

# **LITHUANIAN ADOPTION SERVICE UNDER THE MINISTRY OF SOCIAL SECURITY AND LABOUR**

## **A. EXPLANATIONS AND QUESTIONS**

### **1. Description**

**(a)** The Republic of Lithuania is a State of origin. According to the present situation there are more adoptable children that cannot find a permanent family in Lithuania than prospective adoptive parents. That is why Central Authority of Lithuania cooperates with the different receiving States to find the most suitable adoptive families to the children that are left without their biological parents care.

**(b)** Not applicable

**(c)** The Republic of Lithuania was represented at the 2000 Special Commission by the director of Adoption Service under the ministry of Social security and Labour. The Conclusions and Recommendations of that meeting which were discussed and implemented in Lithuania are as following:

- Accredited bodies – in Lithuania there are no accredited bodies but Adoption Service closely cooperates with the accredited bodies of receiving States. There were signed the bilateral agreements with the accredited bodies of the contracting states. At the moment the Minister of social security and labour has approved the reaccreditation order of the foreign accredited bodies in Lithuania.
- The principle of subsidiarity is strictly regarded in Lithuania. New Civil Code (valid from 1 July 2001) states that each adoptable child during 6 months when he was inserted into the list of adoptable children has to be proposed for adoption or foster care to the Lithuanian citizens.
- The report on the child – it was prepared a form of the report of the child consisting all the information about child's social background, health and development.
- In Lithuania the agreements under Article 17 c) has to be given by Adoption Service of Lithuania from the one side and the Central Authority or accredited body from another side.
- The certificate of conformity under Article 23 is prepared by Adoption Service of Lithuania according to the form approved by the Special Commission of October 1994. The certificate is provided to the adoptive parents and for accredited bodies. The Central Authorities get copy of certificate from the accredited bodies, representing adoptive parents, except in France. The Adoption Service of Lithuania gives copies of the certificates directly to the Central Authority of France.

### **2. Good practice**

**(a)** By taking into account the needs of adoptive (possible for adoption) children, already in the year 2001, under the order passed by the Director of the Adoption Service, procedure for proposal to adopt adoptive children with special needs was approved (hereinafter referred to as the "Procedure"). At the end of the last year the mentioned Procedure was amended and supplemented.

Herein below you may find the main principles of operation and effect of the above-indicated Procedure:

1. Adoptive (possible for adoption) children with special needs are as following:
  - children above the age of 8 years old;
  - groups consisting of 3 or more brothers and sisters (siblings) that must be adopted together;
  - children who suffer from serious health troubles and disorders.
2. All the above-described children shall be included into the list of the adoptable children and proposed for adoption / foster to the families residing in the Republic of Lithuania.
3. Data on these children shall be submitted according to the specially prescribed form, i.e. information on the child's social origin, development, health, without indicating the identifying data of the child – surname, place of

birth and residence, etc., is to be produced. The special code is granted to each child. This code consists of certain letter and number, reference number of the adoptive children with special needs in the list: B – a boy, M – a girl, G – a siblings group who must be adopted together.

4. Data on the adoptive children with special needs are submitted to those foreign states' institutions that have signed (executed) the Co-operation Agreement with the Adoption Service.

5. Each adoption organization of the foreign state is looking for a family for an adoptive child with special needs. As soon as it finds such family, the organization immediately notifies the Adoption Service. The Adoption Service informs other organizations that family for concrete child had been found.

6. The family that has already been included into the list of people willing to adopt has the priority to adopt a child with special needs. In case such family has not been found, a foreign state's institution or organizations drafts and prepares all documents of applicants and submits them to the Adoption Service so that the family were included into the record of families willing to adopt.

7. Foreign state's organization or institution, after having found a family for an adoptable child with special needs, shall have the right to obtain all the required additional information pertaining to the child's health, development and, at its own expense, carry out all necessary medical tests.

8. Foreign state's organization or institution, after having found a family for an adoptable child with special needs, must draw up an informative letter, notifying of the possibilities of such family to satisfy and meet special needs of the child and most perfectly secure his / her interests, also indicating means which the family is going to take or apply by willing to integrate the child into the society and duly prepare him / her for independent life.

9. A single (unmarried) person may also adopt a child with special needs in case she / he will be able to properly and duly satisfy and comply with the special needs of the child.

This Program helps us a lot to adopt children above 8 years old. Such children mostly are adopted by the Italian families. It also helps us to find families for adopt children with difficult health problems. The Swedish accredited body represented families accept to adopt little children who have more serious health problems.

Groups of brothers, sisters (siblings) who may be adopted together are most popular among the adoptable children with special needs. Most often, such groups consist of 4 or even more children from the same family. Usually, the eldest from them has already attained the age of 10 – 12 years. Quite often, one of the brothers or sisters (siblings) suffers from certain rather serious health problems. Almost always the group of brothers and sisters (siblings) is growing all together in one and the same children's care home and communicate with each other.

The Adoption Service knows well that only in certain exceptional cases a family of the foreign state's citizens might be permitted to adopt more than 3 children. Most often the families may adopt one child or two children, sometimes – three children from one and the same family.

Precisely for the above-indicated reason and by aiming to secure the right of each child to grow in the family, the Adoption Service – already for the two years' period – adopts big groups of brothers and sisters (siblings) by several children into separate families.

In such cases, when all brothers and sisters (siblings) grow together, however there are no any possibilities for them to be adopted in one and the same family, the Adoption Service, under the joint agreement with the child's guardian (foster-parent) and the Children's Rights Protection Service, by taking into account the needs of the children, mutual communication and relations, separates brothers and sisters by two or by three and offers to adopt into separate families.

One of the main conditions by separating the groups of brothers and sisters (siblings) that may not be adopted together is as following: they should be adopted by the families that will maintain mutual communication relations in the future.

Most often, groups of brothers and sisters (siblings) are offered for adoption to the families represented by the same foreign state's organizations or institutions; however, there are certain cases, when one organization is not able to find families for all children. Then other foreign state organizations and institutions of the same country join them. It becomes much more difficult to maintain mutual relations of the families and children.

(b) It would be helpful to get more information on authorization requirements of foreign accredited bodies, ethical standards of persons working in the field of intercountry adoption.

(c) In receiving States sometimes there is a problem of preparation of the prospective adoptive parents. For example when family evaluation report is not full or it is not well explained to the prospective adoptive parents what children maybe adopted from Lithuania. Or when the child is proposed, the staff of accredited body does not provide a professional consultations to the family trying to help it to understand the true needs, possible future development of the proposed child and the measures that family may take for better integration of proposed child trying to help family to make a decision and to help a child to be accepted by a family to which he/she is proposed.

(d) Not applicable

### **3. Questions concerning scope**

(a) Not applicable

(b) Yes. We had cases where the prospective adoptive parents had changed their habitual place of living during the adoption procedure. Also we had problems in obtaining the approval according the Convention article 17 *d*). Also we had cases where the prospective adoptive parents are not considered habitually residents either in their country of nationality or in the country of their present residence.

(d) Not applicable

### **4. General principles for protection of children**

(a) The Civil Code requires that the Municipal Child's Rights Protection Service which receives information about the child who need of care must guarantee that it is established within 3 days.

A child can be deprived of parental or his relatives' care due to several reasons: if one or the single parent is dead, when parents are temporarily unable to take care of the child due to disease, serving a punishment, other important reasons, also in cases when parents neglect, ignore, don't take care of their child, raise their child in the wrong manner using mental or physical violence, when a child is a foundling and his parenthood or consanguinity relations are not established, and due to other reasons.

A child deprived of parental care is placed under temporary or permanent guardianship (care).

A temporary guardianship (care) - means care established for a child deprived of his family environment, his education, representation and protection of his rights and lawful interests seeking to return the child back to his original family. A temporary restriction of parental powers is established for a particular time period (e.g., for a year, for six months, etc.), however, expecting that parents will change their behaviour and in future will be able to educate their children in due manner.

A permanent guardianship (care) means care established for a child deprived of his family environment who under the existing circumstances can't be return to his original family, his education, representation of his rights and lawful interests assigned to other persons. An unlimited term restriction of parental powers for the default on statutory obligations is a more severe sanction, because upon unlimited-term restriction of parental powers the child's adoption is possible without parental consent. A child in need of care must be placed into a family, foster family, or institutional care. According to the requirement established under the Civil Code, the priority right to become guardians (caretakers) of a child rests upon close relatives of the child, if it is in conformity with the child's best interests. Despite regular inspections of the work of guardians (caretakers) and reviews of temporary guardianship (care) performed the municipal child's rights protection agencies staff, inadequate preparedness of guardians (caretakers) to take care of a child are still frequent, because most of the guardians (caretakers) are close relatives who are not subject to the requirement to have additional professional knowledge necessary for the education of a child. Municipalities lack social partners capable of properly evaluating the guardians' motivation,

delivering the training, as well as assisting the agencies in their work with the families of guardians (caretakers). Funds allocated by municipalities for the development of social services infrastructure and for training the guardians are insufficient. Therefore, one of the tasks of the Programme for Improving the Activities of the Municipal Child's Rights Protection Service is to create the system of training and counselling of guardians (caretakers) aimed at guaranteeing the adequate preparedness of the potential guardians (caretakers) to look after a child and at providing the possibilities to assess the quality of the provided services of guardianship (care). To this end methodical material for guardians will be prepared and published on a regular basis and training on the matters of selection of guardians and assessment of care will be provided for the staff of child's rights protection agencies or social partners authorised thereby.

One of the major goals of the implementation of the Programme of the Government of the Republic of Lithuania for 2001-2004 is to carry out the childcare system reform, giving priority to family care. The Ministry of Social Security and Labour initiated the performance of scientific research of three forms of childcare established in the Civil Code (family, foster family and institutional care). Information received from scientists shows how the family and foster family care of children should be improved and changed, however, due to abundance, variety, differences in subordination, the highest children maintenance costs, the structure of staff providing services and children's placement into these institutions because of poverty of their families, the survey of the childcare institutions gave rise to numerous questions and caused great uncertainties as to further tendencies of reorganisation of these institutions. As a result, one more survey is pending aimed at defining conceptual trends of reorganisation of childcare institutions and providing proposals how to improve this system. On the basis of this survey the development and implementation of the Programme in Support of Orphans and Children Deprived of Parental Care and their Social Integration is envisaged for the year 2004.

In 40 per cent of cases the child's guardianship (care) ends when the child is returned to his parents. On 27 March 2002 the Government of the Republic of Lithuania passed the Resolution No. 405 approving the Childcare Organisation Regulations governing detailed principles of organisation of guardianship (care) of a child deprived of his family environment in the territory of the Republic of Lithuania, the procedure of the initial selection, preparation, designation, removal or dismissal from duties of the child's guardian (caretaker), and of the establishment and cessation of the permanent guardianship (care) of the child. By virtue of the Law on State Benefits to Families Growing Children the child's guardian (caretaker) is paid a monthly benefit of 4 MSL (LTL 500) for the maintenance of the child under his (her) guardianship (care) until cessation thereof.

So the rights of children need of care are secured by a *guardian (caretaker)*. Guardians (caretakers) are legal representatives of children who take care of them and protect their rights and legitimate interests. If parents or guardians (caretakers) violate the rights of their children, a state child's rights protection agency or a prosecutor can take measures aimed at enforcing the rights of such children. The laws establish administrative liability for the failure to use parental or guardian's powers, or for their use in violation of the child's best interests subjecting parents to a warning or a fine. Administrative liability also applies to the child's guardian (caretaker) for the default on the established obligations or for their fulfilment in violation of the best interests of the child.

**(b)** The Adoption Service under the Ministry of Social Security and Labour functions as the Central State Adoption Authority. Its aim is to organise the national and intercountry adoption, co-ordinate the activities of the municipal agencies of children's rights protection in the sphere of adoption, and to protect the rights and legitimate interests of the children eligible for adoption. The Adoption Service, having included the Lithuanian citizens in the waiting list who want to adopt, propose for them the child eligible for adoption taking into account the best interest of that child and the wishes of the prospective adoptive family or prospective guardians, when they have expressed such wish.

According to **the Civil Code article 3.224** adoption by a citizen of a foreign States shall be permitted **only** if there was no application received from a citizen of the Republic of Lithuania to adopt or take into guardianship a child within six months from inclusion of this child into the list of children eligible for adoption. So if within six months of the day of the child's entry into the record of children eligible for adoption attempts to find a family of citizens of the Republic of Lithuania willing to adopt or foster such child and take care of him are unsuccessful,

the Adoption Service, having obtained the consent of the child according to his age and maturity as well as the approval of the childcare institution and the municipal child's rights protection agency, takes a decision to propose this child for adoption to families of foreign nationals.

**(c)** The Municipal Child's Rights Protection Service shall constantly provide information to the Adoption Service about the children eligible for adoption on the territory of their municipality not later than within 15 working days from approval of such information.

Adoption is possible only in the best interests of a child. According **the Civil Code article 3.209** it shall only be permitted to adopt children, who are not younger than three months of age and who are included into the registry (list) of the children eligible for adoption, except for the cases where a child of the spouse or a child, who already lives in an adoptive family, is going to be adopted. It shall be permitted to adopt the brothers and sisters separately only when there is no possibility to assure their living together due to their health state, or because they have already been separated for various reasons and there is no possibility to assure their living together.

The biological parents' written consent confirmed by the court shall be required to adoption. If parents of the adoptive child are minors or legally incapable, it shall be required to obtain their parents' or guardians' (caregivers') written consent, approved by the court. If an adoptive child has a guardian (caregiver) appointed in the procedure prescribed by laws (except for the State care institutions), such guardian's (caregiver's) written consent, approved by the court, shall be required. It shall not be required to have the consent of a child's parents to adoption if the parents are not known or are dead, if the parental power (rights) is restricted for an unlimited time period or if the parents are acknowledged as legally incapable or declared dead.

If the adoptive child is ten years of age, it shall be required to have his/her written consent to be adopted. It is not permitted to adopt a child without such consent. If the adoptive child is under ten years of age, but is able to express his/her opinion, the child shall be heard out at the court, and the court when making a decision shall take into considerations the child's wish unless such wish is contrary to the interests of the child.

**(d)** According to **the Civil Code article 3.212** the parents' written consent confirmed by the court shall be required to adoption. If parents of the adoptive child are minors or legally incapable, it shall be required to obtain their parents' or guardians' (caregivers') written consent, approved by the court. If an adoptive child has a guardian (caregiver) appointed in the procedure prescribed by laws (except for the State care institutions), such guardian's (caregiver's) written consent, approved by the court, shall be required. Parents may give consent to adopt their child to a particular/concrete prospective adoptive parent only if she/he is related to the family.

According to **the Civil Procedure Code article 488** the child's parents or, if they are minors or legally incapable, their parents or guardians (caregivers), the child's guardian (caregiver) shall give written consent, executed in the form of an application, to the local court of his/her place of residence or of the place of residence of the child in respect of which the consent is given. The application for approval of the consent for adoption shall specify:

- 1) the data about the person giving such consent (the first name, surname, personal code, the date and place of birth, the place of residence);
- 2) the data about the age and health state of the child's parents if they are minors or legally incapable;
- 3) the data about the child (the first name, surname, personal code, the date and place of birth, his/her parents or guardians (caregivers), the place of residence and location of the child).

The consent for adoption shall be accompanied by the evidence confirming the circumstances set forth therein. The consent for adoption shall be examined by way of oral proceedings. Notification on examination of this issue shall be given to the person who gives consent and minor parents of the child. The court shall explain to the person who gives consent the consequences of giving of such consent and adoption and the right to revoke the given consent. The court shall approve the consent if it establishes that the consent for adoption has been given voluntarily without pressure on the will of the person who gives consent, has been not obtained by way of compulsion or seeking unlawful financial gain. The issue of approval of the consent for adoption shall be resolved by the court ruling. This ruling may be appealed against by a separate complaint. If there is no appeal within three working days after the court ruling approving the consent to adopt comes in force, the court shall send a copy of such ruling to the Adoption Service.

Parents, guardians (caregivers) may revoke their given consent for adoption. If the consent for adoption of a child of under-age or legally incapable parents has been given by their parents or guardians (caregivers), in such case when the child's parents attain majority or become legally capable the consent for adoption shall lose effect. Parents shall file an application on revocation of their consent with the Adoption Service. If the child is already adopted, the Adoption Service shall inform the child's parents to that effect, without disclosing adoptive parents. If the application is presented before the day the court is going to have a hearing regarding adoption, the Adoption Service shall inform the court about the application on revocation of the consent to adoption, and shall send the application to the court which approved the consent. The investigation of the application to adopt shall be suspended until the issue of revocation of the consent is resolved.

The application regarding revocation of the consent for adoption shall specify:

- 1) the data about the person which revokes the consent for adoption (the first name, surname, personal code, the date and place of birth, the place of residence);
- 2) the data about the child in respect of which the consent for adoption is revoked (the first name, surname, personal code, the date and place of birth, his/her parents or guardians (caregivers), the place of residence and location of the child);
- 3) the data about approval of the consent for adoption.

The application regarding revocation of the consent for adoption shall be examined by the local court which has approved such consent. The application shall be examined by way of oral proceedings. Notification on its examination shall be given to the person who revokes the consent for adoption and the Adoption Service. The court shall check whether or not the consent for adoption is revoked by virtue of material benefit only. The court shall not approve the application to revoke the consent to adoption if either one year has passed after the parental power (rights) were restricted and this restriction was not annulled or if the court establishes that the parents revoke their consent to adoption because they seek material benefit. The issue of the application regarding revocation of the consent for adoption shall be resolved by the court ruling. Such ruling may be appealed against by a separate complaint. After coming into force of the court ruling which approved the revocation of the consent adoption, the court shall indicate the revocation of the consent for adoption in the ruling by which the consent for adoption was approved. A copy of the enforced court ruling shall be sent by the court, within three working days, to the Adoption Service and the court which has suspended the adoption proceedings. The Adoption Service, having received an application regarding revocation of the consent for adoption, on the same day shall send the application to the court which has approved such consent and, if the adoption case is being examined in court, shall immediately notify in writing or orally the court examining the adoption case. The filing of the application, if the court decision on adoption is not taken yet, shall suspend the implementation of adoption procedures.

### **The consent of adoptable child**

According to **the Civil Code article 3.215** if the adoptive child is ten years of age, it shall be required to have his/her written consent to be adopted. The child shall give his/her consent to the court. The court shall find out whether the adoptive child agrees to be adopted by the adoptive parent, agrees to the adoptive parents to be recognised as his/her parents and himself/herself to be recognised as the child of the adoptive parents, also to the change of his/her first name, surname. It is not permitted to adopt a child without such consent.

If an adoptive child is under ten years of age, but is capable of forming his or her own views, the child shall be listened to in the court hearing concerning the adoption, the change of the first name and surname. The views may be expressed in verbal, written form or other ways chosen by the child. The court, when making a decision, shall take into considerations the child's wish unless such wish is contrary to the interests of the child. An expert psychologist may be invited to establish whether a child is capable of forming his or her own views and interpret the expressed view of the child. When listening to the child, the child's guardian and representative from the municipal children rights protection agency must take part at court hearing procedure. In exceptional cases, at the court's discretion and by its ruling, for the period of listening to the child's opinion, any of the participants of the case may be eliminated from the hall of the court hearings. When such person returns to the hall, he/she shall be informed about the views expressed by the child. The court shall explain to the adoptive child the consequences of giving of the consent and adoption. The court shall refuse to accept the adoptive child's consent to being

adopted if there is any ground to think that the consent has been obtained by way of compulsion or fraud or seeking unlawful financial gain.

(e) Not applicable

(f) Not applicable

(g) Lithuania is country of origin. But we have the approval of the specification of the verification procedure of Lithuanian prospective adoptive parents' readiness for adoption. According the Civil Code article 3.210 adopters can be adults of both sexes up to the age of fifty, and who are properly prepared to adopt the child. The rights to adopt have spouses. Single person or one of the spouses shall be allowed to adopt the child only in the exceptional cases. Unmarried persons cannot adopt the same child. The age difference between the adopter and adoptee shall not be less than eighteen years.

The prospective adoptive parents shall apply to the Municipal Children's Rights Protection Service and submit the documents listed in Clause 20 of the Procedure for Registry of Adoption. The Municipal Children's Rights Protection Service shall within five working days contact a certified social worker in writing regarding the verification of the citizens' readiness for adoption. The verification of the citizens' readiness for adoption shall be performed within three months from the date the Municipal Children's Rights Protection Service receives the application and documents. If there is any uncertainty regarding the prospective adoptive parents' readiness for adoption, the certified social worker may extend the above deadline; however, the deadline shall not exceed six months. The Municipal Children's Rights Protection Service and the prospective adoptive parents shall be informed about such decision in writing.

During the verification process the certified social worker must meet with the prospective adoptive parents at least twice. A home visit with the prospective adoptive parents must be made. If prospective adoptive parents are spouses, the certified social worker must meet with both spouses and with each of the spouses separately.

During the initial assessment of prospective adoptive parents' readiness for adoption, the certified social worker shall ascertain whether there are any obstacles for adoption referred to in Book Three of the Civil Code'; investigate the living conditions of prospective adoptive parents; collect information on the health status of prospective adoptive parents; and find out the motives of adoption. The certified social worker shall collect and analyse description of the person (identifying information, life story, character features); family story and relations among the family members (previous marriages, the present marriage); living conditions of the family (accommodation, leisure time, hobbies, addictions); health; criminal record; financial status (assets and income); information about children and other persons residing together, and their opinion on adoption; motives of adoption (expectations regarding the child, attitude towards the child and its upbringing, relations with the child they wish to adopt, opinion of the child (if he/she is capable of expressing his/her view) that they wish to adopt regarding the adoption and prospective adoptive parent); and letters of recommendation of other persons regarding adoption. If there is any uncertainty regarding prospective adoptive parents' health status, the certified social worker may ask the prospective adoptive parents to provide additional opinion of the medical doctor or the psychologist regarding the physical or mental health of the prospective adoptive parents. In such case the opinion of the medical doctor or the psychologist shall be included into the final conclusion on the readiness for adoption.

Having performed the initial assessment of prospective adoptive parents' readiness for adoption, the certified social worker shall make the initial decision on prospective adoptive parents' readiness for adoption and can make a motivated decision that the prospective adoptive parents are not ready for adoption, and draw a negative conclusion, which shall be presented to the Municipal Children's Rights Protection Service or the Adoption Service, respectively. When reasons behind the negative conclusion of the initial assessment of prospective adoptive parents' readiness for adoption disappear or are eliminated, persons may reapply to the Municipal Children's Rights Protection Service or the Adoption Service and request the verification of the readiness for adoption. If prospective adoptive parents disagree with the conclusion on their readiness for adoption made by the certified social worker, they may appeal against such conclusion following the procedure provided by the Code of Civil Procedure of the Republic of Lithuania.

Having performed the initial assessment of prospective adoptive parents' readiness for adoption and having made a positive decision on the prospective adoptive parents' readiness for adoption, the certified social worker shall organise the training for prospective adoptive parents. Training shall not be mandatory for a prospective adoptive parent who wishes to adopt his/her spouse's child. The maximum duration of training of prospective adoptive parents is two months, starting with the date of completion of the initial assessment of prospective adoptive parents' readiness for adoption. During the training, prospective adoptive parents have to hear the following subjects:

1. concept of adoption;
2. open adoption: why is it important to tell the truth to the child;
3. child development;
4. understanding the child's feelings and behaviour.

During the training, meetings of prospective adoptive parents with adoptive parents or with an already grown-up adopted person may be organised.

Having performed the verification of prospective adoptive parents' readiness for adoption, the certified social worker draws the conclusion on prospective adoptive parents' readiness for adoption. The conclusion on prospective adoptive parents' readiness for adoption consists of the following two sections:

1. information about prospective adoptive parents; the preparation of this section is based on the collected information stated in Clause 17 of the present Procedure Specification;
2. motivated conclusion on the eligibility of prospective adoptive parents for becoming the adoptive parents and recommendation regarding the age, gender, health and the number of children that prospective adoptive parents may adopt.

The conclusion on prospective adoptive parents' readiness for adoption shall be signed by the certified social worker who performed the verification. The certified social worker shall submit the conclusion on citizens' readiness for adoption to the Municipal Children's Rights Protection Service. Having received a positive conclusion on citizens' readiness for adoption, the Municipal Children's Rights Protection Service shall present the copy of the conclusion to the Adoption Service within three working days; the original copy of the conclusion shall be issued to the prospective adoptive parents. Having received a copy of the conclusion on citizens' readiness for adoption, the Adoption Service shall within two working days include the prospective adoptive parents in the waiting list of the citizens of the Republic of Lithuania who want to adopt and shall notify to that effect the Municipal Children's Rights Protection Service.

Having received a negative conclusion on prospective adoptive parents' readiness for adoption, the Municipal Children's Rights Protection Service shall keep a copy of the conclusion and shall issue the original copy of the conclusion to the prospective adoptive parents within three working days. When reasons behind the negative conclusion disappear or are eliminated, persons may reapply to the Municipal Children's Rights Protection Service or the Adoption Service and request the verification of the readiness for adoption. If prospective adoptive parents disagree with the conclusion on their readiness for adoption made by the certified social worker, they may appeal against such conclusion following the procedure provided by the Code of Civil Procedure of the Republic of Lithuania.

**(h)** Lithuania is country of origin but if prospective adoptive parents wish to adopt a child abroad, they shall submit an application and documents listed in Clause 20 of the Procedure for Registry of Adoption to the Adoption Service, which shall organize the verification of these prospective adoptive parents' readiness for adoption using the mentioned above procedure. Having received the conclusion on the readiness of prospective adoptive parents wishing to adopt a child abroad drawn by the certified social worker, the Adoption Service shall issue the conclusion to the prospective adoptive parents within three working days, and the prospective adoptive



parents shall apply to Vilnius District Court with the request to approve the conclusion on the readiness for adoption.

(i) There is no special procedure for ensuring the counselling of prospective adopters. But in each Municipal Children's Rights Protection Service and in the Adoption Service there are lawyers which will be able to provide the legal assistance for the prospective adoptive parents.

(j) At this moment we have no order how to provide the post adoption service. But each Municipal Children's Rights Protection Service and Adoption Service has social workers or psychologist which can help for adopted families in complicated situations. Also each year Adoption Service organizes the reunions for adopted families where different issues are discussed.

In international adoption cases Adoption Service requires that 2 years after adoption post-placement reports have to be send 2 times per year. Following 2 years – 1 time per year and later under the request of Adoption Service. When adoptive parents were represented by accredited body, accredited body is obliged to send post-placements reports. Central authorities, for example as French central authority, has never sent a post-placement report.

## **5. Central Authorities**

(a) In Lithuania, as in a state of origin, there is only one Central Authority – Adoption service under the ministry of social security and labour. Adoption Service perform such functions under the Chapter IV of the Convention:

- previewed in Article 16;
- previewed in Article 17 a), c);
- previewed in Article 18.

(b) At the moment there are 11 employees in Adoption Service: 4 social workers, 4 lawyers, accountant, administrator and one helping personnel. With intercountry adoption deals:

- 0,5 lawyer (director), responsible for all activities of Adoption Service, 5 years of experience in Adoption Service;
- 0,5 lawyer (deputy director) who is responsible for foreign accredited bodies and coordination of pre-trail adoption procedure, 5 years of experience in Adoption Service;
- 0,5 social worker who is preparing the files of the children eligible for intercountry adoption, 4 years of experience in Adoption Service;
- 1 social worker who is responsible for the registry of the foreign prospective adoptive parents and matching procedure, 2 years of experience in Adoption Service;
- 1 lawyer who is responsible for representing child's interests at court hearing in intercountry adoption cases, 2 years of experience in Adoption Service.

(c) Each specialist has to pass some hours of training each year. Training consists of such subjects as common practises for all the public officials, foreign languages and specific knowledge in social work, psychology, child care, adoption and etc. Trainings related to adoption usually are organized by Adoption Service in cooperation with foreign organizations.

(d) No difficulties

(e) Communicating with the Central Authorities of other countries we may indicate such difficulties:

- In **France** it is allowed for prospective parents to apply for intercountry adoption through Central Authority – Mission of Intercountry Adoption under the Ministry of foreign affairs or through accredited body. At the moment in France there is only one accredited body authorized to work in Lithuania that cannot take a lot of cases under its responsibility. That is why most of French citizens apply for adoption through their Central Authority. In such cases arise these difficulties:

/ The representation of the family. Central Authority makes only functions under Article 15 of the Convention and Article 17 c), d). But all the communication about the adoption proceeding, child proposal is made directly to the family. Central Authority has not direct contact with the families.

/ The report about the prospective families is prepared by competent authorities. This report is not always full and not always contains motivation of the family, her abilities to take a good care of an adopted child, especially if she is older, has some disabilities or few children at home. Very often home study reports are older than 3-4 years and it is difficult to ask for a second evaluation.

/ The control mechanism. Central Authority does not control the validation of agreements to adopt, does not send information if family has adopted in other country or has changed her mind and does not want to adopt or has change her habitual residence.

/ Central Authority has never sent post-placement reports. Adoption Service makes request directly families to fulfil special form on adaptation, development of an adopted child.

- In **Italy** intercountry adoption procedures are carried out by accredited bodies. Central Authority issues only permission for a child to enter and reside permanently in the receiving State under Article 17 d) of the Convention. This permission has to be got before Lithuanian court hearing. At the moment Central Authority before issuing the confirmation according the Convention article 17 d) started to demand the original documents (not confirmed copies) of the child that Italian family agreed to adopt. Adoption Service of Lithuania cannot provide the original forms of child documents as birth certificate and etc. in, until the final court decision to adopt. Also there is a same problem as in France with the home study reports of the prospective adoptive families. Often they are old and not informative.

- The Central Authority of Great Britain has no representatives for Lithuanian adoption program so they always send a file (dossier) of prospective adoptive family directly to the Adoption Service without translations of the documents. In such cases Adoption Service sends file to the embassy of Great Britain and asks to translate it. It takes time and makes the adoption procedure more complicated.

- In Germany prospective adoptive parents are allowed to apply for intercountry adoption through accredited boy or through the regional central authority. As there are quite many regions (lands) each time Adoption Service has to explain all the adoption procedures for each regional central authority, to keep contact with various different officials. Adoption Service has not contact with “central” Central Authority.

At the moment there is only one accredited body in Germany authorized to work in Lithuania. Communication in written takes quite long time, the agreement under the Article 17 c) of the Convention usually is issued after quite along time (2-4 months).

## **6. Accreditation**

**(1)** Lithuania does not use accredited bodies in intercountry adoption.

**(2)** Lithuania has not yet authorized foreign accredited bodies to undertake intercountry adoptions (Hague convention, article 12) as the order of reaccreditation of foreign accredited bodies has been just approved.

**(a)** The process of authorization will be as follows:

- the accredited body of foreign country will have to submit the required documents to the Adoption Service (the regulations of accredited body; the document of accreditation in foreign country; recommendations of competent authority; information about the accredited body activities; information about planning activities in Lithuania; information about fees and taxes paid by prospective adoptive parents for the services of accredited body; data about the representative of accredited body in Lithuania);

- the accredited body shall have representative in Lithuania, that must permanently live in Lithuania;

- the Adoption Service will transfer all the documentation to the Commission, which will consist of three members from the Ministry of Social Security and Labour;

- the commission will evaluate the submitted documents and give a recommendation to the director of the Adoption Service to authorize or not authorize the accredited body. In the commissions meeting the participation

of the representative of the accredited body and the representative of accredited body in Lithuania will be essential;

- the final decision with regard to the commission's recommendation will be taken by the Director of the Adoption Service;
- the authorization will be granted for three years or for the period the institution is accredited in the foreign country if this period is less than three years;
- in some special cases the authorization can be canceled.

**(b)** The authorization of the accredited body can be canceled if this body will wrongly fulfill its duties and functions, which are established in the order of authorization. Also every three years the authorization will be revised.

**(c)** No difficulties

**(3)** There is no need in Lithuania to use accredited bodies, as it is a country with a small territory which can be easily covered by one Central Authority.

**(4)** Adoption Service of Lithuania would like to discuss such issues as accreditation, authorization procedures, and control of fees, ethical standards for the staff and how to examine them.

**(5)** Yes. The process of authorization (article 12), the supervision of authorized bodies.

**(6)** There are no approved bodies or persons in Lithuania.

## **7. Procedural aspects**

**(1)**

**(a)** Adoption Service of Lithuania as central authority of the State of origin provides all information it has about the health and social state of the child. Sometimes this information could be not sufficient or some data appears after the consent of the prospective adoptive family, for example when the child older than 10 years changes his opinion and does not wish to be adopted or the biological parents revoke their consent.

**(b)** As in the receiving states evaluation procedure of prospective adoptive parents is quite long, the information on prospective adoptive parents is 3 years or older. Waiting period to adopt a little child in Lithuania is about 2-3 years, so at the moment of the matching information on prospective adoptive parents may be 5 years and older. The Competent Authorities of receiving States do not want to renew the home study reports, giving reasons that nothing had changed.

In the home study reports there are indicated the objective circumstances but not always it is clear how for example older parents, or parents having already several children, or parents with some physical disability or parents with little incomes may safeguard the best interests of the child. We lack an information on the measures that family may take to secure the best interests of the child in general and after the matching. It is very obvious in such situations when families are represented by Central authorities and not by accredited bodies which how ever stays always near the family and is ready to answer the questions.

**(c)** Adoption Service does not obtain any information on the fees to be paid by adoptive parents. Adoption Service cautions that adoption procedures in Lithuania are free. If prospective adoptive parents pay for something that should not pay (for example fee for child care) or that is obviously too expensive they may always claim the body or persons to Adoption Service.

**(d)** All the documents submitted to Adoption Service shall be legalised. Most of the prospective adoptive parents are from the States that are party to the Apostille Convention.

**(e)** The agreements required in Article 17:

- the agreement of prospective parents should be received in written form. It is asked that family decides in 1 month when the child proposal is made but it is not so strictly regarded if for example family before giving her final consent to adopt concrete child decides to come to see a child or to spend more time with him, especially when it is an older child.
- the approval of Central Authority of the receiving State is not required by the law of Lithuania.
- the agreements under Article 17 c) has to be given by Adoption Service of Lithuania from the one side and the Central Authority or accredited body from another side.
- the Central Authority of the receiving State should always determine that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorized to enter and reside permanently in the receiving State before prospective adoptive parents applies to the court for adoption.

**(f)** Adoption Service requires that 2 years after adoption post-placement reports has to be send 2 times per year. Following 2 years – 1 time per year and later under the request of Adoption Service. Adoptive parents not always send post-placement reports. In such cases Adoption Service asks them to fullfill a specific form. When adoptive parents were represented by accredited body, accredited body is obliged to send post-placements reports. Central authorities, for example as French Central Authority, has never sent a post-placement report.

**(g)** all the documents of prospective adoptive parents should be translated into Lithuanian language. The translations has to be confirmed by the notary.

**(h)** time taken to process Convention cases belongs from the situation of prospective adoptive parents and their demands. For example waiting period to adopt a child under the age of 3 years is about 2-3 years. But if the family may adopt special needs children (older than 8-10 years, with serious health problems or big siblings groups) the waiting period is much more shorter.

**(2)** Adoption Service of Lithuania as the central authority of the State of origin does not accept the personal arrangements of prospective adoptive parents.

**(3)** No information

**(4)** Normally placement of the child with the prospective parents in the receiving State is not allowed. Also the Civil code of Lithuania indicates that only the court hearing the adoption case under the request of Adoption Service or by it's own initiative may decide to place a child with the prospective parents. The period of the placement is from 6 to 12 months. The competent authorities shall provide the reports about the child adaptation, his living conditions, relations with the prospective parents and when the placment is terminated the prospective parents should return to the court where it would be decided if prospective parents are suitable to adopt concrete child and to safeguard his best interests.

**(5)** Lithuania is a party to Apostille Convention and maintains recomenation of the Special Commission on Apostille, Evidence and Service Conventions in November 2003 stating that States that are not a party to Apostille Convention should consider actively becoming party to it.

**(6)** Not applicable

## **8. Private international law issues**

### **(1)**

**(a)** We have no difficulties that may have arisen in the application of the Convention concerning jurisdiction of the authorities to grant or amend / revoke an adoption. In Lithuania Adoption Service is responsible for keeping records of adoptable children and prospective adoptive parents, matching and control of adoption process. The final decision for adoption is taken by the court. In practice the court revises the pretrial adoption procedure and confirms the decision made by Adoption Service. In some cases the court disagrees with the decision made by Adoption Service to trust a child to concrete family. However always rests a possibility to appeal to the higher court. An amendment, revocation of adoption is not possible by the law of Lithuania if the court decisions to adopt is already valid and final.

**(b)** No comments

**(2)** Agents of accredited body of one state are authorised to act in Lithuania in the frames of the Lithuanian and the receiving State law. That means that agent may do everything that is allowed for him by the law of that State in which the body was accredited but not more than is allowed by Lithuanian law.

## **9. Recognition and effects**

**(1)** The certificate of conformity under Article 23 is prepared by Adoption Service of Lithuania according to the form approved by the Special Commission of October 1994.

**(2)** Adoption Service each time when adoption is completed issues the certificate under Article 23.

**(3)** No information

**(4)** Adoption Service of Lithuania as a central authority of the State of origin has no comments to this questions. However we think that in such cases where Convention procedures were not followed but the main principals of the best child's interests (subsidiarity and etc.) were regarded the validity of adoption shall be recognized. Article 23 of the Convention determines that an adoption certified by the competent authority of the State of the adoption as having been made in accordance with the Convention shall be recognized by operation of law in the other Contracting States. However each State has its own procedure of adoption recognition, of passing a citizenship of adoptive parents to the adopted child and etc. Adoption Service does not get an information on that. It is difficult to know the rules and the aim of such procedures and their consequences.

## **10. Payment and fees**

**(1)** Costs in Lithuania:

- no cost for care and board of the child;
- translation service – family must pay themselves for the translation service;
- medical cost – no, unless family wish to have independent doctors consultation or request an additional tests;
- possible lawyer fees – if family wish to have a lawyer or person who will help to prepare all necessary documents before and after adoption, they can have a lawyer;
- administration cost – court fee 100 Lt (may be changed).

This information is accessible to prospective adoptive parents and competent authorities.

(2) At the moment we have no control system of the fees paid by prospective adoptive parents to the accredited body representing them or lawyers. On the 3 June 2005 the Minister of social security and labour has approved the reaccreditation order of the foreign accredited bodies in Lithuania. According to it Adoption Service has a right to revise the fees of accredited bodies. Future practise will show what kind of controls we will use.

(3) As it was mentioned in Lithuania there are no costs for care and board of the child.

(4) No comments

(5) When prospective adoptive parents agree to adopt proposed child they have to prepare an adoption file and transmit it to the court. Adoption Service does not participate in this procedure. That is why almost all the prospective adoptive parents take a lawyer. Until now the Adoption Service had no power to control the fee paid for a lawyer but now under the recently approved order of reaccreditation of foreign accredited bodies the accredited bodies would have to submit information about the fees not only for their services but also for the services of the Lithuanian lawyer. As we know at the moment the legal fees for preparation of adoption file to the court is about 1-2 thousands EUR. Comparing with other family law matters these fees are a little bit larger. One of the reasons is that in such cases foreign countries citizens are involved.

(6) No

(7) As it was mentioned there are no intercountry adoption fees in Lithuania. If accredited body requires some fees for Lithuanian program so these fees are used to cover lawyer, interpreter costs.

(8) No comments

(9) No

## **11. Improper financial gain**

(1) In Lithuania Convention is applied directly. There are common criminal sanctions for illegal activities. New Criminal Code of the Republic of Lithuania (valid from 1 May 2003) sets the crimes and criminal offences against child and family. According to the Article 157 the purchase and sale of the child is punished by imprisonment till 8 years. Usually when there are some suspicions in improper financial gain, it is related to fraud, corruption or other similar crimes.

(2) No information

(3) It is difficult to prove that some gain is derived from activities related to intercountry adoption.

(4) No information

(5) All the intercountry adoption procedures are coordinated, controlled by Adoption Services. That is why there are not direct contacts between persons willing to adopt and the orphanages. According to the Civil Code the consent of biological parents or foster parents should be confirmed by the court. The court should take all the measures to find out if the consent is free and if the persons giving consent does not seek after improper financial gain.

(6) As there were no practise that lead to improper financial gain Adoption Service of Lithuania had no difficulties in obtaining co-operation or assistance from other States.

## **12. Relative adoptions**

Articles 3.130-3.132 of the Civil Code of Republic of Lithuania indicate that consanguinity is relationship by blood of persons descended from the same stock (great-grandparents, grandparents, parents, children, grandchildren, great-grandchildren, etc.) or common ancestor (siblings, cousins, uncles or aunts, nephews and nieces, etc.).

Article 3.209, Part 4, of the Civil Code indicates a prohibition to adopt one's own children, sisters or brother. Consequently other relatives of the child could be his/her adopters if they satisfy other requirements of legal acts designed for adopters. Furthermore, where several adopters wish to adopt one and the same child, priority to relatives shall be given, having regard to the child's interest.

The Civil Code also covers such a priority to persons who adopt the children or adopted children of their spouses. In such adoption cases it is not required that neither persons who wish to adopt a child must be listed in the list of prospective adopters managed by neither the Adoption Service, nor the child must be included into the list of children available for adoption.

If the child's, who is eligible for adoption and permanently residing in the Republic of Lithuania, relatives or the spouse of his/her mother/father, who are permanently residing in the receiving state, would seek to adopt the child, procedures of the Hague Convention of Intercontry Adoption should be applied.

Practically it was only a few rare cases of inter-family adoptions where adoptive parents were permanent residents of the receiving state.

## **13. Children with special needs**

On purpose to ensure children with special needs the same opportunity as other children to find a family through intrecountry adoption, in the year 2001 the Procedure for Proposal to Adopt Adoptive Children with Special Needs was approved under the order of the Director of the Adoption Service (the Procedure was reviewed and improved on the end of 2003). By exercising this Procedure children with special needs have more real opportunity to be adopted.

See comments on question 2 (a) of the Questionnaire.

## **14. Other forms of cross-border child care**

Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children was ratified by the Republic of Lithuania Law No. IX-1686 of 3 July 2003. This Convention has entered into force for Lithuania on 1 September 2004.

While the 1996 Convention just entered into force for Lithuania, there is no any practice of implementing this Convention. Therefore we are not aware of any difficulties concerning international placements of children other than for purpose of adoption.

## **15. Avoiding the Convention**

We are not aware of any indicated attempts.

## **16. Additional safeguards and bilateral arrangements**

Adoption Service of Lithuania has signed a bilateral agreement with a view to improving the application of the Adoption Convention only with the Intercontry adoption Commission of Italy. In the agreement are covered

rights, duties and responsibilities of contracting states, terms of the procedures that are not regarded in the Convention.

To fulfil more effectively the requirements of the Hague Convention when organizing the intercountry adoption, the Adoption Service has made a bilateral agreements with the foreign accredited bodies, working in Lithuania, from such States as Italy, France, Germany, Sweden, Spain, Australia and USA. These agreements define the mutual relations amongst appropriate institutions, establish their rights and obligations, they also oblige the competent authorities of foreign states to provide in the determined procedure to the Adoption Service the feedback information about the children from Lithuania, adopted by foreign citizens, and their living conditions after adoption.

The Adoption Service has signed bilateral co-operation agreements with the following foreign institutions:

- German "Social Catholic Women's Service";
- French Adoption Agency "Les Enfants de L'Esperance";
- USA Adoption Agency "Main street adoption";
- Australian Central Authority Department of Human Resources;
- Italian Central Authority Intercountry Adoption Commission;
- Italian accredited adoption body "La Primogenita International Adoption";
- Italian accredited adoption body "Associazione Volontari Per Il Servizio Internazionale";
- Italian Adoption Agency "Azione Per Un Mondo Unito - Onlus";
- Swedish Adoption Agency "Children above all - Adoptions";
- Spain Central Authority "Asociacion Familia Universal".

It is hard to say if these agreements has some clear efficacy because there are no measures to refuse cooperation with one or another State or it's accredited body. That is why the Minister of Social Security and Labour has just approved the Reaccreditation Order of the Foreign Accredited Bodies in Lithuania.

## **17. Limits on number of States with whom co-operation is possible**

Adoption Service has not confined cooperation to a limited number of Contracting States. But since the Order on Reaccreditation of Foreign Accredited Bodies was confirmed the number of foreign accredited bodies acting in Lithuania would be limited. The choice will be influenced by such reasons as experience of accredited body, demanded group of children – their age, health and etc. Practically it is a need that accredited bodies would be ready to find families for special needs children.

## **B. SUGGESTIONS FOR THE SEPTEMBER SPECIAL COMMISSION**

**18.** Adoption Service of Lithuania regularly organizes seminars, training sessions and workshops for the representatives of competent authorities in national level. During these events mostly are hold questions on national adoption. How ever the main principals of the Adoption Convention such as child's right first of all to be educated in his family of origin, the free consent and etc. should be regarded in national adoption too. Also Adoption Service organizes the workshops for the representatives of foreign accredited bodies, working in Lithuania, to overview procedural questions and future cooperation. Adoption Service finds it very helpful if there will be announcements on such activities in other States. We think that each State has something to share with the others. Bilateral cooperation is quite well developed but we lack for example regional cooperation.

**19.** Adoption Service of Lithuania thinks that it would be usefull to establish working group on the Adoption Convention to examine the practical problems and issues of administrative cooperation between authorities.



**20.** Adoption Service of Lithuania gives priority to such topics: the rules of accreditation and authorization, the evaluation and preparation of prospective adoptive parents, the content and validity of social (home study) report, the presentation of post-placement reports.

**21.** No comments

## **ANNEXES**

## ANNEX 1 – ORGANIGRAM

**Country: The Republic of Lithuania**

### ORGANISATION AND RESPONSIBILITY UNDER THE 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION

#### Section A: States of origin

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
4 a)	Establishes that the child is adoptable	✓ CAN <input type="checkbox"/> CAR ✓ PA <input type="checkbox"/> CT
4 b)	Determines that possibilities for placement of the child within the State of origin have been considered	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 b)	Determines that intercountry adoption is in the child's best interests	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 c); 16(1) c)	Ensures that all involved parties have been counselled; consent has been obtained; consent was freely given; and was only given after birth of child	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA ✓ DCT
4 d)	Ensures that child has been counselled and consulted when appropriate	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA ✓ CT
8	Takes all appropriate steps to prevent improper financial gain	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA ✓ CT
9 a); 30	Preserves adoption records and information; Ensures availability of information to child when appropriate	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 b)	Facilitates, follows and expedites proceedings with a view to obtaining the adoption	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 c)	Promotes the development of adoption counselling and post adoption services	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 d)	Provides Central Authorities with general evaluation reports about experiences with intercountry adoption	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 e)	Replies, in so far as it is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
10; 11	Accredits bodies and ensures that accredited bodies meet the requirements of the Convention and the State	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> IAE
12	Authorises foreign accredited bodies to act in the State	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
16(1) a)	Prepares report on the child	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
16(1) a); 22(5)	Supervises preparation of report by approved persons	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
16(1) b)-d)	Determines, after giving due consideration to the child's circumstances and ensuring that consents have been properly obtained, that the envisaged placement is in the best interests of the child	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
16(2)	Transmits reports and documentation to receiving State	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
17 a)	Ensures that the prospective adoptive parent(s) agree to the placement	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
17 c)	Agrees that the adoption may proceed	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
18	Takes all necessary steps to obtain permission for the child to leave the State of origin	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
19(2)	Ensures that the transfer of the child takes place in secure and appropriate circumstances	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
19(3)	Returns reports if transfer of the child does not take place	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
20	Provides information on the progress of the adoption to the Central Authority of the receiving State	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
21	Consults with Central Authority or other body in receiving State in the event the placement fails and a new placement is necessary	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
23	Certifies that the adoption has been made in accordance with the Convention (if the adoption is completed in State of origin)	✓ CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
24	Retains authority to refuse adoption if manifestly contrav to the public policy of the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA   ✓ CT

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
29	Ensures that no contact takes place between the prospective adoptive parent(s) and the child's parents or any other person who has care of the child until the requirements of Articles 4 a) and 5 a) have been met in accordance with the law of the State	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input checked="" type="checkbox"/> CT
32	Ensures that no one derives improper financial gain, and that service providers do not receive remuneration which is unreasonably high in relation to services rendered	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input checked="" type="checkbox"/> CT

Sections C: **Identification of responsible parties**

Central Authority

The Adoption Service under The Ministry of Social Security and Labour  
Sodu str. 15  
LT-03211 Vilnius  
Lithuania  
Tel.: + 370 5 231 0928  
Fax: +370 5 213 0927  
[www.ivaikinimas.lt](http://www.ivaikinimas.lt)  
E-mail.: [odeta@ivaikinimas.lt](mailto:odeta@ivaikinimas.lt)

The institution that takes the final decision on international adoption

Vilnius District Court  
Gedimino ave. 40/1  
LT-01501 Vilnius  
Lithuania