was realized that there was not going to be spontaneous demand from the disabled for rehabilitation due to the wide spread ignorance about the aims of rehabilitation and the disbelief in its possibilities. Besides, it was found necessary to determine the exact scope of the problem of disablement before adequate services could be provided. To that, the organization addressed itself to the task of discovering and registering all those physically disabled persons in Ghana. The service, therefore, dealt with medical and vocational rehabilitation, counselling and sheltered workshops for trained disabled persons (Information Services Department, 1970).

4.9 Post-Independence DSW Services

The Department of Social Welfare was managed by highly skilled social workers in the initial years. The department then had its directorate occupied by only qualified social workers. Promotions to professional grades were strictly by qualification through advance studies or competitive qualifying examinations in addition to field experience. The department operated along two lines of promotions: professional and nonprofessional grades. The professionals comprised of trained social workers while non-professionals were lines of supporting staff and junior officers. Graduates without social work backgrounds employed into the department, were given social work training prior to postings.

Those entering directly from other institutions were given orientation and started as non-professional staff until they had the opportunity to train as professional social workers. They were upgraded either after a competitive limited examination or after successfully completing a course abroad in a specific welfare field and then promoted.

4.10 Child rights programmes of DSW

The Department of Social Welfare in Ghana on paper has some programmes for families in difficult situations, for example, the Livelihood Empowerment against Poverty Programme (LEAP), but the question of its effectiveness still needs to be answered. LEAP is intended to supplement the basic subsistence needs of the target groups from Ghana's extremely poor such as:

- *Subsistence farmers and fisher folk;*
- *Extremely poor citizens above 65 years;*
- *Care Givers of Orphans and Vulnerable Children (OVC), particularly Children Affected By AIDS (CABAs) and children with severe disabilities*
- *Incapacitated/extremely poor Persons Living With Human Immunodeficiency Virus [HIV]/ Acquired Immune Deficiency Syndrome [AIDS] (PLWHAs)*
- *Pregnant Women/Lactating Mothers with HIV/AIDS and link them up with complementary services. Those who depend on others for care such as orphaned and vulnerable children, persons incapacitated by HIV/AIDS and/or old age who are assisted through their care givers. It is expected that through such interventions they can expand their livelihood outcomes (Department of Social Welfare 2011 p. 1).*

Until 31st August 1979, when the Armed Forces Revolutionary Council (AFRC) Decree 66 established and inaugurated the Ghana National Commission on Children [GNCC] to coordinate national policies and create sustainable programmes for the welfare of children, DSW was the only government agency charged with child welfare in Ghana. It was made the main government agency responsible for the advocacy on behalf of children and coordinated activities of child related agencies in respect of services to promote child welfare. However, there is need for a very fluid and effective networking arrangement between agencies such as DSW, GNCC now the Department of Children, Domestic Violence and Victim Support Unit

[DOVVSU] of the Ghana Police Service and other child-focused organizations. This does not exist resulting in DSW's budget being cut down year in year out.

The establishment of GNCC was a recommendation by the Ad hoc Committee on the International year of the child, which was set up by the Ministry of Foreign Affairs to prepare Ghana for the observation of 1979 International year of the child (Government of Ghana, 2004). After the GNCC, Ministry of Women and Children [MOWAC] was formed from which the country now has a Department of Children and Department of Women. Even though, all these units and departments exist, Department of Social Welfare still has the responsibility to protect vulnerable families and children. The funding for the work however is distributed among the various departments as stated above.

According to Manful & Manful (2009) and Laird (2008) the Department of Social Welfare, which is the state agency responsible for the provision of welfare services, employs about 800 staff, inclusive of auxiliary and managerial personnel, across 110 district offices to address the needs of vulnerable groups for the whole country. Therefore, the number of social workers attending to the needs of vulnerable children in communities are described as inadequate. Their assertion is confirmed by the DSW statistics of 1,219 personnel provided for 2012. The state is the employer of all departments of social welfare staff, yet currently, there is embargo on employment making it difficult for the department to hire an adequate number of professional staff to attend to the needs of vulnerable children.

The districts have increased as of now but the situation has not changed. This confirms UNICEF (2009: 31), common concerns articulated in the committee's responses which include the fact that governments are not ensuring that the principle of "the best interest is embedded in institutions throughout society, and that they have not established a

comprehensive database to document the extent of, and trends in, violations of children's protection rights".

4.11 DSW Services under Military Regime

The 1966 coup d'état shook the foundation of DSW as subsequent to that in 1969, the department was first split into two separate departments and put under separate ministries. The community development division again split in 1981 and was placed under the Ministry of Local Government. The reason and philosophy being that there were internal wrangling among staff for positions within the department. There were elements within the department who would like to take up positions within the then department using political power instead of laid down regulations as per departmental mandate. This was noted by the retired officers who were interviewed during this research.

According to Mr Asempa aged 71 and Mr Boafo aged 95 [retired officers who were interviewed], the split in 1969 was political and no reason was given. Prime Minister Busia was David Acquah's [a social worker] mate and had done some social work activities where he did some studies in Sekondi-Takoradi (A report on a social survey of Sekondi-Takoradi, 1950). Due to Busia's training as a teacher and an administrator he understood that social work and community development were complementary. This led to the merger of the department in 1970 and placed under a new ministry of Youth and Rural Development. But there was another split in 1981. According to Mr Asempa, who participated at the decision making level, the split was purely political. Some members of staff who participated in the activities leading to the split became prominent members of the People's National Defence Council [PNDC] Government. One of the ring leaders whose name was mentioned by Mr Boafo became a regional minister under the PNDC rule.

In 1987, the Social Welfare Department was placed under the Ministry of Local Government and later under Mobilization and Social Welfare, and then again the Ministry of Employment and Social Welfare. DSW remained under this ministry, whose name was changed to the Ministry of Manpower Development and Employment, until 2012 when the National Democratic Congress Party placed it under the Ministry of Gender, Children and Social Protection.

According to the current National Democratic Congress (NDC) government, this was done to ensure that all social service departments and agencies are together for effective coordination and collaboration. However, the Department of Community Development is still with the Ministry of Local Government and Rural Development although its services are complementary to social welfare department services. The two departments have been merged at the metropolitan, municipal and district levels but the regions and head offices are still separated. Mr Boafo, 95 years noted:

I am saying the social work and community development are complimentary, so when NDC came, the leaders in community development had links with the PNDC government. When they lobbied them they split it again. During Busia's time the remerge was due to professional issues but the 1981 split was purely political under the consideration that they [Community Development Officers] will be better off on their own.

On the same issue Mr Asempa, 71 noted:

First of all, the president of the country has the right to reshuffle ministries and departments. Like you [DSW] in recent times, Gender, Children, and Social Protection. I think that authority of the president is there to dissolve and create departments. There could be an official reason depending on the priorities that the president or the political leaders have. Having said so, I know that some of us civil servants also do our own lobbying in so many ways. I cannot talk about the 1969 but I can talk about the 1981. What happened was that, Social Welfare was there as a division, and community development was there as another division in the department of social welfare and Community development. The rehabilitation division was also created. The last division to be created was the budget and planning division. The divisions came with establishments and there was an internal advertisement for people in the department of social welfare and community development to opt to join the rehabilitation department. So, one, you need one director, one deputy director, 2 principals, assistant directors, you know it is like a pyramid, as you go up it slims, the base is bigger. On so many occasions there are more social welfare officers who

become the directors. Those in community development were not happy so they took the opportunity to lobby the political authority to find a way out.

From these explanations, DSW had to ensure that it had staff compliment to achieve its mission. At the time, officers at the helm of affairs were strict and followed the establishment of the various divisions. That was in terms of qualification, practice experience and performance. There were no bypasses except for further education based on the requirement of the service where special skills were needed. Those in community development were not happy and did not keep quiet about it, not because they were qualified and were not promoted but because they felt their colleagues in other divisions especially the welfare division occupied most of the decision making positions. The uneven ground for promotion was set by how officers for the various divisions were recruited. Those for welfare as explained earlier in this chapter were secondary school leavers and teacher certificate “A” holders while those for Community Development were mostly form four leavers (holders of middle school leaving certificates) who were fluent in the various local languages. Those with community development started grumbling but the strict adherence to the establishment codes did not help them. Somehow, the promotion gap was created through unequal qualifications putting one division ahead of the other even if given the same opportunity to progress. By this, community development officers often failed promotion and university entrance examinations to read diploma in social administration. Those who made it into the university often had referral papers than those from the welfare division. So community development officers who mostly worked in the villages had access to political figures in their various areas of work. In their bid to get recognised and promoted, they lobbied them to separate their division from the social welfare division.

The second separation which took place in 1981 did not only impact negatively on the two new departments but also lowered the respect that social work in Ghana enjoyed before the separation. This came with lowered standards of practice and supervision issues bringing

about disrespect for qualifications and positions in the department. Promotions were done without recourse to both academic qualifications and period of service (experience). Some junior officers got promotions while their senior officers waited on the same grade for more than ten years. Persons started assuming positions they were not qualified for, but through some kind of allegiance to certain elements in high positions, they were put at those positions.

The situation was summed up by Mr Asempa, 71 as follows:

Like I said when it [lobbied for separation] was done, the first thing they did was to create more establishments so people will get promoted you know. Who doesn't want to be a chief, everybody wants to be a chief.

Mr Boafo, 95 enumerated the issues before and after separation as:

I think when the civil service reforms started...you know after the break and then these reforms. So we put these establishments together. Then those who were qualified for promotion in their various grades, we did a special programme then we educated our people as to what was happening in the department because there were some people who have been on one grade for 14 to 15 years. We did a seniority list and looked at the vacancies available and started calling people for interview in batches depending on the grades and the number of years they have served. The principle didn't change just that it was a mass thing in order to correct and change the situation where one division gets promoted and the other division is stagnant and the people are marking time.

This was the situation of DSW when the civil service reforms began around the mid-1980s.

To solve the problem which arose within DSW which stems from a leadership crisis, the divisions were merged and the names of the grades under the various divisions merged. With the change in nomenclature, the system was opened in the 1990s for persons without required social work qualifications to assume strictly social work positions within the DSW in the country. Although the officer was not willing to accept that staff under the welfare unit were academically ahead of the staff of the other divisions at the beginning of the interview, Mr.

Boafo finally stated that:

I remember those people that were employed initially to do community development work, mass education and other things. If you look at their educational background, at a point in time it wasn't too high as compared to those who did the welfare. Because if you look at the nature of mass education, campaigns and all those things we needed people more fluent in the languages to be able to interact with people in the

communities. So we had more technical people there who were not good in academics like those with the welfare and rehabilitation. Our vocational schools and things were also at a point in time being managed and supervised by these technical people or hands on things rather than academic...

As a result of lack of adherence to laid down rules; qualified officers were on their grades for ten to fourteen years without promotion. With officers grumbling, and lobbying government officials, professionalism was compromised with some officers taking political appointments in the 1980s. Thus, government officials then shuffled the DSW from one ministry to the other. In 1987, the DSW was placed, for political reasons, with the Ministry of Local Government but the department demonstrated that local government was not a ministry for the practice of social work. The department was then moved to Mobilization and Social Welfare, then to Ministry of Employment and Social Welfare which was later changed to Ministry of Manpower Development and Employment (Amoako, 2003). All the retired officers agreed that the shuffling had not helped social welfare and community development which was articulated separately as:

When you go to education, the emphasis is on education, their plate is full so they don't pay much attention to social welfare and when you go to labour, the problems are overwhelming. The social welfare does not bring problems because when someone suffers he suffers quietly but for labour problems you see it because people go on strike so they pay more attention to labour than social welfare. They couldn't find the right place to attach social welfare and they didn't want social welfare to stand alone (Mr Asempa aged 71).

The second officer said:

That is the worst thing to have happened. When some of us were employed into the department and it was social welfare and community development, we didn't have even the pedigree [of officers] that we have [today]. The influence that we had as a department when it even comes to budgetary allocation... Information section which is in community development which backs up the whole department with teaching aids and campaign materials with social education issues and all that and you see a whole section takes away that information unit and is there and when it comes to literacy, non-formal education at the end of the day community development also suffers because of money. So, non-formal education [unit under the community development] was moved to the ministry of education. Unfortunately [laughs] when you are broken into pieces you can't stand. But then when all these divisions and units were together, the department was stronger and the expertise was there (Mr Boafo aged 95).

The department of social welfare is broken into pieces and it is finding it difficult to stand. Its work is duplicated by many other government agencies and NGOs who find means to also take the funds and qualified personnel away from DSW.

4.12 Training of Welfare Officers/ Social Workers in Ghana

A recommendation was made for the first staff of nine (9) to be trained in the United Kingdom between 1945 and 1946. This also marks the beginning of social work education in Ghana (Then Gold Coast). As part of the 5 year Social Welfare development plan, the school of social welfare (Now school of Social Work) was established in 1950 to train welfare officers in the Gold Coast. It was recommended in the Social Welfare Development Plan that a school of social welfare in the Gold Coast be established later. When experience showed the need for specialized training for particular duties, then, suitable candidates were to be selected from the staff of social welfare for short courses in the United Kingdom. The selected candidates should have a natural aptitude for welfare work (Gold Coast Government, 1944; DSW and UNICEF, 2005). The School of Social Welfare was then established in Accra for two reasons:

1. To rely on the provision of part time lecturers from certain government departments like social services, education, labour, mechanical, agriculture, native affairs West African Institute, Achimota College, Missions, Boy Scouts Association, all of whom have their head-quarters in Accra.
2. Also, the existence of the Juvenile Court, Remand Home and reception Hostel, the on-going probation work; a large community centre, a young women's hostel, the new housing estates which offered excellent opportunities for practical training, as did prisons, Asylum, leper Settlement, hospitals, clinics, slums and surrounding villages provided scope for observation of social conditions and needs. This plan was put up before the return of the first students trained in the United Kingdom (U.K.). The

School was originally designed to be residential for male students while the female students were to reside at the young women's hostel (Gold Coast Government, 1944). The first resident house master and tutor was selected from the first trained social welfare officers from the U.K. Scholarships were provided by colonial government to cover students fees (Boarding, tuition etc.), travelling expenses incurred in furtherance of studies and pocket money of 10 pence per month. Allowances were made available to assist married students. During the first five years, ten (10) students were admitted each year. The social welfare training course was a year's program. Upon completion of a twelve month course, a satisfactory student in both school work and conduct was appointed as an Assistant Welfare officer on three year probation. Promotion to the grade of welfare officer was granted either for merit in the field or as a result of satisfactory completion of an advanced course in the United Kingdom.

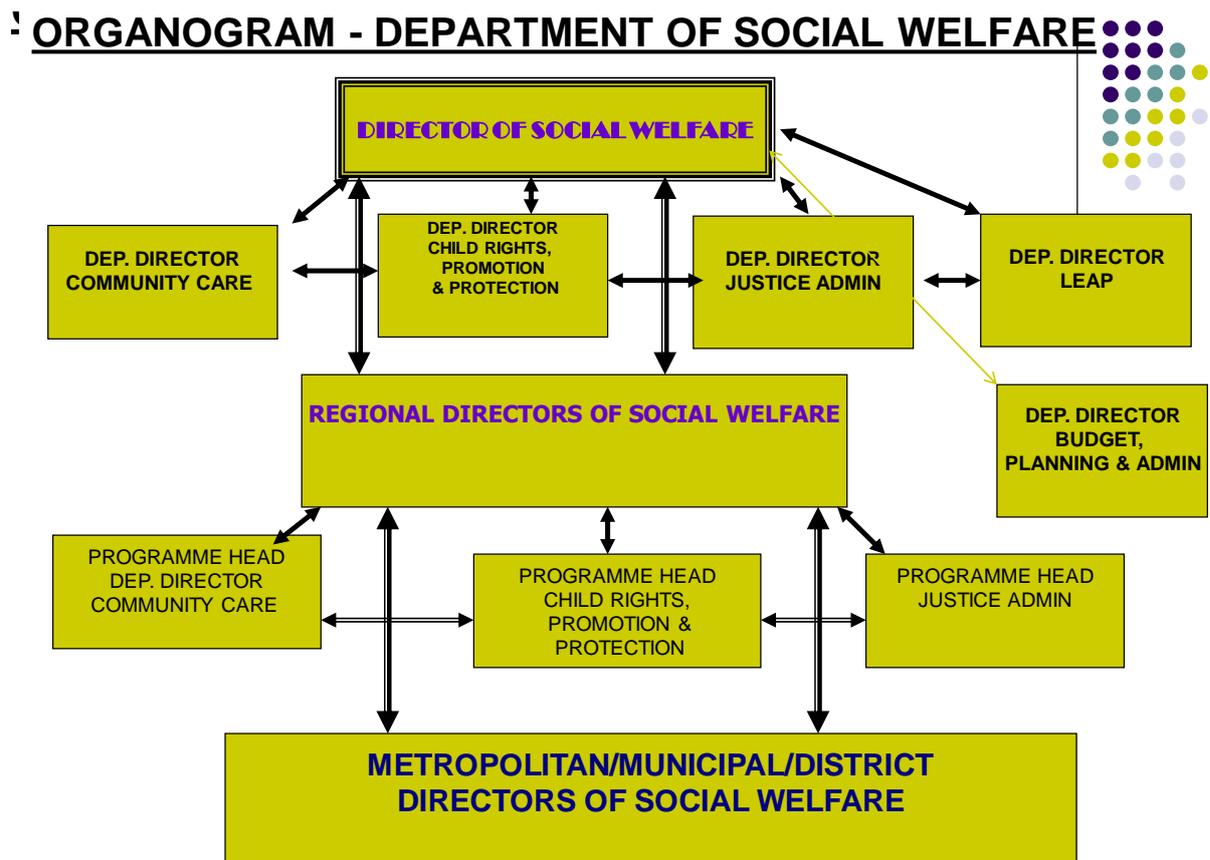
The Social Administration unit of the School of Social Welfare was transferred to the University of Ghana, Legon in 1955 and operated under the Sociology Department. The degree programme was introduced in 1989 when the first Bachelor of Arts Social Work students were admitted. The Master of Philosophy programme was added in 2003/2004 Academic year. The social administration unit was also upgraded and became a Department of Social Work in 2004. After a successful roll out of the Master of Philosophy programme, the Department of Social Work admitted the first PhD candidates in 2011/2012 academic year. Candidates were trained in collaboration with the University of Manitoba, Canada. Training of social workers has advanced but the Department of Social Welfare seems to be deteriorating.

4.13 Administrative Structure of DSW

The DSW has one national director and five deputy directors who form the national directorate at the head office. In the absence of a substantive national director the most senior of the five

deputy directors acts as the director. All the deputy directors report directly to the national director. Preceding the five deputy directors are the ten regional directors with three programme heads forming the regional directorate. The programme heads report directly to their various regional directors who also report to the national director. The metropolitan, municipal and district directors are the next in command ensuring that the departmental structures work effectively. They report through the regional directors to the national director. The other staff report to their various sectional heads through the metropolitan, municipal and district officers to the regional directors. Table 5 below is the graphical representation of the DSW administrative structure.

Table 5: Administrative Structure of DSW



Source: DSW 2012

4.14 Staff Strength and Regional Distributions

The total number of the staff provided here includes auxiliary staff. This means that the professional staff manning the department are less than half of the 1,219 which was provided by personnel department at the end of 2012 (See Appendix B series). Table six provides the regional distribution of staff of the department.

Table 6: Regional Distribution of staff

G. Accra	Ashanti	Brong-Ahafo	Central	Eastern	Northern	Upper East	Upper West	Western	Volta
360	237	83	101	108	87	62	42	61	70

Source: DSW's Personnel Department (2012)

Greater Accra region includes head office staff. Therefore, it is not the most endowed region with staff. Table 5a is a breakdown into various categories per the data collected from the personnel department.

Table 6a: Social Workers

Deputy Director (DD)	20
Assistant Director (AD)	64
Principal Social Development Officer (PSDO)	58
Senior Social Development Officer (SSDO)	
Social Development Officer (SDO)	
Senior Assistant Social Development Officer (SASDO)	
Case Worker* (CW)	45
Chief Assistant Social Welfare Officer (CASWO)	8
Assistant Social Development Officer (ASDO)	80
Social Development Assistant (SDA)	

Source: DSW's Personnel Department (2012) *Case Worker is not a grade but a title in DSW.

Case worker is a title and not a grade under DSW official classifications but was found being used as a grade in the data provided by the personnel unit. A case worker is a career classification in the human services with a Masters level educational qualification. Case workers deal face to face with individuals, families and community groups to develop and use

strategies to improve social circumstances (<http://www.21csocialwork.org.uk/27/9/2013>). SSDO, SDO, SASDO CASWO and SDA are classified as grades but were not found in the data provided by personnel unit. By the data provided, it is possible that the staff are not up to the number provided as grades are mixed up with titles. That is, some of the officers counted under a particular grade may also be counted under the positions they occupy thereby swelling the number. This could be seen as a supervision or leadership challenge. There seems to be laxity in supervision of officers to perform their duties as expected (See Appendix B series).

Table 6b: Supporting Staff

Instructor	Cook	Watchman/Security	Labourer
152	50	44	75

In a department of 1,219 staff countrywide, less than 200, that is per the data provided by the personnel unit of DSW 142 officers, are professional social workers. Out of the 142 professional social workers or senior officers, only 18 (12.67%) are qualified as professionals by their training and experience. The rest are long serving officers with educational qualifications of mostly certificate of social work from the school of social work and diploma in social administration from the University of Ghana. This is because promotions are done periodically for year groups without recourse to further studies and exceptional achievements in the field (See Appendix B series).

4.15 Deputy Directors

Social welfare is provided by social workers and other professionals. For efficiency, that is to serve the needs of the various clienteles, there must be a clear job description for the various professionals. Each professional should have specific duties according to training and experience. However, the officers are not classified and given specific duties in their fields, instead, everybody does anything at DSW.

There are 20 deputy directors, out of this number 8 (40%), are graduates and out of these graduates 1 (5%) has a Master's degree in Social Work, 2 (10%) have a Bachelor's degree in Social Work and the remaining 5 (25%) have at least degrees but not in social work. The rest of the 12 (60%) have diploma in Social Administration. With 15% of management staff holding university degrees in social work while the remaining 85% have neither a university degree nor some other degrees, the department is being managed largely by non-professionals (See appendix B series).

The Assistant Directors are 64; and 26 which is (40.6%) of them have certificates in Social Work from the School of Social Work Osu, 15 (23.4%) of them also have diplomas in Social Administration from the University of Ghana. In sum 41 (64.06%) of the 64 Assistant Directors do not have a degree but are at a decision making position that should be held by officers with at least a first degree in addition to some years of working experience. Out of the 23 officers with some university degrees, 5 (7.8%) of them have a master's degree of which 2 (3.1%) are Masters in Social Work. The remaining 18 (28.1%) have first degrees, out of which 7 (10.9%) are a Bachelor of Art in Social Work. The remaining 11 (17.1%) are bachelor's degrees in other areas. This means that most personnel at the helm of affairs in the department lack the needed professional qualifications apart from their long years of working experience. This is however not to mean that professional qualification for social welfare provision is narrowly defined as social work. All other professionals within the system must be appropriately acknowledged and promotions done according to competencies (See appendix B).

4.16 Budgets for Department of Social Welfare

Section 16 (2) of the children's Act, Act 560 of 1998, places the DSW at the centre of child welfare and protection. The DSW is mandated under this Act to investigate cases which contravene children's rights and to manage children's homes and day care centres. Funds

allocated to DSW and the Ministry of justice for the care of children, seem ambitious and impossible to meet. The existing structures have limitations, for example, in analysing budgetary impacts on children. First of all, it is evident that whereas the education and health sectors have produced large quantities of data over the decade, though not all of the data are adequate or internally consistent, the social welfare sector on the other hand has not only extremely limited resources but a dearth of reliable data (Holmes & Braunholtz-Speigh, 2009). DSW therefore, with its limited resources is unable to produce reliable data in line with its work.

4.17 Child Welfare Policy and Budget

Government of Ghana has signed a host of policy commitments in relation to care and protection of children. A number of state structures have also been put in place to see to the implementation of the commitments. These structures include DSW, Ministry of Justice, and Commission on Human Rights and Administrative Justice (CHRAJ). According to the Department of Children (2006), the restructuring of the Ministry of Employment and Social Welfare appeared to marginalize children, with the new structure apparently prioritizing non pro-children areas, although DSW has the primary responsibility for providing social welfare services through its three core programs (Department of Children, 2006). The Department of Children (2006) explained that, the reason for the marginalization is that, provision of public safety services for children is inter-sectorial; involving all sectors of the system. Public safety services also require provision of adequate services to child victims of crimes, for example, defiled, trafficked and abused children. In Ghana the system comprises Ministries of Justice, Interior, Judicial Service, Ministry of Employment and Social Welfare and CHRAJ. The Interior Ministry comprises the Police, Prisons Service, Ghana Fire Service and Immigration Service (Department of Children, 2006). The Justice system and Ministry of Defence are collectively referred to as Public Safety in the budget classification system (Ghana National

Commission on Children, 2000). Within these ministries and departments are special units created to deal with child issues without clear definitions of roles, therefore, duplication of roles and possibilities of funding projects that do not promote child rights abound. For example, there is a legal Aid Board which is supposed to provide free legal assistance to children in need situated within the Ministry of Justice. Because all these mentioned ministries and departments are to provide services to children, funding is thinly spread among them and none is able to provide adequate services to the child. The child then becomes a victim of the system and its rights are not served.

The Police Service (Domestic Violence and Victim Support Unit (DOVVSU) within the Ministry of the Interior focuses on care and protection of children and women who are Victims of Crime. Judicial Service has the community tribunals and Juvenile courts established to adjudicate cases involving children. CHRAJ does not have a special unit but focuses generally on Human Rights including those of Women and Children (Casey, 2011)

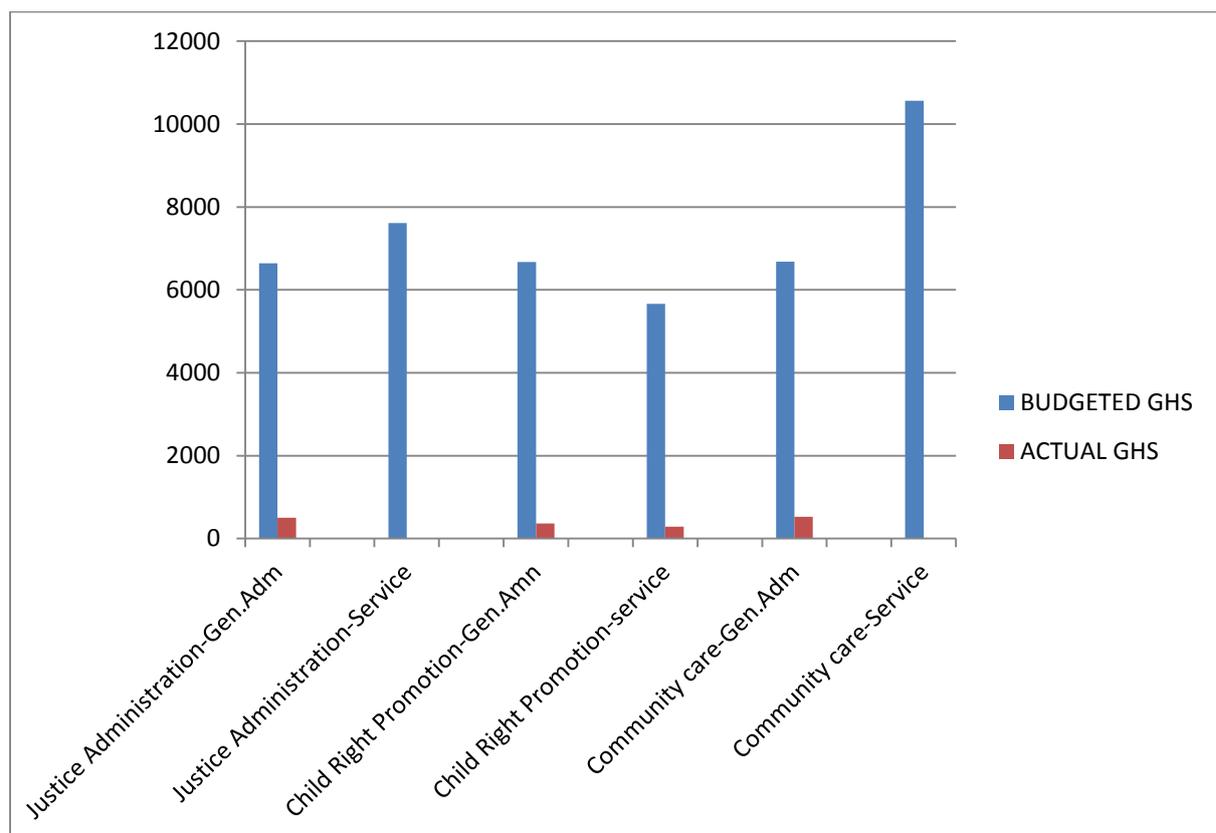
4.18 Social Welfare and Justice Financing

DSW, through the Ministry of Employment and Social Welfare (MESW), compared to other Ministries receives the 'poor man's' share. According to (Department of Children, 2006) in 1999 and 2000 budgets, DSW's budget was 98 per cent smaller than the Ministry of Education's (MOE) budget and 93 per cent smaller than the Ministry of Health's (MOH) budget. One may view DSW as small compared to MOE and MOH, but DSW service provision cuts across these ministries. Therefore, the magnitude of work expected from all could be said to be the same. These figures as stated by the report hardly changed in the following years (1.8 per cent respectively). In addition to the MESW budget, the Ministry of Justice contributed directly to DSW (¢37 billion in 1999 and ¢99, billion (old Ghana cedis) in 2000). The DSW further receives very limited financial support from non-governmental sources with some support also from UNICEF and international Non-governmental

organizations, which is a recent development (See appendix a 5 (Tables 1.1, 1.2 & 1.3) for the budget for the DSW for a seven year period from 1993 to 2001) (Department of Children, 2006).

Similarly, Public Safety expenditure demonstrates government priorities, where children are clearly under-represented. From 1995 to 1998 Public Safety spent a total of $\text{¢}851$ billion. This included expenditure on the Ministries of Justice and the Interior, the Judicial Service and the CHRAJ. In 1999, the budget for the sector stood at $\text{¢}390.4$ billion, rising to $\text{¢}474.6$ billion in 2000. The budget allocations therefore partly explain the nature of services DSW currently delivers for child rights promotion and protection (See appendix C, Tables 2.1-2.5).

Figure 1: 2011 Budget Analysis of DSW



Source: DSW Budget and Accounts Unit (2012).

The year 2011 followed the same trend as 2010 with some programmes receiving no amount of the budgeted estimates (Justice Administration-Service and Community care-Service). Although general administration under community care had 8% funding of its budget no funding was provided for services under the same programme so virtually no activities could be performed. No explanation was given for not providing funds for the services under the programmes. Child rights promotion had 5% each for its budget for general administration and services. The department of social welfare budget for the period decreased in all the programmes between 14% and 68% instead of increasing to make up for the rate of inflation in the country. Although, the budgeted figures decreased actual releases still did not increase, rather some programmes did not receive funding for services (DSW, 2012).

According to the budget and accounting departments of DSW, even with the limited actual releases from the government, sometimes clearing the amounts at the Controller and Accountants General Department was difficult. It was explained that the Ministry of Finance has developed a system that demanded that particular software is used to access the funds but the software changes from time to time. Sometimes, by the time funds are released and the software installed for the accountants to feed in the expected amounts, Controller and Accountants General Department would have closed the system and the department is unable to receive the meagre amounts due it. There used to be what is known as re-voting in the time past which allowed the department to claim funds that were not used during a quarter due to technical difficulties in addition to the new allocations for the ensuing quarter. That provision is no longer available so, once the department is unable to make use of a particular amount provided in a quarter, it is returned to government chest and not refunded. There is constant manoeuvrings by accounting professionals to secure allocated funds. These difficulties are blamed on the quality of staff at the unit. One officer explained it as the unwillingness of newly trained officers to undergo internship/understudy experienced officers on the job when

posted. In this way, experienced officers retire with their skills without training upcoming officers. Currently, it is only replacement which is done, but sometimes, in the course of replacement, officers without adequate skills are placed. In addition to that, the department does not have any structured orientation for newly employed staff.

Thus, the young graduates with university certificates are unable to go round the system to access the funds for the department.

4.19 Conclusions

The DSW was established to provide social services to the citizens of Ghana. Initially, the department employed highly skilled personnel to prosecute its mandate. The military take overs saw the Department shuffled from one ministry to the other which affected the performance of its mandate. The DSW currently lacks an adequate number of personnel. Also, current criteria for promotion which seem to only consider years of service (experience) does not seem to take into account academic qualifications. It is therefore possible to acquire academic qualification without being recognised and promoted if even the three year waiting period is served. This makes it easy for highly qualified officers who feel frustrated by the system to look for better paying jobs and resign from the department. Furthermore, from the data provided by the personnel unit, it was clear that some officers who had gone for further training and returned to work still had their personal data not reflecting their qualifications. Due to lack of adequate data on qualified staff even when there was vacancy at times such qualified officers did not get selected for it.

Before the 1990s the Department had two streams for promotion; professional and non-professional lines. That was based on training and experience; those who qualified as social workers, other professionals and then, the supporting staff with various technical/vocational qualifications. These have been collapsed making it possible for non-professionals to be

promoted into the professional line after some years of working with the DSW. This has made it possible for some non-professionals, by training and experience to find their way into the directorate. The DSW lacks reasonable finance, logistics and office space for the provision of effective social services.

DSW is mandated to provide accommodation, boarding, lodging, counselling and rehabilitation for vulnerable children. This is because, DSW is a major source of referral to Legal Aid Board and the Police after arrest and rescue. DSW, therefore, is the key ministry for the social security of children, especially, those who have special needs. This, on paper, could be seen as inter-departmental collaboration. However, in reality, there is no collaboration as it is supposed to be. It is also worth noting that the DSW is not classified in the budget as part of public safety. The department is therefore mandated to provide services that are not funded adequately if funded at all.

CHAPTER FIVE

CHILDREN AND INTER-COUNTRY ADOPTION IN GHANA

5.1 Introduction

This chapter presents and discusses the findings from data collected on the type of children placed for inter-country adoption in Ghana. First, it presents the kind of children stated by law as in need of care and protection. Then, it examines the kind of children in care and protection who can be placed for adoption or inter-country adoption. Second, the chapter presents and analyses inter-country adoption practice in Ghana as narrated by employees of the department of social welfare (DSW), facilitators of inter-country adoption, and biological parents of adopted or prospective adopted children, lawyers and judges who are involved in the inter-country adoption process.

5.2 Regulations for Inter-Country Adoption in Ghana

This section states the position of the law on the criteria for children in vulnerable conditions, who to report on them and where to make the report. Which conditions mirror vulnerability, who to investigate and when to remove child from vulnerable conditions and when to apply for a care order. It also examines the conditions for making a care order and when a child on a care order can be placed for adoption.

Inter-country adoption involves four categories of persons. There are first, Ghanaians living abroad adopting children who are relatives; and second, Ghanaians living abroad adopting children who are non-relatives; third, foreigners living in Ghana adopting Ghanaian children and fourth, foreigners who come into the country to adopt Ghanaian children and take them out of jurisdiction. Evidence of this is presented later in the chapter from the narratives of research participants.

5.3 Circumstances making a Child Vulnerable

Section 18 of Act 560/1998 is specific on the child who is in need of care and protection, who is to report child abuse, to whom and the conditions that make a child in need of such protection. Any person with information on child abuse or a child in need of care and protection is to report to DSW. This includes orphans, children deserted by parents or relatives, neglect or ill-treatment by whoever has custody of the child.

When a child has a parent or guardian, who does not exercise proper guardianship, making the child seem destitute, then, that child is in need of care and protection from the state. For instance, where the child is found wandering and has no home or means of subsistence. Section 18 further states that a child is vulnerable in a situation where the child frequents a reputed thief or prostitute (that is, where a child is seen in the company of a reputed thief or prostitute). This also includes, where a child resides in a house used by a prostitute or for prostitution; or living in circumstances which seem to encourage or favour seduction or affect the morality of the child. A child found soliciting or importuning for immoral purposes is also in need of care and protection due to the moral dangers under such situations (Sect 18 j & k(1)). The kind of children and reasons for adopting such children is discussed in detail under a section titled “*care order and adoption*” in this chapter.

5.4 Removal of Child from Vulnerable Situations

The district assemblies are mandated to protect the welfare of children within their area of authority. The assemblies through the DSW are to ensure that government agencies liaise with each other in matters concerning children in order to protect them. The DSW at the district level is one of the decentralized departments of the district assemblies but is not under the Ministry of Local Government. The DSW is under the Ministry of Gender, Children and Social Protection and does not receive funding from the district assemblies which fall under the Ministry of local government for their activities. Currently, there are separate departments

of children and women in addition to DSW at the district level. The position of the DSW is further strengthened by the mandate to remove a child, after investigations find him/her to be in vulnerable condition and in need of care and protection to a place of safety. This is irrespective of the status of that child, whether Ghanaian or refugee.

Places of safety include a children's home managed by DSW or a recognised private children's home. It could also be in a home of a fit person (A person of high moral standing in society who is capable and willing to take care of a child) or fosterage within the child's family.

5.4.1 Conditions for Care Orders

The family tribunal is to grant a care order to the DSW upon application, stating the vulnerability of the child (Sect. 19(4)). The care order is to remove the child from the situation where it is to suffer or suffering from significant harm, such as physical or psychological trauma. The trauma could be due to assault and other forms of abuse resulting from lack of care and supervision from a parent. The order transfers parental rights from the parents, guardian or relatives to DSW. When the DSW has custody of a child, the probation officer then determines the most suitable place for its care. Alternative care is to be within a limited period which is three years or before the child attains 18 years, whichever comes first. Variation of the order may be necessary after the child's situation is further assessed. To ensure that recalcitrant parents are made responsible and not shirk their responsibilities, the court can further order that the parent, guardian or anybody responsible for the child pay for the maintenance cost. The law is specific on the places of safety and no unlicensed children's home/institution is to be made responsible for a child on a care order unless, the home is approved or recognised by the Minister responsible for social welfare (section 20(6)). It is therefore important for probation officers of DSW to perform their duties strictly according to the laws.

5.4.2 Duties of Probation Officer

A Probation Officer is a qualified social worker with DSW who works with a broad spectrum of offenders and their families in courts, the community and prisons. Probation Officers also work within the Victims Unit as Victim Liaison Officers (that is persons in need of care and protection). The probation officer is given further responsibility by allowing him/her the use of discretion when determining a safe place for the care of a vulnerable child. If a child is found vulnerable but in his/her professional opinion finds it to be in the best interest of the child to remain under the care of the family, upon application, the court may grant the officer a supervision order aimed at preventing significant harm being caused to a child. Whilst the maximum period for a supervision order is one year, the order could be varied depending on the condition of the child. Supervision, monitoring and alternative care would have to end by the child attaining age 18.

For clarity, and for effective monitoring of services, the duties of the probation officer's under care and supervision are stated as:

- To advise and help the child and family
- To take responsible steps to prevent the child from being subjected to harm and hold regular reviews to plan for the child's future (Sect. 22 a, b & c).

The officer is to be permitted by the parent who has custody of the child to visit the child at home in the situation. Section 24 is in reference to a delinquent child but could also refer to a child in contact with the law. Where it is found that discharging the care order will be in the interest of the child it could be done upon an application by the child, a probation officer, parent, guardian or a relative of the child.

5.5 Care Order and Adoption

Section 18 of the children's Act as explained so far seeks to keep children as much as possible within their families and when that is not possible immediately, institutional care should be within a short period. In order to prevent keeping children under a care order indefinitely, a child under a care order whose parents or relatives and guardian do not show interest in the welfare of a particular child within the period stipulated by the Family Tribunal may be put up for adoption.

Until the early 2000s, inter-country adoption did not involve large numbers of children as is being witnessed currently. Before then, very few children were adopted internationally from Ghana and in most cases it involved Ghanaians living abroad adopting family members. Table 6 below shows the statistics for ten years per the available information from DSW.

Table 7: Adoption Statistics [2000-2010]

Years	Number of local adoption		Number of international adoption		Total number of adoption	
	Number	Percentage (%)	Number	Percentage (%)	Number	Percentage (%)
2000	49	27	133	73	182	100
2001	31	29.5	74	70.5	105*	100
2002	68	19	297	81	365	100
2003	38	20	149	80	187	100
2004	12	38.7	19	61.3	31*	100
2005	13	48	14	52	27*	100
2006	62	23	206	77	268	100
2007	46	17	228	83	274	100
2008	76	28	195	72	271	100
2009	98	27	266	73	364	100
2010	261	70	112	30	373	100

Source: (Department of Social Welfare, Head office)¹⁰

The figures for year 2010 seem low. This could be due to some regions not submitting their closed adoption files as required administratively by DSW. It is reflected in the figures

¹⁰ The years with * not all the regions filed returns, so, records cover one or two out of the ten administrative regions. This data was gathered from available closed adoption files in 2011.

recorded depending on where one collects data that is either directly from district, regional or head office. This data were taken from Justice Administration Unit at the DSW Head Office. The figures differ when it is collected from the regions and districts as seen from UNICEF data in table 7a below. UNICEF also collected data for a three year period from 2009 to 2011. Their figures differ significantly because they took their data from the regions and districts; their data also confirm the increase in inter-country adoption in Ghana as Table 6 presented above depicts. This raises the question of reliability of the different data collected from DSW. There is a need for a follow up research on how the statistics of inter-country adoption are kept and the reasons for the differences emanating from differences in where the data is collected and who collects it.

For instance, for year 2009 DSW data recorded a total of 364 adoptions in Ghana while UNICEF recorded a total of 395. This gives a difference of 31 for all adoptions in 2009. Also, in 2010, DSW data recorded a total of 373 adoptions and UNICEF recorded 431, giving a difference of 58. For 2009, DSW recorded 98 local adoptions and 266 inter-country adoptions. UNICEF data presented 114 local adoptions and 281 inter-country adoptions. In 2010, DSW data presented 261 local adoptions and 112 inter-country adoptions while UNICEF presented 126 domestic/local adoptions and 305 inter-country adoptions. The findings therefore point to increasing numbers of children placed for inter-country adoption in Ghana. The differences in the two sets of data presented may be due to regions not always presenting all their records to DSW Head Office as required administratively in the department. UNICEF Ghana over the years has developed a trust relationship with DSW staff through training programmes supported by UNICEF. UNICEF Ghana may have received more information relying on the trust relationship with officers at the districts and regions. The different data sets from DSW head office and regions may be a reflection of lapses in supervision of officers in charge of

adoption in the regions. Although the two sets of data differ, it still remains a fact that the country is recording high inter-country adoption figures by the years.

Table 7(a): Adoption Statistics (2009-2011)

Children Adopted by Region and Final Destinations

Regions								Destinations	Total
Greater Accra	Ashanti	Central	Eastern	Northern	Brong-Ahafo	Upper West	Volta		
3	3	2	0	0	0	0	0	Australia	8
6	2	0	2	0	0	0	0	Austria	10
5	4	0	0	0	0	0	0	Belgium	9
16	9	3	0	1	0	0	0	Canada	29
1	0	0	0	0	0	0	0	Cuba	1
1	2	0	0	0	0	0	0	Denmark	3
1	0	0	0	0	0	0	0	DRC	1
1	0	0	0	0	0	0	0	Egypt	1
1	1	0	0	0	0	0	0	Finland	2
5	2	0	0	0	0	0	0	France	7
6	5	0	0	0	0	0	0	Germany	11
252	72	11	6	11	0	1	3	Ghana	356
0	2	0	0	0	0	0	0	Ireland	2
3	10	1	0	0	0	0	0	Italy	14
5	4	0	1	0	0	0	2	Netherlands	12
1	1	0	0	0	0	0	0	Nigeria	2
1	0	0	0	0	0	0	0	Norway	1
1	3	0	0	0	0	0	0	Slovenia	4
3	0	1	0	0	0	0	0	South Africa	4
1	0	0	0	0	0	0	0	Spain	1
3	3	2	0	0	0	0	0	Sweden	8
3	0	0	0	0	0	0	0	Switzerland	3
1	0	0	0	0	0	0	0	Togo	1
2	0	0	0	0	0	0	0	Tunisia	2
92	40	7	4	1	0	0	0	UK	144
371	130	22	8	5	1	0	3	US	540
1	0	0	0	0	0	0	0	Zambia	1
2	0	0	0	0	0	0	0	Zimbabwe	2
788	293	49	21	18	1	1	8	Total	1179

Source: UNICEF, Ghana office [2012]

UNICEF (2012) makes it clearer by differentiating between adoption by blood relatives, sex of the children and non-relatives. It goes further to give ages at which legal adoption was given and provided names of the receiving countries [destinations]. A total of 1179 children were adopted between 2009 and 2011. When 356 children adopted within Ghana are subtracted from the total number of children adopted which is 1179, then, 823 children were

adopted inter-country. That means, out of the 1179 adopted children, 356 were in-country adoptions whilst 823 were inter-country. The USA received 540 of the 823 children adopted inter-country; and the UK followed with 144. USA and UK could therefore be said to be the main destinations for inter-country adopted children from Ghana.

Table 7(b) Children Adopted By Region and Sex

Region	Sex							Total for both sexes	
	Male			Total	Female				Total
	2009	2010	2011		2009	2010	2011		
Ashanti	56	45	36	137	67	48	41	156	293
Brong-Ahafo	0	1	0	1	0	0	0	0	1
Central	8	14	6	28	10	10	1	21	49
Eastern	4	5	2	11	3	5	2	10	21
Greater Accra	115	141	107	363	122	153	150	425	788
Northern	4	1	3	8	1	4	5	10	18
Upper East	0	0	0	0	0	0	0	0	0
Upper West	1	0	0	1	0	0	0	0	1
Volta	1	1	0	2	3	3	0	6	8
Western	0	0	0	0	0	0	0	0	0
Total	189	205	153	547	202	221	197	620	1179

Source: UNICEF, Ghana office [2012]

Females seem to be the most adopted in Ghana (table 7(b)). Table 7(b) shows that, out of the 1179 children adopted within the period 620 were females and 547 were males. Out of the ten administrative regions, Greater Accra and Ashanti regions processed most of the adoptions; with Greater Accra processing 788 followed by Ashanti with 293. When the figures are put together, the two regions processed 1081 adoption within the period. Upper East did not process any adoption within the period; Upper West had only 1, making the Upper regions the least suppliers of children for adoption in the country. The remaining 7 regions together processed 95 adoptions in the same period. It is important to identify and examine the reasons why Greater Accra and Ashanti regions have high numbers for adoption. Such information

could provide a clear picture of children placed for adoption as to whether all the children whose adoption were processed in Accra were resident there prior to the adoption or were sent to Accra for the adoption. The information from such exploration could throw light on how children are drawn into the welfare system and then made adoptable for placement in inter-country adoption.

Table 7(c) Adopted Children and Relationship to Adopter

Relationship	Relative				Non-Relative				Total
	2009	2010	2011	Total	2009	2010	2011	Total	
Ashanti	82	48	40	170	41	45	37	123	293
Brong-Ahafo	0	1	0	1	0	0	0	0	1
Central	5	15	2	22	13	9	5	27	49
Eastern	1	4	1	6	6	6	3	15	21
Greater Accra	132	142	101	375	105	152	156	413	788
Northern	2	1	5	8	3	4	3	10	18
Upper East	0	0	0	0	0	0	0	0	0
Upper West	0	0	0	0	1	0	0	1	1
Volta	0	1	0	1	4	3	0	7	8
Total	222	212	149	583	173	219	204	596	1179

Source: UNICEF, Ghana office [2012]

The children adopted within the period were adopted by both relatives and non-relatives. 583 children adopted within the three year period were adopted by their relatives and 596 were non-relative adoptions. From the data collected the circumstances and the kind of children adopted became eminent and interesting. The findings are interesting because although, the children adopted by non-relative adopters are higher, relative adopters are also high. It is also possible that relative adopters could be higher than non-relatives as examination of some files labelled as non-relative turned to be relative. The reasons are presented in details under the following section on children placed for inter-country adoption.

5.6 Children Placed for Inter-Country Adoption

Children being placed for inter-country adoption include those living with both parents; children whose parents by Ghanaian standards are economically stable and able to provide

them with all their needs (children whose parents are working in high professional positions in government or private institutions who are still married and have one or two children), children who cannot be cared for by their families due to cultural norms (a child whose mother died during his/her birth is considered as responsible for her death), children whose parents are either separated or divorced and partners who want revenge; children from poor homes; ill children; and children from reconstituted families. Parents who surrender their children for inter-country adoption believe the countries where the children will eventually be raised offer the children better opportunities in life. Some aggrieved partners in a romantic relationship whose partner denies paternity, out of revenge surrenders child for adoption placement. That is, to prevent the partner from returning to claim the child later if he/she changes his or her mind. Researcher is reluctant to use mothers as both mothers and fathers relinquish children to the DSW.

For adoption to be in the child's interest, the child's condition should warrant it and the adoption should serve to change the child's condition for the better. In the light of this, the child's needs should match with the resources of prospective adoptive parents. In order to adequately protect such children, the resources of the prospective adoptive parents should be such that the needs of the children being placed under their care are met. Bringing together a child in need of adoption with qualified prospective parents is the process called *Matching* (System, 2010).

The investigations include explaining the consequences of the adoption to biological families and depending on the age of the child finding out from the child if he/she wants to be adopted and taken out of the country. The children who are old enough to give an opinion on their adoption are not given the opportunity to share their opinion on the placements as to whether they wish to be adopted by such persons or not. The following is a narrative of one adoption schedule officer on the criteria used in placing children, Officer aged 48:

Well, we depend on what applicants ask for. Sex, age, medical background, physical features and other things so depending on what the applicant asks for, that's what we give. Inter-country adoption, the issue of colour does not come in because the applicants are always whites, so we don't talk about colour. What we talk about mostly is health, sex, age (Social Worker aged 48).

When probed further on how children are placed she had this to say:

They also determine what they want. I mean before a relative comes to adopt, he already knows who he wants to adopt so we don't do matching when it comes to relative adoption. We don't do matching.... The evaluation [Foreign applicants] is not done by us. It's done by the agency in the country of origin of the applicant. So they do their evaluation and then make their recommendation. When the report comes we also read at least to find out whether there are certain things that we also do not want but almost invariably, the report is, the recommendation is accepted by us (Social Worker 48 years).

Invariably, all reports brought by inter-country adoption applicants are accepted and approved for granting adoption order. Bonding is vital in child placement prior to legal adoption and especially when inter-country adoption is concerned. For a good outcome, there is need for appropriate matching before placement but as it stands, there is no attempt by DSW to match children. Once the parents of a child are willing and terminate parental rights that child is placed with an adopter. The views of the child are not considered even when the child is capable of making an opinion. The DSW is mandated to supervise and monitor the progress of the child and make a report to the court for consideration before legal adoption order is made or dismissed. Social worker aged 48 when asked of the processes followed to ensure that the child bonds well with prospective adoptive parents put it this way:

No we don't. What is done is, well in some cases, the children are taken to where they live, they take them out, and even when they come into the office they come with them. So from their interaction you are able to tell how the child is bonding with the applicant. That is the only way we are able to make an assessment of the client. They stay for a short time, so it's difficult to do a comprehensive assessment. The little that we can do is within the short time that they are here (that is if they come at all) and the way they relate with the children (Social worker aged 48).

The children in question may be coached by the prospective adoptive parents before meeting the officers in their offices. Very little is done to monitor and supervise PAPs because they do not often come into the country for the adoption process at all. Most often the adoptive

parents do not get to meet the child until the adoption process ends. They only see the pictures of these children before the adoption. Those who come often come for very short periods; at times a day before they go to court and then leave immediately after court or a few days after the court had granted the order.

5.7 Reasons for Placing Children for Inter-Country Adoption

Family members who relinquish their children for inter-country placement with other relatives abroad see the adoption as a procedure to acquire visas for their children to travel abroad and to help these children benefit from what they have. The adoption is seen as mere paper work without regard for its legal implications. For example one biological parent explained that her younger sister who was adopting her child only wants to do so to enable her help her child.

She puts her answer as this:

Applicant is my younger sister (Biological sibling) I helped her to secure all the necessary documents for travelling outside. She won American lottery and left. She was living with me at the time as she had lost her husband. I staked the lotto for everybody but she was the only one who won. She left her daughter with me when she was leaving and I took care of her child for almost eight years when she left, I and my husband provided her with all her needs. I am also getting old. I am getting close to 60 years and my last born is 14 going on 15. So it is good she is coming for her child first, so that by the time I retire or go on pension she would be ready to come for my last born too. She wanted to take the child with her when she came home but somebody advised us to go for this option otherwise she will find it difficult to send the child overseas. The fellow explained that if she does not go through adoption, a DNA test would be conducted and if the test fails, the child would not be given visa to go with her (Odo biological mother).

To probe further, this mother was asked if she had considered the legal implication of the adoption when granted and she explains further:

Oh, she is my blood sister she is the third after me. She comes after me twice. She is my biological sister. She is coming for her child and mine because looking at the way I and my husband helped her; we assisted her financially throughout the whole process; from staking the lottery, buying the flight ticket and all. Besides, she left her only child with us for almost a decade so it is just good for her to also come for mine when I go on pension (Odo biological mother).

With the above answer, the researcher repeated the question on legal implications; then she said this:

I know about that. That is not a big deal because she also gave her child to us and came for her later so if I give mine to her, they will live cordially together. Oh, as I told you earlier on, she is my blood sister and left her only child under our care for close to 10 years when she travelled so, if she takes my child, it would never be a problem. This is because, we are from the same mother and father. Or is there another option apart from this?

For this biological mother, as far as she is concerned, the adoption is just to secure visa for her child to travel abroad where her sister could take care of her. Her sister cannot claim rights to her daughter after she had left her only daughter under her care for close to a decade. The legal procedure is just a process to enable her child receive help from her sister.

Fosterage is a system in which parents send their children to live with and work for a relative or friend (Apt, 2005). Traditionally, a desire to strengthen family ties is one reason that encourages foster care. Also, parental poverty resulting in inability to pay school fees or support skills training, provide food, shelter clothing and other basic needs push parents to give their children to wealthy relatives to foster. In this situation, children given to wealthy relatives and friends to be brought up are in anticipation that the child benefits from the riches of the care giver (Oppong, 1994; CSPPS, 2000; Apt, 2005). In all these, the girl child seems to be the most affected in the arrangement as confirmed by the data on the children adopted inter-country presented earlier in tables 7a, b and c.

The interpretation and understanding of inter-country adoption by relatives seem to be an extension of fosterage which is widely practiced in the country. The decision to give children for inter-country adoption is not only influenced by the fact that the parents want the best for their children alone. The quest to send children abroad where it is believed there are all the comforts that life can provide, and the desire to make a living by facilitators, some professionals and family members, is often the reason for inter-country adoption placements in Ghana. Professionals and non-professionals in the adoption system view inter-country adoption as the panacea for escaping poverty in Ghana.

Some judges are of the opinion that Ghanaians do not understand adoption and will maltreat adopted children when they are placed with them. Some are also of the opinion that laws work better in advanced countries making the adopted child safe in that environment than Ghana. Some professionals also believe many Ghanaians who are childless do not even apply for adoption, so if the children are not placed for inter-country adoption, the children will linger in the institutions throughout their childhood. A Justice of the high court, 54 years old, justified this opinion when asked in an interview if from the reports submitted by DSW, in-country adoption applicants are considered before the children are placed for inter-country adoption by saying:

It will be difficult because the Ghanaian family today even finds it difficult to survive at the moment giving the economic situation. So, if you place the child with a Ghanaian parent and if you don't take time, the child is going to suffer. It looks as if the typical Ghanaian family doesn't know the essence of adoption. At the moment I'm having four cases in which you could see clearly that they were adopted but they are fighting, after the death of whoever adopted them, the family have seized all property from the children, alleging that they were not adopted ...you see the whole background is that they feel that the child is in desiccate [deplorable] condition and therefore will be better off with a foreigner over a Ghanaian so there is no attempt to place the child [locally]. If anything, you will see that the child is coming from an orphanage... Even in Ghana; there are only a few people who come forward to adopt children (Justice aged 54).

When asked what informed his response, he explained further that:

As far as the court is concerned, if you see a Ghanaian coming to adopt a child, then they want to take that child out of the country; either the child is his niece or nephew and for that reason they want to take the child. Only a few of them who don't have children will come to the court to adopt... Yes. Most Ghanaians who adopt are outside the country and sometimes they want to use adoption as a way of avoiding immigration problems. We have quite a limited number of people who don't have children and for that reason they want to adopt, but those people are limited in this thing as compared to those who want to take the children away (Justice of the High Court, age 54).

Ghanaians living abroad are mostly those who adopt in Ghana, that is, to enable them go through the visa processes; the adoption is to enable them take the child out of jurisdiction and not because the child is necessarily in need of adoption. Culturally, the individual is expected to help other family members if he/she is well to do and one way of doing so is to foster some children from his/her family. But living abroad, it is not easy to move children

across borders so the individual who wants to help poor relatives' children would find a means to get them across and inter-country adoption is found appropriate. For such persons, if the children who need adoption are not placed with the foreign inter-country adopters they may never be adopted as Ghanaians who will like to genuinely adopt are few.

Any child at all is adoptable when it comes to inter-country adoption. Biological parents also terminate parental rights to enable persons living abroad to adopt them so that their children could travel abroad. This judge was quick to add this on inter-country adoption:

The report is very convincing sometimes; inter-country adoption report is very weak. It's when the person is being taken outside the country that you will see that there is some "lacuna" in the report. It looks as if they are in a haste to recommend that person ...and if you look at the whole report you will see that there is an underlying motive that the child will even be better off when he is outside the country than in Ghana (Justice of the High Court, aged 54).

The DSW home study reports are empty and lack critical assessment as required by law and administration. The report is not done with the necessary investigation required and the Judges are able to tell that it lacks substance and credibility. There is no child study report to explain the circumstances of the child and the need to remove the child from a particular situation that exposes or will expose the child to harm. The home study report does not state how the resources at the disposal of the prospective adoptive parent could serve the needs of the child being adopted. This situation also reflects the fact that most of the children being placed are not under welfare and do not need alternative care. Welfare provision in Ghana is limited because the family still provides support in times of need to members. Therefore, persons who seek welfare are those whose families are unable to support them. Another justice of the high court aged 39 also had this to say about the reason children are placed for inter-country adoption and the kind of children involved:

I will not be able to determine exactly what reasons Social Welfare representatives have been using to conclude that the children will best suit an inter-country adoption. Now the reason why I am saying this is; there are certain categories of children who have been brought. For instance, I have seen an HIV positive child who was being adopted by a non-Ghanaian couple that is living within Ghana, who based on their

submissions, is able to convince me that they have the resources and capabilities to manage the child's conditions. If that became an issue, in any event, they would be able to support any medical treatment that will be necessary to maintain him in good health when the situation gets worse. So, that's when I thought that ooh, ok, if it's in the best interest of the child, knowing fully well that our infrastructure for managing may be from A-Z but might not be as developed as it is in the U.S, it might be actually in the best interest of the child to place him in a situation where the necessities of life might be better managed since they have more structured, developed system for managing it. Well in that case, I will say yes, Social Welfare has probably done their work in making that determination that the child should be adopted by that parent (Justice of the High Court, aged 39).

It is difficult for judges to determine why DSW recommends some inter-country adoptions. For some of the recommendations, it could be understood that such a child would not easily, if not impossible, get placement within the country with a Ghanaian. A child such as one with HIV positive or multiple disabilities will not get local placement; and will benefit from advanced medical care abroad. The same cannot be said of a child who lives with biological parents who have stable incomes and permanent jobs. More so, it becomes confusing when the child is almost an adult; just a year to reach maturity age. The high court judge continued her response by comparing her earlier assertion to another situation that:

Then, I have another situation where a seventeen year old girl is living in a middle income home, what I will call a middle income descent family of personal parents who work in institutions at quite a high level and therefore have descent salary. She lives in a family; she has a brother; and they are trying to say that they want this child, who is sixteen years old, be moved from here and sent to the U.K. to be adopted by somebody, I cannot remember. I am not certain exactly how this will be in the best interest of the child because the child is not in need, the parents are not in need, so, I don't know what and how the recommendation was made or why, unless we get them to say that living in Ghana is not in the best interest of the child (Justice of the High Court, aged 39).

The parents of the teenager in question did not have difficulties caring for her until then. Why then are they placing her with another person who lives abroad? This question then could be answered in relation to having the adoption to enable parents and the adopters circumvent visa procedures.

The DSW staff are ready to approve of any adoption once it is inter-country. That is making DSW staff a rubber stamp when inter-country adoption is concerned. They seem to write

reports to support the granting of the adoption orders to enable such children travel out of jurisdiction. The circumstances of the child no longer matter once the child is being taken abroad. The consequences of adoption do not matter once a child is to be taken abroad.

From the explanations given by the facilitators and other key professionals working within the adoption systems, it is clear that DSW is perceived as not performing its duties by the facilitators. The children in question may not need adoption even if their parents are poor; some of the children adopted through inter-country adoption from Ghana even have parents in the upper working class who are very capable of caring for them by all standards. A case in question was the one stated by the 39 year old justice of the high court earlier in this chapter. The situation could be a reflection of care being materialised as noted by Coe (2011). According to Coe (2011), in Ghanaian family life, affection is currently understood to be expressed through the distribution of material resources. Love is signalled through material exchanges. Children long to be with parents who materially support them and feel abandoned by those parents who do not, even when they provide them with day to day care. Thus, the parents, facilitators, professionals and sometimes the children see inter-country adopters as better parents believing they will be able to provide them all their material needs.

Meanwhile, from what is understood from the narrations from the facilitators, most of the foreign applicants troop to Ghana because they are unable to adopt in other countries that had acceded to The Hague Convention on inter-country adoption as Sweetie 38 years old stated:

...there were a lot of families who wanted to adopt from Ghana because then the programme in Ethiopia was not going well, Russia too wasn't going well at the same time. So now more parents have been waiting for one year, two years, and three years, to adopt. There were a lot of families who were ready to pay any amount or pay anything so as to have their children (Sweetie aged 38).

Inter-country adoption during this period (2000-2010) became good business for those who found children for placement with the prospective inter-country adopters. The issue of facilitators began as the multinational adoption agencies began to sponsor the search for

children who could be placed for inter-country adoption. They used any means possible to get poor and unsuspecting parents to terminate parental rights for their children to be adopted by foreigners and persons living abroad. Sweetie had this to say on how children were secured for his agency:

Well, when I was working at the travel and tour we used to take the tourists to the homes, orphanages. They support them; they give them money, logistics and other things to support them. But you know there were a lot of challenges because the law here doesn't allow agencies to do adoption directly, everything is done by the Social Welfare. And then the relinquishment, honestly speaking some of them [parents] do not understand it well, when they go back, there is family pressure [to bring back the children]! There is the mentality that if you give your child out, then you have sold the child and you have made more money or profit. And anybody who is seen working or walking with a white man then the person is rich. So some put pressure on the families or the parents who have relinquished their rights over the children and then they will come back and say no, it was a mistake on their side [so, they want their children back after the adoption]. They will always find out how the child is doing, although they have given it out. So, there was a policy in my agency that we will follow up when the children are given to their parents so they can have a post-placement report and then the parents can be okay and then with that, other parents who don't want to do it will see it and then do it (Sweetie aged 38).

During that time when families pressured parents to go back for children they surrendered to facilitators, about thirty parents who had earlier on relinquished their children went back with the aid of their opinion leaders for their children. Only four parents left their children for the adoption to continue so post placement reports were received on the children and pictures sent to their parents and community leaders. To probe further sweetie was asked to explain what happened after the post placement reports were sent to the communities with pictures and he said this:

When the post placement report started coming in, and they see their children growing, they went talking tall. Then some of them decided that, they were not going to mind the chief or the Assembly woman or the politician but they will come straight to us and then relinquish their rights over the children. So these are some of the challenges on the relinquishment of the rights. It is not easy. Sometimes, it will take you sometime, you need to explain it to them, but then some of us during those times don't even know so we said oh, don't worry when the child is 18 years, she or he is not under anybody again so she will come back or he will come back so they shouldn't worry (Sweetie aged 38).

The parents were persuaded and lured to terminate their rights to their children by telling them that their children will return after they reach maturity age. The use of post placement reports could be deceptive as much as some of such reports are not the true reflection of the situation on the ground. When the post placement report is done depending on what the facilitator wants, then it is possible that the ones that were arranged for by Sweetie's agency could be worded in a way to influence the decision of rural parents to relinquish wanted children for their clients. In that way the facilitators portray themselves as philanthropists to poor rural parents who relinquish children. However, the facilitators are the beneficiaries since the applicants are capable and willing to pay any amount of money to have a Ghanaian child adopted.

Regardless of the interest and emotional needs of the child, he or she is placed for inter-country adoption with the parents receiving some kind of compensation. Such compensations include funds for rent for those who live in urban areas, seed money to start a small scale business to cater for remaining children and some form of menial employment for the parents.

The situation has necessitated some embassies to deny visas to children even after the courts in Ghana have granted them the adoption order stating reasons such as lack of due diligence on the part of DSW and inadequate investigative reports by staff of DSW. Sometimes also, denial of Visa is on the basis of adoptive parents' non observance of the three months' probation period before applying for legal adoption.

5.8 Conclusions

Inter-country adoption of children in Ghana does not take place because the children in question cannot find placement locally. It is because parents, family members and professionals believe sending them abroad will open up better opportunities for them. Relative adoption often has to do with negotiating visa procedures as adopter's intention mostly is to show gratitude to relatives who helped them in their time of need.

The Children's Act, Act 560 of 1998 Part I, Sub-Part II, sections 16 to 26 deal with Care and Protection. Section 18(1a-n & 2) in particular states and describes the types of children considered as vulnerable and in need of care and protection. Not all children who are subjects of adoption order are part of these groups. That is, children lacking parental care due to neglect, orphaned, destitution, abuse by care givers or under any vulnerable condition.

The children's Act of 1998 is very specific on what is expected of government departments, agencies and individuals when a child is in a vulnerable condition. The part of the law stated above is elaborate and could protect the best interest of the child when implemented.

This research found out that, circumstances that make children vulnerable and adoptable inter-country vary. The conditions range from finding children for childless families to transferring children to materially rich countries for better opportunities than exist within Ghana.

Most of the children placed for inter-country adoption, especially, those through facilitators' and relative arrangements are not subject to any care order. Some are relinquished by biological parents and families directly to facilitators and placed with inter-country adoption applicants before DSW officers are informed. These arrangements are explicit from facilitators' narratives presented later in chapter six.

CHAPTER SIX

ADHERENCE TO ADOPTION REGULATIONS IN GHANA

6.1 Introduction

With the increased numbers of inter-country adoption as presented in tables 6,7a,b and c of chapter five coupled with the possibility of abuse as stated by Appiah (2007); ACPF, (2012a); and Smolin (2006, 2007 & 2012), adherence to the laid down regulations is important for child rights promotion and protection.

This chapter outlines child assessment and placement procedures per the Children's Act, Act 560 of 1998, Adoption Rules, C.I. 42 of 2003 and the DSW's Probation Officer's Manual 1997. The procedures in foster care arrangements, admission into the children's homes and determination of a child's adoptability by DSW. How children are assessed and labelled as in need of alternative care and protection and brought under the welfare system. The analysis in this chapter is based on the inter-country adoption laws, informal observations, and in-depth interviews conducted during this research between August 2012 and June 2013.

6.2 Adoption Application

The general adoption application procedure presented in section 66 of Act 560, 1998 stated below is used for inter-country adoption application. Section 66 of Act 560, 1998 stipulates that, application for an adoption can be made jointly by a husband and wife, or by father or mother of a child or jointly with a spouse. An application for adoption order may be made by a single person except that it shall apply to a citizen of Ghana and with due regard to the best interest of the child. This means, there would be no consideration of an adoption unless applicant is lawfully married, one of the applicants is a biological parent jointly with a spouse or is single but a citizen of Ghana. Under section 67 of Act 560, 1998, the child shall be under the care of the applicant at least for three consecutive months prior to application for legal

adoption. Applicant shall also inform the DSW of his/her intention to apply for legal adoption of a particular child for three months before applying for it. The court is not to grant the adoption if applicant(s) do not adhere to section 67 of Act 560, 1998 as explained above.

Section 73 of Act 560, 1998 directs that if a non-citizen, whether joined with a citizen of Ghana or not applies for adoption, the order should be interim with the granting of the final order deferred until about two years. A non-citizen therefore should not be granted a final order at the first appearance. This is to ensure that the child is comfortable and that the adoption serves his/her best interest. During the interim period, the staff of DSW is to supervise the care of the child and to bring to the notice of the court when the two years is due for the final order to be granted after the court considers the staff's post placement report on the welfare of the child. Narratives from selected social welfare staff and Judges presented later in this chapter are explicit on granting of inter-country adoption orders.

Box 1: Inter-country Adoption Law

Under section 85 (1) subject to the provisions of this Part [Sub-Part IV—Miscellaneous Adoption Provisions], the Department may investigate an application for inter-country adoption as an alternative means of child care, if a child cannot be placed in a foster or an adoptive family in Ghana or cannot in any suitable manner be cared for in Ghana. (2) A court may grant an inter-country adoption order if it is in the best interest of the child.

Source: The Children's Act, Act 560/1998

Section 85 explains that DSW should only investigate an application for inter-country adoption after all attempts by DSW to place the child in care within his/her family, community and Ghana has failed or not possible and further regulate (g and h of C.I. 42, 2003) that:

g) If the applicant is a citizen of Ghana resident outside the country the Department shall obtain a social enquiry report from the relevant social services in the country of residence.

h) The officer shall inform the applicant when the social enquiry report is ready. The law emphasizes the gate keeper role of the DSW which if adhered to would protect the interest of the children placed for inter-country adoption.

Inter country adoption application as stipulated by law is between relevant social service agencies in applicant's country of residence and the DSW in Ghana and not directly between the individual applicant and the DSW. This response from DSW officer states how applications are made by inter-country adoption applicants as this:

Sometimes they pass it through those who front for them and sometimes too we receive it direct; for example if the application is from Germany we receive it directly [from relevant social service agencies] but with US, it goes through the facilitators before coming to DSW (Social Worker aged 52).

In order to probe further, this officer was asked if that was the application procedure, his response was this:

The whole application should be submitted through social welfare, but I think sometimes because of lack of confidence in our system; posting and all those things, sometimes some of us are not knowledgeable in the email system so...(Social Worker aged 52).

In continuation, the Social Worker aged 52 stated:

If there is no facilitator for them [Applicants], when the application is received, they make follow up through writing. Then we reply that we've not received, we've not found a child to match that type you seek, so you exercise restraint; later on if we get we'll communicate to you. With social welfare, you have to wait six months and after, go to police, tell whether there are no parents and all those things but with these supposed agents they [facilitator] are rather working in the community, so they know that oh no these people don't want the children; there is no father-mother relation, and no family member too is prepared to support; so when they [facilitator] report at the police station and they get that police extract then they are covered. So I think they will rather facilitate things better than the communications directly [DSW].

Finding alternative care for a child is the duty of DSW officer and not for adoption facilitator.

The Attorney General and Minister of Justice's letter of 23rd April, 2009 to the Canadian High Commission and the Spanish Embassy regarding adoption by non-Ghanaians seems to complicate the issues. For instance, under inter-country adoption (Section 85 of Act 560)

Rules and Regulations; the letter stated:

As previously noted, section 85 of the Act which provides for inter-country adoption provides a window of opportunity for foreign non-resident couples to adopt children in Ghana without satisfying the requirement of being resident in Ghana. Section 124 of the Children's Act (Act 560) defines an inter-country adoption as 'the adoption of a child by 'a person who is not a citizen of Ghana who resides outside Ghana and the removal of the adopted child from the jurisdiction'. From the definition, one can

conveniently say that some of the requirements stated in the first point are by implication waived.

- a. For example, requirement that a child should have been in the care and possession of the applicant for three consecutive months prior to the date of adoption.*

It also appears that the requirement of at least 2 years interim order will not apply because it will be absurd if it did and will not be in the interest of the child. A nonresident foreigner cannot for the mere fact of adopting a child come and take residence in Ghana for two years and over leaving his/her job at home. He/she will return home to find that he is jobless. However, all the other restrictions of age, marriage, consent of parent/guardian will apply.

This explanation is quite confusing if not misleading. This is because, section 85 of Act 560/1998 as presented in box 1 above with the other sections of the law in relation to inter-country adoption are clear. The DSW may investigate an application for inter-country adoption as an alternative means of child care only if the child cannot be cared for in any suitable manner within Ghana. DSW should be informed of this adoption three months before applying to court (Vide Sections 66, 67, 73 and 85 of Act 560/1998). What should be done by whom and how it should be done in the paramount interest of the children in question are clearly stated. This interpretation then makes the local adoption law more stringent than inter-country adoption. The letter states further that:

It is important to comment that [if] the provision of inter-country adoption is [not] comprehensive enough; it can be subject to [all] kinds of interpretations. It is my submission that it must be read within the context of the entire law on adoption (Minister for Justice and the Attorney General).

The problem with the above explanation is that, Ghana does not have a comprehensive law on inter-country adoption. Sections of the law that make reference to inter-country adoption when read within the context of the entire law could be subject to various interpretations which may not be in the supreme interest of the child.

6.3 Inter-country Adoption Procedures

When it becomes imminent that it is not possible to reunite a child with its biological family and adoption is recommended, the probation officer assists the child placement committee of a children's home in deciding on best alternative care for a particular child. When a child is

being considered for placement with a prospective adoptive parent, the probation officer does a professional assessment that matches the needs of the child and the resources of prospective adoptive applicants for suitability as discussed in chapter five. The assessment is also to enable the officer take over immediately in order to help the adoptive parents to adjust to any problems which may crop up during the 90 day probation period of integration and bonding preceding final legal adoption of the child (sections 19[1-5], 20[1-6], 21& 26, Act 560/98).

To conduct an inter-country adoption in Ghana, the individual who wishes to adopt a child herein after referred to as applicant has to apply to the DSW. The application should be by writing to the Director of social welfare personally, through a Lawyer or an accredited institution responsible for adoption in the state of residence of the applicant. The director of social welfare then responds by providing the applicant with a formal adoption application form (See appendix E, forms A.P.1 &2).

Upon the return of the formal application form to the director of DSW, an accredited adoption agency in the applicant's state of residence is contacted by DSW for a suitability report which is known as a Pre-Placement Report/Home Study report/Social Enquiry Report (SER). The DSW then collaborates with this accredited institution when the home study report is submitted to it until a suitable child is found for placement with applicant. The suitable child is found based on positive recommendations in the home study report and subsequent review of the report by DSW officer. When a child is found, DSW will communicate information on the child to applicant through his/her accredited agency. After the information reaches the applicant the agency then communicates the applicant's response to the DSW. When the response is favourable in terms of applicant(s) accepting the child available to them known as Matching, then the applicant will be invited by DSW to come to Ghana and meet the child. Upon applicant's visit to Ghana, the DSW will place the child. The placement is to enable applicant have care and possession of the child for at least three months on probation. During

the three months, DSW's probation officer shall monitor applicant and child within Ghana. At the end of the three month period, applicant is permitted to file for a legal adoption order from a court of competent jurisdiction.

The Constitutional Instrument [C.I.] 42 of 2003 which is the adoption rules is clear on the role of the director of Social Welfare or his/her representative. C.I 42/2003 states in rule 4 that the Director of the Department of Social Welfare shall be *guardian ad litem* [That is to say the work of DSW is to litem or to investigate and make recommendations] and rules 5 to 22 stipulate the roles and duties to be performed by the Director through the staff who represent the Director in the Courts (See adoption rules C.I. 42, 2003). The department is mandated to provide specific social services in the process namely; to investigate the circumstances of child, parents and prospective adoptive parents, provide counselling when needed and submit comprehensive adoptive home study reports to court. That is the departmental staff represents the child and ensures his/her interest is served. It is the responsibility of the DSW officer to notify all persons with interest in a particular child adoption application. The parents or family of the child to be adopted if known and persons who consented to the adoption application are to be notified of the day and be present in court before the order is made. This is to ensure that where biological families exist, they are adequately informed about the implications and consequences of the adoption. It is also to ensure that consent was obtained from such families after providing information to prevent deceit, child abuse, laundering, trafficking and sale. Supervision of the child and prospective adoptive parents during the three months preceding the adoption order is to assess the capabilities of a family to meet the needs of a particular child. This supervision is required by law (See Act 560/1998 and C.I.42/2003).

6.4 Commencement of Legal Adoption

To commence the legal adoption application, the probation officer/adoption scheduled officer at DSW would have to send one copy each of the Form AP 2 and the SER with all supporting documents on applicants to the Deputy Director for Justice Administration for the attention of the Chief Probation Officer at the Head Office. The applicants are requested to take originating summons (Adoption Application Forms) which are available at the High Court and if the Deputy Director is satisfied with the information supplied, apply to the court for a legal adoption order. This implies that applicants and their lawyers are not to take the originating summons until DSW is satisfied with their investigations and find an applicant suitable for legal adoption of a particular child (Probation Officers' Manual, 1997).

Once applicants are cleared they are allowed to take the originating summons. These are legal adoption application forms purchased from the high court registry by applicant(s) or their legal representative. The high court from where the applicants took the summons will serve on the Director of Social Welfare the originating summons together with copies of all forms and documents submitted by applicants. Upon receipt of the documents, the DSW officer must submit to the High Court within 8 days the completed *Memorandum of Appearance* (See appendix D as exhibited with the reports). The officer then becomes the *Guardian Ad Litem* of the child. This officer will exercise supervision over the child until the case is disposed of. Once the memorandum of appearance is filed, the officer then has to set out to investigate the information supplied on the forms and documents and perform the other duties assigned to the Director of Social Welfare in 'the adoption high court rules' (See adoption rules L.I. 276/63 & C.I. 42/2003).

It is after the investigations that the officer will prepare a comprehensive confidential report to the Court. The report is not to be written in haste as the officer needs to satisfy him/herself

that he/she has had the opportunity to study the child and adoptive parents sufficiently to enable him/her to make an objective report. It is important to inform the applicant when the report is submitted to the court to enable applicant(s) apply for a hearing date.

To be able to go through all that has been enumerated above implies that applicants must be in the country during the period of the adoption application. However, inter-country adoption applicants rarely come even for brief periods to enable the officers perform their duties as prescribed by law and administration. This is clear in the excerpts exhibited in chapter five of this work where children and inter-country adoption was discussed. The officer must be aware of all the information and documents on the applicants which has been put before the placement committee of which the officer is a member to ensure child right promotion and protection. This is however not done as facilitators are the ones who do the matching and placements. As evidence, facilitator named Sweetie explained how children are placed at his orphanage as this:

The matching, initially, we were doing the matching. What we have is if you have the information of the child, then we match it with the families who have applied, fill the application forms based on the Social Welfare requirement, and then we say oh, this match with this, and then we go ahead with it and then go to the Social Welfare... There was a problem with the Social Welfare, they say they have the right to do that and then we don't have the right to do that. So, in such a case, we pretend we haven't matched and then they [PAPs] go to the Social Welfare to be interviewed and see if it's okay for them to continue the process (Sweetie aged 38).

All the facilitators interviewed admit placing children with their clients before contacting DSW. Social welfare is accused by facilitators of threatening to close unlicensed children's homes down instead of providing guidance and support. The list they work with has to do with a quarterly report stating the categories of children in a particular home specifying those available for adoption to enable social welfare place them with applicants on the DSW waiting list. This facilitator does not see why social welfare should ask for a list of children in the home in order to place the children with clients. The facilitators believe they do a better job than the DSW because they travel abroad often and are able to visit adoptive parents who

adopt from their homes but DSW does not. Meanwhile the facilitator is not to place a child under the adoption law. It is the duty of the probation officer and the placement committee after working on a particular child to decide on the best alternative care that suits him/her.

Framework for Inter-Country Adoption under Hague and National Laws

Table 8: The role of central authorities’ in the countries of origin and receiving countries

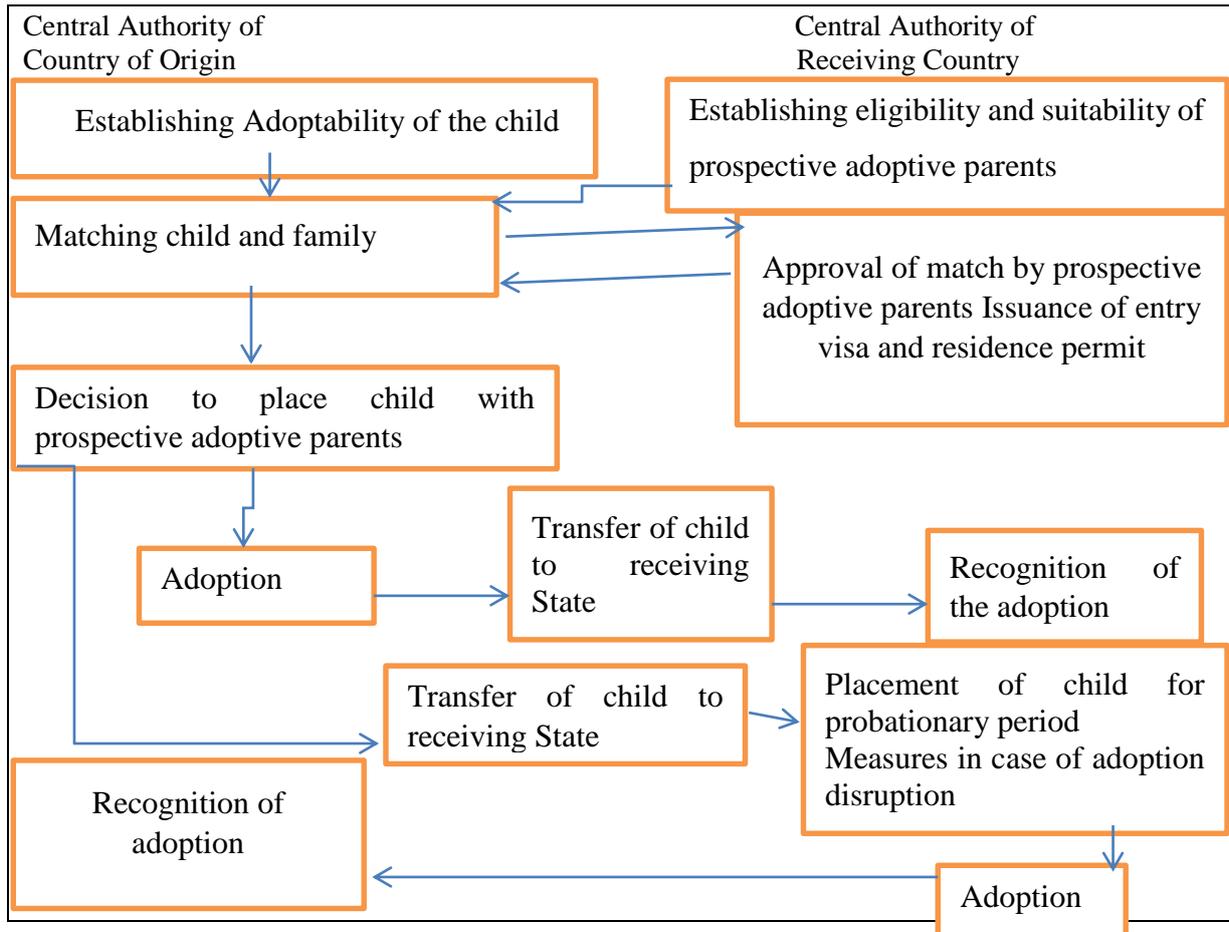


Table 8 is adapted from Bucher (1996) cited in UNICEF International Child Development Centre (1998). Table 8 summarises the inter-country adoption process when the Children’s Act of Ghana is adhered to, which would have also conform to the Hague Convention. Although Ghana is not yet a signatory to the Hague convention, following the child law reforms which began in the 1990s, the current Children’s Act and adoption rules reflect the Hague Convension and the African Charter on the Welfare and Rights of the Child. Strict

adherence to the children's Act of 1998 and Adoption rules of 2003 could be depicted in table 8 above.

6.5.1 Establishment of Adoptability

The central authority of a country, especially, from a country of origin of the child, has full responsibility to protect any child who is potentially or actually involved in inter-country adoption. Table 8 portrays how inter-country adoption should be processed. The DSW has to, first of all, establish the adoptability of a particular child, that is, if the child is legally, psychologically, medically and socially suitable for adoption. Second, a report on the child and the prospective adoptive parents must be completed before the prospective adoptive parent would have contact with the child and its biological parents. That is form AP1 from DSW, child study report and home study report on applicant(s) (see appendix E for form AP1). The reports must be ready before considering the child for inter-country adoption. The inter-country adoption placement must be after all local/in-country alternative care arrangements have failed or will not be in the best interest of a particular child. Inter-country adoption placement is solely the duty of the DSW officer. Whether to place a child into local or inter-country adoption is not the decision of biological parents after they relinquish their rights as parents to the state.

6.5.2 Ineligibility and Suitability of Prospective Adoptive Parents

The DSW/Central Authority must establish through a home study report that the PAPs are qualified and are suitable for an inter-country adoption. This is to avoid a situation where, in trying to find an otherwise traumatised child a home, adoptive parents with an equally traumatized past (infertility, death of a child and unsuccessful medical procedures to have children) who have not come to terms with their own trauma or past, shift their burden on the child upon adoption.

When the process as presented earlier in this chapter is followed even though Ghana is not a Hague contracting country, the adoption could be recognised by both the receiving and originating countries. However, because Ghana is not a Hague contracting country, children are being legally adopted without official exchange of reports by the two countries involved, which is an indictment on child rights promotion and protection. This is because; if the ineligibility and suitability of PAP[s] is not assessed in the country of residence of applicant(s) there could be disruptions in the adoption after a legal adoption order is given. Sometimes, the child is re-admitted into the welfare system in the receiving country for re-placement with another adoptive family. The disruption could be damaging and traumatic to both the first adoptive family and the child. Children's homes play a role in making children available in inter-country adoption. The procedure and requirement for admission followed with placement processes are important if child rights are to be respected.

6.6 Admission into Children's Home

When a child is found to be in a vulnerable condition after a probation officer's investigations, the officer applies to a court for an order to provide the vulnerable child with needed care. The court order which gives the DSW officer the authority to decide on the best place and care for the child is known as a *Care Order*. Upon the granting of a care order to DSW officer, the Children's Homes serve as one of care facilities for children without family care in Ghana. Once a care order is obtained the child could be committed to a children's home or a fit person for care. Institutional care under the children's Act of 1998 is an interim measure which should not go beyond a period of three years or before the child attains age of 18 years. The children's Act, 1998 stipulates that, if it is not possible for the child to be reintegrated into his/her family then alternative care as in adoption could be sought. Children's homes therefore play a role in providing children for placement in inter-country adoption. Since children admitted into

Children's homes often become the subject of inter-country adoption, it is important to look at admission procedures for child rights protection.

The children's Act, Act 560, (1998) provides that a child can only be admitted into a residential Children's home on the production of an appropriate order of the court [Care Order] (Vide Section 20 (1-3) of Act 560/98). The children's home must be recognised and licensed to admit children. It is unlawful for an unlicensed children's home to admit and care for any child (Vide Sec. 105, 106, 109 and 112). Under administrative procedures of DSW, all such applications in accordance with the law will have to be referred to the probation unit of the DSW for the necessary action in court. When a child is found vulnerable, it is the duty of the probation officer to arrange for the appropriate court order, normally fit person order or care order. This order enables the supervisor of a home to officially function as the fit person for the child's care and protection. The children's homes are not to admit children without a care order from a court of competent jurisdiction. In the event of emergency, the home can admit a child pending a care order which should be obtained within eight working days.

The children's homes are to be approved or licensed by the Minister responsible for Social Welfare (Section 105 (2) and 109 (a-b) of Act 560/98) in order to provide institutional care for children. A children's home not licensed cannot admit children. Admitting children into an unapproved children's home is an offence under Section 114(2a-c) of the children's Act of 1998. The offender is liable on summary conviction to a fine not exceeding ₵5 million [GH₵ 500.00] or to a term of imprisonment not exceeding one year or to both and in the case of a continuing offence to a further fine not exceeding ₵100,000 [GH₵ 10.00] for each day on which the offence continues.

The reality however is that apart from the three state owned children's homes, it is only 6 private homes that have been recently licensed out of 130 known privately own residential homes in Ghana. In some instances, the private homes had parents relinquish biological children to them instead of DSW. The home operators also placed children under their care with inter-country adoptive applicants before formal application is presented to DSW for commencement of inter-country adoption procedures. This is how one private children's home operator who also facilitates inter-country adoption perceived DSW:

In the beginning we didn't know what to do; I mean I have been here now for 7 years. In the beginning it was more difficult to figure out how it should be done. So I went to the department and... They didn't help me at all. So I went....I mean...just taking in the beginning from the department was really, really, difficult. Really difficult I will sit there until they did something. They just didn't help at all... I didn't think at that point I could do special needs. But God had something in mind. So our first child here was brought in by the society for the blind. It was a boy that was blind at the School for the Blind and they needed him to be socialized. He basically is mentally challenged and he is still with us. So, that part didn't have anything to do with the department because I didn't know how to do things... I went to orphanages to figure out how they did their paper work. I copied them. It was wrong [laughs] you know it was trial and error and I finally figured it out. Yeah that's about that (Facilitator Mimi, aged 50).

Mimi figured out at the time that, most of the private homes like hers did not have files where records on the children admitted to the homes were kept. The homes did not have reports on the children; for example, background histories of the children were not kept, records on their origins, that is biological parents/families if available, and if not at least where they were found. The conditions under which the children were found, what necessitated their initial admission into the home and how the issues were resolved when admitted into the home. Date of admission, challenges faced with the child and how the challenges were resolved or being resolved. This facilitator, Mimi, finally adopted procedures from children's homes abroad to enable her answer queries at the embassies when applying for visas for the children adopted from her home. According to her she did that because, even the DSW approved homes did not keep enough records on children under their care and this did not promote and protect child right.

6.7 Relinquishment of Children by Parents

Relinquishment of a child by a parent is a legal process whereby a biological parent surrenders a child to the state terminating all parental rights to the child. Analysing the narratives from this facilitator and owner of a children's home, the professional help required to be provided by DSW as required by law in sections 106 on monitoring of homes and 108 on inspection of homes in Act 560 of 1998 is missing. According to the facilitator, several visits to the offices of the DSW did not yield any professional help. Many calls to DSW to understand the system and how it worked provided no information leading to the facilitator seeking advice from lay people who consider themselves as helping children in need. For facilitators interviewed, parents who relinquish their rights to their children do it for various motives including difficulties they experience. Sweetie aged 38 puts it as:

Well I believe some of them don't have a genuine motive in the sense that as soon as they hear America, they think America is full of Gold and all those things. But there are some of them too genuinely, they look at the situation and then do it. And then the other side is men especially, some of the men in Ghana are so stupid, excuse me to use the word am also included, that they don't take their responsibilities. Because there are a lot of loop holes in the court system to pursue all those cases, men go around, fooling around believing that when you have 14 women, you have one man. So man can have as many as he can without even taking responsibility.

This is another narrative from a facilitator:

This child and his mother were in a trotro and the trotro had an accident and his mother died. They put it out in the radio and whatever and no one came to claim him. He ended up at a home [Children's Home]. He was HIV positive and certain issues... We have another child from a home [Children's Home] where the mother comes to say that, I want to give up this child. You know it is better for you to take than for her to dump it somewhere. So, you go to some guy somewhere with a typewriter, not even computer and they give this relinquishment. Really it is not good. But you will never get that mother again, so you have to use what you have. I think social welfare needs to go with the person to wherever court to make sure that it is done right. I don't know how but I just know some of them are not doing it right at all (Facilitator Mimi, aged 50).

A mother does not walk in one day and then relinquish her rights to a child. There are professional and ethical issues involved with relinquishment. There are psychological issues that need to be addressed with the mother before if she still wants to relinquish her rights to the child, then, it is done. There is need to investigate circumstances necessitating her decision

to surrender the child to the state. In addition to that, it is the duty of the professional social worker (probation officer) to find resources available in that mother's area to help her care for the child if it has to do with disability or poverty first. When the help fails to change the mother's decision then the relinquishment could be accepted. There are times that mothers who walk in to surrender their children only need temporary help with care to enable them organise themselves and return to take care of their children.

In the case narrated by Mimi, DSW could not get a mother who wants to relinquish her child to do it in the right manner by linking her with a lawyer or commissioner of oaths. The DSW could also not provide her with support in terms of counselling and finance for the paper work to relinquish the child. It therefore becomes difficult to ensure that other persons in the system follow due procedure. The DSW officials at the children's home should have explained the relinquishment procedures to this mother and link her up with the probation officer responsible for relinquishment at the regional office. As narrated by Mimi, if really no help was offered by DSW to this mother, there is need for more investigation to answer why DSW representative understands what is to be done and yet does things without recourse to the child's best interest. If the child was taken from the mother just because she told them she wanted a relinquishment, there should have been some kind of help offered to her. She should have received some counselling. She should have been given the opportunity to go and rethink her decision after explaining the consequences [permanent deprivation] to her. There was need to wait for some time, at least for three months, in case the parent changes her decision. None of the above stated issues were dealt with as expected professionally and the child was accepted upon the first visit of the mother of the child. The process of relinquishment, if not handled professionally, could generate psychological problems for the mother and child depending on the child's age when it happened.

DSW representatives, by their training and experience, know and understand that sometimes mothers, parents or families, in their desperation, turn to think relinquishment could be a solution but upon adequate counselling most rescind their decisions. Mothers, fathers and families walk in to the DSW offices saying they want to relinquish a child. Relinquishment of a child often is just a way for mothers to present their issue/lack. Professional social workers understand that the presenting issue is not always the real issue but an ice breaker. When their case is given a good listening ear and adequate help is provided, often it turns out that the parents only need help to care for the children. Many a time, these children are wanted but due to lack of opportunities and assistance from state agencies like DSW, they are compelled to relinquish them [children]. Usually, the family/parent/mother needs a small business capital or some funds to rent a single room to rebuild their lives. The state often does not provide funds for such services, but, DSW works in partnership with some NGOs that are willing to assist such persons. Such NGOs demand appropriate assessment of their situations in order to provide funding but staff of DSW are often not interested in doing such reports without the NGOs providing them with funds upfront. DSW officers complain of not having funds to investigate the backgrounds of parents who report poverty as the sole reason for wanting to relinquish. According to DSW officers it is time consuming and expensive as it also involves supervision and monitoring.

6.7.1 Reasons for Relinquishment

Reasons for relinquishment range from poverty, single parentage to facilitating visa processes. This also depends on who the parents anticipate the child would end up with. For some, it is just a formality, especially, if it is a relative or a person known to them. Most of the relinquishments are considered a formality and mere paper work by parents. Some however have to do it because they feel it is the only way that the child could survive and such cases

often are due to unwanted pregnancies or having had many children and the child becomes a burden.

A case in point was the young mother whose narrative was presented earlier in chapter five. In her case, it was clear that she did not want the child as she said the man who impregnated her denied paternity and relocated to an unknown place. Her desire to continue her education seemed more important to her and she had the support of her mother. According to her, her uncle abroad had promised to bear the cost of her education before she got herself impregnated. She stated that her uncle was not aware that she had a child and that was why she and her mother wanted to terminate parental rights as quickly as possible to ensure that she continued her education. However, an interview with the woman who took care of her pregnancy also suggests that, she intends to foot her educational bills if she decides to go back to school after relinquishing the child for adoption. In addition to the bills she was going to also give her mother a substantial amount of money to use in trading in order to further support her while in school.

The question therefore is whether the woman who had returned home from abroad was just doing all that for the sake of helping the woman and her mother. Help in this case, is to provide accommodation, 'gifts' or funds for her and her mother. The answer to the question may be considered as no. Indirectly, the help is to pay the young mother to relinquish her child for adoption. She had no biological child and had applied to adopt a child from DSW a few days before she sent this woman and her mother to relinquish the child. Her application is toward this particular child whom she intends to send abroad after her holidays in Ghana.

6.8 The Realities for Inter-Country Adopted Children and Families

Below is a situation where apparently, a woman had agreed to relinquish her child for placement with a white adoptive applicant so her child could be sent abroad. What got her

angry was that the officer explained to her that, once the relinquishment was completed, it is the DSW that decides on whom to place the child with and it can either be a Ghanaian in the country or abroad or a foreigner who will take the child out of the country. So, when the facilitator who accompanied her entered the adoption office, the researcher approached the woman and asked why she was so angry about the relinquishment. She quickly turned to her and said:

Sister, could you believe the officer wants to give my child to a black man if I sign the paper? The man who came with me is our benefactor; he has been helping us a lot at the village. He has a school where he has enrolled the children, he feeds them and they sleep there without us paying fees. Last some of the white people who he said had been helping him to take care of the children came and they made papers for some of the children to go with them abroad. They brought their pictures and you can see that the children are doing well abroad. Some of the white people came last month and said they will like to take my child the next time they come which I agreed. It was explained to me that, we will have to go to social welfare office to sign some documents before the child could get the visa to travel with the white people to their country. Now when we got here the officer in the room there wants to tell me that my child may not be given to a white man but could be given to a Ghanaian, that one I will not agree.

So, the researcher asked her why she will not agree that her child is placed with a black person or a Ghanaian since she said she could not care for the child herself. Her simple answer to the question was:

Madam! Black man is full of evil. If the child is given to a Ghanaian, I may not set eyes on her again. Even if I get to know where they live they will prevent me from seeing them. As for the whites, they will send pictures from time to time and even visit the country once a while and even bring gifts if I am lucky. They may even help me take care of my other children. A black man will never do that. Anyway, the man who brought me says he was going to talk to them so that they will agree to place the child with his white men when I sign the paper. I am now waiting to hear what he returns to tell me. Sister, if they [DSW officer] don't agree then I will prefer to keep my child.

The above narratives reveal that for some parents who relinquish their children for placement with inter-country adoption applicants, they are expectant of rewards in whatever form from either the facilitator or applicants. This brings to fore the exploitations of inter-country adoption applicants. The luring of biological parents was also revealed in a face to face in depth interview with staff of Anti Human Trafficking Unit of the Ghana Police Service. Officers were asked if reports were received from aggrieved persons in relation to inter-

country adoption. The officers responded in the affirmative that the unit had received reports from family members and Embassies when persons who adopt inter-country from Ghana apply for visas to take the children out of the country or after the children have been taken out of jurisdiction.

The officers stated that the complaints range from family members who report they have been lured into terminating parental rights to embassies suspecting the adoptions did not follow due process and therefore being irregular. According to the officers from the unit, they have investigated a number of cases (the exact number could not be provided as each officer kept separate records) but have not been able to prosecute any because the persons involved were highly influential in Ghana. Although, the officers could not provide the researcher with the exact number of cases handled, adding up the number of files showed to the researcher it summed up to 15 reported cases. A case in question involved some DSW officials. Four officers connived with some adoption agencies to scout for children from the villages for inter-country adoption placements. They were all arrested and processed for court after collaborating with the Attorney General's Department [AGs office]. When the Police filed the case, the AGs office filed *Nolle Prosequi* [Meaning not interested in the case]. No reasons were provided by AGs office for their action. The Police Anti Human Trafficking Unit had no choice but to abrogate the process. The informant, a high ranking Police Officer, with visible signs of frustration simply put it as this:

When people have people at high places, they have their way even after committing heinous crimes.

The Police officers further explained to the researcher that, after these children have been released by their biological parents to be cared for in such institutions [orphanages], the owners of these homes then lure them into signing documents they do not understand as most of them only see the documents as placing the children in those homes for care until they become adults and not to terminate their parental rights. Their children are placed by

facilitators with prospective foreign adoptive applicants and sent to DSW for documentation and adoption processing. The officers explained that from their investigations, it was found out that some DSW officers assist facilitators in getting away with such crimes. That is by writing convincing reports for the courts to grant the adoptions arranged by facilitators.

Various amounts of money are involved with registration, placement and processing by these agencies through the adoption facilitators. The following response from a facilitator when asked of the cost of one inter-country adoption is evident on the sums of monies received by the facilitators:

There are some children who do not have birth certificates when they were born, and some others whose dead parents do not have death certificates, so you have to get all those certificates but the total cost is about \$ 3000 which is about GH¢ 9600, not less than that... Sometimes it can be more than \$ 6000. It can go higher (Onyame aged 31).

It is not the duty of a facilitator to prepare a birth certificate for a prospective adoptive child. The birth certificate is presented in court as evidence of age and that could be done using a medical officer's estimation or a social worker's estimation or a child's weighing card if available. The death certificate of a parent, if the child to be adopted is an orphan, is also not the duty of the facilitator but of the probation officer. In case, for one reason or the other, the death certificate is not available, it is the probation officer's duty to present evidence in court for the child who has lost his/her parents. If all children who are subject of inter-country adoption orders were appropriately admitted into the children's homes, (that is, with an appropriate court order) the facilitator would have no business charging fees to have it done.

In a situation where DSW is at the background and facilitators take the centre stage in professional matters, the system is open for fraudulent paper work for inter-country adoption. Children who are not orphans could wrongly be labelled as orphans and placed for inter-country adoption. All the monies stated by the facilitator above are received by facilitators without monitoring from DSW or any other agency in Ghana to prevent exploitation and

improper financial gain in inter-country adoption processes. For further clarification, this facilitator was asked if DSW monitors how these amounts received from Prospective Adoptive Parents (PAPs) are spent, he responded in the negative;

Nobody checks that, I have not even heard about it (Onyame aged 31).

Official fees paid at DSW does not sum up to two hundred Ghana cedis (GH¢ 200.00) If a child does not have a birth certificate for verification of age, its medical records could be used for that. The age verification is not the duty of a facilitator but the social worker (DSW) and DSW being a government department does not pay fees at the state health facilities where it is done. Facilitators performing professional social workers' duty may lead to fraudulent paper work as stated by Smolin (2007a) compromising child right promotion and protection.

Although some of the facilitators did not state the exact amount they received and how it was spent, from the excerpts it is clear that large amounts of money are received from inter-country adoptive applicants in order to facilitate their adoptions. It is also clear that the facilitators depend on the monies received from inter-country applicants to run the residential homes and do 'philanthropy'. Inter-country adoption is the money spinner for adoption related organizations and assistance to poor parents and communities.

The data from the interviews indicate that DSW does not investigate thoroughly the backgrounds and circumstances of the children placed for inter-country adoption. The kind of children placed for inter-country adoption cuts across the various social statuses in the country. Poverty alone cannot account for the placements as presented by the evidence from the field data. Some of the inter-country adoptions are done in order to transfer the children across borders. Some of the children placed could adequately be cared for within the country. The care givers would only need financial support in terms of subsidies or farm implements or seed capital for a small income generating activity.

Some of the children were relinquished by biological parents or families because the professionals did not link them up with resources such as specialised medical and social services within their communities. Knowledge of the existence of such facilities within their communities alone could have prevented the relinquishments for inter-country adoption. Some of the families relinquished rights to wanted children without adequate understanding of the consequences of inter-country adoption. The question of sustainability of access and financial requirements needed to support such children and their families may arise. But the fact still remains that not all families need continuous assistance, most of the children and their families will only need one time help and the children will receive family care. The adoption facilitators therefore team up with some DSW officers to satisfy applicants desires to have children and their own interests or need for financial rewards. Some of the adoptions if not most, lack legitimacy as due procedures were not followed.

It supports viewpoints of Smolin (2007a) when he analyzed inter-country adoption and poverty as human rights. According to Smolin (2007a), adoption proponents commonly view inter-country adoption as an appropriate response to the extensive poverty that exists in many developing nations. Inter-country adoption is, therefore, perceived as a humanitarian act that transfers a child from extreme poverty and its vulnerabilities and limitations, to the wealth, comfort, and opportunities of developed nations. For these reasons, the impetus to rescue children from this kind of poverty, and its attendant miseries, is understandable. Smolin (2007a) explored the question of whether inter-country adoption is an effective, appropriate, or ethical response to poverty in developing nations. He concluded that inter-country adoption agencies inevitably form relationships with individuals and organizations in sending nations.

Although the purported purpose of such linkages may be child welfare, the essential purpose of such linkages is to source adoptable children. Inter-country adoption agencies selectively connect to those organizations and individuals willing to focus on placing a significant

number of children for inter-country adoption. The kinds of deals struck among inter-country adoption agencies, facilitators, intermediaries, and orphanages often look remarkably like child trafficking. A money and demand driven system fueled by an unremitting search for adoptable children does not seem to integrate easily into the concept of a family welfare system that invests in families (Smolin, 2007a). That is, when adoption is done due to pressure from multinational adoption facilitators who are paid to provide children and therefore provide adoptable children for money, then child rights could not be promoted or protected.

6.9 Persons who can apply for adoption

Inter-country adoption is unique, and the child will be taken out of jurisdiction, so, there are some other considerations in the application process. That is, an application for adoption of the child has to be done by a couple.

To take the child out of jurisdiction, permission must be sought from DSW by a 30-day notification before leaving the country with the adopted child. Analysing social welfare adoption records and adoption corresponding files, the 30-day notification is not adhered to as once the visa is granted the child is sent out though the DSW has the mandate to monitor and follow up on the welfare of adopted children. The only time the applicants are seen at DSW before departure either in person or in writing is when there is a query from births and deaths registry, passport office or the embassy.

6.10 Investigation Procedure

The hard choices involved at the intersection of poverty and adoption are often hidden from view by an inter-country adoption system that usually keeps adoptive parents and birth families separated from one another. The complex relationships between adoption triad members is structured and facilitated by a complex mix of governmental and private intermediaries and regulators that can hide from view the simple human choices involved

(Smolin 2007a). For this reason, social enquiries for inter-country adoption must be thorough in order to protect biological families, children and prospective adoptive applicants.

The DSW officer, during the proceedings, needs to inform the court if applicants have ever made an application for an adoption order in respect of the same or some other child. The officer also has to furnish the court with information on the outcome of that application [prognosis] if any. The court is not to continue with an application unless it is satisfied that there has been a substantial change in the circumstances of the applicant in case of any adverse findings in DSW investigations prior to the application. That is if the first application was not granted, or in a situation where that applicant is the same and has had a previous adoption order and is processing another one. From the reports discussed in chapter five and presented in Appendix D, if this aspect was not well investigated before information provided to the court, child rights promotion and protection may not be served. The three reports in appendix D that were discussed in chapter five were granted by the courts just as the judges in their narratives asserted it was not for them to dismiss the application once DSW recommends it. The judges believe DSW is to 'watch their backs', so once it recommends the application and at least the documentation is fine they will grant the order.

6.11 Matching Procedure

DSW in 2010 ran a workshop for all adoption officers in the country and provided officers with new handouts in line with The Hague Convention as the new criteria for matching in adoption. In these handouts, profiles of the prospective adoptive parents and children provide the basis for adoption matching. For example, Article 15 of the Hague Convention requires that the following information be included in the Home Study Report on a prospective parent:

- Identity of the applicants
- Legal capacity and suitability for adoption
- Personal and family situation
- Medical information
- Social environment

- Motives for adoption
- Ability to undertake adoption (United Nations, 1993)

A good match for an adoptive family and child requires weighing various criteria found in their profiles, which may include the consideration of the following characteristics for the prospective adoptive child:

- Age
- Gender
- Temperament
- Personality
- Special needs (physical, psychological and emotional)

In some jurisdictions including Ghana, the following factors are to be taken into account as well:

- Religion
- Ethnicity
- Physical appearance
- Socio-economic status
- Hobbies and common interests
- Resources
- Environment
- Proximity to siblings
- Medical issues

Staff of DSW after the 2010 workshop are expected to follow the above guidelines in matching children for adoption. A good match in adoption is when available resources of a PAP are able to meet the needs of the child to be adopted having considered the indicators enumerated above.

A good match in adoption is a necessary requirement in the well-being, safety and security of an adopted child. Compatibility between the adoptive parent and child improves the likelihood of a positive outcome, as long as the criteria and conditions guiding the work of the professionals responsible for matching are established by a competent authority (System, 2010) which in Ghana is the Department of Social Welfare.

To the extent possible, the proposal drawn up for matching by the competent entity should be discussed with those responsible for the institution where the child lives [Children's Homes/Orphanages] since they know him/her and can give an opinion of the appropriateness of the adoptive family proposed for the child. It should also, afterwards, be submitted to the chosen family to obtain their prior approval for putting them in contact with the child. The resources of PAPs should meet the needs of the child. Suitability includes access to public resources such as educational and health facilities and readiness of PAPs to use them. The way in which the most suitable family is chosen for a child may vary, particularly in inter-country adoption, since in that case it is a matter of joint responsibility of the professionals in the country of origin and in the receiving country (ISS/IRC November 2006).

Throughout the period before matching decision is made, the PAPs are consulted for their views. The consultation with the family (PAPs) about the proposal for matching aims to reduce the risks of rejection. The proposal must be submitted to the prospective adoptive parents in the course of an interview carried out by a professional where the data in the child's report are explained. Presenting them with the strengths and weaknesses, the resources and the limitations of the child; what brings him closer and what distances him from the expectations of the applicants. It is recommended that applicants should not be shown photos right away so as to avoid them focusing solely on visible physical features. The couple should have some time to reflect together on the information presented before giving their response (System, 2010). In practice, no matching is done based on the responses from DSW officials (Social Worker aged 52 and 48) as presented earlier in this work. Facilitators find children and place with PAPs mostly before DSW is informed to produce a report with recommendations for the court to grant the adoption order.

The consultation is particularly important when it is a question of children with particularities (special needs). If the prospective adopters do not feel convinced, it is better that they reject

the proposal before they meet the child in person to avoid prompting a failure (ISS/IRC , 2006). A good match is, therefore, preceded by a comprehensive child study report and home study reports of prospective adoptive parents which are assessed for compatibility in terms of common interests' and weaknesses in relation to the needs of a particular child.

6.12 Child Study Report

According to DSW administrative guidelines for national and inter-country adoption, the child study report or antecedents should first of all present the identity of the child and if known, his or her parents and extended family should be recorded followed by the situation of the child's biological family or immediate family (parents and siblings). The extended family (grandparents, uncles and aunties, etc.), their socio-economic situation, nature of relationships between relatives, relationship with their social environment; and main difficulties and positive factors (that is, to assess their strengths and weaknesses). This should also contain the child's past, in as much detail as possible, the stages of his/her personal and family history, ethnic and religious upbringing.

The report must provide reasons why the child's ties with the birth family should be weakened or severed, and the adoption consent should be analysed and presented in details. Second, the stages of the child's physical, motor, intellectual, and socio-emotional development should be stated. His/her state of health; medical history (including available information about the mother's pregnancy and delivery and vaccinations) should also be recorded. The child's physical and general appearance, personality and behaviour with his/her present situation and all available information on current environment, way of life, habits, ability to be self-reliant according to his/her age and relations with other persons. The child's origin must be carefully established even if biological family is unknown by providing all known information. When the child seems legally adoptable because of parental consent, it must be verified that consent

is/was freely given without pressure, without material compensation or otherwise (DSW, 2009).

6.12.1 Documents needed to write a Child Study Report

To be able to write a good child study report, the following stated documents are needed:

- Affidavit of surrender/declaration in the case of children with known biological families
- Police extract and final investigation report on the child when abandoned
- Daily occurrence records from the children's home if the child was under institutional care
- Medical report on the child from a registered and recognised medical practitioner

The affidavit of surrender, for example, states the biological parent/family's reason for surrender and provides date of birth and information on vaccinations and siblings. In addition to these, it provides the residential and postal address when possible of the person deposing the affidavit. This means, full name and nick names, age and other contact details should also be provided in the affidavits.

The police extract provides information on where the child was abandoned or found, time, items found with the child and how the information got to them. It includes names of persons who reported the abandonment/case and the immediate actions taken by the police. The final report of the police includes all actions taken and findings as to whether the offender was identified, arrested or otherwise.

Daily occurrence records from the children's home, if the child was under institutional care, supplements the general medical report on the child concerning the psychological and social circumstances of the child. This is because, the medical report on the child, which is signed by the medical officer, often, is limited as the officer only answers the questions posed in the medical form provided by the court which is part of the originating summons. The daily occurrence records from the children's homes should have information on the child's activity with toys, for example, if the child's eyes follow rattles/toys that are moved in front of it. The

report states age at which it happened, if not then, the diagnosis, treatment and the hospital where the treatment was given. Also, this report provides possible description of the mental development, behaviour and skills of the child especially with young children/infants:

- Visuals: the report often should state when the child was able to fix?
- Aural: when was the child able to turn its head after sounds?
- Motor: when was the child able to sit by itself, stand with support, and walk without support?
- Language: when did the child start to prattle, say single words, say sentences?
- Contact: when did the child start to smile, how does it react towards strangers, how does it communicate with adults and other children?
- Emotional: how does the child show emotions (anger, uneasiness, disappointment and joy)?
- Medical examination: date of the medical examination, weight in kilograms, dates, height in centimetres and dates, head circumference in centimetres and dates, colour of hair, eyes, and skin with the Doctor's observed evidence of disease, impairment or abnormalities and date of examination (Department of Social Welfare, 2010).

When the daily occurrence record is done well it enables the case worker to produce a comprehensive child study report (See Appendix E for the format recommended by DSW in writing a Home study report which includes child study report). However, from the reports exhibited in appendix E, the reports are shallow and contain no substance. This could reflect lack of investigations by the probation officers. It could also be as a result of not including the probation officer from the beginning (that is before the child is admitted to the children's home). The presence of the probation officer is overlooked from the start due to the absence of placement committees at the children's homes and the regional offices of the DSW.

All the three reports from three different regions presented in appendix D1 lack the information required by DSW standards. In the first report which is attached as appendix D1 sample 1, the remaining parent's address was not provided as is required in the administrative procedures. It is possible that the officer who prepared the report did so hurriedly so did not edit the report before filing in court. It is also possible that the officer deliberately left such vital information as the motif may be to get the adoption order granted for the child to travel and live abroad. The officer did not state if the father's consent was sought and if the children

were interviewed for their views on the adoption since they were capable of forming an opinion and especially when they were to be sent out of jurisdiction. The officer was not able to tell in the report if placement was first sought within the extended family in the country before deciding on the inter-country placement. Moreover, most of the information provided in the report was not substantiated, for example, who was responsible for their care aside the money that the applicants supposedly sent for their care. In effect it is not possible, based on the home study report sent to court, to do any matching.

No mention was made about who the said monies were given to for the care of the children. Neither was there any mention of how the ages of the children and the money for them were verified. The officer did not also provide information on the children's temperaments, school performance, future ambitions and leisure activities linked to adopter's current business, leisure and interest. This report, apart from the information about the adopter's financial contribution to the upkeep, provided no information on her parental skills and if she has any experience in issues concerning adolescent care, especially, in her circumstance as a single parent. Information on her views and skills of parenting are important in predicting her reaction in case of behavioural challenges that might arise in adolescence and young adulthood.

Applicant is single but no information was provided on her experience with children to assess her capabilities and weaknesses in parenting adolescents. No information was presented on her as a parent in case she has biological or other adopted children and how she raised them if they are already adults. Without information on the issues stated above in this section in this report (Appendix D1, sample 1), the adoption could be interrupted in the receiving country. Interruption is due to failure to provide the children with needed care and protection in the receiving country. Considering the ages (12 and 14) of these children and the expected adaptation in a new environment they are being sent to, an interruption in the adoption process

could be traumatic for them compromising child rights. Meanwhile, the social worker did not explore these possibilities and their possible solutions if they occur before making recommendations for the adoption to be granted.

The second report (Appendix D1 sample 2) presented lacks the basic information needed just as the first one although it looks as if the investigation officer in this report had more information. The administrative guidelines of DSW have indicators for a good and appropriate assessment of the situation or the background history of the child which makes his situation warrant inter-country adoption placement. However, the adoptive parent's profession, leisure, interest and experience were not matched with the child's needs and interests to show their strengths and weaknesses. There are several typing mistakes in addition to many grammatical and miscalculations in all the three sampled reports which were overlooked showing lack of editing in the work. The typing and grammatical mistakes could be a sign of laxity in supervision if any at all. An examination of the three reports in appendix D1 reflects a weakness in supervision. Supervision of officers and gate keeping seems to be lacking considering the kind of reports submitted to courts by officers.

Legally and administratively, adoptive home studies of prospective adoptive parents are to be done at their places of residence in accordance with Legislative Instrument 276 of 1963 and Constitutional Instrument 42 of 2003. However, the reports just presented for inter-country adoption were done by staff of DSW here in Ghana. It will not be easy for the officers to verify the information provided by applicants and the rights of the children in question could be compromised if the information provided is not the true reflection of the situation at the applicant's place of residence.

6.13 Prevention of Illegal Financial Gain

Section 70 (d) Act 560/98 states the need to prevent illegal financial gain in all adoption processes. All the professionals interviewed were apprehensive in answering this question even though after some time of discussion, they somehow conceded that it was happening under cover due to weak institutions and monitoring. At the beginning of the interview, when the question of improper financial gain was raised with the DSW officials interviewed, the lawyers and the judges in the system said they had no knowledge of such happening even though they knew it was an offence under the law. The social workers who were interviewed chose to diverge or ask questions instead of answering. For example, Social worker age 48 chose to answer the question in this way when asked what measures are in place to prevent illegal financial gain:

Well, do people use it? Which people, the adopters or the agents? Yeah, you cannot tell and that is, you cannot also, presume that the person is doing it for financial gains. In fact you have no reason to think that they do it for financial gains. I guess when we come to realize later that people do it for financial gains, then we will start thinking about what to do, yeah to prevent such a thing, but for now, we don't have any evidence to show that people do it for financial gains (Social worker aged 48).

Probing further, this officer was asked if no fees are charged in the process and what the actual fees were:

Yeah, just the [adoptive] parent, because they know that lawyers will have to take their legal fees. I know that elsewhere, if you are doing it, even if you are a lawyer, they don't expect you to charge over and above a certain amount of money; eh, that I know. But for the applicants themselves doing it for financial gains, that one, I have no idea but we know that some people give their children, they will give their children out if they are going to get something out from it. That one we know. Maybe that is why it was put in the Act. So it is what the people are aware of that they make laws against and what they are not aware of, they cannot make laws against (Social Worker aged 48).

This officer ignored the question which specifically asked of fees charged by DSW. The officer rather dwelled on the improper financial gain explaining that DSW is aware some people terminate parental rights to their children for financial rewards. When this officer was

asked to explain the measures put in place by the law to prevent such profiteering in adoption she had this to say:

No, that act itself is an illegality. It is not for them to do it. They don't have to do it so; they are supposed to be arrested if they are caught doing that. If for instance it was an established thing, then you establish a counter institution that will make sure that they don't charge excessively for the work that they [Facilitators] do but that is not what they are supposed to do, they are just doing it. If Social Welfare were to do it, Social Welfare will not charge any money. It's not legal; they are not supposed to do it. They [DSW and state security apparatus] are supposed to stop them from doing it (Social Worker aged 48).

The officer has contradicted the first information provided upon further probe. This means it is known to officers but no one will openly attest to it. The second officer answered the question as if it was not understood and said that:

Everybody works for profit, and those people who front for these [PAPs], the organisations outside are working; it's a form of work for them so me "deε" I don't know how much they are paid, then I don't know how much they charge to do all the little duties for those agents outside. So I can't specifically say that they are doing it for money, they are gaining much profit than they should. Yeah, I don't know; I can't tell (Social worker aged 52).

Both officers answered in the negative when asked if someone has been arrested, arranged before a competent court of jurisdiction and prosecuted for improper financial gain in adoption/inter-country adoption. All the legal personnel who were interviewed felt DSW was one of the agencies/government departments supposed to prevent illegal financial gains since they work directly with the prospective adopters. Lawyer X aged 64, explained:

In the law there is no provision that I have seen actually saying that this or that institution is given the responsibility to ensure that....the law says that there should not be improper financial gain, and I suspect that they call the police then. So, it means someone has to report to the police that he has come across such activity that it is unlawful, then the police will investigate. So, at the end of the day it means that social welfare is responsible in ensuring that the law is not breached. It is not stated clearly that they are in charge of that. But I suspect that they may not end up being the main actor in this situation of investigating those doing the wrong things, at the end of the day. It is a criminal offense so they have to report to the police. I have not seen any measures taken so far, so if it is going on nobody knows...To be honest with you if it is actually going on, nobody knows.

6.14 Adherence to Procedures

DSW has over the years processed a number of inter-country adoption requests that were initiated by adoption facilitators. DSW has no systematic procedure for collation and maintenance of accurate adoption case records at the Head Office. The collation of reliable information is a demand on DSW; however, the number of cases disaggregated by type, year, region district and country of applicants is not available. There is no computer base or an effective manual information system to manage the number of adoption cases that have taken place over the years. Though regional offices of the Department provide some information to the national level through quarterly and annual reports, it is difficult to assess trends over the years. This is because officers often wait until the end of the quarter to collate adoption data by collecting files together to write reports. Adoption information is not kept systematically in a register to ensure that all information is available at the end of the quarter. For reasons such as inadequate record keeping, when adoption files mix up with other case files at the end of the quarter such files are not accounted for.

There is therefore room for improvement in terms of regular data collection and analysis of cases handled by the Department. Adoption facilitators, although not allowed by law, continue to arrange adoptions and get DSW to sanction by preparing adoption home studies to courts. The leadership of the department is aware of these happenings but has not been able to sanction any officer along these lines or report any facilitator to the Ghana Police Service for investigation and prosecution. For example, on a letter dated and signed by the National Director on 1st June 2012, to all regional Directors and staff on adoption schedule headed; *adoption reforms in Ghana*: the letter stated;

As a result of the numerous unacceptable adoption practices in the country it has become necessary to reform the process and conform to standards that protect all players (the child, the adopter, DSW and all other stakeholders). One of the aims is to eventually accede to the Hague Convention on Inter-Country Adoption. However, for the mean time efforts are being made to clean up the system and maintain a standard

that will create trust and transparency in the process which for now is chocked with some malpractices by agencies, individual adoption contractors and even some DSW officials.....as part of the clean-up, Adoption Agencies are being approved to assist with cases in the regions. To begin with, as contained in a letter written to you last year, 3 agencies have so far been approved on a pilot basis...these agencies have been carefully selected because of their credibility and their expertise in care, reunification and family strengthening. Other agencies may be licensed later.

This directive was given after one of the international adoption organizations sponsored some of the officers abroad. This reflects the scenario presented by ACPF 2012 as several African delegates expressed serious concerns about the way their countries were being pressured to make more children available for inter-country adoption. This behaviour could be a reflection of lack of satisfaction on the part of the professionals on their jobs. Motivation has to do with rewards and sanctions. To understand how officers on the adoption schedule were being motivated, questions were asked on rewards and sanctions. One officer was asked about the sanctions applied to officers who are found doing things contrary to what is professionally required and this was the response:

Here? Ask first of motivation. None that I know of... Nothing! No motivation in the first place... No, workers are not recognised (Social Worker aged 48).

This officer was then asked if there is a system put in place for recognising hard working officers in the department. This was the officer's response:

We know that, no monitoring is done (Social Worker aged 48).

The question was repeated by asking the officer if because there is no monitoring, officers are not sanctioned for wrong doing and this was how she puts it:

If any wrong deed comes before the regional director or he is made aware of or is in the know, that one, an action is taken. They will soon reprimand, a warning that he should desist from that act [extorting money from clients] otherwise... For example, six months ago when our regional director called us that, they hear that, it was alleged that the officers are collecting huge sums of money from people... the regional director alleged or said he heard officers collect money from or they charge fees, extra fees, which is not true. So, he called us and asked. He called all the adoption officers and we denied it so, that was the end (Social Worker aged 52).

For further clarification, this officer was asked to state the last time sanctions were meted out to an officer whionso misconducted him/herself. The officer's response was:

I don't remember...There was no sanction. But said we should be careful (Social Worker aged 52).

This situation is an example of a malfunctioning system, that is, less functioning of rules and regulations especially as regards enforcement. The administrative structures in the Department of Social Welfare are not functioning well and the vulnerable children and their families are the victims as their rights may not be promoted and protected.

Regulations direct how officers are expected to perform their duties in line with specific laws. However, DSW staff have abused the use of discretion in some of the cases. For example, a facilitator answered a question on eligibility criteria as this:

Well I figure out they [DSW] look out for more of [laughs]. For me the families who adopt, the kids here [orphanage] have to go to Christian families. That is me, age really is not an issue because...of course you are not going to give a 50 year old an orphan but you might give him a 10 year old and that is fair but I have known so many cases where you say this...for you it depends on a child to child basis. I think you guys [DSW] figure out that if the child has any kind of disability or whatever, it does not matter who lives with them. That is how I see them. It should be how long the couples have married but I don't know if that works or don't work. Age used to be an issue but it is and it isn't. Singleness is and it isn't. Suppose to be but really they make exceptions. The worst one was a guy (Facilitator Mimi, aged 50).

To probe further, she was asked how come the worst one was a guy and she responded like this:

You know internet is really good, so you have a guy writing 'oh I have gone all over the world looking for a place where I could adopt a child as a single male'. And I found out where they adopted the child from and it was from the [A] region and it was during someone's term. I was so mad because it almost opened up the thing to keep calls [laughs] and so I went to social welfare and said look at this. Of course the person in the [A] region is getting mad at me so he slanders my name because I have exposed it. And I am the bad person because I expose what was wrong. And here in Ghana we will take you from the 'A' and put you at headquarters. That is your punishment [laughs] he got promoted and so finally I went to him and said what is your problem? What were you thinking? He says, well in the end, the judge ruled. So you pass your book now on to the judge. You are in social welfare, you knew it was wrong. Oh but the guy does so well that he did this at the orphanage, who cares for the guy, so what, you can't give him a child (Mimi, aged 50).

DSW official (a regional director) places a male child with a single foreign applicant contrary to Section 66[3] and 67[2] of the Children's Act, Act 560 of 1998. This could be said to be

abuse of the use of discretion on the part of the officer. She explained that the single man in question provided some assistance to the orphanage where the child was kept. Donation or some form of assistance that was provided by this single applicant was enough reason for DSW official to place a male child with a foreign single male applicant. Not even a single male who is a citizen of Ghana is to be considered for such placement unless the child in question is his own/biological child. The issue of influence comes in here. When the officer's action was made known to his superiors, he got transferred to the Headquarters as a sanction which could deter other likeminded officers from doing so.

Extortion of money from prospective parents by some staff of DSW is rife to the extent that facilitators discuss it without fear of being heard. They sometimes even state it before the officers who are unable to deny this accusation but none of the officers face sanctions for extorting monies before performing their mandated duties. For instance this facilitator did not mince words when she said:

Another thing is that he was asking money from people who want to adopt. People come to me, how much should we pay and am like you should not pay anything but you know something [laughs] if people ask me how much, I would just ask them, tell me how much. Now you are doing this on the side of social welfare but you are doing it quite...so they save the money. (Mimi aged 50).

The extortion is done shamelessly by some officers but there seems to be no monitoring on the part of supervisors. Some facilitators thereby use their influence that is their willingness to pay and capability to pay such DSW officers to circumvent procedures.

Once the adoption is granted by the court the DSW staff, who are by law the *statutory guardians* to the adoptive children, do not request for post placement reports from receiving countries as is required administratively for the welfare of the children. Social workers were asked if it was not mandatory to submit the adoption request through an accredited body to DSW and the following answer was given:

Is it mandatory? It is, but, it is just that we break the rules. There is procedure for everything but we circumvent it (Social Worker aged 48).

This discussion sums up the response to whether the DSW as *guardian ad litem* adheres to regulations regarding inter-country adoption in Ghana.

6.15 Conclusions

The findings point to the DSW staff knowing the Department's mandate in terms of inter-country adoption but still circumventing the procedures to get the inter-country adoption application granted. This is due partly to the belief that the child is better off abroad than in Ghana. The officers are influenced by facilitators into believing that the child will have academic and many social opportunities open up to it abroad. Also, lack of motivation in terms of sanctions and rewards, promotions according to laid down administrative procedures such as further training, experience and achievement at work, low remuneration and lack of logistics make officers to be easily influenced by applicants and their agents.

CHAPTER SEVEN

EMERGING ISSUES IN INTER-COUNTRY ADOPTION

7.1 Introduction

This chapter presents issues emerging from the data analysis on inter-country adoption in Ghana. These include types of persons who adopt children inter-country from Ghana and various reasons assigned for wanting to adopt inter-country in Ghana. The chapter also presents the determinants of child relinquishment, and the work of facilitators.

7.2 Adoptive Applicants and choice of Children

There are four types of persons who adopt inter-country in Ghana. As discussed in chapter five, every child in Ghana is a possible candidate for inter-country adoption. From children who are living with biological parents, who according to Ghanaian standards are well to do and children from poor but loving families living with one or both parents; to children on/off the streets, house helps, children under institutional care and children under family care (Fit persons or foster care within families).

Ghanaians living abroad who adopt inter-country often apply to adopt children who are family members. Their reasons for the application range from showing appreciation to the parents of the children to a form of assisting the parents who sometimes have about four to eight children without any stable jobs. Some of the Ghanaian applicants actually apply to 'adopt' their biological children.

Reasons for adopting biological children are due to reconstituted families, such as the applicant had the said child outside wedlock when he or she was unemployed, he or she is now employed and is married so would like to adopt the child with his/her spouse in order to open up better opportunities to the child abroad where they reside. Some also apply to adopt their biological children because at the time they migrated abroad, their traveling documents

were altered so, the ages on their traveling documents were such that they were too young to state that they were married and had children. Some of these Ghanaians often travel with forged documents that they had to regularise after some time in their new places of residence. It is after years of struggling abroad to acquire the needed documentation that they return to remarry their spouses in appreciation for being patient and enduring during their absence. The children of the marriage are then presented as children of the spouse who stayed home with the children during the separation. Their father or mother is then said to have left to an unknown destination. With this excuse, the couple then adopt their biological children to enable them relocate. Since the whereabouts of their mother or father is 'unknown', they are able to escape the need for the consent of the father or mother before the adoption is granted.

The other group of Ghanaians who adopt inter-country are Ghanaians who are about to migrate due to some opportunities from work or winning of visa lottery. Some of these persons often would apply to either adopt a child who is a relative or a hard working domestic child worker often referred to as 'house helps'. This kind of application is to enable the applicant travel with the domestic child worker to continue serving him/her.

Ghanaians living abroad, who for one reason or the other are unable to have children naturally but wish to have children, also do apply to DSW directly to adopt children from Ghana. These persons often prefer infants ages zero to one (0-1) years. The Ghanaian adopters give reasons that such children will grow up with them and feel like biological children. These inter-country adoption applicants often like to conceal the fact that the children were adopted due to cultural perceptions such as inheritance and belongingness to a family which is traced through blood (Ferrara, 2006; Wilson, 2010). This excludes an adopted child and could result in stigma for both the child and parents if not concealed.

Foreigners on visit and those on missions within the country also do apply to adopt children who they will take out of jurisdiction after their missions in Ghana end. Often, this group of persons adopt children they meet on the streets and befriend. Sometimes they develop relationships with parents of such children during their stay in the country. Through menial jobs such as domestic work, these foreigners get to know them and their children. With time, such foreigners get acquainted with the families and then the family voluntarily surrenders their children directly to them to send abroad. In such cases the foreigners then apply to DSW and request that they are permitted to adopt such children. Some of these applicants also prefer to receive children from facilitators or other arrangements before applying to DSW to start with documentations in order to apply for a legal adoption order.

7.3 Procedures followed in placing Children in Inter-Country Adoption

Some applicants do apply directly to DSW to adopt children from the various state owned children's homes. These foreigners do not use the services of adoption facilitators but apply directly to DSW for the necessary procedures to enable them adopt the children.

The choice of applying directly to DSW or through a facilitator often comes with the availability of adoptable children and the waiting period. Waiting period is when application is presented to DSW and the follow up period could range between six months to four years. The *Home Study Report* is the suitability assessment report that is needed for the DSW to consider an adoption application. The Home Study Report is done after fees are paid in the receiving countries and is time bound; and will expire after a period between six to twelve months. Updating the report comes with a cost, so, the inter-country adopter often weighs the cost and the ultimate goal of adopting a child when applying. The facilitators have homes where any child could be placed for inter-country adoption once their fees and conditions are met (Smolin, 2007b). They are able to convince parents who believe the children, when placed for inter-country adoption and sent abroad, would come back when they reach majority

age. In this way children are readily available in such private residential care facilities for placement while DSW struggles to find children to place with both in-country and inter-country applicants.

It is easier to get placement with the help of a facilitator than to apply directly to DSW as the 52 year old DSW officer suggested in the narrative presented earlier in chapter six. DSW has offices in all the 270 metropolitan, municipal and district assemblies to work within the various communities but for this officer, it takes an adoption facilitator to rather find vulnerable children for placement with inter-country adoption applicants.

7.4 Conditions that make Children Adoptable

Parents' willingness to have a child abroad by any means possible results in negotiations and manoeuvrings at DSW adoption offices. This willingness is a weapon that is used by facilitators to manipulate biological families and parents to release children for placements with their clients as discussed in chapter five. Relinquishments made through facilitator arrangements are intended for foreigner inter-country adoption placements and not Ghanaians living abroad or to black Africans. For such parents or families, the white or foreigners are generous and willing to assist them, and if they are lucky, even provide for other children under their care.

The biological parents seem to equate adoption to foster care which is informally practiced extensively in Ghana. Even though inter-country adoption is formal and legal, the parents only see it as paper work to get their children visas to travel and live abroad. Although adoption has legal consequences, these parents who relinquish parental rights, do not seem to understand or do not recognize the weight of the legal process. They do not realise the danger that the children could face abroad in case the adopters do not live up to their word. DSW

staff is to make the consequences known to these parents but seem themselves convinced that the children going abroad is a better solution to poverty in Ghana.

7.5 Processes followed if a Child is found Adoptable

Inter-country adoption facilitators are persons who manoeuvre to get children who are placed with inter-country adoption applicants. Data presented in chapters five and six reveal that, the facilitators are often in league with some multinational adoption agencies that support their work through funding of their activities. As the agencies support the facilitators' activities, they become their employers. In this way, these facilitators are made to provide children who could be adopted inter-country by their clients. The services rendered by the facilitators are paid for by the agencies. The mode of payment varies. Some are put on a monthly salary while some are paid on commission basis. This is based on the number of children provided within a period in addition to some allowances which are made available as and when certain services are provided by the facilitator. The additional services include:

- i. Transportation services when the prospective adoptive applicants visit the country.
- ii. Provision of accommodation and feeding during the stay of the prospective adoptive applicants.
- iii. Preparation of necessary documentation to enable the applicants work through DSW. For instance, death certificate or burial permit if the child is an orphan, birth certificate in case the child is said [some of the children have] not to have one as evidence of age.
- iv. Preparation of travel documents like the Ghanaian passport after the adoption is done and the follow up on adoption order from the courts when it is granted.
- v. The facilitators also follow up on the visa application with the embassies of the country of the adoptive parents

All these services are not provided by DSW and the government of Ghana has not put down structures through which the foreign inter-country adopters could rely on to secure all these necessary documents in processing their adoptions. In the absence of state intervention, these facilitators have found their way into the system where they run various lucrative inter-country adoption businesses in Ghana.

7.6 Cost of processing an Inter-Country Adoption

Adoption processes involve payment of fees to the appropriate authorities which include administrative and legal fees. DSW, until 2013 when this study was carried out, received GH¢ 10.00¹¹ per application for both in-country and inter-country adoption. Applicants also paid GH¢ 50.00 when legal application is filed at the court for an adoption order to be made. Officially, DSW thus receives in payment, the sum of GH¢ 60 per one inter-country adoption and official receipts are provided to the applicants upon payment. Besides DSW administrative fees, lawyers who work on inter-country adoption also charge fees. The legal fees charged by lawyers range from GH¢ 1,000 to GH¢ 4,500 with some lawyers also charging their legal fees in USA Dollars (US\$). Those who charged in US \$ often charged between US\$2,000 to US3, 000¹². All these fees and additional ones such as those stated when the operations of facilitators were discussed are paid through the adoption facilitators. The cost of one adoption is based on the kind of child/ren placed with an inter-country adopter. That is, if the child already has a birth certificate, a passport, death certificate of parents if orphaned; all of these documents are an added cost if not available as facilitator will have to manoeuvre to get those documents.

7.7 Job Vacancies within Inter-Country Adoption system for Facilitators

Apart from the services mandated by law that DSW and other government organizations and departments provide, there are also some important services that are not provided. Services such as accommodation, feeding, transportation, documentation, indigenous food preparation and management of kinky hair and care are needed by adoptive applicants. The three month mandatory bonding period prior to legal adoption could be used to learn care regimes of

¹¹ These were fees charged by DSW between 2012 and 2013.

¹² Legal fees charged during the period that data were collected in 2012 and 2013.

Ghanaian children. Such services, if provided, could ensure continuity in familiar care regimes when the adopted child is sent out of jurisdiction.

The adoptive applicants look for their own accommodation and make arrangements for feeding and a guide to show them around town during their stay if they come for the adoption application. This at times becomes expensive as some of the people who opt to assist these foreigners turn to exploit them. For reasons such as exploitation, some of these adoptive applicants, through multinational adoption agencies, tend to rely on adoption facilitators to process their adoptions. The facilitators' activities are not supervised or monitored and they do not pay tax on the monies they make facilitating inter-country adoption as all their activities are shrouded in secrecy.

7.7.1 Accommodation and Feeding

Hotel accommodation would not serve the purpose of providing home care and bonding with a child who sees an adoptive parent as a stranger. There is need to get a home where applicant and child could live during the probation period to ensure that the prospective parent studies and understands the child. This period will also enable the probation officer in charge of the case to monitor and supervise the child and adoptive parent and offer support where necessary for easy transition. The monies used for hotel accommodation by the applicant could instead be used for a home with support from child care professionals.

7.7.2 Tour Guide Services

Prospective adopters do not have to be tourists. However, to some applicants, it could be boring to remain at home throughout an applicant's stay in the country without visiting places of interest. Some of the adoption facilitators, before starting inter-country adoption, were either tour guides or worked in the travel and tour systems. In this wise, they have skills in that field. This could be an avenue to generate income for the country from inter-country

adoptive parents. Currently, even when such services are provided for inter-country adoptive applicants who come to the country, no records are kept to show how much such applicants contribute to the Ghanaian economy.

7.7.3 Documentation

Documentation is vital in inter-country adoption procedures but DSW is unable to do that due to high caseloads and inadequate government funding of services. Completing an adoption process involves providing evidence of age, parentage and abandonment or orphan status of the child. All the reasons stated for the choice of adoption need to be substantiated with documentary or circumstantial evidence for the court to grant the adoption order. Tracing documents such as birth certificates, death certificates, police extracts and reports, attestation of reports and orders all need time and follow ups. Doing all these as a foreigner without assistance could be very frustrating and time consuming. Facilitators are already into providing such assistance for fees without the state benefiting in any way through tax. Formalizing the provision of such services with fees could be a way of providing employment to citizens and the fees could be channelled into providing services to families and children invulnerable conditions.

7.7.4 Preparation of Birth Certificates

Facilitators label officers who follow due procedure as anti-inter-country adoption. They believe every officer who follows due process does not want foreigners to adopt from Ghana and are using their positions to hinder them. To ensure that due process is followed, it would benefit the children and practitioners if there is a structured organization involved with helping would-be adoptive parents to prepare and follow up on documentation such as birth certificates of the adopted children and death certificates of parents when they are orphans. When there is an organization tasked to assist adoptive applicants, it will then be very easy for whoever is to monitor and supervise such transactions to do so. As it currently stands,

there is no structure, and facilitators do whatever they deem fit in the situation. Some of the facilitators actually extort monies from inter-country adoptive applicants for the preparation of documents and no one sees it due to how the whole adoption process is run.

7.7.5 Pass ports

Preparation of passports in Ghana on paper appears as a simple and easy process but, it involves follow ups and navigating/cutting bureaucratic red tapes. This happens especially when you are not familiar with the process and persons working in that institution. It could be very frustrating for a total foreigner to process an adopted child's passport within a short period without any form of assistance. DSW staff per their mandate do not assist inter-country adopters to prepare travel documents for the children they adopt. The staff could write reference letters for inter-country adopters and direct them as to where to locate the offices of the passport officials but such help will not be enough for foreigners to secure passports on time to continue with their travel arrangements for the child. To facilitate easy acquisition of such documents as passports, facilitators could be trained and supervised to assist the adoptive parents so that the traveling documentation could be worked on as fast as possible after an adoption order has been granted.

7.7.6 Attestations

Attestation of all legal documents involved with the adoption of a particular child is necessary for the essential travel documents to be processed for the child to be sent out of jurisdiction. The court system is such that, it is not always easy for one to find his/her way round without assistance by someone who knows the legal system. Most lawyers leave adoption applicants after representing them in court and securing the adoption order for them. However, getting the order from the court system and going through attestation sometimes could get as difficult as the adoption process itself as it involves movement from one office to the other in addition to understanding the terrain. This part is already being done by facilitators behind the scenes

without any form of supervision to prevent extortion by facilitators. This service could be structured and given to facilitators to assist inter-country adopters as DSW and other professionals do not have the time and freedom to do that in addition to their mandated duties. In this way standard fees could be charged for the services.

7.7.7 Training

The need to train adoptive parents in inter-country adoption is vital for the transition from one care giver to the other. This is very important in dealing with issues of race, adjustment, food and behavioural challenges depending on the age at which a particular child becomes adoptable and when adopted, the change in the environment, and loss in terms of friends and care givers. Adoption facilitators are not social workers but seem to understand the importance of pre-adoption training. They seem very much aware of its role in facilitating the transition from one environment to the other.

Training could also help DSW reassess prospective adoptive parents' suitability in caring for the needs of a particular child. Although many of the things will change when the child is sent to the new environment, it is still important to provide information to the prospective parent. To be able to inform a prospective adopter about the kind of food that the child likes and his/her friends and interaction will depend also on how well daily occurrence records are kept at the children's homes. The child care officers have a responsibility to observe the child in every aspect and record on daily basis what happened with the child including play, sleep, relationship and visits if any.

Daily occurrence records make it easy for the probation officer to prepare a child study report which helps in making professional decisions during matching in inter-country adoption. However, files at the children's homes contain close to nothing in terms of reports on the child. Ten files were examined from a children's home in Accra during this study. The files

were virtually empty; and the daily occurrence records were not on the files. Admission records were scanty [if any at all]. This was blamed on the child care officers' educational levels and the social welfare officers' unwillingness or inability to send the children with reports and necessary documentation. It therefore becomes difficult, when placing the child, to provide the needed information for matching. After matching, if there was any at all, DSW is unable to provide the prospective adoptive parent with information on the regime of the child to facilitate bonding and adjustment. So training, if formalized, could compel DSW to ensure that each person in the system does his/her duties as required as information for the training will also depend on what is gathered from the various homes.

7.7.8 Food preparation (Ghanaian cuisine)

Understanding and knowing what is fed to the child is important for continuity and helping the child learn to eat new kinds of food that may be available in the new home. Knowing what the traditional meals are and their preparation help the adoptive parent to preserve the child's cultural identity even in the new environment, which is important. Providing lessons in cooking simple Ghanaian dishes could be done as an income generating activity for DSW and the country. Seasoned Ghanaian caterers could be employed by DSW to train prospective adoptive parents for a fee. This has not been considered yet by DSW but seems interesting to facilitators. If well planned, facilitators could be tasked to provide services such as this in a well-co-ordinated manner that will help both the adopted child and parent. DSW does not provide any kind of training to would be adoptive parents. Providing the service since children are being placed with foreigners would facilitate bonding and minimise attachment difficulties that may arise after the adoption is granted and the child taken out of the country.

7.7.9 Hair Care and Management

Care and management of kinky hair of a black child needs training to be able to handle, especially, when placed with a white parent. It could be challenging for a white adoptive parent to keep kinky hair tidy if not taught.

7.8 Significant Contributions to Knowledge and Literature

One of the aims of researching the subject of child rights promotion and protection in inter-country adoption in Ghana was to identify novel ideas that provide an understanding of the subject and add to the existing literature. A lot of information was obtained that will not only go into facilitating policy formulation but will also provide insight into the dynamic nature of the issue of child rights promotion and protection in the services provided by DSW in the inter-country adoption system. This piece of research gathered data that significantly fills some gaps in literature. The specific contributions include:

7.8.1 Inter-Country Adoption

Inter-country adoption of children in Ghana does not only involve children under institutional care but also includes wanted children living with parents and siblings. Placement is based on who the inter-country adopter is and the relationship he/she has with the parents of the child. The help parents hope to receive after the adoption also determines the adoption and relinquishment. For those who relinquish to facilitators, the kind of assistance already received or perceived to be received also determines giving of parental consent.

Relative adoption is also perceived as documentation to enable the adopted child travel with the adopter who is seen as a benefactor. The parents in this kind of arrangement are not bothered as the adoption is seen as a glorified foster care. Relative adoption is driven by the show of gratitude and the urge to help one's family members. The adoption sometimes is also to enable children who are gifted in sports to travel to countries where parents and sports

administrators believe such children could become celebrities in their gifted sports fields. Due to the age long fostering that exists, parents who are made to relinquish their children by facilitators for inter-country adoption believe their children will return to them upon reaching adulthood. For reasons such as enumerated above, inter-country adoption flourishes in Ghana.

7.8.2 Child rights Promotion and Protection

Child rights is neither promoted nor protected by all the stakeholders in the Ghanaian adoption system. The *guardian ad litem*, which is the DSW, happens to be the worst offender as it looks on and in some cases even aids the offenders in disregarding child rights in the inter-country adoption procedures. Adoption matching is a very important process in anticipation of better adoption outcomes for both the adopted child and the adoptive parent(s) but DSW officials disregard it by not investigating thoroughly the backgrounds of the child and prospective adoptive parents before making recommendations for the granting of the adoption orders. This process neglects the psychological and social needs of the child. When matching is not done professionally the child could be exposed to the cultural disconnect that some children adopted inter-country face in receiving countries. Such cultural disconnect includes unfamiliar kinds of food, environment, colour of people and their behaviour.

Appropriate matching could facilitate easy transition and adaptation in the new residence but due to its absence, children's emotional needs could be misdiagnosed and misrepresented leading to inappropriate interventions when need be. At the end of it all, it is the adopted child that suffers most and not the adults. This is the case, especially when the adjustment problems result in disruptions by the welfare system in the receiving country where the child is readmitted into the care system for other types of placements. The outcome is not always positive depending on the kind of relationships developed by the parent and child. The interruptions could be very traumatic for the child and the adopted parents. The DSW officials' lack of concern about these repercussions is a reflection of the calibre of officers at

the helm of affairs in terms of training and experience. Logistic, staff and financial constraints are a factor but, the little that is provided by the state and non-governmental organizations needs justification. It is not enough to leave child rights unprotected because the guardian lacks adequate staff, logistics and financial resources. Some of the services require attitudinal change on the part of DSW officers than resources as is being portrayed.

7.8.3 Kinds of Children placed by the DSW for Inter-Country Adoption

Children in private children's homes (orphanages) are often the most placed for non-relative inter-country adoption. Those private homes are often set up for the purpose of inter-country adoption as stated by professionals in the adoption system. The operators of such homes also agree that inter-country adoption is the money spinner for running their homes. Inter-country adoption provides money in the form of donations that operators use for philanthropy in the communities where they scout for children they place in inter-country adoption. House helps (domestic child laborers) are also adopted by their employers to enable such employers take them out of jurisdiction in order to continue serving them when they relocate/immigrate into another country. This kind of adoption is meant to get the child across international boundaries to continue working.

Children living with biological parents also get adopted by relatives of either parents or friends. Such adoptions are often in appreciation of some assistance received earlier from the parents of the child. The adoption is to strengthen the relationship between the families and is seen as fosterage by the parties. The legal procedure is seen as documentation to enable the adopter travel and live with the child outside the country. The adoption is about the relationship and its rewards in terms of welfare packages that might exist for adopted children in the receiving countries. The parents in this case are often not in vulnerable conditions; some even work at responsible positions of government organizations receiving salaries and other fringe benefits.

Children with disabilities are placed for inter-country adoption with anticipation that the children could access better health care in the receiving country. Sometimes these children are wanted by the families but are relinquished to be adopted just to enable the children travel out of the country to receive medical care which is not readily available within the country. Parents, per the arrangement and trust between them and the adopters, believe their children will return to them when they become adults and their health improves.

Biological children are adopted by their biological parents. Often, some people travel with documents that are fraudulent and later after regularizing their travel documents, come back for their spouses and children. Such persons reduce their ages before processing their travel documents making it difficult for them to let their spouses join them. So they return home to remarry their spouses and then adopt their biological children as their step-children. All this is to secure visas for their spouses and children to enable the family stay together.

Talented children in various sports fields are also adopted by some sports administrators and enthusiasts. This happens when tourists visit the country and find gifted children, some of them film/video them and send the videos home after which interested sports men, especially, football administrators through various arrangements get the parents to relinquish their children to them to adopt. The explanations provided are that, due to the young ages of such children, it is not possible to sign any contract with them so the easiest way to help them realise their potential is to adopt them. After the adoption the children are then sent to the countries where their talents could be nursed and developed for an adult career in a specific sport.

7.8.4 Operations of Facilitators in Inter-Country Adoption

Inter-country adoption facilitators are adoption agents contracted by multinational adoption agencies to look for children that are placed for adoption to their clients. The services that are

provided by these facilitators are paid for by the clients either directly or through the agencies. The payments are done on commission or salary basis, depending on the number of children provided for inter-country adoption and any additional services provided by a particular facilitator. They receive salaries when directly employed by the multinational agencies to assist their clients who adopt from the country. The facilitators however, could be organised to offer other services for prospective adopters within the country without necessarily getting involved with legally prohibited areas reserved for staff of DSW. Those services when provided, could compliment state services such as those provided by staff of DSW to uphold child rights when processing inter-country adoption.

CHAPTER EIGHT

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

8.1 Summary

Poverty in Ghana is pervasive and social services are not readily available to the vulnerable. Due to poverty and desperation, an intervention that takes children of the poor appears reasonable to some people including professionals like the DSW staff. That is because; large numbers of families suffer from the effects of poverty without receiving support from the state. Inter-country adoption based on poverty alone is seen by researchers as cruel and unethical. Inter-country adoption is seen as compounding the vulnerability and suffering of the poor with the loss of their children to adoption (ACPF, 2012a, b, c, d and Smolin, 2013).

This study set out to investigate the effectiveness of the Department of Social Welfare's role in child rights promotion and protection in Ghana's inter-country adoption procedures. It looked at the kind of children placed for inter-country adoption and also set out to find out if DSW adheres to laws and regulations in placing children considering the services it provides to children and adoptive applicants. This chapter, therefore, presents conclusions reached based on data analysis and summarises the findings. Finally, based on the data obtained and the conclusions drawn, suggestions are offered for child rights promotion and protection in inter-country adoption.

The research points to the kind of children placed for inter-country adoption as those in need of alternative care and those without any need for alternative care. The need for alternative care includes absence of family or parental care and those under difficult situations even when with biological families. Those without need for alternative care are those under secured parental and family care with provision of education and access to medical care. All these children are placed for inter-country adoption either for want of children for placement with

persons who need children or because parents wish to relocate them abroad for better opportunities as they believe. Professionals including DSW officers and facilitators are of the view that inter-country adoption could be an adequate solution to poor conditions of children within the county.

Ghana has some good laws even if their implementation is weak. The problem as observed by Kutsoati & Morck (2012) is that, government officials in the area of law enforcement are reluctant in enforcing child and family welfare laws as the officials are often also charged by traditional authorities with upholding customary laws. Laws such as the children's act and PNDC law 111 have been passed but due to non-enforcement, children find themselves in situations that do not serve their interest. Even after Ghanaian parents relinquish their children for inter-country adoption, they believe that their children will return to them after the adopters have raised them to become adults. This reflects the Ghanaian belief that children belong to their clan or lineage so, whatever happens, their children will at one point return thereby making the inter-country adoption a form of documentation to enable the adopter care for the child in a better environment.

It is difficult to conclude that there exists child sale in inter-country adoption in Ghana because of its illegal nature and unwillingness of persons privy to such information to share with others. Although such rumours abound among those involved with inter-country adoption, there is no evidence that children are being sold for the purpose of inter-country adoption in Ghana. The reasons for ICA and placement vary from gratitude and appreciation to the need to make money on the part of facilitators who rely on the proceeds of inter-country adoption to run their child care related NGOs.

The children's Act, Act 560, 1998 is the current law regulating inter-country adoption in Ghana. The children's Act as it stands is weak in regulating inter-country adoption, but when

enforced strictly could uphold child rights. The DSW officers are to monitor the inter-country adoption system. According to the DSW officers, they lack funding and logistics to follow up on cases, so monitoring and supervision of adoption cases rarely take place. On the other hand, DSW staff could at least enforce the laws since that does not necessarily involve funds. DSW staff, who are supposed to liaise with international social welfare agencies and cooperate to investigate the backgrounds of prospective adoptive parents, sometimes sit at their offices and write inter-country adoption home studies which in turn compromises child rights. That means the information provided could not be verified and the child who is to be adopted could suffer in the receiving country due to the conduct of DSW officials.

The letter sent to regional officers by the national directorate demonstrated the department's inability to deliver its mandate of child rights promotion and protection in inter-country adoption. To set standards in inter-country adoption practice, the DSW does not need international adoption agencies to maintain standards. Instead, the Department should look for ways to enforce rules and regulations even with the limited resources. There is need to also employ more qualified social workers to reduce case loads of existing staff to ensure that child rights are promoted and protected in inter-country adoption.

It is worth noting that although the DSW has been given immense responsibility to secure and promote child rights in line with national and international commitments, it has virtually no funds or resources to work with. This particularly affects the many vulnerable children who are most in need of state protection and assistance, such as the children placed for inter-country adoption. So, the facilitators teaming up with their well-resourced multinational agencies in their interaction with staff of social welfare are able to influence officials through financial assistance in the form of plane tickets to travel abroad and gifts or other in-kind gestures as stated earlier in the theoretical framework reflecting the concept of influence explained by Parsons (1951).

Although matching is to be done by DSW when a child has been cleared and made available for adoption placement, findings from this study point to facilitators placing children as they find appropriate without professional consultations with DSW staff on adoption schedule. Guidance to private children's homes is the duty of the professional social workers with DSW. They are to monitor and provide professional guidance as to how to set up the home and its day-to-day administration and staff management in the best interest of the children admitted. The professional staff of the DSW are to assist these NGOs to acquire the necessary documentation to enable them secure approval to operate residential care facilities for children needing it. However, DSW staff also send children to private homes without the necessary paper work and do not follow up. Due to lack of monitoring and professional support to private homes; at a point the private homes are able to take decisions on placement of the children under their care without prior notice to DSW.

In relative adoption, it is assumed by biological parents as narrated earlier by Odo in chapter five that children, after the adoption, will maintain contacts with biological parents and siblings and support the immediate and extended family when they become successful later in life. Counselling of biological parents of adoptive children prior to obtaining their consent and of the child's opinion on the adoption is not adhered to as counselling is often not provided compromising child right promotion and protection.

The amount of monies collected in US Dollars is high but the maximum amount paid officially to DSW for administrative fees is about GH¢ 60.00 The remaining amount goes to the facilitator who could use some for manoeuvrings within the system to get the adoption order. Three thousand or four thousand dollars converted into Ghana Cedis is a large sum of money for a facilitator. This answer and many of those presented earlier in the chapter confirm and reflect opinions expressed by ACPF (2012a) and Smolin (2007a) that, the combination of vast amounts of money and the lack of transparency that characterize too many inter-country

adoptions from developing countries favour the maintenance, not to say the increased exploitation, of the status quo. Money determines not only the way these adoptions are carried out, but also the reasons for which many are initiated. The monetary incentives to place children internationally can, in practice, totally overwhelm the appropriate priorities of a social welfare department and service systems where the existing child and family welfare processes are vulnerable to corruption or extortion. The increased number of inter-country adoption is associated with the possibility of abuse as stated by Appiah (2007); Smolin (2006, 2007 & 2012); and ACPF, (2012a).

Inter-country adoption in Ghana involves multiple authorities, the Department of Social Welfare, the Judicial Service, Births and Deaths Registry, Ministry of Foreign Affairs and the Registrar General's Department. Though each of these institutions is expected to keep records of adoption cases, this is rarely adhered to resulting in paucity of data across these institutions.

A Justice of the high court realising the report and the application comes short of expectation would ask the DSW representative to go back and correct the paper work for him/her to grant the adoption. The DSW representative is a professional, who understands what is expected of him/her. So if the paper work falls short of expectation, then it will be better for the DSW officers and Judges to find answers to how the preparation was done and why the report was not properly done from start.

Asking for the paper work to be corrected could lead to fraudulent paper work to enable the judges grant the adoption order; that is, if the paper work was not fraudulent from the beginning. Evidence as presented by High Court Judge aged 46 years earlier in chapter six, correcting wrong paper work without first verifying the source of information could compromise child rights promotion and protection. This supports Smolin (2007a p.33) assertion that some agencies fraudulently re-classify relinquished children as abandoned

children or use the occasion of lost children to fraudulently alter identities and process such children for adoption as relinquished children.

8.2 Conclusions

Any child is adoptable by a relative or non-relative in inter-country adoption in Ghana without recourse to his/her needs. DSW officials know what is expected of them in terms of child rights promotion and protection but do not adhere to laid down procedures. Procedures such as admission of children upon the production of an appropriate court order and admission to only government approved homes are blatantly flouted by DSW officials. Their role of monitoring and supervision of residential homes for children is ignored as staff complain of non-availability of funding to move around and visit the care facilities. Although the DSW has an administrative procedure for matching and placement, the expected placement committees are not in place at the various children's homes and individuals, instead of a committee, do placement without professional matching which compromise child rights promotion and protection.

There is also the need for DSW to present the prospective adopter with information on the child first, to enable the adopter to also make a decision on acceptance or otherwise before finalising its report and recommendation for the granting of an inter-country adoption order by the court. The judges could refuse to grant the adoption order when they realise that DSW has not followed procedures before submitting its reports with recommendations.

The DSW has to listen to the child, if it is found capable of making an opinion, before placement and after placement even in relative inter-country adoptions. They also need to monitor the child and prospective parents for compatibility. The absence of these precautions and interventions is disregard for child rights in the inter-country adoption process.

8.3 Recommendations

It is recommended that provisions be made in the inter-country adoption law for children adopted inter-country, to be allowed to have contact with biological families when they exist. Where the biological families do not exist, they should be allowed to trace their roots into the country in order to help them build their cultural identity which is important for normal development of human beings.

To correct the situation where qualified and experienced officers resign from the DSW, it is recommended that the current state where the longest serving officer heads the DSW, irrespective of qualification, should be abandoned and replaced with a system where professional and academic qualifications matter. It is only through strict adherence to administratively laid down procedures that the department could regain its lost glory where officers were seen as repositories of knowledge in the inception of the DSW.

Adoption professionals arrive at a matching decision by weighing criteria from profiles of many children and prospective parents. While this is often undertaken with great care, the sheer amount of information to be considered can be overwhelming. Sifting through all the profiles against various sets of criteria can be tedious and prone to human oversight and error. Using an information system to guide the matching process can make a world of a difference (System, 2010). It is therefore recommended that the DSW is assisted to use a computerized system to guide the matching process instead of the current cumbersome manual method. That is, organizing all the data that relate to children needing alternative care in such a way that all alternatives will be considered and the best option in a particular situation resorted to. To be able to do matching in a professional manner, the government would have to live up to its responsibilities of funding all DSW activities adequately. The staff must be retrained in addition to employing qualified social workers who will be committed to upholding child

rights in the adoption processes. Additional office spaces need to be provided to accommodate the professional staff that would be employed to increase staff numbers. The need for additional office space and logistics is to engender confidentiality in handling clients who contact DSW officers for assistance.

8.3.1 Governmental Interventions

To protect the rights of the children placed for inter-country adoption, there is the need for government to draw up interventions in curbing or reducing the irregularities such as altering of children's documents in inter-country adoption processes. There is a need for government to enforce the current laws and also enact a law that will be comprehensive to regulate inter-country adoption in Ghana if Ghanaian children are to be protected. The 1997 probation officers' manual lacks the requisite information to guide current inter-country adoption as the laws have changed over the years.

The staff of DSW working on adoption are not adequate and lack the latest skills in investigating, monitoring and supervising persons involved in inter-country adoption. This is due partly to the lack of refresher courses for the field officers and also the academic qualifications of most of the staff on adoption schedule. Some have had long years of working experience with DSW and therefore do not want to adapt to new ways of practice especially where inter-country adoption is concerned. Their refusal to adapt poses implementation challenges that could affect children placed for inter-country adoption.

The staff of the department, both on adoption schedule and in the districts, should be retrained on the current adoption trends and child protection interventions available in the country in order to provide better services to children in need of alternative care.

Government should support privately owned children's homes (orphanages) in terms of expertise by seconding professional social welfare staff to such homes for effective administration and child care services.

8.3.2 Formulating Inter-Country Adoption Laws and Regulations

As stated by Appiah (2007) the regulatory framework for inter-country adoption has not been prepared. Thus, the procedure whereby children can be taken out of the country under exceptional circumstances is liable to abuse. There is a *lacuna* in the current Children's Act, Act 560 of 1998 for regulating inter-country adoption therefore, the need for a more comprehensive regulatory framework to be drawn by the government of Ghana.

8.3.3 Enforcement of Regulations

Enforcement of laws has been a challenge in the country. This is because, with the state of current adoption laws, if the laws were at least enforced, children in need of alternative care would not be placed for inter-country adoption at the rate it has been between 2000 and 2012 from the data gathered during this study. The current laws lack provisions on persons flying into the country just for the purposes of adopting children inter-country from Ghana. Professionals and DSW officers are aware of it but still allow such inter-country adoptions. The attitudes where professionals deliberately flout regulations without adequate sanctions disregard the best interest of the child and must be checked by persons in position. In order to be able to enforce regulations, there must be adequate rewards and sanctions to deserving and offending officers respectively.

The Children's Act, as it stands now, is inadequate to protect children in need of care and protection. There are no legislative instruments to cover some sections such as foster care placement and maintenance of children. It is therefore very important to amend the current

children's act by promulgating separate legislative instruments on various important sections to facilitate administration of justice and welfare.

8.3.4 Poverty as Sole Reason for Inter-Country Adoption

Where the biological families are too poor (under or near \$1.00 per day), family preservation assistance must be provided or offered by both government and NGOs as a condition before accepting a relinquishment that makes a child eligible for inter-country adoption. This condition will help reduce pretence by adoption facilitators that it is wrong under Hague Convention to assist biological parents as that could mean exchanging their children for help (Smolin, 2007a). The assistance will be in the best interest of the children if help is provided to the families first. If the families are still unable to care for the children and if they still prefer relinquishment it will be their choice. A system where DSW becomes a rubber stamp in recommending all kinds of children for adoption reflects a malfunctioning welfare system for poor families and their children, making them vulnerable instead of capable with some welfare support as indicated by (Devereux & Sabates-Wheeler, 2004).

8.3.5 Livelihood Empowerment against Poverty (LEAP)

Livelihood empowerment against poverty programme is one of the many social protection programmes aimed at mitigating the impact of poverty amongst the vulnerable in the Ghanaian society. The LEAP programme is aimed at reducing poverty, hunger and starvation amongst the most vulnerable in society. The programme also aims to stimulate access to social services, that is, health and education in particular. The programme further aims to empower subsistence farmers and fisher-folks to acquire skills and resources that will move them out of extreme poverty and break intergenerational poverty cycle that compel families to relinquish children for ICA. However, the programme seems too limited in terms of funding and cash transfers. For instance the GH¢ 8.00 and GH¢ 15.00 provided a month for a household is woefully inadequate to impact meaningfully on the lives of targeted persons

under the programme. The current funds being disbursed should be increased to at least GH¢ 50.00 and GH¢ 100.00 per household in addition to some farm implements or animals for rearing in the rural areas. The DSW and its implementing partners should be provided with adequate personnel and logistics to roll out the programme as expected.

8.3.6 Intestate Succession

The Intestate Succession Law (PNDC Law 111 of 1985) as it stands now is limited in many ways. For instance, provision was not made for polygamous marriages and the law is silent on the issue of joint acquisition of property and how this should affect the fraction of the estate that the surviving spouses are entitled to. Dependent parents are not provided for and the continuing educational needs of children older than eighteen years are not addressed. Approval to amend this law was given before 2007 and a revised bill is being prepared but has still not been accepted and enacted into law. The situation as it stands now makes the surviving spouse and children vulnerable after the death of a spouse. To access justice by the remaining spouse depends on his/her financial and educational status to go through the court process (Appiah, 2007; Kutsoati and Morck, 2012). In such a situation it becomes possible for facilitators to convince or lure parents in difficult situations to terminate rights to wanted children who are placed for inter-country adoption. The repeal or amendment therefore will be in the best interest of the families and children placed for inter-country adoption.

8.3.7 Restructuring DSW/Improving working conditions

The Department of Social Welfare as it stands now, after it had been reshuffled from one ministry to the other and affected by the philosophy of the host ministries, needs a restructuring to provide improved working conditions for staff. Internal grumbles that led to the reshuffles and separations have not ceased as promotions are still not done based on training, experience and period of service nor in line with professional achievements of officers. In short, promotion should be based on laid down procedures. It is therefore

frustrating for officers who are experienced, in addition to serving the mandatory period of waiting and undergoing further training in various social work fields, not to be recognised and promoted within the department.

8.3.8 Employment of Qualified Social Workers

The current professional staff throughout the country, which stands at less than 200 out of a total of 1219, is woefully inadequate to perform the services demanded by DSW. As presented in chapter four and in appendix B where staff list with qualifications, age and period of service is stated, the 200 officers seen as professional social workers do not all qualify as professional social workers. The occupation of administrative and directorate positions is a reflection of the state of the department and its services. Social workers trained at the School of Social Work, Osu, by the DSW should be absorbed into the department upon graduation to perform frontline duties. The current situation where only a fraction of trained officers are absorbed into the department after training is waste of government resources and manpower at the School of Social Work, Osu.

8.3.9 Provision of Adequate Funding and Logistics

Throughout this research, funding and logistical constraints have been found as major issues in providing social services in relation to child rights promotion and protection. As presented in chapter four, where DSW funding was analysed and discussed, it is clear that DSW is presented with virtually no funding for its operations. In order to monitor and supervise institutions under its operation, the DSW needs adequate funding and logistics from the state and its partner organizations.

8.3.10 Cultural Re-Organization/Thinking

Adoption is known to both traditional and legal customs in Ghana. Traditional adoption has been practiced in time before formal adoptions began in the country. Foster care and adoption

in traditional Ghana are synonymous. In traditional adoption no documents are signed by the parties and the parent of the child can return for his/her child at a later age. The Ghanaian custom is known to this type of adoption and turns to confuse legal adoption to fosterage thereby believing that after a child is adopted and taken out of the jurisdiction, it will return when it reaches adulthood. The question to answer however is whether the child could access his/her adoption records and trace his or her roots with the irregular manner adoption records are kept in the country. Secondly, if the child is able to return as an adult, in which manner will such a child return? Will it be as parents and country expect of children? All these are questions Ghana as a country will need to answer. It is time Ghanaians are educated to understand that unless each and every one is supported to bring out the best in them within the country to care for children as expected, Ghanaian children will be victims of irregular inter-country adoption.

8.3.11 Sensitization and Social Education of the Consequences of Inter-Country Adoption

One important social service provided by DSW in the past years is social education. This is no more and officers blame it on non-availability of funds for transportation. The work of Ghanaian social workers was recognised and appreciated earlier in the 1960s, 70s and 80s due to its social education programmes. The social education programmes made the social welfare officer a beacon of hope in the eyes of the vulnerable in the society and a repository of knowledge among other professionals. The absence of this important function by the staff of the department has made unsuspecting parents to relinquish wanted children for inter-country adoption. It is therefore imperative to restart a vigorous social education campaign by staff of social welfare throughout the country to provide information on inter-country adoption. This will help parents who decide to place their children for inter-country adoption to do so by giving informed consent.

8.3.12 Partnership to combat illegal/Irregular inter-country adoption

Illegal inter-country adoption is a trans-border/national crime that cannot be combated solely by one nation or organization effectively. For effective management and control of illegal/irregular inter-country adoption, there is the need to partner other organizations with similar interests by providing and sharing necessary information on inter-country adoption, which could be used in protecting vulnerable families.

8.3.13 International Non-Governmental Organizations (NGOs)

Partnership with child and inter-country adoption related NGOs like UNICEF, ILO and IOM is critical to curb the current rate of inter-country adoption in Ghana. It is very important especially because Ghana is a non-Hague country in Africa which is labelled as the new frontier. The partnership could be in the form of training of adoption officers at DSW and funding for social education programmes in relation to alternative care of children without parental/family care. The partnership could also be in the form of providing technical expertise to assist the DSW in rolling out alternative care programmes that will keep children within their immediate families as much as possible.

8.3.14 Local NGOs

Partnership with local NGOs would also help to reduce the irregular inter-country adoption. This is because all inter-country facilitators start as NGOs or run NGOs on the side. Due to their operations, they understand the *behind the veil* dealings of persons who participate in irregular inter-country adoption in the country. To minimise such occurrences, therefore, there is the need for tactful involvement of local child-related NGOs, who in one way or the other provide children for clients of multinational adoption agencies. It would be difficult if not impossible to curb irregular inter-country adoption without such NGOs who are very much at the helm of providing children for placement through the children's homes that they run.

8.3.15 Intervention by Opinion Leaders

Opinion leaders are change agents in every community. Ignoring their involvement in an important venture as caring for children in need of alternative care could be a recipe for failure on the part of the government. The opinion leaders are respected by their communities and they are able to make their communities understand the need for change in times of need. Drawing up an intervention which involves change of attitude like placing of wanted children for inter-country adoption will not meet the needed appreciation without the partnership of opinion leaders. It is vital for DSW and all stakeholders in inter-country adoption to team up in providing services that will limit illegal/irregular inter-country adoption placements of children in Ghana.

8.3.16 Areas for further research

The areas identified by this research for further investigations include the various health programmes being rolled out for child survival and development as they seem to achieve little success. This area needs further research to ascertain the extent to which fatalities occur due to inadequate healthcare service provision and what can be done to make the various campaigns achieve their objective of child survival and development. This is important as facilitators believe these programmes are not working and therefore, children need to be placed for inter-country adoption in order to survive.

Facilitators also place children with inter-country adoption applicants and manoeuvre to get DSW staff prepare home study reports for the courts to grant adoption orders. There is no record to show how many inter-country placements were made by facilitators. The question then is how many children have been placed without due process in Ghana? This could be a research topic for a follow up to the current research.

DSW lacks data on the number of NGOs operating children's homes as many have no licenses. This is an area which could be investigated to know what DSW is doing to protect children who may be needlessly kept or being kept in such homes. First of all, it is worth noting that institutional care is never meant to be permanent but only a transit home to enable professionals plan for eventual reunion with biological family, or where this is not possible, to arrange for alternative care in a family.

Stakeholders believe that DSW staff are not ignorant when it comes to their duties but still circumvent procedures in inter-country adoption. This is because when pressured or compelled, they are able to perform their duties diligently without being told what to do. Logistical constraints and inadequate funding have been identified as challenges to DSW performing its mandate in relation to inter-country adoption and child rights promotion and protection. Although some funding and logistics are provided to DSW, it is difficult to point to what the staff are able to achieve with the little that has been provided. There is the need to further research the reasons beyond funding and logistical constraints that make DSW staff circumvent procedures.

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APPENDICES

APPENDIX A

The Three Core Programmes

1. Community Care Programs incorporating:
 - Registration of persons with disability.
 - Community Based Rehabilitation for people with disability.
 - Home Care provision for those affected by AIDS and their families.
 - Hospital Welfare Services.
 - Family Planning Advice.
 - Income generating activities with women's groups.
 - Inter-sectorial co-operation to promote the survival and development of children.
2. Child Rights and Protection incorporating:
 - Child welfare and protection.
 - Registration and inspection of Day Care Centres.
 - Adoption.
3. Justice Administration incorporating:
 - Statutory duties in respect of Juvenile Courts and Family Tribunals.
 - Supervision of offenders on probation.
 - Supervision of offenders released on license.
 - Statutory duties in respect of Aftercare.
4. Specialized Residential Services incorporating responsibility for:
 - Vocational training institutions for those with disabilities.
 - Residential care homes for children.
 - Residential care homes for people who are destitute.
 - Residential homes for young offenders or those detained awaiting trial.

APPENDIX B

STAFF LIST

B1: Deputy Director

Deputy Directors									
Qualifications	Age		Regional Distributions						
	Year	Number	Region	No.		Number	Years		
MSc (Economics)	1	1953	1	Eastern		0	1973	1	40
MA Democracy and Governance	1	1954	2	Greater Accra		9	1974	0	39
MA Social Work Administration	1	1955	4	Central		2	1975	3	38
Bachelor's Degree		1956		Ashanti		4	1976	1	37
BA Sociology	1	1957	2	Northern		1	1977	1	36
BA Social Behaviour and Conflict	1	1958		Western		1	1978	0	35
BA Social Work	2	1959	3	Brong Ahafo		1	1979	1	34
BA Psychology	1	1960	1	Upper West		1	1980	1	33
Diploma		1961	3	Upper East		0	1981	2	32
Diploma in Social Administration	12	1962	3	Volta		1	1982	0	31
Certificate		1963					1983	0	29
Certificate in Social Work		1964	1	Total		20	1984	0	28
Total number of Officers on the Grade		20 Total	20				1985	4	27
							1986	1	26
							1987	0	25
							1988	0	24
							1989	5	23
								20	

B2: Assistant Directors

ASSISTANT DIRECTORS									
QUALIFICATION	NUMBER	AGE		LENGTH OF SERVICE		Regional Distributions			
		YEARS	NUMBER	DATE OF FIRST APPT	NUMBER	YEARS	Region	Number	
Masters Degree		1953	1	1974	1	39	Greater Accra	20	
MA Early Childhood and Disability	1	1954	3	1975	2	38	Brong Ahafo	5	
MA Development Studies	1	1955	5	1977	3	36	Ashanti	8	
M.Phil Psychology	1	1956	4	1978	2	35	Eastern	7	
M.Phil Social Work	2	1957	6	1979	1	34	Western	4	
Bachelor of Arts		1958	7	1980	4	33	Upper East	3	
Bachelor's degree*	1	1959	4	1981	1	32	Upper West	4	
BA Social Work	7	1960	5	1982	1	31	Volta	6	
BSc Sociology*	1	1961	1	1984	4	29	Northern	2	
Degree*	1	1962	4	1985	3	28	Central	5	
Bachelor of Arts*	1	1963	3	1986	5	27		64	
Bachelor of Business Administration	1	1964	5	1987	1	26			
BA Psychology	1	1965	4	1988	5	25			
BA Geography and Sociology	1	1966	1	1989	11	24			
BA Development Studies	1	1967	4	1990	5	23			
BA Sociology	1	1968	1	1991	3	22			
BED Foundations	1	1969	1	1992	4	21			
BA Political Science	1	1970	4	1993	5	20			
Diploma		1972	1	1994	1	19			
Diploma in Social Administration	15		64	1999	1	14			
Diploma in Social Work	4			2006	1	8			
Certificate					64				
Certificate in Social Work	22								
	64								

B3: Principal Social Development Officer

PRINCIPAL SOCIAL DEVELOPMENT OFFICER								
QUALIFICATIONS	AGE		LENGTH OF SERVICE			REGIONAL DISTRIBUTIONS		NUMBER
	NUMBER	DoB	NUMBER	DoFA	NUMBER	YEARS	REGION	
Master's Degree								
Master of Philosophy, Social Work	1	1954	3	1980	3	33	Ashanti	11
MA Adult Education	1	1955	3	1984	4	29	Eastern	5
MA Social Policy	1	1956	2	1985	2	28	Accra	11
*Master's Degree	1	1957	2	1986	6	27	Volta	7
Bachelor's Degree		1958	2	1987	7	26	Central	6
BA Social Work	3	1959	7	1988	2	25	Western	8
BA Social Work and Sociology	1	1960	5	1989	3	24	Northern	3
BED Social Studies	1	1961	5	1990	5	23	Brong Ahafo	5
BA Pop/Family life Education	1	1962	6	1991	6	22	Upper West	2
BA Psychology	2	1963	6	1992	7	21		58
Bachelor of Education	1	1964	8	1993	7	20		
Diploma		1965	3	1994	4	19		
Diploma in Social Work	5	1967	3	2000	2	13		
Diploma in Social Administration	7	1968	2		58			
Certificite		1972	1					
Certificite in Social Work	26		58					
GCE "A" Level	2							
GCE "O" Level	5							
	58							

B4: Case Worker

CASE WORKER								
QUALIFICATIONS	AGE		LENGTH OF SERVICE			REGIONAL DISTRIBUTIONS		NUMBER
	NUMBER	Years	NUMBER	DoFA	NUMBER	YEARS	REGION	
Bachelor's Degree								
BA Intergrated Community Development	1	1954	1	1972*	1	41	Ashanti	5
Bachelor of Arts*	3	1955	1	1979	1	34	Central	3
Degree*	1	1958	2	1981	1	32	Eastern	7
BA (Hons)*	1	1959	1	1983	1	30	Upper East	4
BA History and Philosophy	1	1961	1	1986	1	27	Upper West	3
Diploma		1962	1	1990	1	23	Western	0
Diploma in Social Administration	1	1963	1	1991	1	22	Northern	2
Diploma in Social Work	17	1964	1	1992	2	21	Volta	3
Certificate		1966	2	1993	1	20	Brong Ahafo	0
Certificate in Social Work	15	1967	2	1994	2	19	Greater Accra	18
N/A*	1	1968	1	2002	2	11		45
Protection of Vulnerable Adults	1	1969	1	2003	1	10		
Development in Community	1	1971	1	2004	3	9		
Middle School Leaving Certificate	2	1972	2	2006	4	7		
	45	1973	6	2007	2	6		
		1974	1	2008	2	5		
		1975	1	2009	12	4		
		1976	3	2010	6	2		
		1977	1	2011	1	2		
		1978	2		45			
		1979	2					
		1980	1					
		1981	3					
		1982	1					
		1983	3					
		1984	2					
		1989	1					
			45					

B5: Assistant Social Development Officers

ASSISTANT SOCIAL DEVELOPMENT OFFICER								
QUALIFICATIONS	AGE		NUMBER	LENGTH OF SERVICE			REGIONAL DISTRIBUTIONS	
	NUMBER	DoB		DoFA	NUMBER	YEARS	REGION	NUMBER
Bachelor's Degree	1	1955	2	1972	1	41	Brong Ahafo	10
BA Intergrated Development	1	1956	3	1976	1	37	Upper East	6
BA Social Work and Sociology	1	1957	3	1979	2	34	Northern	10
BA Sociology and Political Science	3	1958	4	1980	2	33	Accra	17
Bachelor of Education (BED)	2	1958	2	1983	1	30	Ashanti	12
Diploma		1960	3	1984	1	29	Volta	5
Diploma in Social Work	18	1961	1	1985	2	28	Central	5
Diploma in Rehabilitation	1	1962	1	1990	1	23	Upper West	6
Diploma in Management Studies	1	1964	1	1991	3	22	Western	2
Diploma in Community Development	4	1966	1	1993	2	20	Eastern	7
Diploma in Social Administration	3	1968	2	1994	1	19		80
Diploma in Education	1	1969	1	1998	4	15		
Certificate		1970	2	2000	10	13		
Certificate in Social Work	44	1970	2	2001	2	12		
	80	1972	6	2002	12	11		
		1973	3	2003	7	10		
		1974	4	2004	11	9		
		1975	6	2005	4	8		
		1976	6	2006	5	7		
		1977	6	2007	1	6		
		1978	5	2008	3	5		
		1979	4	2009	1	4		
		1980	4	2011	2	2		
		1981	1	2012	1	1		
		1981	1		80			
		1982	2					
		1983	3					
		1984	1					
			80					

B6: Chief Assistant Social Welfare Officer

CHIEF ASSISTANT SOCIAL WELFARE OFFICER								
QUALIFICATIONS	AGE		NUMBER	LENGTH OF SERVICE			REGIONAL DISTRIBUTIONS	
	NUMBER	DoB		DoFA	NUMBER	YEARS	REGION	NUMBER
Bachelor's	1	1955	1	1975	1	38	Western	1
BA Social Work/Sociology	1	1956	2	1978	1	35	Accra	5
*Bachelor's Degree		1957	1	1985	2	28	Volta	1
Certificate		1960	1	1986	2	27	Northern	1
Certificate in Social Work	6	1961	1	1987	1	26		8
	8	1962	1	1993	1	20		
		1964	1		8			
			8					

B7: Labourer

QUALIFICATIONS	NUMBER	AGE		LENGTH OF SERVICE			Regional Distributions	
		Years	Number	DATE OF FIRST APPT	NUMBER	YEARS	Region	Number
No Qualification	17	2012	2	1975	1	38	Central	9
Non-Formal	3	1991	1	1980	1	33	Eastern	10
Senior High School	1	1988	1	1981	1	32	Greater Accra	21
General Course in Construction	26	1987	1	1982	1	31	Upper East	2
Middle School Leaving Certificate	6	1986	2	1983	1	30	Upper West	4
Basic Certificate of Education	2	1985	2	1984	2	29	Ashanti	13
Senior Secondary Certificate of Education	1	1984	2	1985	1	28	Western	5
National Vocational Training Institute	1	1982	1	1988	1	25	Northern	5
Certificate in Dress Making	1	1980	2	1989	2	24	Volta	3
Typist Grade 2	2	1978	2	1990	1	23	Brong Ahafo	3
General Certificate of Education Ordinary level	75	1977	2	1991	1	22		75
		1976	2	2000	4	13		
		1974	4	2001	8	12		
		1973	5	2002	10	11		
		1972	3	2003	2	10		
		1971	2	2004	8	9		
		1970	1	2006	5	7		
		1969	4	2007	4	6		
		1968	6	2008	5	5		
		1967	1	2009	2	4		
		1966	3	2010	4	3		
		1965	2	2011	5	2		
		1964	3	2012	5	1		
		1963	2		75			
		1962	3					
		1960	4					
		1959	2					
		1958	5					
		1957	3					
		1954	2					
			75					

B8: Watchman/Security

WATCHMAN/SECURITY								
QUALIFICATIONS	NUMBER	AGE		LENGTH OF SERVICE			REGIONAL DISTRIBUTIONS	
		DoB	NUMBER	DoFA	NUMBER	YEARS	REGION	NUMBER
Certificate	9	1954	3	1984	1	29	Upper West	4
Middle School Leaving Certificate	10	1957	3	1985	1	28	Eastern	7
Non-Formal Education	24	1959	3	1998	3	15	Northern	4
No Certificate	1	1960	1	2000	10	13	Greater Accra	5
Basi Education Certificate Examination	44	1961	2	2001	2	12	Upper East	4
		1962	1	2002	4	11	Brong Ahafo	4
		1963	1	2004	9	9	Ashanti	9
		1964	2	2005	2	8	Central	5
		1965	3	2006	6	7	Western	2
		1966	5	2007	1	6		44
		1968	1	2008	2	5		
		1969	2	2009	1	4		
		1970	2	2011	1	2		
		1971	3	2012	1	1		
		1972	4		44			
		1974	1					
		1976	3					
		1977	2					
		1980	1					
		1986	1					
			44					

B9: Cook

COOK								
QUALIFICATIONS	AGE		LENGTH OF SERVICE			REGIONAL DISTRIBUTIONS		
	NUMBER	DoB	NUMBER	DoFA	NUMBER	YEARS	REGION	NUMBER
Middle School Leaving Certificate	31	1954	3	1974	2	39	Greater Accra	15
Non-Formal Education	4	1955	1	1976	1	37	Volta	3
No Certificate	7	1956	2	1977	1	36	Northern	4
Basi Education Certificate Examination	1	1957	3	1978	2	34	Ashanti	13
Senior Secondary Certificate Examination	5	1958	1	1979	2	33	Central	4
National Vocational Training Institute	6	1960	4	1981	3	32	Eastern	5
		1962	2	1982	2	31	Western	2
		1963	3	1985	1	28	Brong Ahafo	3
		1964	5	1986	1	27	Upper West	1
		1965	2	1994	1	19		50
		1966	2	1998	1	15		
		1967	2	2000	10	13		
		1968	2	2001	3	12		
		1969	3	2002	3	11		
		1972	2	2003	4	10		
		1974	4	2004	3	9		
		1976	1	2005	1	8		
		1977	1	2006	1	7		
		1978	1	2007	1	6		
		1979	1	2008	5	5		
		1980	1	2009	1	4		
		1983	1	2011	1	2		
		1985	3	2012	3	1		
		1987	2	*1905	1	N/A		
			54		54			

B10: Instructor

INSTRUCTOR								
QUALIFICATIONS								
Degree	NUMBER	AGE		LENGTH OF SERVICE			REGIONAL DISTRIBUTIONS	
		DoB	NUMBER	DoFA	NUMBER	YEARS	REGION	NUMBER
Bachelor's Degree	1	1954	1	1976	1	37	Western	10
Master's Degree	2	1955	1	1977	3	36	Greater Accra	35
Diplomas		1956	7	1982	2	31	Eastern	17
Diploma	5	1958	4	1984	1	29	Ashanti	27
HND	5	1959	4	1985	2	28	Central	24
HND Agriculture	1	1960	5				Volta	13
HND Building Technology	1	1961	2	1986	13	27	Brong Ahafo	5
HND Catering	1	1962	2	1987	2	26	Upper East	12
HND Fashion	2	1963	2	1988	1	25	Upper West	1
HND Furniture Design and Construction	1	1964	2	1991	1	22	Northern	8
Technical Education Diploma	1	1965	3	1996	1	17		152
Certificates		1966	4	1998	13	16		
NVTI G2	38	1967	2	2000	2	13		
Advance Carpentering and Joinery	2	1968	3	2001	15	12		
Advance City and Guilds	5	1969	3	2002	10	11		
Advance Fashion	11	1970	6	2003	2	10		
Advance Hospital Management	1	1972	2	2004	24	9		
Advance in Catering	2	1973	4	2005	3	8		
C.T.C	2	1974	10	2006	13	7		
Certificate in Agriculture	2	1975	8	2007	3	6		
Certificate in Education	5	1976	9	2008	11	5		
Certificate in Project Planing	1	1977	10	2009	13	4		
Certificate in Tailoring	1	1978	8	2010	5	3		
Certificate of Proficiency	3	1979	11	2011	3	2		
City and Guilds of London Institute	2	1980	8	2012	7	1		
City and Guilds part one	4	1981	7	2013	1	12-Sep		
Construction Technician 1	1	1982	9		152			
Construction Technician 3	2	1983	4					
Cookery Industry	1	1984	2					
Cookery Part One	5	1985	2					
E.E.T	1	1986	2					
Electric Engineering Technician	2	1987	2					
Fashion Intermediate	1	1988	1					
HICM (H12/1)	1	1990	1					
Intermediate	5		151					
Middle School Leaving Certificate	5							
NACVET Certificate	1							
N.C.C.	1							
Non-Formal Education	1							
NVTI	14							
Senior Secondary Certificate Examination	5							
SSS	2							
Trade Instructor	1							
Electrical Advance	1							
General Certificate of Education Ordinary Level	3							
	152							

APPENDIX C

DSW BUDGET

TABLES

Table 1.1 Budget estimates for the DSW (thousands of cedis)¹³

Function	1993	1994	1997	1998	1999	2000	2001
General Administration, budget and Planning	92,854	103,126	223,310	245,469	421,671	709,235	453,000
Justice Administration	N/A	N/A	41,815	492,616	2,055,080	2,593,263	2,537,600
Child Rights and Protection	N/A	N/A	1,232,893	721,901	780,853	263,000	191,900
Community Care	N/A	N/A	705,812	966,613	1,019,748	280,000	251,500
Welfare Division	506,407	570,722	N/A	N/A	N/A	N/A	N/A
Rehabilitation Division	224,492	295,162	N/A	N/A	N/A	N/A	N/A

Table 1.2: Budget estimates for specific DSW projects and programs (in thousands of cedis) (selected items)¹⁴

	1996	1997	1998	1999	2000	2001
Committee on Child Survival and Development	25,398	8,125	5,200	N/A	N/A	N/A
Children's Home	N/A	8,125	12,000	N/A	N/A	N/A
Assistance to day-care Centres	N/A	21,250	6,000	N/A	N/A	N/A
Street Children	N/A	12,813	6,090	N/A	N/A	N/A
Service to women in respect of children	N/A	6,250	5,500	N/A	N/A	N/A
Advocacy on the Rights of the Child	N/A	2,562	5,000	N/A	N/A	N/A
Ashanti Mampong Babies' Home	N/A	88,477	77,195	79,100	81,100	N/A
Jirapa Orphanage	N/A	16,373	17,900	23,569	24,000	N/A

¹³ Source: Knowledge report 2002

¹⁴ Source: Ministry of Employment and Social Welfare, Ghana, Annual estimates (1993 – 2001) cited by ISODEC and Save the Children (2002)

Table 2.1

Releases to DSW for the period Jan. to Dec. 2012

Programme	Total releases	Total expenditure	Total unexpended
1. Central Adm. Goods & Services	82,067.33	82,043.72	23.61
2. LEAP	639,700.00	595,791.52	43,908.48
3. UNICEF support	165,771.00	165,771.00	-
Total			43,932.09

Table 2.2

Releases to DSW for the period Jan- Dec. 2011

Programme	Total releases	Total expenditure	Total unexpended
1. Budget and Planning- General Admin.	63,905.45	63,905.45	-
2. Budget and Planning- Services	1,530.00	1,390.00	140.00
3. Budget and Planning- Investment	-	-	-
4. Community Care- Gen. Admin	794.83	525.00	269.83
5. Community Care- Services	326.00		326.00
6. Child Right Promotion- Gen. Admin	561.28	360.00	201.28
7. Child Right Promotion- Services	286.00	286.00	-
8. Justice Admin- Gen. Admin	500.76	500.00	.76
9. Justice Admin- Services	146.00	146.00	-
10. LEAP	536,896.83	534,715.00	2,181.83
11. UNICEF Support	347,012.00	346,362.00	750.00
12. DFID	456,840.00	449,840.00	7,000.00
Total	1,408,799.15	1,397,783.45	11,015.70

Table 2.3

Releases to DSW for the period Jan- Dec. 2010

Programme	Total releases	Total expenditure	Total unexpended
1. Budget and Planning- General Admin.	61, 488.12	61, 181.81	306.31
2. Budget and Planning- Services	6, 917.00	6,863.00	54.00
3. Community Care- Gen. Admin	536. 76	520.00	16.76
4. Budget and Planning- Services	353.00	65.00	288.00
5. Child Right Promotion- Gen. Admin.	657.00	650.00	7.00
6. Child Right Promotion- Services	958. 00	444.65	513.35
7. Justice Admin- Gen. Admin.	584.97	580.00	4.97
8. Justice Admin- Services	496.00	495.00	1.00
9. LEAP	1,024, 731.36	802, 834. 53	221, 896. 83
10. UNICEF Support	359, 742.00	238, 060.00	121, 682.00
Total	1, 456, 464.21	1, 111, 693.99	344, 770. 22

Table 2.4

Budget Analysis for 2010 Of Department of Social Welfare

ACTIVITIES	BUDGETED GHS	ACTUAL GHS	VARIANCE GHS	PERCENTAGE OF VARIANCE
Justice Administration- Gen. Admin	7716	580.00	7136.00	92.5
Justice Administration- Service	23761	495.00	23266.00	98
Child Right Promotion-Gen. Admin.	7710	650.00	7060.00	92
Child Right Promotion- service	14362	444.65	13917.35	97
Community care-Gen. Admin	8617	520.00	8097.00	94
Community care-Service	28398	65.00	28333.00	99.7

Table 2.5

Budget Analysis for 2011 of Department of Social Welfare

ACTIVITIES	BUDGETED GHS	ACTUAL GHS	VARIANCE GHS	PERCENTAGE OF VARIANCE
Justice Administration- Gen. Admin	6640	500	6140.00	92.
Justice Administration- Service	7611	0	7611.00	100
Child Right Promotion-Gen. Admin	6670	360.00	6310.00	95
Child Right Promotion- service	5661	286.00	5375	95
Community care-Gen. Admin	6681	525.00	6156	92.
Community care-Service	10564	0	10564	100

TABLE 2.5

Comparism between 2010 budgeted figures and 2011 budgeted figures.

ACTIVITIES	BUDGETED 2010 GHS	BUDGETED 2011 GHS	CHANGE	PERCENTAGE CHANGE
Justice Administration- Gen. Admin	7716	6640	-1076.00	14
Justice Administration- Service	23761	7611	-16150.00	68
Child Right Promotion-Gen. Admin	7710	6670	-1040.00	13
Child Right Promotion- service	14362	5661	-8701.00	61
Community care-Gen. Admin	8617	6681	-1936.00	22
Community care-Service	28398	10564	-17834.00	63

APPENDIX D

Format for writing Home Study Reports and copies of reports submitted to courts

Home study reports are prepared after an adoption applicant is given the following questionnaire to complete after which the DSW officer is to verify the information provided in addition to a face to face interview. Literate adoption applicants are given this questionnaire when an application form is purchased:

A. Describe yourself:

Name of Family
Residential address
Postal address
Tel:
Home
Work
Cell

Applicant Information

	Male		Female
Name		Name	
Date of birth		Date of birth	
Age		Age	
Place of birth		Place of birth	
Marital Status		Marital Status	
Date of marriage		Date of marriage	
Sex		Sex	
Period of previous marriage		Period of previous marriage	
Nationality		Nationality	
Employment		Employment	
Income (Net)		Income (Net)	
Income (Gross)		Income (Gross)	
Religion		Religion	
Occupation		Occupation	
Languages spoken		Languages spoken	
Educational level		Educational level	
Medical Report		Medical Report	
Social Security No.		Social Security No.	
Date SER Done		Date SER Done	
Date Home Visit Done		Date Home Visit Done	
Date Questionnaire Completed		Date Questionnaire Completed	

Members of Household

Name/DOB	Age	Occupation	Relationship	Biological/Adopted

Type of child needed

- a. Age range
- b. Sex
- c. Sibling group
- d. Living in residential home
- e. With foster family/family
- f. Race
- g. Special needs
- h. etc.

Motivation and Expectations

- a. What are your reasons for wishing to care or a child
- b. Why do you think this is a good time
- c. How do you hope to help the child fit into your home and family
- d. What support systems do you have
- e. How does your family and extended family members feel towards your decision to adopt a child

Adoptive Information:

Applicants' previous adoption, history

B. Background information

- a. What is your family of origin, environment growing up
- b. Your thoughts about growing up and what it was like growing up in your family (relationship with siblings, values instilled by your parents as a couple, etc.)
- c. Mother
- d. Mother's Residential Address
- e. Age:
- f. Occupation:
- g. Father:
- h. Father's Residential Address
- i. Age:
- j. Occupation:

SIBLING'S

What is your birth position in family?

Name	Age	Occupation	Location	Marital Status	No. of Children

- a. Indicate your current contact with relatives and frequency of contact
- b. Have you ever received treatment for drug use/mental illness? If yes indicate therapy use and results
- c. Have you ever been involved in domestic violence, substance abuse or child molestation/abuse?

HEALTH ISSUES

C. Education

	NAME OF SCHOOLS	PERIOD	COURSE	LOCATION
a. Elementary				
b. Secondary				
d. Tertiary other Institution				

What extra-curricular activities did you engaged in during your school days?

D. LEISURE ACTIVITY/HOW DO YOU RELIEVE STRESS?

D. OCCUPATION:

- Give names of all the Institutions that you have worked, the period an how job changes occurred, both in Ghana and abroad
- How long do you stay away from home?
- What work do you do currently?
- Are you satisfied with what you do currently?
- Can you alter you work schedule if need be?
- Do you have careers at home, if not are you going/intend to get one

F. DESCRIBE YOUR MARRIAGE

- How and when did you meet
- How you decided to marry
- How do you handle disagreements?
- Describe spouse, courtship an current marriage
- Impact of infertility issues, as applicable. (Please indicate whether or not there are any infertility issues)
- Please describe any previous marriages an children with dates, sex and ages of children

G. PARENTING

- If you already have children, describe your relationship with them, and how you and your children function as a family
- What are your disciplining models
- Previous experience with children
- How do you interned to support each other in parenting

GUARDIANSHIP

In-case of incapacitating illness or death of applicants indicates who the designated care taker(s) will be and nature of their relationship to you.

H. Please describe the process that led you to choose to adopt. (Why adoption of a child)

E. Describe your accommodation home, neighbourhood, type of residence, and furnishings household equipment, room for play.

E. **Finance:** Enclose evidence of income and Accommodation

Combined/Annual gross earned income	
Sources of additional income	
Monthly expenditure	

Please enclose three **references**:

1. Two references from people who know you well & one who knows both of you as a couple
2. Self-declaration on criminal record or Police criminal clearance on child abuse.

After all the needed information has been collected on the child and applicants, the home study report is often organised under the following headings:

- Contact details of applicant
- Applicant Information
- Members of household
- Type of child needed
- Motivation and expectation
- Applicants' adoptive history
- Background information of applicants
 - a. Adoptive father
 - b. Adoptive mother
- Applicants adoption history
- Health of applicants
- Leisure activities
- Marriage and family life of applicants
- Parenting skills of applicants
- Accommodation
- Guardianship plan
- Finance of applicants
- Summary of references/findings
- Recommendations

D1: Sampled reports

Sample 1

Region 1 (2007)

Department of Social Welfare

P.O. Box...

Town (Regional Capital)

12th February 2007

Suit No...

Time of filling 11:45

IN THE HIGH COURT OF GHANA

TOWN-REGION

In the Matter of S.N.A } Juveniles
E.A }
And

In the Matter of the Children's Act 1998 (Act 560) (Section 65-86)

And

In the Matter of an application for an Adoption Order: E.A. Applicant

Per Her Lawful Attorney: A.G. H/no: Town

NOTICE OF ENTRY OF APPEARANCE

Please take notice that pursuant to the Adoption (High Court) Rule 1963, section 3, I have today entered appearance for and on behalf of S.N.A. and E.A. juveniles in respect of whom an application for an adoption order has been made.

Sealed Duplicate Memorandum of appearance is herewith attached.

Dated this 12th day of February, 2007

Signed

NAME OF OFFICER

FOR: REGIONAL DIRECTOR OF SOCIAL WELFARE

THE REGISTRAR
HIGH COURT
TOWN

Cc: Solicitor for Applicant

Department of Social Welfare

P.O. Box...

Town (Regional Capital)

12th February 2007

Suit No...

Time of filing 11:45

IN THE HIGH COURT OF GHANA

TOWN-REGION

In the Matter of S.N.A. } Juveniles
E.A }
And

In the Matter of the Children's Act 1998 (Act 560)
(Section 65-86)

And

In the Matter of an application for an Adoption Order: E.A. Applicant
Per Her Lawful Attorney: A.G. H/no: Town

VRS

THE REGIONAL DIRECTOR OF SOCIAL WELFARE -- RESPONDENT

DIRECTOR'S REPORT

PARTICULARS OF APPLICANT:

NAME: E. A.

DATE OF BIRTH: 19th October 1961 AGE 45 yrs.

NATIONALITY: Ghanaian

OCCUPATION: Hairdressing

INCOME: E 2,500 (Euro) Monthly

MARITAL STATUS: Single

PRESENT ADDRESS: ... Brazelles, Belgium.

BACKGROUND: Applicant was born on 19th October 1961 to Mr. Joe Adon (deceased) and Madam A. Adon (deceased) all of Agoo West District of ... Region.

She is the last child in a family of 3 males and females. She had her Middle School education from 1967-1982 in Agoo the ... Region.

She had her vocational training at ... High Girls Vocational School in ... from 1983-1986.

She left for Belgium in 1998 and practices as a Hair-Dresser in her salon at Belgium.

HEALTH STATUS: Her Medical report indicates that she is physically and emotionally fit to adopt.

(Title of child study report) CHILDREN BEING APPLIED FOR:

The two children are the biological children of applicant's sister who is deceased. Applicant has served as the mother-substitute by providing for their upkeep and education for the past 6 years. [This was not substantiated in any way either by receipts of money transfers or an account statement from a bank showing dates of withdrawal with school fees payments].

Juveniles:

1. NAME: xxx
DATE OF BIRTH: 20th April 1994 AGE: 12years
PLACE OF BIRTH: (Name of a town)
FATHER: Kofi Kwame
MOTHER: Adwoa Kwabena
SCHOOLING: She is a JSS 2 student of St. Joseph's school (City) [In another town outside the region where the report is being done].
2. NAME: aaa
DATE OF BIRTH: 7th July, 1992 AGE: 14 years AGE: 14years
PLACE OF BIRTH: (Name of a town)
MOTHER: Adwoa Kwabena
FATHER: Kofi Kwame
SCHOOLING: He is a SSS 1 of Visual Arts student of X secondary school (Capital town of a region outside the region where the report is being done).
OBSERVATION/RECOMMENDATION:
Legal custody [introduces a deferent legal term] of these two juveniles would enable applicant offer the best of education and care.
Adoption is in the best interest of the juveniles who are motherless.
I recommend this application for My Lordship's consideration.

Signed
Name of officer
For: Regional Director of Social Welfare

Sample 2

Region 2 (2008)

My Ref/GAR/CONF/ADPT.1/TJ/

Suit No. BAdp...

23rd May, 2008

IN THE HIGH COURT OF JUSTICE...

IN THE MATTER OF THE ADOPTION OF N.A.B JUVENILE

AND

IN THE MATTER OF THE CHILDREN'S ACT OF 1998 (ACT 560)

DIRECTOR'S REPORT

I submit, herewith the Director's Report on the above-named suit in accordance with Part IV sub-Part II of the children's Act for consideration of the Court.

Also enclosed is the Memorandum of appearance in duplicate.

The applicant understood the implications of the adoption order.

Signed

(Name of Officer)

FOR: REGIONAL DIRECTOR OF SOCIAL WELFARE

THE REGISTRAR

HIGH COURT OF JUSTICE

TOWN

My Ref/GAR/CONF/ADPT.1/TJ/

Suit No BAdp...

23rd May, 2008

IN THE HIGH COURT OF JUSTICE ...

IN THE MATTER OF THE ADOPTION OF N.A.B JUVENILE

AND

IN THE MATTER OF THE CHILDREN'S ACT OF 1998 (ACT 560)

DIRECTOR'S REPORT

Please, enter appearance for N.A.B. who is respondent in this case.

Dated in ... this 23rd day of May, 2008

Guardian Ad Litem

Signed

(Name of Officer)

FOR: REGIONAL DIRECTOR OF SOCIAL WELFARE

Whose Address of service is:

THE REGIONAL SOCIAL WELFARE OFFICER

P. O. BOX ...

NAME OF TOWN

THE REGISTRAR

HIGH COURT OF JUSTICE

TOWN

IN THE HIGH COURT OF JUSTICE

IN THE MATTER OF THE ADOPTION OF N.A.B JUVENILE

AND

IN THE MATTER OF THE CHILDREN'S ACT OF 1998 (ACT 560)

BETWEEN

JANE ODO – APPLICANT

THE DIRECTOR OF SOCIAL WELFARE - RESPONDENT

DIRECTOR'S REPORT

PARTICULARS OF APPLICANT:

Name: Jane Odo
Age: 47 years
Date of birth: 6-6-1960
Place of birth: Koforidua
Marital status: Married
Date of marriage: 8-2-1986
Number of children: 3 (25, 22 and 16)
Educational background: Nursing Aid
Occupation: Nurse
Income: US \$ 30,000 (thirty thousand dollars) per Annum
Religion: Christianity
Nationality: American/Ghana
Address: Bronx, New York ...

PERSONAL HISTORY OF APPLICANT:

The applicant Jane Odo was born on the 6th of June 1960 to Samuel Koo and Elizabeth at Koforidua in the Eastern Region of Ghana. The applicant is the first of 7borns, made up of 4 males and three females.

She started schooling at the State Primary in Kumasi from 1971 to 1977. After her Primary education, she moved to continue at State Girls Middle school also in Kumasi from 1977 to 1978 when she entered the Osei Kyerwere Secondary school through the then (then) Common Entrance Examination in 1978 and completed in 1982. After her secondary school, she got married in 1986 and left that same year for the New York to seek greener pastures. On her arrival at the New York, the applicant got employed with the V.I.P. Home Care from 1986 to 1995 and left to pursue a 6 month nursing aid course at the 11.11.p. and came out the same

year. She got employed with Gold Crest Care Centre in the New York and earns an annual income of US\$ 30,000 (thirty thousand dollars).

She is an American of Ghanaian origin. She is a very committed Christian, very caring and compassionate. She is married with 3 children, all being boys with the ages 25, 22 and 16 years respectively. Her leisure activities are watching basketball and football.

She desires to adopt the juvenile... whose father is deceased and the mother financially incapable of caring for four of them. The applicant truly has the welfare and interest of the juvenile at heart and wishes to adopt her so that she can be given the needed care and support to be able to develop her potential to the highest level. The applicant is gainfully employed and has sufficient resources that can conveniently cater for the juvenile. She has already been remitting money on regular basis for the upkeep and maintenance of the juvenile.

ACCOMMODATION

The applicant owns a 12 bedroom self-contained located at Taifa, Accra with a kitchen, 12 baths, 12 toilets, a big hall, a dining room and a compound. Besides, the applicant owns a 2 family house in the U.S.A. at the address given above with all the necessary facilities.

Title – PARTICULARS OF THE JUVENILE:

Name:	N.A. B
Age:	15years
Date of Birth:	31 st December 1992
Place of Birth:	Teaching Hospital (Name of town)
Occupation:	Pupil
Relationship to applicant:	Grand daughter
Mother:	Angela Angelo
Father:	Kwabena Kwadjo
Guardian:	None

NAB, the juvenile and subject of the report was born on the 6th of December, 1992 at ...Teaching hospital to the late Kwabena Kwadjo and Angela Angelo. She is the first of 4 born; consisting of 3 females and 1 male with ages [15, 10, 5 and 8months] the juvenile is a JSS 3 pupil at Greenhill International School at Achimota, Accra. Her leisure activities are reading and watching television.

NAB lost her father on the 10th of October, 2006, and her mother is also financially incapable of providing for her including her 3 younger siblings. As a result, she has expressed her desire to be adopted by her step grandmother, applicant who has now become her care taker in terms of payment of her school fees and the provision of other needs.

OBSERVATION:

The juvenile has lost her father who was the sole bread [winner] of the family. At the moment, the mother who also has 3 other children with her cannot support all children. Hence, the juvenile wishes to be adopted by her step grandmother to take full parental control over her.

ASSESSMENT AND RECOMMENDATION

The applicant is permanently and gainfully employed and possesses sufficient resource that can adequately cater for the juvenile to realise her potentials to the maximum level. The applicant has no history of domestic violence, child and or drug abuse. She is also very responsible, loving and compassionate. Furthermore, she has high moral values and reality has the welfare of the Juvenile at heart.

From the above facts I am of the opinion that the juvenile be adopted by the applicant since it will greatly serve the interest and welfare of the juvenile.

Investigation officer

Signed

(Name)

Sample 3

Region 3 (2012)

This report was after training workshops were organised for staff on adoption schedule to standardise procedures and formats of reports.

Date: 28th Aug. 2012

Suit No.....

IN THE HIGH COURT OF JUSTICE.....REGION

IN THE MATTER OF THE AADOPTION OF:

1. E.A.A. }
2. E.A.A. }

JUVENILES

AND

IN THE MATTER OF THE CHILDREN'S ACT OF 1998 (ACT 560)

BETWEEN

KWEKU DANIELS AND MANSAH DANIELS - APPLICANTS

AND

DIRECTOR OF SOCIAL WELFARE - RESPONDENT

I submit herewith the Directors Report on the above-named suit in accordance with Vide Part IV Sub Part II of the Children's Act of 1998 (Act 560) for consideration of the Court.

Also enclosed is the Memorandum of appearance in duplicate

The applicants understood the implications of an Adoption Order.

SIGNED

NAME OF OFFICER

ASSISTANT DIRECTOR

FOR: DIRECTOR OF SOCIAL WELFARE

GUARDIAN AD LITEM

THE REGISTRAR

HIGH COURT

NAME OF TOWN

MEMORANDUM OF APPEARANCE
IN THE HIGH COURT OF JUSTICE.....REGION
IN THE MATTER OF THE AADOPTION OF:

- 3. E.A.A. }
- 4. E.A.A. }

JUVENILES

AND

IN THE MATTER OF THE CHILDREN'S ACT OF 1998 (ACT 560)

BETWEEN

KWEKU DANIELS AND MANSAH DANIELS - APPLICANTS

AND

IN THE MATTER OF THE AADOPTION OF:

- 1. E.A.A. }
- 2. E.A.A. }

JUVENILES

AND

IN THE MATTER OF THE CHILDREN'S ACT OF 1998 (ACT 560)

BETWEEN

KWEKU DANIELS AND MANSAH DANIELS - APPLICANTS

AND

THE DIRECTOR OF SOCIAL WELFARE - RESPONDENT

Enter an appearance for EAA and EAA who are participants in this action

Dated: 28th Day of: August 2012

SIGNED

NAME OF OFFICER

ASSISTANT DIRECTOR

FOR: DIRECTOR OF SOCIAL WELFARE

GUARDIAN AD LITEM

THE REGISTRAR

HIGH COURT

NAME OF TOWN

IN THE MATTER OF THE AADOPTION OF:

3. E.A.A. }
4. E.A.A. }

JUVENILES

AND

IN THE MATTER OF THE CHILDREN'S ACT OF 1998 (ACT 560)

BETWEEN

KWEKU DANIELS AND MANSAH DANIELS - APPLICANTS

AND

DIRECTOR OF SOCIAL WELFARE - RESPONDENT

THE DIRECTOR'S REPORT

PARTICULARS OF APPLICANT

- | | | |
|------------------------|---|---|
| 1. NAME | : | Kweku Daniels |
| AGE | : | 27 years |
| DATE OF BIRTH | : | 20 th April, 1985 |
| RELIGION | : | Christianity |
| NATIONALITY | : | Ghanaian |
| EDUCATIONAL BACKGROUND | : | Secondary |
| PRESENT EMPLOYMENT | : | Welding, Costco Warehouse, USA |
| INCOME | : | \$ 45, 000.00 P.A. |
| LANGUAGES SPOKEN | : | English, Fanti |
| MARRITAL STATUS | : | Married |
| NUMBER OF CHILDREN | : | None |
| ADDRESS (GHANA) | : | 4/3 Ayeh Kumi Road, Kwekuma
P.O. Box ... Secondi |
| (ABROAD) | : | Dunnington RD, Beltsville, USA... |
| 2. NAME | : | Mansah Daniels |
| AGE | : | 32 years |
| DATE OF BIRTH | : | 26 th August 1980 |
| RELIGION | : | Christianity |
| NATIONALITY | : | Ghanaian |
| EDUCATIONAL BACKGROUND | : | Basic |
| PRESENT EMPLOYMENT | : | Welder, Takoradi Flour Mills |
| INCOME | : | ¢ 500.00 P.M. |
| LANGUAGES SPOKEN | : | English, Fanti |
| MARRITAL STATUS | : | Married |
| NUMBER OF CHILDREN | : | None |
| ADDRESS (GHANA) | : | 4/3 Ayeh Kumi Road, Kwekuma
P.O. Box ... Secondi |

PERSONAL HISTORY OF APPLICANTS

Mr Kweku Daniels was born on the 20th of April, 1985 to Mr Isaac Daniels and Miss Dora Amu. He completed St. Mary's Secondary School at Apowa, near Takoradi in 1996 and thereafter undertook a welding Training course at the ITTU also in Takoradi.

He then travelled to the United States of America in 2005 and undertook a professional course in Welding and at the moment works with Costco Warehousing in Maryland, U.S.A.

Mr Kweku Daniels was on holidays in Ghana in April, this year and married Miss Mansah Daniels after engaging her for some time and at the moment has no child.

Miss Mansah Daniels was born on the 26th of August, at Sekondi to Mr Kojo Dadzie and Miss Mable Mensah who are both deceased. After completing her basic education at Rev. Acquah Memorial Methodist School at Adiembra, she continued at the Takoradi ITTU where she qualified as a Welder in 2000.

Mansah Daniels has for the past years worked as a welder with Takoradi Flour mills Company. She got she married to Mr Kweku Daniels in April, 2012 and have had no children.

HOME AND ACCOMMODATION

The couple lives at House No. 4/3 Ayeh Kumi Road, Kweikuma in Sekondi. It is the family house of Mr Kweku Daniels and is a one Storey building containing eight rooms with a detached kitchen. It is very conducive and peaceful.

RELATIONSHIP WITH THE CHILDREN

The juveniles EAA and EAA are twins and maternal nephew and niece respectively of Mr Kweku Daniels. Applicant has lived with the children in the same house since their infancy and has been supporting his sister, the mother of the children in their maintenance and payment of fees as well. His wife on the other hand has known the children and related with them ever since she came to live with them.

MOTIVATION TO ADOPT AND EXPECTATIONS

Applicants intend to adopt the twin children and take full responsibility for their maintenance and upkeep. Kweku Daniels has future plans to move the children from Ghana to live with him and his wife in the U.S.A. where greater opportunities exist for further education and social development.

CONTACT WITH THE DEPARTMENT

Miss Ellen Amu, the mother of applicant report at the office on the 4th of January 2012, to notify the Department that, applicants intend to adopt two of her children. After explaining the procedures to her, she collected the application and autobiography guidelines forms on their behalf. On 10th of April, 2012, applicant in the company of Miss Ellen Amu to delivered the completed forms. After interviewing them, a visit to their home was arranged later.

I visited the home of applicants situated at House No. 4/3, Ayeh Kumi Road, Kweikumah in Sekondi on 17th of April, 2012 to acquaint myself with accommodation and home environment.

PARTICULARS OF THE JUVENILES

- F. A.A. and E.A.A. are twins born on the 9th of December, 1999 to Mr A.A.A. and L.B. at Essikadu, in Sekondi. They both are in JHS 1 at St. A.A. School Complex at (Name of Town).

BACKGROUND INFORMATION OF BIOLOGICAL PARENTS

Mr A.A.A. was born on the 1st of June, 1969 to Mr A. E. A. and late Madam Emma Quansah at Amanful in Takoradi. He completed the Asuansi Technical Institute in 1988 and continued at Takoradi Polytechnic where he obtained a Diploma in Building Technology in 1993. He is a mason by profession and works on contract basis.

He married Miss Ama Brooth in 1995 and at the moment have four children. She was born to Madam Ellen Amu and Mr Brooth on the 19th of November, 1974 at Sekondi. She completed her basic education at Adiembra J.H.S. in 1989 and had her secondary education at Ahantaman Senior High School at Ketan where she completed in 1993. Miss Brooth went on to graduate at the University of Cape Coast in 2007. She is a Teacher by profession and a staff off ...Junior High School. She is married to Mr A.A.A. and has four children at the moment.

CONSENT TO ADOPTION

The biological parents of the children have given their consent to the adoption of their children by applicants.

OBSERVATION

Mr Kweku Daniels is a family relation of the juveniles whilst his wife has lived with them in the same home for the past two years. Mr A.A.A. has no permanent job and care of the children has been the sole responsibility of his wife.

Applicants have supported the maintenance and care of the children and at the moment want to be given the opportunity to take full responsibility towards their upkeep.

The adoption if granted will serve the interest of the children in their future development.

RECOMMENDATION

In view of the above facts and observations, Your Lordship may consider granting an order for the adoption of the juveniles by applicants, Vide Part IV Sub Part II of the Children's Act of 1998 (Act 560)

Signed and Endorsed by the regional Director

Signed (Name of Officer)

Assistant Director

APPENDIX E

FORMS AP1 AND AP2

Confidential

ADF No.

**DEPARTMENT OF SOCIAL WELFARE
CHILDREN'S ACT 560' 98
FORMAL APPLICATION FOR A CHILD**

Please complete in quadruplicate and return to the Director - Department of Social Welfare, P.O. BOX 640, Accra.

Signature
Social Worker

Date:

	MAN	WOMAN
1 Name		
2 Age		
3 Date of Birth		
4 Marital Status – M/S/D/W		
5 Place of Birth		
6 Nationality		
7 Address (a) Home (b) Postal (c) Tel.		
8 Accommodation (a) Type (b) Rooms (c)Self/Rental		
9 Present Employment		
10 Net Salary Income		
11 Any history of tuberculosis (TB) Epilepsy/Leprosy, Lunacy in family of self		
12 Date of Marriage		
13 Period of previous marriage		
14 Age of children of: (a) Man (b) Woman		
15 Children preferred – sex, age, etc		
16 Reason for application		
17 Why not joint application: I/We understand that there is no child available for placement but I/We wish to be placed on the long waiting list		
Date:..... 1. SIGNATURE:..... SIGNATURE:.....		

OFFICE USE

Date Received..... Decision conveyed on.....
Date of Home Visit..... Placement made on.....
Referred to Placement Committee on..... Home of Child.....
Decision of Committee..... Date of Birth.....

Form AP. 2

DEPARTMENT OF SOCIAL WELFARE ADOPTION ACT 1962

MEDICAL REPORT ON PROSPECTIVE ADOPTER

Name.....

Date of Birth..... Age.....

Address.....

Occupation..... Male/Female.....

Medical History of:

- a. Tuberculosis, asthma, chronic bronchitis or other respiratory disorder?
- b. Hypertension or other cardio-vascular disease"?
- c. Any forms or rheumatism or locomotors disorder?
- d. Nervous disorder, depression, anxiety state or mental illness?
- e. Head injury, fits or other neurological disease?
- f. Genital-urinary disorder?
- g. Diabetes or thyroid disorder?
- h. Persistent indigestion, peptic ulcer, other intestinal or liver disease?
- i. Any illness which might shorten life or cause recurring disability?
- j. Any major surgical procedure or treatment for suspected malignant disease:.....
- k. Any family history of mental disorder including epilepsy or physical disease such as tuberculosis, diabetes and hypertension?

Marital History:

- i. Duration of marriage..... Any previous marriage?
- ii. Is there a history of pregnancy and/or miscarriage?
- (please detail abnormalities of pregnancy or labour with dates).....
- iii. If not, for how long have couples failed to conceive?.....
- i. Is there failure to conceive due to

 - Non-consummation?
 - Infertility in either partner?
 - Any other reason e.g. Psycho-sexual difficulties, fear of further pregnancies, etc.?.....

Medical Examination

I. (a) Is he/she now in good health? Yes.....No

- (b) Is there any detectable abnormality in:
- i. Cardiac Vascular system?
 - ii. Blood Pressure?
 - iii. Respiratory system?.....
 - iv. Re-genital system?
 - v. Alimentary system?.....
 - vi. Central Nervous system ?.....
 - vii. Eyes and vision?.....
 - viii. Ears and Hearing?.....
 - ix. Skin?.....
 - x. Lymphatic system?.....

II. Any medical reason any-he/she might not be able to care for an adopted child affectionately until it reaches an age or adolescence?.....

Signature:.....
 Name:
 Qualification:.....
 Address:.....

Date:.....

APPENDIX F

INTERVIEW GUIDES

IN-DEPTH INTERVIEW QUESTIONS

DSW Staff

My name is Anastasia Kpei Ninsau, a PhD Candidate at the Sociology Department of the University of Ghana, Legon. This interview when granted would give me an understanding in the inter-country adoption processes in Ghana. The research is an academic exercise intended to enable me write a PhD thesis. Your views on the topic will be treated strictly confidential ensuring that your identity is protected.

- How effective is the Department of Social Welfare's role in child right promotion and protection in Ghana's inter-country adoption procedures?

What are the services?

1. Which services do you provide for inter-country adoption?
2. Please describe briefly the evaluation procedure of foreign applicants?
3. In Ghana, how do DSW prepare PAPs for international adoption?
4. What advice or counselling is available to individual PAPs?
5. Who provides it and at which stage(s) in the adoption process is it provided?
6. To which authority / body are the adoption request and related documents submitted?
7. Is it mandatory to submit the adoption request through an accredited body?
8. Who assists the PAPs if there is no accredited body involved?

How effective are the services?

1. What are the required documents for inter-country adoption in Ghana?

TYPE OF DOCUMENT	MENTIONED	HAVE NO IDEA	INTRODUCED NEW DOCUMENT/INFO
An application form for adoption to be completed by the PAPs			
A statement of "approval to adopt" issued by a competent authority from PAPs home of origin			
Report on the PAPs including the "Home study" and other personal evaluations from country of origin/residence			
Copies of passports of PAPs or other personal identification documents			
Copies of birth			

Copies of birth certificates of PAPs and of other children residing with them			
A copy of the marriage certificate (if married couple), divorce certificate (if either or both of the PAPs is divorced) or death certificate of the spouse (if one of the PAPs is widowed)			
Health certificates			
Evidence of the financial circumstances of the PA family			
Employment certificate of PAPs			
Employment certificate of PAPs			

1. Please specify any other documents that are required of PAPs
2. If applicants apply through an accredited body, are there other documents required?

TYPE OF DOCUMENT	MENTIONED	HAVE NO IDEA	INTRODUCED NEW DOCUMENT/INFO
Power of attorney issued by the family to the accredited body (e.g., a contract signed by an accredited body and the PAPs)			
A document issued by a competent authority of their State and certifying that the accredited body may engage in inter-country adoption			

- What are the regulations guiding inter-country adoption in Ghana?

Criteria of eligibility for PAPs

- Are there any conditions imposed, e.g. length of marriage?
- Are there any conditions imposed e.g. unmarried couple or registered partnership?
- Are there any conditions imposed e.g. single person (Woman/ Man)?

- Are there any conditions imposed e.g. same sex couple?

Age requirements PAPs

- What is the Minimum age for a prospective adoption parent in Ghana?
- What is the Maximum age for a prospective adoption parent in Ghana?
- What difference (in years) required between the PAPs and the child?

Other criteria PAPs

- Are there any conditions imposed on couple with children (Biological/adopted)?
- What criteria does DSW use for selecting children for inter country adoption or what category of children?

Improper financial gain in Ghana (Art. 8 & 32) PAPs

- Which authority is responsible for preventing improper financial gain?
- What measures are taken to prevent improper financial gain?
- Have there been any prosecutions for improper financial gain related to adoptions?
- Were the prosecutions successful?

Motivation for staff (Professional credibility)

1. What systems are in place at the department of social welfare (DSW) to recognize hard working officers on adoption schedule?
2. What are the rewards for hardworking officers?
3. Has there been any recognition or awards within the last year?
4. What systems are there to monitored and supervised officers for efficiency at work?
5. Does DSW sanction officers for wrong doing?
6. What are the sanctions for wrong practices?
7. Were there any sanctions within the last year?
8. When is the last time that sanctions were applied to an officer?
9. How do you get funding/logistics for your work on adoption?
10. How many times have you received funding/logistics this year?

Professional and Bio data (Credibility and validity of respondent)

- Sex of officer
- How old are you now ?
- How many years have you worked with DSW?
- What is your grade of entering?
- What is your current grade?
- How many years have you worked on the adoptions schedule?
- How were you put on the adoption schedule?
- How are adoption schedule officers selected for the schedule?
- Training and educational level
 - a. What is your educational level?
 - b. Which of the in service training have you attended whilst on the adoption schedule?
 - c. How has the workshop/training help improve your work on adoption?

In-depth Interview Questions

My name is Anastasia Kpei Ninsau, a PhD Candidate at the Sociology Department of the University of Ghana, Legon. This interview when granted would give me an understanding in the inter-country adoption processes in Ghana. The research is an academic exercise

intended to enable me write a PhD thesis. Your views on the topic will be treated strictly confidential ensuring that your identity is protected.

In-depth interviews (Facilitators)

- Does DSW follow laid down procedures in placing these children in line with national and international regulations on child right promotion and protection?
- 1. What services does the Department of Social Welfare (DSW) provide in relation to adoption the adoptions you facilitate in Ghana?
- 2. How did you start working on inter-country adoption?
- 3. How do you get parents who go to relinquish their rights?
- 4. Could you please tell me what you do in the process?
- 5. What are the challenges you face in doing your work?
- 6. From the discussions so far, does DSW uphold child rights in the services being provided in inter-country adoption in Ghana?
- 7. How do you get funds to carry out your duties effectively?
- 8. In carrying out your duties, have you been arrested, caution, or questioned for doing this kind of work by the Police?
- 9. How were you able to continue the work after that encounter with the Police?

Criteria of eligibility

- Are there any conditions imposed, e.g. length of marriage?
- Are there any conditions imposed e.g. unmarried couple or registered partnership?
- Are there any conditions imposed e.g. single person (Woman/ Man)?
- Are there any conditions imposed e.g. same sex couple?

Age requirements

- What is the Minimum age for a prospective adoption parent in Ghana?
- What is the Maximum age for a prospective adoption parent in Ghana?
- What difference (in years) required between the PAPs and the child?

Other criteria PAPs

- Are there any conditions imposed on couple with children (Biological/adopted)?

Improper financial gain in Ghana (Art. 8 & 32) PAPs

- Which authority is responsible for preventing improper financial gain?
- What measures are taken to prevent improper financial gain?
- Have there been any prosecutions for improper financial gain related to adoptions?
- Were the prosecutions successful?

The adoption procedure

1. Who prepares the ‘**home study**’ and other documents?
2. For how long is the report valid?
3. Who is responsible for renewing the report if the period of validity expires before the adoption is completed?

Matching and transmission of the report on the child (Art. 16(2))

Who receives the report on the child referral and when are the PAPs informed?

Acceptance of the match (Art. 17 a) and b))

- How much time is allowed for the PAPs to decide to accept the match?
- Is the match accepted if the profile of the child does not correspond to the one approved for those PAPs in the “home study”?
- What are the conditions, if any, for approval by the DSW of the proposed match?

Bio data

- Sex of the Facilitator

- How old are you now ?
- Are you married?
- Do you have biological children?
- How many children do you have?
- Have you given any of your children for inter-country adoption?
- How many years have you been an inter-country adoption facilitator?
- What work do you do besides facilitating inter-country adoptions?
- Describe what your current job entails?

Thank you for your patience, sincerity and time. Thank you.

In-depth Interview Questions

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In-depth interviews (Professionals)

Professional and Bio data (credibility of respondent)

- Sex of officer
- How old are you now ?
- How many years have you worked with DSW on adoption?
- What is your professional grade?
- What is your current role in the inter-country adoption?
- How many years have you worked on the adoptions schedule?

Does Department of Social Welfare staff follow laid down procedure in inter-country adoption?

What are the regulations guiding inter-country adoption in Ghana?

1. How do you see the work of Department of Social Welfare (DSW) in child right promotion and protection in inter-country adoptions in Ghana?
2. The child is the starting point in the process leading to adoption: in your work with DSW who are the children placed in inter-country adoptions?
3. What makes the condition of these children warrant placement in inter-country adoption?
4. What kind of screening is done to determine the kind of children that suit inter-country adoption?
5. What makes a child suitable for inter-country adoption?
6. What does DSW staff look for in preparing child study reports?
7. When a child seems adoptable because of parental consent, how does the DSW staff establish that the consent was freely given without pressure, material compensation or otherwise?
8. How does child study form the basis for matching child with prospective adoptive parents in inter-country adoptions in Ghana?
9. How does the child participate in the entire whole adoption plan?
10. What precautions are taken by DSW staff during, before, and post placements before legal adoption to satisfy itself that no conflict of laws relating to adoption between the two states exist?
11. How does DSW staff ensure that after adoption the adopted child has a right to his or her identity in particular to information on his or her parentage especially where inter-country adoption is concerned?

12. How does DSW staff provide psycho-social services to biological parents when they exist before and after birth when they are considering placing the child for inter-country adoption?
13. How does the DSW staff ensure that all legal requirements are met when parents relinquish a child for adoption?
14. How are adoptive home studies conducted by DSW staff in inter-country adoption?
15. How does the staff of DSW ensure that adoptive families satisfy the requirements of their state of residence?
16. If DSW carry out pre-adoptive training, what areas do they cover with adoptive parents?
17. Do all adoptive arrangements start with DSW?
18. How does DSW satisfy itself that all alternatives to keep the child within the country have been thoroughly explored before placing the child for inter-country adoption?
19. How does DSW monitor inter-country adoption in terms of
 - a. Appropriate matching?
 - b. Cost- to avoid profiteering and trafficking in children?
 - c. Compliance by adopting parents with established procedures?
 - d. Completion of all legal procedures at the earliest possible time?
20. How does DSW preserve documents and records pertaining to every child for future reference?
21. How does DSW support family tracing in inter-country adoption?

Improper financial gain in Ghana (Art. 8 & 32)

- Which authority is responsible for preventing improper financial gain?
- What measures are taken to prevent improper financial gain?
- Have there been any prosecutions for improper financial gain related to adoptions?
- Were the prosecutions successful?

Thank you for your patience, sincerity and time. Thank you.

In-depth Interview Questions

My name is Anastasia Kpei Ninsau, a PhD Candidate at the Sociology Department of the University of Ghana, Legon. This interview when granted would give me an understanding in the inter-country adoption processes in Ghana. The research is an academic exercise intended to enable me write a PhD thesis. Your views on the topic will be treated strictly confidential ensuring that your identity is protected.

In-depth interviews (Biological Parents/Families)

Which kinds of children are placed for inter-country adoption?

1. Sex
2. How old are you?
3. Where do you come from?
4. What is your educational level?
5. Are you married?
6. How many children do you have?
7. How did you start your child's adoption process?
8. How did you know about the process?
9. Why did you relinquish your child for adoption?
10. How did you go about relinquishment?
11. Were you given some money before or after given your child out for adoption?
12. Were you promised some form of help before or after the process by the agency?
13. Were these promises fulfilled?
14. Before, during and after the adoption, were you supported by DSW in any way?

15. What kind of help did you receive?
 16. Who helped you?
 17. Did you go to court at any point of the process?
 18. How many children have you relinquished so far?
 19. If given the opportunity today, will you give out your child again for adoption?

 20. Kindly give reasons for your answer to question 16.
 21. Did you know about adoption and social welfare before your child was placed for Adoption?
 22. Are you comfortable with the way DSW handled your child's adoption?
 23. What do you suggest DSW do in future to ensure you keep your child instead of relinquishment?
 24. What will you have done if DSW had offered you support when you were considering relinquishing your child?
 25. Will you advise someone to relinquish a child to be placed for inter-country adoption in future?
 26. Are you permitted to have contact with your child after the adoption?
- Thank you for your patience, sincerity and time. Thank you.