



A Better Adoption? Evolution, Challenges, and Projections of Chilean Adoption Policies and Practices

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Abstract

Following a regrettable history of forced adoptions, Chile underwent a pivotal shift in its adoption policies and practices with the ratification of the UN Convention on the Rights of the Child (1989), the Hague Adoption Convention (1993), and the enactment of Law 19.620 (1999). In the last decade, the country has embarked on an unprecedented reform of its child protection system. Aligned with global trends, Chile has also seen a rise in contested adoptions from care. These ongoing transformations present both significant challenges and critical opportunities to reorient child protection and adoption policies. This article examines the evolution, current dynamics, and future prospects of the Chilean adoption system across cultural, legal, institutional, and practical dimensions. We analyze the implications of these changes for adoption policies and practices, highlighting the urgent need for a child-centered approach.

Keywords Adoption · Child Protection · Policies · Practices · Chile

Introduction

Chile has a neoliberal economic and social services system and is considered to have one of Latin America's strongest macro-economies. However, it is also one of the region's most inequitable countries. The significant inequalities and high concentration of wealth adversely affect children, particularly those in vulnerable situations (García-Quiroga & Hamilton-Giachritsis, 2014). According to the latest published statistics, out of the country's 4,451,114 children and

youth people in 2022, equivalent to 22.4% of the total population, 15.6% were living in poverty, up from 13.9% in 2017 (CASEN, 2024).

Over the past decade, Chile has faced a chronic crisis in child protection policies and institutions that has significantly impacted public opinion about the child welfare system. Concurrently, a series of legal and institutional changes has radically transformed decision-making practices and approaches regarding children in the alternative care system, especially those deemed adoptable. The Chilean adoption system, like those of other countries, has evolved over time, facing increasingly complex changes and challenges. These changes reflect global trends that include a significant decrease in the number of intercountry adoptions (Selman, 2021) and an increase in contested adoptions from care (Pösö et al., 2021), implying more complex adoption processes.

In 2021, Chile's Law 21.302 established a new National Service for the Specialized Protection of Children and Adolescents (SPE) under the Ministry of Social Development and Family. It replaced the former National Service for Minors (SENAME) in overseeing child protection and adoption. Subsequently, in 2022, Law 21.430 on Guarantees and Comprehensive Protection of the Rights of Children and Adolescents was enacted. Together, these laws offer a new framework for rethinking adoption from a human

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rights perspective and within a System of Guarantees. Against this challenging backdrop, this article systematizes and examines the landscape and evolution of adoption in the country over recent decades. By analyzing relevant public data, statistics, and different technical documents, the article addresses three crucial interrelated questions: (1) What is the current legal and institutional framework governing child protection and adoption in Chile?; (2) How has adoption evolved over the last two decades in Chile?; and (3) What are the main challenges and opportunities associated with the current adoption landscape in Chile?

The Chilean Child Protection System: Evolution, Crisis, and Transformations

In the 1990s, with the return to democracy, Chile began to move, with many difficulties, towards a child protection system more in line with the principles of the United Nations Convention on the Rights of the Child (UNCRC). Until 2021, child protection was managed mainly by private institutions and was financed partly by the National Service for Minors (*Servicio Nacional de Menores*, SENAME). SENAME had three separate departments: (a) child protection (children's rights protection, residential centers, diagnosis, and special programs including foster families); (b) adoption; and (c) juvenile justice. Despite efforts to improve the child protection system, significant criticism and serious violations of children's rights persist. High-profile cases have captured public attention, revealing systemic failures. Reports by international and national organizations have documented that institutions responsible for protecting children and adolescents in alternative care often violate their rights, contravening Chile's commitments under international treaties. A 2013 report by the country's judiciary and the United Nations Children's Fund (UNICEF), known as the Jeldres Report, revealed the severe conditions faced by children and adolescents in SENAME protection residences. This report sparked heated public debate, leading to the establishment of a special investigative commission in the Chamber of Deputies in 2014. The commission's findings confirmed numerous irregularities in the implementation of protection programs, attributable to deficiencies in supervision, funding, staffing, and technical guidelines (Estrada & Jara, 2023).

The so-called "SENAME crisis" drew attention to the appalling conditions faced by children and adolescents in residential care, raising public awareness of the need for some of these children to be placed in families to ensure their full growth and development. According to Fernández (2023), the Jeldres Report had a significant impact in decreasing domestic adoptions and increasing the age of

adoptable children. This change was driven by shifts in the criteria and actions of professionals, influenced more by the report's controversial findings than by the implementation of new guidelines or the Family Court Act. In this sense, the report marked a clear "before and after" in terms of adoptability criteria, increasing the visibility of the situation of children and adolescents eligible for adoption. Many of these children were in care for long periods without steps being taken to establish potential adoptive placements. In addition, the criteria for adoption became more restrictive, which contributed to a reduction in the number of adoptions and, consequently, an overall decrease in adoption rates (Fernández, 2023). At the same time, more families, sensitized by the situation, became interested in adoption, calling for a response from SENAME in terms of better information and clarification about the circumstances of children in alternative care and the role of adoption.

In this context, the widely recognized "SENAME crisis" highlighted issues that had persisted for decades, well known to both system users and legal and psychosocial experts. In response, the Chilean government established the National Council for Children (NCC) in 2014 to design a national policy and coordinate public organizations providing services in this area. The NCC drew up a National Policy for Children and Adolescents 2015–2025, prioritizing the family and community as fundamental environments for the exercise of children's rights. However, in 2018, the Committee on the Rights of the Child (CRC Committee) visited Chile and published a report concluding that the Chilean state had systematically violated the rights of children in residential care and had failed to take the necessary actions to facilitate family reunification. This report also highlighted the need to restore aspects of the identities of children and adolescents unnecessarily placed in residential care. It recommended that the Chilean state: (a) establish reparation mechanisms for current and past victims, prioritizing their right to be heard and express their pain; and (b) develop a reparation strategy including actions in health (particularly psychological care), education, housing, justice, and economic compensation.

In 2018, the Chilean government, in collaboration with various state and civil society stakeholders, established the National Agreement for Childhood (NAC), setting out a comprehensive roadmap aimed at adequately protecting children, including a commitment to create a new Child Protection Service (SPE). In the field of adoption, NAC outlined several critical objectives: (a) review adoption legislation to adapt its structure and objectives to the best interests of the child and the restoration of their right to live in a family, simplifying procedures to reduce waiting times and defining forms of adoption as resolved by the National Congress; (b) establish a protocol of maximum urgency for

the network report (or child certificate) issued by the Civil Registry and Identification Service and a shortening of the timeframe for the notification process; and (c) adequately regulate international adoption and allow Chile to be a receiving country for adoptions (NAC, 2018).

The Chilean Adoption System: Evolution, Panorama, and Challenges

Forced Adoptions of the Past: an Outstanding Debt

Adoption in Chile has evolved significantly over time, reflecting socio-cultural changes that have redefined family structures, childhood, and child protection policies. Initially influenced by Spanish and Roman law, adoption was not included in the Chilean Civil Code. It was first regulated in 1934 through Law 5.343, which introduced contractual adoption. This model maintained ties with the birth family, causing dissatisfaction among adoptive families due to the social stigma surrounding adoption. In 1943, Law 7.613 refined this framework by establishing classical adoption, a solemn contract with patrimonial and non-patrimonial effects that did not confer civil status (Galleguillos, 2016; Turner, 2012; von Schakmann, 2015).

Following the world wars, adoption shifted to a social protection approach, focusing on orphaned or abandoned children. In Chile, this was reflected in the 1965 Law 16.346, which introduced “adoptive legitimation.” This system granted adopted children the civil status of legitimate offspring, severing ties with their biological families and erasing records of their original parentage under the principle of “absolute secrecy.” During this period, contractual adoption and adoptive legitimation coexisted, while the lack of international adoption regulation facilitated irregular practices, such as identity falsification and child trafficking (Galleguillos, 2016; Turner, 2012; von Schakmann, 2015).

Globally, adoption has faced scrutiny due to evidence suggesting that it may not always serve the best interests of the child (Palacios et al., 2019). In particular, Chile has a notorious history of forced and irregular adoption practices (Salvo Agoglia & Alfaro, 2019). In the 1980s, Chile was among the top eight countries sending children for intercountry adoption (ICA) (Selman, 2016). The modus operandi, similar to practices observed in other countries, often involved informing women after childbirth that their babies had been stillborn or persuading them that adoption by a “well-constituted” family was the best option for their child (Villalta, 2010). Networks of child trafficking intermediaries exploited women’s vulnerabilities, taking babies and young children to meet the demands of overseas and Chilean families (Salvo Agoglia & Alfaro, 2019; von Schakmann,

2015). These practices typically occurred in public hospitals, private clinics, childcare centers, or child protection residences administered and/or supervised by the Chilean state. Religious congregations also played a significant role, especially in rural areas where they administered these protection homes (INDH, 2023). Cases have been documented where social workers, accompanied by Carabineros (Chilean police), forcibly took children from rural families following unfavorable social reports, enabling the courts to grant custody to a third party (INDH, 2023). This process often involved various religious figures, doctors, and intermediaries using falsified birth records or certificates validated by the Civil Registry Service (INDH, 2023). These practices were legitimized by pre-existing narratives about maternal love, abandonment, neglect, and poverty (Villalta, 2010; Alfaro & Salvo Agoglia, 2023).

In 1988, two years before the end of the dictatorship, Chile sought to address irregularities in intercountry adoption by enacting Law 18.703, which formalized the procedures for sending children abroad for adoption (Galleguillos, 2016; von Schakmann, 2015). The law marked a significant shift by replacing the principle of secrecy with the principle of confidentiality, ensuring that information about original parentage was preserved and safeguarded by the Civil Registry. Additionally, it assigned specific responsibilities for international adoptions to a public agency. Under this framework, SENAME was tasked with processing all applications for the departure of adoptable children, ensuring they were accompanied by the necessary documentation. These applications were then forwarded to the corresponding court, along with SENAME’s technical opinion on whether the departure was appropriate. However, this opinion was not binding. At the same time, Chilean families were showing increasing interest in adopting and were applying directly to the courts or approaching private institutions such as the Casa Nacional del Niño, a child protection center then managed by the Corporation for Assistance to Minors (CORDAM). Due to its long history, this organization was responsible for “redistributing” children considered abandoned or orphaned through informal agreements (Galleguillos & Jaque, 2017). Thus, the new legislation did not regulate the procedures for applications for adoption or the evaluation and selection of adoptive families residing in Chile.

A decade ago, in 2014, the issue of irregular adoptions began to gain public prominence, largely due to media coverage, driven particularly by the numerous allegations implicating a priest, Gerardo Joannon, as an intermediary (Galleguillos, 2016; Salvo Agoglia & Alfaro, 2019). This led to the formation of various collectives and groups such as the NGO *Nos Buscamos* (We Seek Each Other) and the foundation now known as *Hijos y Madres del Silencio* (Children and Mothers of Silence). They were later joined by new

groups of people who had been sent abroad for adoption and were searching for their origins, such as *Chilean Adoptees Worldwide*, *Chilenos Adoptados en Cerdeña* (Chileans Adopted in Sardinia), and *Chileadoption.se*. Thousands of new cases confirmed that this was not an isolated phenomenon, but a systematic, large-scale, and decades-long practice (Salvo Agoglia & Alfaro, 2019). Much of the knowledge about this serious problem comes from journalistic investigations by national media such as CIPER and international media, such as Deutsche Welle, Radio France International, and Radio-Canada, as well as reports, series, and documentaries that include *Adoptados*, *La Historia que Nos Falta* (TVN, 2023a) and *Traficantes de Niños* (TVN, 2023b). The public disclosure of the life stories of numerous individuals severely affected by these practices has had a profound impact on public opinion.

Throughout this decade, victims' groups—which estimate the number of cases to exceed 20,000—have gradually gained political traction in their pursuit of truth, justice, and reparation, highlighting the significant political and ethical debt of the Chilean state for these serious human rights violations. Their tireless work has facilitated hundreds of reunions between birth relatives, enabled by the private coordination of DNA testing through commercial laboratories such as 23andMe, given Chile's ongoing lack of a free public DNA bank. These groups have established a strong national and international presence, shaping policies to recognize these illegal acts as crimes against humanity and making known the state's role (Salvo Agoglia & Alfaro, 2019; Gesteira et al., 2021). In particular, the advocacy efforts of *Hijos y Madres del Silencio* played a pivotal role in influencing the Chilean Congress, leading to the creation of the first Special Commission in November 2018.

The Special Commission was tasked with investigating state involvement in irregularities surrounding child adoption, registration, and unauthorized departures, aiming to uncover these violations and assess the state's role in facilitating them. In 2019, the Special Commission's final report revealed that child abductions occurred not only during the Chilean dictatorship but also beyond, identifying state agents as participants in the illegal surrender of children, constituting systematic human rights violations and potential crimes against humanity (Special Commission of the Chamber of Deputies, 2019, p. 134). It recommended strengthening the Search for Origins Program and establishing a DNA genetic fingerprint bank to support victims. While the Commission marked a milestone in exposing state accountability and the need for justice, its non-binding recommendations have largely gone unimplemented, hindered by exogenous political and social factors such as social unrest and the COVID-19 pandemic.

After several years of stagnation, initiatives on this subject were reactivated between 2023 and 2024. In 2023, *Hijos y Madres del Silencio*, submitted a bill to the Chamber of Deputies to enshrine the “Right to Identity of Origin” (Bulletin 16243-17, 2023), ensuring the right of all individuals to search for their origins. Another significant milestone occurred on September 20, 2023, when *Hijos y Madres del Silencio* presented to the United Nations and the Committee on Enforced Disappearances in Geneva, marking the first anniversary of the Joint Declaration on Illegal Intercountry Adoptions. This presentation highlighted the declaration's importance for victims and outlined actions for its implementation.

Despite the limited response from the Chilean state, the approval of the Protocol for Consular Attention in Matters of Forced or Irregular Adoptions in October 2023 (Exempt Resolution 2.272/2023) stands out as a positive development. Drafted by the General Directorate of Consular Affairs, Immigration, and Chileans Abroad (DIGE-CONSU), the protocol provides guidance for consular staff to support individuals seeking their origins from abroad. It addresses the material and emotional challenges these individuals face and aims to offer timely and respectful assistance while navigating complex situations. Additionally, in 2024, the Ministry of Justice and Human Rights established the first Inter-Institutional Working Group on Forced or Irregular Adoptions (Exempt Resolution 720/2024). The Working Group has three key functions: (a) to act as a formal platform for dialogue among public sector entities, civil society, academia, and international organizations; (b) to develop proposals enabling the state to effectively address forced or irregular adoptions; and (c) to coordinate agreed-upon actions to ensure a cohesive response.

This phenomenon, which has affected numerous Chilean families across generations, represents an outstanding debt for the State, whose response has so far been fragmented and limited. Despite significant progress—driven largely by the advocacy of victims' groups and certain actors within the legislative and judicial branches—Chile continues to face the need for a formal, comprehensive, and coordinated response. While these initiatives represent important steps forward, many of the advances have been driven by victims' advocacy rather than through a coordinated state effort. Responses remain fragmented, lacking a comprehensive policy framework for truth, justice, and reparation. However, the establishment of the Inter-Institutional Working Group, along with similar initiatives, presents an opportunity to develop a robust public policy framework to effectively address these crimes against humanity (UNICEF, 2025).

Chilean Adoption Policies in Times of Democracy

After 17 years of military dictatorship, Chile regained its democracy in 1990 and the government ratified the United Nations Convention on the Rights of the Child (UNCRC) that same year. In 1991, SENAME began promoting domestic adoption, especially after taking over direct administration of the Casa Nacional del Niño (von Schakmann, 2015), the main residence from which many children were adopted internationally. A public campaign to promote domestic adoption, “*Démosle una familia a un niño que no la tiene*” (“Let’s give a family to a child who doesn’t have one”) was launched. A few years later, the ratification of the Hague Adoption Convention (1993) through Decree 1215/1999, issued by the Foreign Ministry, represented a “before and after” on domestic and international adoption procedures in Chile, establishing the foundations for a “new ethics of adoption” (Piché, 2021; ISS, 2015). From this milestone onwards, important efforts were made to reduce intercountry adoptions in favor of domestic adoptions. This also put an end to the intermediation of private individuals, whether for-profit or non-profit, who until then had intervened in Chile, particularly in the case of adoptions by families residing abroad.

In parallel, the Chilean state’s ratification of these instruments sparked broader discussion about the need to establish new regulation to govern adoption in Chile. As a result, work began on a reform of Law 18.703/1988 with the intention of complying with new international provisions and standards. On October 27, 1999, Law 19.620 marked an unprecedented turning point by introducing international standards, including the principle of dual subsidiarity in adoption - first, prioritizing family reunification over adoption, and second, addressing adoption at the local/domestic level. It also granted significant powers to SENAME, making it the governing body for public adoption policies and the central authority for international adoption processes. This permitted the incorporation of safeguards regarding applications from receiving states that had also ratified the Hague Adoption Convention (Galleguillos, 2016). Simultaneously, the National Adoption Department (NAD) of SENAME, as the central authority, strengthened its technical work based on international standards and built a relationship of greater trust with various entities and international organizations, especially the Hague Conference.

Law 19.620 and its Regulation (Supreme Decree 944/2000; Articles 6 and 7) established that SENAME’s Global Adoption Program (PAG) would consist of activities to provide children or adolescents with suitable families for their care. Specifically, Article 7 outlined the minimum activities to be conducted: (1) support and guidance for the birth family; (2) reception and care of the child; (3)

technical evaluation and preparation of prospective parents; and (4) search for origins. To implement PAG, SENAME progressively established Adoption Units (UADOPs) in each region of the country. Additionally, in 2008, the NAD developed an innovative program (PRI) to prepare children in care for adoption (Salvo Agolia & Labrenz, 2023). In 2016, SENAME launched the Program to Strengthen Adoptive Parenthood (FPA), implemented by the Chilean Foundation for Adoption (FADOP). This initiative marked the first pilot of post-adoption services in Chile and also contributed to the establishment of one of the country’s first associations of adoptive families, Corporación Enlace. In 2018, the National Adoption Directorate (NAD) announced its commitment to providing post-adoption support for up to four years following the adoption placement. However, no formal protocols or specific technical guidelines have been established to effectively address the diverse needs and types of interventions that adoptive families may require during the post-adoption period.

Although limited research has been conducted on the impact of Law 19.620 in the 26 years since its enactment, it is evident that several modifications are necessary to ensure that adoption practices effectively meet the needs of adopted children and their families (Martínez Mora, 1999). One of the main issues identified since the implementation of Law 19.620 has been a lack of adequate funding to meet the established standards. SENAME (2000–2021) had to gradually create Adoption Regional Units (UADOPs) to implement the programs required by law without having sufficient pre-established resources (Vergara, 2011). Piché (2021) noted that resource centralization in the Santiago Metropolitan Region has affected adoption management in other regions. Another critical issue with the current legislation, raised by numerous key stakeholders, concerns the excessive length that has begun to characterize adoptability declaration processes. Different key stakeholders have urged the importance of avoiding “bottlenecks” in decision-making processes and procedures so as “not to arrive late”, negatively impacting the lives of children by unnecessarily delaying the termination of parental rights, contested adoptions, and the declaration of adoptability. Conversely, other stakeholders highlight the risk of “express” adoptions, which might not comply with the subsidiarity principle and could even result in a new form of forced separation from birth families, often in vulnerable conditions. This is particularly concerning given a lack of high-quality interventions for family reunification, which would violate one of the core principles of the UNCR (1989) by not guaranteeing the right of the birth family to receive adequate state support to care for and raise their children (Fernández, 2023; Illanes, 2019; Soto, 2021). This issue is undoubtedly rooted in a long-standing structural problem: the absence, for decades, of a

comprehensive child protection system. This gap resulted in significant fragmentation and a lack of dialogue between the alternative care system and the adoption sector. One of the most critical consequences has been the unwarranted delays in protection processes and in determining the family situation and permanency plans for many children (Piché, 2021).

In response to this challenge, NAD initiated efforts to develop mechanisms and strategies aimed at improving the timely coordination and articulation of actions within both alternative care and adoption. In 2015, the Integrated Monitoring System (SIM) was created. The SIM was designed to track professional interventions from alternative care through adoption, focusing on timely family clarification and adoptability processes based on the highest standards. However, SIM was never fully implemented. Instead, in 2023, a new monitoring system was launched to coordinate procedures related to decision-making and permanency (SPE, 2023).

In summary, adoption has gradually shifted from prioritizing the desires or interests of adoptive individuals to focusing on the protection, care, and well-being of each child or adolescent (Corral, 2001). However, these advances have not entirely displaced discourses and practices rooted in a tutelary approach, particularly given the absence of a broader, more comprehensive regulatory framework for the child protection system. The process to transform adoption and child protection has been characterized by dualities, controversies, and tensions between declarative commitments, institutional practices, and the systemic changes required to implement a public policy that fully embraces a rights-based approach, both in relation to childhood and adoption.

The New Legal and Institutional Framework for Child Protection in Chile: Pending Reforms in the Adoption System

As discussed above, Chile has made significant progress in recent years in establishing a System of Guarantees and Comprehensive Protection of the Rights of Children and Adolescents. This system encompasses a framework of policies, institutions, and regulations for the respect, promotion, and protection of the rights of children and adolescents. Over the past decade, two fundamental milestones have been achieved: the creation of the National Service for the Specialized Protection of Children and Adolescents (Law 21.302/2021) and the enactment of the Law on Guarantees and Comprehensive Protection of the Rights of Children and Adolescents (Law 21.430/2022). In addition, a new adoption law has been under discussion in Chile since 2013.

First, Law 21.302, which came into force on January 5, 2021, established the National Service for the Specialized Protection of Children and Adolescents (SPE). This service operates as a decentralized legal public entity, with its own assets, and reports to the Chilean Ministry of Social Development and Family. With the SPE's implementation, adoption became one of its specialized lines of action, requiring close coordination with the alternative care line of action. Article 25 of Law 21.302/2021 specifically defines the adoption process as any activity aimed at providing a child with a family—regardless of its composition—that offers affection and the necessary care to meet the child's or adolescent's emotional and material needs when such support cannot be provided by their birth family. This provision underscores that adoption is always a measure of last resort (subsidiary in nature), intended to restore the child's right to live in a family environment, irrespective of the family's structure (e.g., single-parent or same-sex parent).

The SPE officially began operations in September 2021. In this context, NAD has faced a significant restructuring, facing numerous challenges both at the central coordination level of the Adoption Line and within professional teams, which were reduced by approximately 50%. Additionally, two major external factors impacted the transition to the SPE: the social unrest of 2019 (“estallido social”) and the global COVID-19 pandemic. These crises necessitated the implementation of exceptional measures to ensure the continued operability of the Adoption Line, with the primary goal of safeguarding the best interests of adoptable children—whether awaiting placement with a family or navigating the early stages of post-adoption.

Second, the introduction of Law 21.430 on Guarantees and Comprehensive Protection of the Rights of Children and Adolescents in 2022 constituted another critical development. This law provides a comprehensive legal framework for guaranteeing the defense and protection of the rights of children. Numerous elements of Law 21.430/2022 are highly relevant to the Adoption Line, despite pending legal reform. Notably, Article 7 introduces a definition of the best interests of the child, which did not exist previously. Additionally, the law emphasizes the right of children and adolescents to identity. Article 7 stipulates that, in determining their best interest, consideration must be given to “the identity of the child or adolescent and the needs arising from it, whether physical, emotional, social, cultural, or of ethnic origin”. In addition, Article 26, which focuses exclusively on the Right to Identity, makes special mention of adoption while Article 27 reinforces the principles and standards of international law and, particularly, the subsidiarity of adoption compared to other measures by enshrining the Right to Live in a Family. Before this legislation, this right had to be inferred indirectly from the UNCRC (1989), or the UN

Guidelines for alternative care for children (2009). Consequently, the Chilean state is committed to its protective role for the family and to supporting the care of children and adolescents when the family cannot provide it on its own. Finally, Articles 28 and 32 explicitly enshrine, the Right to be Heard and the Right to Participation, creating a crucial framework for reinforcing these rights in judicial procedures and technical processes related to adoption.

Taken together, Law 21.302/2021 and Law 21.430/2022 represent a significant commitment to enhancing the well-being and protection of children in Chile. These legal frameworks align the country with international human rights standards and address long-standing challenges within the child protection system. This milestone was acknowledged in the CRC Committee's latest observations to the Chilean state, which also emphasized the need for the prompt and comprehensive implementation of these laws, as well as the systematic evaluation of the impacts of recent legal, policy, and institutional reforms concerning the rights of children (CRC Committee, 2022). However, the mere introduction of the 2022 law does not, in itself, guarantee a robust system of comprehensive protection. To achieve this, it is essential to develop an institutional framework and an operational model designed to uphold the rights of all children and adolescents through an integrated, coherent, and coordinated system. This, in turn, requires concerted efforts from all branches of the state (Estrada & Jara, 2023).

Finally, the Chilean government submitted an Adoption Bill (Bulletin 9119-18) to the Chamber of Deputies on October 2013. Since then, stakeholders from different sectors (including the state, civil society, academia, and international organizations) have conducted a thorough diagnosis of the aspects that need to be addressed by new legislation to respond to the current and future challenges of adoption processes, ensuring full guarantee of the rights of children and adolescents requiring adoption. Legislative reform—now expected to be imminent following reactivation of the discussion—is key if the Adoption Line is to align its processes and actions with broader regulatory and institutional changes and international standards.

After more than twelve years of extensive debate, the current draft of the Adoption Bill has successfully established a comprehensive regulatory framework. This framework aligns with the highest international standards, incorporates recommendations made to the Chilean state by various organizations, and meets the requirements of the new national regulatory frameworks for child protection in Chile. It addresses the critical challenges facing the current Chilean adoption system. Notably, this Adoption Bill represents a significant step forward in modernizing the institutional framework for childhood and adolescence. It incorporates fundamental principles and rights across its provisions,

including the Principle of the Best Interests of the Child, the Principle of Subsidiarity in Adoption, the Right to Live in a Family, the Principle of Child Participation (*Articles 11, 12, and 13*), and the Right to Identity (*Article 14*). Additionally, the bill introduces the creation and regulation of post-adoption contact, emphasizing its importance from the adoptability assessment stage through to the issuance of general adoption eligibility certificates (*Articles 27, 45, 46, 48, 49, and 50*). This reflects a progressive approach to maintaining connections that may support the well-being of adopted children.

The Adoption Bill also provides a clearer definition of its scope, clarifies key concepts, and introduces structural modifications to the procedures and requirements governing all processes under this law, including the streamlining of the child's adoptability process. Furthermore, in line with international recommendations, the draft makes significant progress in recognizing and safeguarding the right to cultural identity (as outlined in the *Amicable Settlement Agreement* between the State of Chile and Gabriela Blas Blas). It also establishes criminal penalties for the illegal acquisition of a child or adolescent for adoption purposes (*Article 68*), in accordance with the Hague Adoption Convention (1993) and the recommendations of the Committee on the Rights of the Child (2022), among other international guidelines. At the same time, the Senate is debating a related bill concerning the Family Courts, aimed at adapting their procedures to the provisions of Law 21.430/2022 (*Bulletin 16.286-07*). This initiative seeks, among other objectives, to revise the procedures for implementing protective measures to prevent children from remaining in alternative care for extended periods.

Chilean Adoption in Figures: Recent Transformations¹

Over the past two decades, profound socio-cultural transformations have occurred in the realm of kinship, fundamentally reshaping how people define and form their families. In the specific context of adoption, there has been a noticeable increase in the heterogeneity and diversification of

¹ SENAME Collects Quantitative Data on Adoption and Publishes It in an Annual Statistical Report of Which the Latest Edition Covers Data from 2020. Additionally, the Research Team Has Incorporated Information from Reports Obtained Through Public Records Requests. Below, We Present some Key Results from Annual Reports between 2010 and 2020, Sourced from Two Databases: (a) the SENAINFO Platform, an Information System that Registers Data from Programs; and (b) the ADOPSEN Platform, a Database Specific To Adoption that Tracks Children Served by the Adoption Department and Prospective Adoptive Parents. The Statistics for 2021–2023 Were Provided by the SPE for UNICEF Chile

actors, processes, and practices. This is reflected in various dimensions, including the characteristics and needs of children and adolescents—such as older age groups, sibling groups, ethnic and racial diversity, health conditions, and/or disabilities—the procedures or modalities through which adoption is established, ranging from cases of abandonment and voluntary relinquishment to contested adoptions, and the evolving profiles of families seeking to adopt, including married couples, single-parent families, same-sex couples, and families with biological or previously adopted children. This increasingly diverse landscape challenges and destabilizes long-standing cultural, legal, and institutional norms that historically shaped adoption practices. At the same time, it provides an opportunity to adopt a renewed, broader perspective on how the rights of children, adolescents, and their significant relationships are recognized and exercised within contemporary adoption processes.

In this section, we analyze the main socio-demographic trends in adoption in Chile between 2010 and 2023. This analysis is based on publicly available official statistics and focuses on four key areas: (1) the shift from intercountry adoptions to domestic adoptions from care; (2) the transition from voluntary relinquishment to contested adoptions; (3) the characteristics of adoptable children in Chile; and (4) the profiles of adoptive parents in Chile.

The Shift from ICA To Adoptions from Care

The proportional increase in domestic as opposed to international adoptions is a key feature of the period, reflecting the dual principle of subsidiarity and the right of children

Table 1 Proportion of domestic adoptions V/s intercountry adoptions 2010–2023

Year	Intercountry Adoption	%	Domestic Adoption	%	Total Adoptions
2010	84	16.6%	419	83.4%	503
2011	122	18.5%	538	81.5%	660
2012	118	19.5%	487	80.5%	605
2013	109	18.2%	487	81.7%	596
2014	127	21.5%	463	80.5%	590
2015	102	20%	408	80%	510
2016	77	16.3%	395	83.7%	472
2017	41	9.6%	387	90.4%	428
2018	37	10%	334	90%	371
2019	14	4%	340	96%	354
2020	9	3.4%	249	96.6%	258
2021	15	7.2%	192	92.8%	207
2022	4	2.1%	188	97.9%	192
2023	4	1.7%	227	98.3%	231
Total	863	14.4%	5,114	85.6%	5,977

Note: This table was generated from data based on the annual reports from SENAME (2010–2020) and information provided by SPE (2021–2023) for UNICEF (2025)

and adolescents to grow and develop in their country of origin. According to Galleguillos and Jaque (2017), statistics for 1988–1999 show 4,812 overseas adoptions, equivalent to 83% of total adoptions, compared to just 1,372 domestic adoptions (17%). Table 1 compares domestic and intercountry adoptions in Chile in 2010–2023.

As seen in Table 1, a total of 5,977 adoptions took place in 2010–2023. Of these, 5,114 (85.6%) were domestic adoptions and 863 (14.4%) were intercountry adoptions, clearly demonstrating the application in practice of the subsidiarity principle of intercountry adoption relative to domestic adoption. The children and adolescents adopted by overseas applicants corresponded almost exclusively to the group identified as “priority adoptions” (traditionally referred to as “special adoptions” in the international literature). This group includes children over eight years of age, sibling groups, or those with complex health issues for whom, until a few years ago, it was much more difficult to find domestic adoptive families. Furthermore, following the global trend of the past decade, Chile has seen a total decline in intercountry adoptions during and after the COVID-19 pandemic. In 2022, there were 188 domestic adoptions and only four intercountry adoptions.

Birth Families: from Voluntary Relinquishment To Contested Adoptions

In Chile, the birth families of the children and adolescents most likely to enter the alternative care system and subsequently be adopted correspond largely to the most excluded sectors of society. They are characterized by high levels of poverty, low educational attainment, problematic drug use, and criminal backgrounds. Additionally, in the past decade, and especially following the social unrest and the COVID-19 pandemic, the profound transformations taking place in Chilean society have intensified. These changes appear to have influenced the characteristics and, particularly, the degree of marginalization of many of the birth families of children and adolescents in adoptability situations. Key factors include the penetration of drug trafficking networks and the migration phenomenon, which have led to an increase in transracial domestic adoptions, particularly involving children from Colombia, Peru, Bolivia, Brazil, Haiti, and the Dominican Republic (SENAME, 2021a). In this context, the last few decades have brought a shift in Chile, as in many other countries, from the predominance of an adoption model based on voluntary relinquishment to one based primarily on the “termination of parental rights” before the adoptability procedure referred to internationally as “non-consensual” or “contested” adoptions (Pösö et al., 2021).

Although Law 19.620 (1999) stipulates that adoption is voluntary and the adoptability procedure is also conceived

in this manner, the procedure can involve a lengthy judicial process with opposition from the birth family, transforming a process originally conceived as voluntary into a contentious trial. In these circumstances, some birth families may file appeals to overturn the family judge's initial decision or present a cassation appeal to the Supreme Court against the ruling of the respective Court of Appeals. Table 2 below shows the evolution of the causes that initiated the subsequent adoptability procedure for children and adolescents in 2010–2023, indicating that, out of a total of 8,150 adoptability cases, the vast majority corresponded to causes that resulted in contentious adoptions (80.3%) rather than non-contentious adoptions (19.7%). It is important to note that the shift in the historical tendency for children to be voluntarily relinquished predates the start of the reporting period of this study (2010). Thus, the trend towards overwhelmingly contested adoptions reflects contemporary trends that have been present in Chile for a decade.

Contested adoptions are a highly controversial issue in which the legal relationship between parents, children, and the state becomes critical. Adopting a child without parental consent is the most intrusive measure the state can take against a family, especially considering birth parents' lack of opportunities for effectively opposing the adoption. However, it is a measure widely used in Chile, as well as in other countries. This debate has had an impact on the academic and political agenda in Chile. Various authors have questioned the ambiguity of the concept of "parental incapacity" as used in current legislation, which refers to "physical or moral incapacity" and is based on the doctrine of irregular status, using anachronistic and vague criteria that stigmatize children, adolescents, and their birth families (Marchant

et al., 2010). Similarly, there is ongoing debate about the criteria used to terminate parental rights when the parents contest an adoption process.

When protection measures are initiated in the family courts, birth families should undergo a complex process of assessment and intervention of their parenting skills. In this process, expert reports are considered key tools, although workloads and professional turnover can affect their quality and usefulness in guiding judicial decisions. As noted by Soto (2021), the prevailing approach has emphasized individual responsibility in evaluating parental care and skills, often neglecting the unique and contextual factors inherent to child-rearing. In psychosocial interventions with birth families, the relationship is frequently marred by distrust and tension, due primarily to the significant stigma they face. Also, birth families are expected to meet standards that are unattainable without access to a comprehensive platform of public policies and programs that safeguard their fundamental rights, including housing, health, education, and protection against gender violence (Galleguillos & Jaque, 2017). This hinders the implementation of effective family reunification interventions, often resulting in prolonged residential institutionalization or, more recently, in the extension of the initially planned time in foster families (Soto, 2021).

Characteristics of Chilean Children Adopted from Care

In recent decades, changes in adoption policies and practices in most Western countries have resulted in a growing number of adoptive placements involving older children and children who have suffered previous trauma and other adversities in early childhood (Smith, 2014). This results in more complex parenting and family challenges and a higher risk of adoption instability or breakdown. Children adopted from care have faced significant adversity in their pre-adoption lives, in both their birth families and while in foster care (Escobar & Santelices, 2013; Neil et al., 2020). In Chile, various factors, including the time associated with contentious adoption processes in which "parental disqualification" and the subsequent determination of adoptability take place, have meant a progressive increase since 2014 in "older" children (e.g., over three years of age) and sibling groups requiring adoption (Fernández, 2023; Galleguillos & Jaque, 2017). Table 3 shows the number of adoptions in 2010–2023 by child age.

Table 3 indicates that, in 2010–2023, 36.8% of children and adolescents were over four years of age at the time of their placement with adoptive parents. In the last three years (2021–2023), which coincide with the pandemic and post-pandemic periods and the sharp decrease in international adoptions, this figure increased to 41% in 2021, 50% in 2022,

Table 2 Causes of adoptability 2010–2023

Year	Relinquishment cases	%	Termination of parental rights cases	%	Total
2010	208	23.08	693	76.92	901
2011	158	17.03	769	82.07	927
2012	177	16.98	865	83.02	1,042
2013	130	16.81	643	83.19	773
2014	112	20.85	425	79.15	537
2015	103	17.16	497	82.84	600
2016	127	19.3	531	80.7	658
2017	109	20.2	429	79.8	538
2018	106	19.1	450	80.9	556
2019	113	21.4	416	78.6	529
2020	88	24.4%	272	75.5%	360
2021	50	22%	177	78%	227
2022	51	24.8%	155	75.2%	206
2023	74	25%	222	75%	296
Total	1,606	19.7%	6,544	80.3%	8,150

Note: This table was generated from data based on the annual reports from SENAME (2010–2020) and information provided by SPE (2021–2023) for UNICEF (2025)

Table 3 Adoptions by child age group

Year	<1	%	1–3 years old	%	4–7 years old	%	8 years +	%	No Info	%	Total
2010	192	38.17	173	34.39	107	21.27	37	7.35	0	0.0	503
2011	218	33.03	219	33.18	158	23.93	65	9.84	0	0.0	660
2012	204	33.72	209	34.55	141	23.31	48	7.93	3	0.5	605
2013	180	30.20	199	33.39	160	26.85	57	9.56	0	0.0	596
2014	176	29.84	183	31.02	164	27.80	67	11.36	0	0.0	590
2015	134	26.27	154	30.20	161	31.57	61	11.96	0	0.0	510
2016	134	28.39	160	33.89	119	25.21	59	12.50	0	0.0	472
2017	131	30.61	141	32.94	121	28.27	35	8.18	0	0.0	428
2018	125	33.70	110	29.65	97	26.14	39	10.51	0	0.0	371
2019	108	30.51	119	33.61	87	24.58	40	11.30	0	0.0	354
2020	79	30.62	83	32.17	76	29.46	20	7.75	0	0.0	258
2021	63	30.43	59	28.50	60	28.98	25	12.08	0	0.0	207
2022	41	21.35	55	28.65	60	31.25	36	18.75	0	0.0	192
2023	72	31.17	62	26.84	62	26.84	35	15.15	0	0.0	231
Total	1,857	31.07	1,926	32.22	1,573	26.32	624	10.44	3	0.5	5,977

Note: This table was generated from data based on the annual reports from SENAME (2010–2020) and information provided by SPE (2021–2023) for UNICEF (2025)

Table 4 Domestic adoptions by parental marital status

Year	Married (heterosexual)	%	Single	%	Divorced	%	Total
2021	176	85.50	28	13.50	3	1.50	207
2022	169	88.0	21	10.90	2	1.10	192
2023	206	89.20	24	10.40	1	0.40	231
Total	551	87.46	73	11.59	6	0.95	630

Note: There were no adoptive parents with reported widow status or with an unknown marital status in the sample. These data were provided by the SPE for UNICEF (2025).

and 42% in 2023. Moreover, in Chile, the time children wait to be adopted is correlated with their age. For children eligible for adoption aged under one year, the average time between termination of parental rights and placement with the adoptive family was 1.33 months. However, it reached an average of 4.16 months for one to three-year-olds, 7.73 months for four to seven-year-olds, and over a year for those aged eight or older (SENAME, 2021a). Between 2010 and 2014, 246 adoptable children remained in temporary care after unsuccessful efforts to find an adoptive family. Of these children, 17% were between four and eight years old, while a striking 83% were nine years old or older (Galleguillos, 2016). Despite the NAD having implemented various strategies over the years to promote permanence, a significant number of adoptable older children have still not been successfully placed, either domestically or internationally. This remains one of the most pressing challenges in the current adoption landscape.

Characteristics of Chilean Prospective and Adoptive Parents

The growing diversity in family structures has also influenced the profile of adoptive applicants. Over the past decade, adoption has ceased to be exclusive to heterosexual

couples with reproductive challenges and a homogeneous socioeconomic profile. Today, there is greater diversity among prospective adoptive families, including those with varying levels of education, socioeconomic backgrounds, and sexual orientations (e.g. common-law couples, single individuals, older couples with previous children, same-sex couples, and people with disabilities). The psychosocial evidence shows that capacity for care and parenting should be the main criterion when evaluating suitability for adoptive parenting, especially as society becomes more open regarding the sexual orientation, gender, and marital status of applicants (Palacios et al., 2019). In Chile, in December 2021, Law 21.400 was approved, legalizing same-sex marriages and allowing both parents in a same-sex marriage to obtain legal status as parents. The increase in single-parent and same-sex adoptions could also enhance permanency options for adoptable children by increasing the number of potential families to whom they can be matched. Beyond recognizing the rights of individuals from different groups to adopt, an increase in the diversity of applicants' characteristics may broaden the spectrum of families capable of meeting the needs and guaranteeing the rights of adoptable children in accordance with their best interests. Alongside the growing legitimization of family diversity in general and the new regulatory frameworks, the drastic decrease in

Table 5 *Adoptions by last registered placement type among children and adolescents, 2022–2023*

Year	Foster Family	%	Residence	%	Collaborator	%	No info	%	Total
2022	49	25.50	124	64.60	19	9.90	0	0.0	192
2023	72	31.20	132	57.20	22	9.50	5	2.10	231

Source: These data were provided by the SPE for UNICEF (2025).

international adoptions and the progressive reduction in the total number of adoptions, both domestically and internationally, have led to a broadening of the range of characteristics of prospective parents, resulting in greater diversity in adoptive family structures.

Although the figures undoubtedly show that married—mostly heterosexual—couples predominated during the period analyzed, the number of single-parent adoptions (single, widowed, and divorced individuals, all of whom may have a stable relationship or cohabitation) is steadily increasing and reached 13.5% of total adoptions in 2021, in relation to previous data showing only 3% (Salvo Agolia, 2018). More recently, international restrictions on movement in response to COVID-19 created a favorable scenario for exploring new single-parent and same-sex adoptions domestically.

In addition, ongoing discussions about allowing foster families to adopt could potentially introduce a new profile of adoptive parents in the near future. Since the implementation of new Chilean de-institutionalization policies starting in 2019, data on entries into and services within the alternative care system have shown substantial progress. In 2020, the number of children with foster families reached 6,501, up from 3,147 in 2010, accounting for 59.1% of alternative care (UNICEF, 2020). As a result, it is much more likely that, before being adopted, a child will be temporarily cared for by a foster family, which is undoubtedly the most favorable situation for their overall well-being. Table 5 shows data from the last two years (2022–2023), indicating that, in almost a third of cases, children are temporarily cared for by a foster family before their adoption. Although two years are insufficient to identify a sustained trend, considering the continuity of policies, the number of children adopted who were previously cared for by foster families has shown a progressive increase in recent years.

Due to deficiencies in the judicial process, family foster care often extends beyond its planned duration, leading many children to form significant bonds with their foster family. According to their technical guidelines, foster family programs (FAEs) should last only 18 months but, in practice, more than 50% exceed this (Illanes, 2021). In this context, the foster family often establishes a stable and secure bond for the children before a possible adoption (Boswell & Cudmore, 2014). Given this reality, it is crucial to promote effective communication and collaboration between foster and adoptive families to support the child's

emotional and psychological needs during transitional periods. Moreover, a political debate has emerged regarding whether foster families should be allowed to adopt the children in their care, particularly when it has been determined that reunification with their birth families is not possible. During discussions on the Adoption Bill, an article was included to permit this option, sparking considerable controversy across various sectors. More recently, the SPE has formally regulated this possibility through a specific procedure for foster families interested in adopting (SPE, 2024), making it essential to periodically evaluate how the implementation of this protocol evolves.

In summary, these debates underscore the ongoing tension between international and local standards and the specific needs of children and adolescents in situations that may shift from temporary to permanent care. Additionally, the adoption of new approaches and legal frameworks presents significant challenges for adoptive families, who must navigate a system increasingly centered on the principles of subsidiarity and family reunification, as well as the evolving perception of adoption—not merely as a means of forming a family but as an integral component of the child protection framework.

Challenges for Present and Future Chilean Adoption Policies and Practices: Towards Child-Centered Adoption

Policies of Truth, Justice, and Reparation for Past Illicit Adoptions

According to Simmons and Dibben (2018), the historical evidence of forced adoptions of children haunts many countries around the world, and Chile is no exception. Given the gravity and traumatic nature of these human rights violations, the Chilean state must be ethically committed to formulating and implementing policies and mechanisms for truth, justice, and comprehensive reparation. Addressing the legacy of illicit adoptions in Chile requires thorough recognition of past wrongs and a concerted effort to provide justice and reparation for the victims.

Over three decades after ratifying the UNCRC in 1990 and the Hague Convention in 1993, the Chilean state has an evident and urgent debt in this matter. It is essential to address the history of unethical adoption practices, learn

from past lessons, and adopt a “Never Again” approach. The transition to a new regulatory and operational framework for adoption in Chile must necessarily involve addressing this outstanding debt of recognition, truth, justice, and reparation. This includes drawing up a historical account that acknowledges how a lack of regulation led to numerous illicit practices, the consequences of which continue to affect thousands of people today.

To strengthen and consolidate trust in Chile’s current and future adoption system, it is crucial to ensure the state’s unwavering commitment to reviewing, investigating, and fully redressing past child trafficking practices. This process should be comprehensive and involve a detailed work plan with short, medium, and long-term goals, which should be guided by recommendations from different international and local bodies, ensuring a robust and transparent approach to justice and reparation. By committing to this path, the Chilean state can foster a more trustworthy and equitable adoption system, restoring trust among its citizens and ensuring that such violations never occur again.

The Need To “Invest” in Adoption

It is crucial to allocate the necessary human, financial, and infrastructure resources for the proper functioning of the System of Guarantees. This involves hiring qualified personnel in key positions both centrally and locally, with sufficient hours to perform their duties, accompanied by continuous training and education processes and the provision of adequate infrastructure and materials in sufficient quantities. In particular, the Chilean state has a duty to invest in strengthening the technical and operational components of the Adoption Line, ensuring that children and their families have all the means and resources necessary to properly restore the right to live in a family.

In parallel, in line with the recommendations of the United Nations Committee on the Rights of the Child, disaggregated and comparable data is required to identify groups of children with special protection needs. Article 31 of Law 21.302 (2021) specifies that the SPE must create and manage an integrated information, tracking, and monitoring system that is secure, interoperable, easily accessible, and up-to-date so that decision-making on policies, plans, programs, and services can be based on reliable, systematic, rigorous, and timely evidence. This includes, among other elements, integrated information systems to track the developmental trajectories of each child and adolescent throughout their lives. To this end, it is essential to define a limited set of key variables, available online, with due protection of children’s right to privacy and ethical information management that avoids stigmatization. Also, although the creation and progressive implementation of the Integrated Adoption

Information System (SIIA) is considered an important step forward, it is undeniable that public statistical records for information, tracking, and monitoring of the Adoption Line need to be progressively strengthened within the framework of a specialized social protection information system. Therefore, the Chilean state has the obligation and need to build statistical records that include as many variables as possible to systematize the socio-demographic landscape, permitting diagnostics that guide policies, plans, and cross-cutting strategies for the Adoption Line.

Supporting Birth Families in Contested Adoptions

Contested adoption remains an ongoing challenge in Chile, and it is crucial to strengthen the support provided to affected birth families. Although birth parents receive legal aid through the assignment of a lawyer during the process to terminate parental rights, this is not sufficiently specialized legal counsel, and there are no emotional support services available. In addition, currently, the Program for Support and Orientation of Birth Families (SENAME, 2019) is only available to those that voluntarily relinquish their child. Even in cases where the termination of parental rights is justified by the child’s best interests, it is essential to acknowledge the suffering this can cause for some birth families, who experience a process of grief and loss that requires specialized support (Cossar & Neil, 2010). Moreover, as shown by psychosocial evidence in countries such as the United Kingdom, the involvement of the birth family can also include collaboration in making realistic plans regarding child-rearing, having other children, and finding ways to make sense of the situation (Cossar & Neil, 2010). Services to help birth families process grief and loss when their parental rights have been terminated are crucial for developing and providing holistic services that address underlying needs and the root causes of the maltreatment that led to the child’s removal. Even in cases where parents cannot regain custody of their children and reunite with them, they may benefit from support related to grief over the loss of their child, as well as ongoing issues such as substance use, mental health problems, violence, or victimization. Additionally, services that assist with origin searches (currently available for adoptees aged 18 or older) or post-adoption contact between children and their birth relatives (a provision already agreed upon by a broad sector in the new adoption bill, suggesting its future implementation) are important when considering the ethical obligation to support children who are able to maintain ongoing contact with their birth families. This gap should be a priority for the SPE and aligns with its current process to strengthen technical standards for working with the birth families of children in alternative care (UNICEF, 2021). Therefore, we

recommend: (1) an update of the technical guidelines of programs that target the birth families of adopted children; (2) careful evaluation of which organizations and/or professionals should provide support pre- and post-relinquishment and/or post-termination of parental rights, considering that there is a significant conflict of interest in contested adoptions and parents may not want to continue to receive services from the same entity (SPE) that was responsible for the removal of their children.

Strengthening Adoptions of Children from Care

While only a minority of protective trajectories lead to adoption, various authors have emphasized the importance of clear, timely, and decisive planning when this is the case. This approach ensures that all decisions are made within a timeframe centered on the child, prioritizing early placement, stability, and legal and relational permanence in an adoptive family, with their overall well-being as the ultimate goal (Jiménez & Palacios, 2020). It is essential to minimize exposure to adverse circumstances in order to reduce harm and create meaningful opportunities for the recovery and development of children and adolescents undergoing such life experiences. This helps to reduce delays in decision-making and implementation during and after the adoptability process (Palacios et al., 2019). First, there is a need for collaborative decision-making to ensure that children and adolescents in alternative care systems receive the most suitable solutions within the most appropriate timeframe. Second, it is essential to standardize criteria and standards to guide the decision-making process for: (a) children or adolescents for whom adoptability proceedings could be initiated, and (b) those who have already been declared adoptable. For both groups, policies, strategies, and guidelines should be designed and implemented to ensure the restoration of their right to live in a family.

Restoring the right to live in a family requires the development and implementation of more homogeneous policies, strategies, and standards to guide decision-making processes for initiating adoptability cases, particularly for older children and adolescents. Professional teams need to adopt innovative practices for searching for, preparing, and supporting adoptive families for older children and adolescents who have already been or may be declared adoptable. At the institutional level, SENAME implemented two isolated campaigns in the 2010s to encourage the adoption of “older” children but these initiatives had little social or technical impact. They remained unfamiliar to families interested in adopting and to teams of adoption professionals, particularly because the latter were not involved in their design and because the initiatives were not systematically replicated over time (Fernández, 2023). However, over the

past decade, and especially after the COVID-19 pandemic, Chilean children who previously would have been adopted by families abroad have started to be adopted domestically. This shift reflects the changing expectations and motivations of adoptive families, who are beginning to understand and value this type of adoption.

Considering that all decisions must be made within a child-centered timeframe, early placement, stability, and legal and relational permanency in an adoptive family should always be prioritized in the case of children for whom parental rights have already been terminated (Palacios et al., 2019). It is also crucial to bear in mind the principle that it is never too late to restore the right to live in a family. Doors should, therefore, not be closed prematurely. This calls for carefully designed strategies at different levels of the system that seek, for example, to raise awareness, provide information, and actively find suitable applicants and candidates for children and adolescents who do not initially match the typical expectations of adoptive families. Since research in this area is still at its early stages in Chile, it is vital to continue exploring this modality, especially for older children or adolescents who, instead of prolonged family foster care, could be adopted by their foster families, provided it is in their best interests. Additionally, it is essential for public policymakers, professional teams, and families to consider that most of the children and adolescents requiring foster care have special needs in that, for example, they are older or have disabilities. Finally, enhancing the integration between family foster care and adoption within a System of Guarantees involves improving coordination and collaboration between the Alternative Care and Adoption areas. This would reinforce the role of both foster and adoptive families in the temporary or permanent care of children, strengthen communication and transitions between the two measures, and, in specific cases, permit evaluation of the possibility of transitioning from foster care to adoption, taking into account a comprehensive vision of the child’s adoptability based on a detailed and exhaustive analysis of each case.

Informing, Preparing, Listening To, and Involving Children in Adoption

According to Helland et al. (2023), who examined adoption proceedings from care in seven European countries—Austria, the United Kingdom, Estonia, Finland, Germany, Norway, and Spain—children are largely invisible in these processes. These authors found that decisions are based on scant information about crucial aspects for the children, such as their needs, adaptation to a new family, and bonds. It is essential to listen to and consider the voices of children in the adoption process, enabling them to participate actively in decisions that affect their lives and ensuring that

their perspectives are valued and respected (Featherstone et al., 2018).

In 2008, SENAME launched the Program initially called Abandonment Repair and integration of children into alternative families (PRI). This program aimed to address the absence of specialized services for children institutionalized in residential care before adoption, who often have more complex needs that may increase the risk of adoption disruptions. Initially, PRI was primarily aimed at preparing children and adolescents for adoption abroad. Over the past decade, however, given the broader transformations in both international and domestic adoption discussed above, it has shifted its focus almost exclusively to domestic adoption processes. Sixteen years ago, PRI was undoubtedly a pioneering specialized program not only in Chile but also at the Latin American level, as it was the first program to conduct specialized therapeutic interventions to prepare children (over three years old) for adoption from residential care. However, in recent years, broader structural financing issues within the SPE and particularly the Adoption Line have been reflected in inadequate funding for the program, limiting its great usefulness and relevance. As a result, it suffers from a high turnover of professionals with a low level of specialization (typically recent graduates who join the program to gain experience but are not retained due to low remunerations), implying a risk of interventions of diminished quality and, for some children and adolescents, a new loss of bonds (Salvo Agoglia & LaBrenz, 2023). Therefore, it is the duty of the Chilean state to ensure that PRI receives full attention from the Service and the Adoption Line if it is truly to be a high-quality preventive program that supports the trajectories of children and adolescents adopted from care. Additionally, PRI guidelines urgently need revision to standardize interventions, ensuring that minimum standards and criteria are met through fidelity and implementation measures, and to improve transitions and post-adoption contacts between children and their significant others. PRI professionals must also ensure that children are continuously informed about decisions regarding their care and must guarantee their right to be heard in the adoption process. Finally, it is essential that policymakers and professionals of the new SPE evaluate PRI's results from the standpoint of its users in order to gather information on how children change over the course of the services and how they and the families perceive these services (Salvo Agoglia & LaBrenz, 2023).

Strengthening Pre- and Post-adoption Services

International standards of good practice in adoption require that preparation and support be integrated into specialized, competent, and accessible services. In Chile, the increase in adoption cases involving deprivation of parental rights

has been reflected in the children's characteristics: those on adoption lists are often aged over three, come with siblings, have longer institutionalization experiences, and are more likely to present complex trauma. To improve outcomes for adopted children, it is necessary to focus on child protection practices before and after adoption (Neil et al., 2020), work preventively, and offer different types of support to children and their families, taking into account the negative impact of adoption breakdown. The preparation of adoptive parents and children for adoptive placement is also critical to facilitate an easier transition to the new family and reduce the risk of placement breakdown (Brodzinsky & Smith, 2019). Given the diversification of the profiles of children and adoptive parents, professional support for adoptive parenthood must adapt to the heterogeneity of children and adoption candidates.

In recent years, the Chilean government has made significant progress in the professionalization of adoption resources, updating its processes and norms, including the suitability and assessment of prospective parents. An accreditation process of all adoption assessment procedures is currently underway, following a deep revision to strengthen many legal and professional processes. For this purpose, specialized groups of adoption professionals were convened, including private organizations (OCASs) and researchers, among other key actors. The new norm derived from these discussions emphasizes the continuity and integration of all preparative, training, and support services (pre- and post-adoption), contrasting with the previous view of assessment as an isolated event (SENAME, 2018). In 2017, NAD also approved a new Model of Formative Evaluation of Suitability for Adoption (EFI Model). In 2019–2020, this model was submitted to an independent evaluation process but could not be implemented before restructuring child protection to the SPE. Therefore, modifications to the orientation and preparation of prospective parents are underway, based on a clear identification of changes over the past decade and a review of the heterogeneous needs of children eligible for adoption.

A review of technical sources confirms the existence of various technical developments in post-adoption support, including experiences from pilot programs (Pilot Program for Strengthening Adoptive Parenting, SENAME-FADOP, 2016) as well as innovative child-centered programs such as PRI (UNICEF, 2025). However, post-adoption support currently tends to take the form of either a response to the family's spontaneous needs or crisis intervention. The Chilean state does not yet provide and implement post-adoption support services continuously or in line with the required standards. So far, the technical resources developed have not been implemented in the way that adoptive families need and professional teams deem appropriate. Indeed, in recent

years, rather than being strengthened, these services have become more precarious. It is, therefore, urgent to provide post-adoption services that are more timely, continuous, and accessible, with an ecological approach that includes the child as the center of various meaningful relationships. Adoption breakdown remains infrequent but its rate has been increasing slowly and, as children with more complex needs are adopted, a specialized preventive approach that offers support to the Chilean children and their families throughout the adoption trajectory is ever more essential.

Ensuring the Child's Right To Identity: Towards Post-adoption Contacts

Law 19.620 (1999) based on a closed adoption model, was introduced a quarter of a century ago when it was unthinkable for adopted children to maintain post-adoption contact with their birth families or other significant individuals. However, this approach has since changed significantly over time. In February 2020, DEADOP-SENAM informed the Hague Conference that, although Chile had not modified its legislation, norms, or practices on open adoption, domestic adoptions of this type were already taking place, involving particularly older children. In addition, de-institutionalization policies may mean an increase in the number of children moving from a foster family to adoption, a transition that can create challenges as children experience separation from temporary foster caregivers with whom they have bonded. In this scenario, the legal framework for adoption should permit and support contact with birth families, except in cases where that may directly conflict with the child's best interests (Neil, 2018), and with other significant individuals such as the former foster family. The initial draft of the Adoption Bill (2013) did not include this possibility. However, following advocacy by various civil society and academic actors, post-adoption contact was incorporated. In 2024, the government presented a proposal for "voluntary post-adoption contacts" (Articles 45–50). Article 45 states that "when the child's best interests so advise, the family court handling the adoption procedure may, in its judgment, establish conditions for maintaining post-adoption contact between the adoptee and one or more specified individuals."

The inclusion of post-adoption contact in the new Chilean legal adoption framework would permit its application in specific cases that benefit the child. However, this is easier said than done, especially given the high percentage of contested adoptions. It implies problematizing and dismantling the approach of a "clean break" with the past and creating the necessary socio-cultural, legal, institutional, and technical conditions to strengthen processes of search for origins and post-adoption contact through concrete actions. Therefore, it is essential to establish specialized protocols

and provide adequate training so that the professional teams of the Adoption Line, the family courts, and children's legal representatives have the skills required to inform, evaluate, define, plan, mediate, and update post-adoption contact agreements, always centered on the child's best interests. Additionally, it is crucial to include mechanisms to listen to and understand the needs and perspectives of children and adolescents regarding contact with significant persons (birth families, foster families, residential caregivers, peers) while balancing the needs and possibilities of the involved adults. Detailed technical guidelines should also be created by the SPE to guide mediation or accompaniment processes. Given that few studies in Chile have included the opinions of adopted children and adolescents (Salvo Agoglia & Labrenz, 2023), future research should continue to explore this topic, paying special attention to the voices of children and all those involved in these processes.

Conclusion

As in other parts of the world, the historical and contemporary manifestations of adoption in Chile are marked by strong ambivalence, both in the development of international and national policies and in the political sphere of family life (Lambert, 2020; Fonseca, 2019). Therefore, the process of building a family through adoption is, and likely will continue to be, a culturally, legally, socially, and relationally controversial and dilemmatic process. As discussed in this article, the adoption model that has historically prevailed in Chile was adult-centric, closed, and secretive. However, this began to change with the adoption of the human rights standards enshrined in the UNCRC (1989), the Hague Convention (1993), the UN Guidelines for alternative care for children (2009), and Law 19.620 (1999). In recent decades, significant efforts have been made to modernize the adoption system with a focus on the child's best interests.

Despite these advances, gaps and contradictions persist, hindering the effective implementation of new approaches necessary for children, adolescents, and their families. As the Chilean child protection system undergoes reform and adoptions experience significant transformations, new challenges and opportunities are arising. The transformation process initiated in 2021 offers a unique opportunity to advance towards child-centered adoptions.

Although Chile ratified the UNCRC over three decades ago, serious contradictions, systemic tensions, and critical issues persist. Disparities exist between the declarative level of the new child protection legislation and actual institutional and professional practices and the real experiences of adopted children, young people, adults, and their significant figures. This is partly because the cultural change processes

underlying adoption are not linear and because this modernization process has occurred in a context of long debate about a new regulatory framework.

After more than a decade of legislative debate on a new Adoption Law, its enactment is urgent to ensure child-centered adoption policies and practices that are harmonized with the new legal and institutional framework for child protection (Law 21.302, 2021; Law 21.430, 2022). The absence of a regulatory framework aligned with the new paradigm of children's and adolescents' rights makes it difficult to harmonize the Adoption Line with the new System of Guarantees towards which the country is moving. In other words, the integration of adoption as a component within this broader system requires the urgent introduction of new adoption regulation. In this final phase of parliamentary discussion, there is a broad consensus that a draft law has been achieved—expected to be enacted in 2025—that is sufficiently solid, rigorous, mature, and well-articulated to better address the various critical issues identified. This proposal is thus better positioned to respond to the needs and uphold the rights of children and adolescents who may require adoption to have their right to live in a family fully restored.

From an ecological perspective on adoption, it is crucial at the practical level to continue strengthening programs and practices that support the adoption process and enrich the identities and meaningful relationships of each child. This includes fostering connections with birth families, residential caregivers, foster families, adoptive families, and other significant people in the child's life. There are also important opportunities to enhance the participation of adoptable and adopted children, ensuring they are consistently informed and meaningfully involved in decisions related to their care and adoption. Additionally, policymakers must consider the negative impact of disinvestment in adoption personnel, particularly given the increasing complexity of adoption cases today. In this regard, it is essential to strengthen the specialization and quality standards of services provided to all individuals involved in the adoption process. This requires the allocation of adequate resources and the engagement of competent, well-trained adoption professionals.

Limitations

This article does not aim to simplify or generalize the complexity of specialized adoption policies and interventions in Chile, nor does it seek to conclude the various ongoing debates in this field. On the contrary, it seeks to provide a broad overview of the evolution, trends, and key issues within the often dilemmatic context of adoption in contemporary Chilean society. The analysis is based on data,

reports, and manuals produced by governmental (SENAME and SPE) and international organizations (UNICEF), as well as on our own research data. While this information offers valuable insights into how the adoption system is structured in legal and policy documents, there is currently a lack of studies examining the implementation and real-world effects of adoption policies—research that is both necessary and highly relevant for understanding the system's practical impact.

Future Directions

There are several recommendations for future studies. As adoption continues to evolve, research should be closely linked to recommendations for policy and practice. Chilean adoption researchers should actively contribute to improving the experience of the adoptive triad and other significant individuals. They should also provide practical guidance to professionals who make decisions and support adoption processes. Additionally, it is crucial to evaluate the outcomes of the Chilean state's specialized pre- and post-adoption services, and studies should consider the perspectives of service users, especially adopted persons throughout their life cycle.

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Declarations

Conflict of interest The authors declare that they have no conflict of interest.

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