

### Short questionnaire

Therefore, States are respectfully requested to provide responses to the following questions which relate to the recognition in one State of a domestic adoption granted in another State:

<b>Name of State:</b>	Lithuania
<b><u>Information for follow-up purposes</u></b>	
Name and title of contact person:	
Name of Authority / Office:	Ministry of Justice
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#### A. RECOGNITION IN YOUR STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN OTHER STATES

##### *The law and procedure in your State*

1. Please briefly outline the **law** (legislation or other rules) in your State concerning the recognition of a domestic adoption granted previously in another State.

Article 3.225 of the Civil Code of the Republic of Lithuania states that an adoption executed in another country shall be recognised in the procedure and in accordance with the terms and conditions laid down in international treaties and agreements and Book One of the Civil Code of the Republic of Lithuania hereof. Article 1.33 of the Civil Code of the Republic of Lithuania regulates the law applicable to adoption relationship. The main rule is that relationships of adoption shall be governed by the law of the state of the child's domicile.

In particular, please specify whether your State applies different rules to the recognition of domestic adoptions made in certain States or regions and, if so, why.

There are no different rules which are based on different States or regions or other similar grounds.

2. Please briefly outline the **procedure** which must be followed in your State by persons seeking the recognition of a domestic adoption granted previously in another State.

According to the provisions of Paragraphs 61 and 62 of Rules of Registration of Acts of Civil Status, approved by Order No 1R-334 of 28 December 2016 of the Minister of Justice of the Republic of Lithuania, in case the adoptive parents of a child provide the civil registry office with the documents issued abroad which confirm adoption, the adoption is registered on the basis of these documents by the request of the parents or one of them and on the basis of their personal identity documents. Upon the registration of adoption, an entry on the amendment or supplement to the entry of the act of civil status is made, whereby the following data about a child and his/her parents in the birth entry are changed. Provided that the child is adopted by a single man or a single woman, the data on the other parent are deleted without entering new data. Provided that the child is adopted by a man and a woman together, the name, the surname, the nationality and the personal identification number of both the father and the mother are entered. Provided that the name and the surname of the adopted child are changed by a court decision, these data are changed respectively.

In particular, please specify what legal or administrative steps are required for recognition.

Adoptive parents must submit an application form and related documents (please see previous comment to Q2) to civil registry office in order to register the adoption.

3. What is the competent authority in your State for such matters?

Civil registry office (there are 60 civil registry offices within the country).

**Cases which have arisen in your State**

4. Has your State been asked to recognise domestic adoptions granted previously in other States? If so:

- (a) How many such cases have arisen in the past year?

There is no official data recorded of such cases, therefore we are not able to provide responses to the following questions b-g of section 4.

Past three years?

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- (b) In such cases, why was recognition of the domestic adoption sought?

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- (c) What type of document was presented for recognition?

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- (d) Was recognition permitted?

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- (e) In cases where recognition was refused, what were the reasons?

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In particular, have there been any cases in which recognition was refused by your State on the basis that jurisdiction had been inappropriately assumed by the foreign authority?

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- (f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

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- (g) Has there been any cross-border co-operation / communication between your State and any State(s) which granted the adoption(s) in these cases?

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5. In your State's experience, do (some or many) families with an adopted child move to your State without having the child's adoption formally recognised in your State?

There is no official data recorded of such cases.

Does this create any problems for the family?

We have not indicated that it causes any problems for such families.

**B. RECOGNITION IN ANOTHER STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN YOUR STATE*****The law and procedure in your State***

6. In relation to the granting of domestic adoptions in your State:

- (a) Are any special rules or procedures followed when a case involving a domestic adoption has an international element (*e.g.*, it involves a foreign national child and / or foreign national prospective adoptive parents, despite the fact that they are all habitually resident in your State)?

According to paragraph 1 of Article 3.226 of the Civil Code of the Republic of Lithuania, children who are citizens of a foreign country residing in the Republic of Lithuania shall be adopted in the procedure laid down in this Chapter of the Civil Code of the Republic of Lithuania unless provided for otherwise in an international treaty or agreement between the respective foreign country and the Republic of Lithuania. All such applications of foreign citizens for adoption are examined by the Vilnius County Court.

As far as adoption where the adopter is a citizen of a foreign country is concerned, Article 3.224 of the Civil Code of the Republic of Lithuania describes special rules which are in addition to the ones applied to citizens of the Republic of Lithuania:

Article 3.224. Adoption where the adopter is a citizen of a foreign country

1. Provisions of Articles 3.209-3.221 hereof shall be applicable to adopters who are citizens of a foreign country.

2. In addition to the provisions of Articles 3.209-3.221 hereof, a citizen of a foreign country may adopt a child if:

1) during six months from the registration of the child in the list of children offered for adoption no application has been received from citizens of the Republic of Lithuania to adopt the child or place the child under guardianship or in curatorship;

2) the parents of the family where the child is brought up and maintained present to the court their written consent for the adoption of the child;

3) the guardian (or curator) presents to the court a written consent for the adoption of the child.

3. The court, having regard to the interests of the child, shall have the right to decide on the adoption of the child without the consent of the parents of the family, guardian (curator).

4. Where the child is adopted in another country, all the necessary measures must be taken to prevent persons related to the settlement of the child in another country from gaining any unjustified material gain.

5. In adjudicating on the adoption of a child by a citizen of another country, consideration must be given to the hereditary continuity of the child's education, the child's ethnic origin, religious and cultural adherence and mother tongue, as well as the compliance of the legislation of the recipient country with the requirements of the 29 May 1993 Hague Convention on the Protection of Children and Co-operation in the Field of International Adoption.

In addition, paragraph 2 of Article 3.220 of the Civil Code of the Republic of Lithuania states that applications by citizens of a foreign country for the adoption of a citizen of the Republic of Lithuania residing in the Republic of Lithuania or in another country shall be examined by the Vilnius County Court.

- (b) What type of document is issued for domestic adoptions granted in your State?

By the year 2016 upon the registration of adoption birth certificates were used to be issued. On the 1st of January 2017 the Law of the Republic of Lithuania on Civil Status Registration entered into force by which as of 1 January 2017 only Extracts from the birth entry are being issued instead of birth certificates. It should be noted, that birth certificates issued by the end of 2016 are still valid and have an evidential value.

7. Are there any special rules or procedures which are followed when your State is made aware that another State has been requested to recognise a domestic adoption originating from your State?

No, there are no special rules or procedures laid down in Lithuanian national law.

***Cases which have arisen involving your State***

8. Are you aware of situations in which recognition has been sought in other States of domestic adoptions granted in your State?

There is no official data available of such cases, therefore we are not able to provide responses to the following questions (a-g).

If so:

- (a) How many such cases have arisen in the past year of which you are aware?

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Past three years?

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- (b) Which competent authorities were addressed in your State? And in the other State(s)?

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- (c) In such cases, why was recognition of the domestic adoption sought?

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- (d) Was recognition permitted by the other State(s)?

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- (e) In cases where recognition was refused, what were the reasons?

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Have you ever had a case where the grounds upon which your State assumed jurisdiction to grant the domestic adoption were challenged by the foreign State?

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- (f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

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- (g) Has there been any cross-border co-operation / communication between your State and any State(s) being asked to recognise the adoption in these cases?

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**C. PRACTICAL PROBLEMS REQUIRING ACTION**

9. In light of the information you have provided in both sections above, overall, are there, in your State's experience, practical problems in this area that need resolving at the international level?

In the light of information provided above we do not indicate any common practical issues in this area that need to be resolved at the international level.