

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: the Netherlands

PROFILE UPDATED ON: January 20 2022

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Ministry of Justice and Security Directorate Sanctions and Prevention
Acronyms used:	n/a
Address:	P.O.Box 20301, 2500 EH The Hague, the Netherlands
Telephone:	+31 (0)70 3706252
Fax:	+31 (0)70 3707507
E-mail:	adoptie@minvenj.nl
Website:	www.adoptie.nl
Contact person(s) and direct contact details (please indicate language(s) of communication):	See above. Languages of communication are Dutch and English
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	1-X-1998
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	Act of 14 May 1998 on the implementation of the Convention of 29 May 1993 on protection of children and co-operation in respect of intercountry adoption (in Dutch: Wet van 14 mei 1998 inzake de uitvoering van het op 29 mei 1993 tot stand gekomen verdrag inzake de bescherming van kinderen en samenwerking op het gebied van interlandelijke adoptie).

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input checked="" type="checkbox"/> Non-binding memoranda of understanding (please specify): Memorandum of Understanding with the Centre of the International Legal Protection of Children and Youth of the Slovak Republic.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Minister of Justice and Security is designated as the Central Authority for the Netherlands according to article 6 of the Convention. The Central Authority is responsible for the tasks which the Convention has charged to the Central Authority insofar</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<p>these tasks have not been assigned to other authorities or institutions by the present Act containing rules concerning the placement of foreign children with a view to adoption.</p> <p>The Central Authority is responsible for the enforcement of legislation and regulations in the field of intercountry adoption which is in conformity with the 1993 Hague Intercountry Adoption Convention, the Convention on the Rights of the Child and the Act containing rules concerning the placement of foreign children with an view to adoption. Based on these regulations, its decisions include decisions on applications for a permit in principle to adopt a child from abroad submitted by spouses or a person.</p> <p>The Central Authority also decides on an application submitted by a legal entity with full legal competence to grant a license to perform mediation activities in relation to the placement of children from abroad with a view to adoption, or to extend the validity of such license.</p>
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5. Public and competent authorities

Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.

See Arts 4, 5, 8, 9, 12, 22, 23 and 30.

The role played by the FIOM/Foundation Adoption Services:
The FIOM/ Foundation Adoption Services (Stichting Adoptievoorzieningen) provides the training and counselling of prospective adoptive parents (hereinafter referred to as PAP's) on the placement and adoption of a foreign child, as envisaged in article 5. The Foundation also provides post-adoption services as envisaged in article 9.

The role of the Child Care and Protection Agency:
The Child Care and Protection Agency is responsible for the home study. This home study focusses on gaining insight into the suitability and eligibility of the PAP's and/or any (married) partner to take care of and raise a foreign adopted child, as envisaged in article 5.

The role of the court: In case a non-convention adoption process, the court can pronounce the adoption according to Dutch law. Also when a simple adoption must be converted into a full adoption the court has the authority to do so.

6. National accredited bodies⁴

- a) Has your State accredited its own adoption bodies?

See Arts 10-11.

N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵

☒ Yes

☐ No – **go to Question 8**

- b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶

The number of national accredited bodies is 4.
This number is not limited by operation of law or any other regulation.

- c) Please briefly describe the role of national accredited bodies in your State.

Their role is

- to mediate between PAP's with habitual residence in the Netherlands and the competent authorities at their level in the State of origin;
- to maintain contact at their level with foreign authorities, institutions or individuals involved in the placement of a foreign child;

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 *et seq.*

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

	<ul style="list-style-type: none"> - to verify the adoptability of the child in a medical, legal and psychological sense; - to ensure that the criteria, on the basis of which the PAP's have been selected for a specific child, are clearly set out; - to issue a matching proposal; - to arrange supervision following the placement of a child and ensure that follow-up reports are issued to the State of origin.
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	The Central Authority
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	Accreditation can be granted upon request to a legal entity with full legal competence whose registered office is located in the Netherlands and that meets the provisions by and pursuant to the Act containing rules concerning the placement of foreign children with a view to adoption. See the attached operational protocol in respect of the granting of licences for mediation in intercountry adoption or the extension of such licenses.
c) For how long is accreditation granted in your State?	The first accreditation is granted for a period of three years. After that the validity of the accreditation can each time be renewed for a period of five years.
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	See the attached operational protocol in respect of the granting of licences or the extension of such licenses.
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	The Health and Youth Care Inspectorate
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	<p>The monitoring is being performed by inspection visits and the provision of documentation. There is no regular frequency in these visits other than with the extension of their accreditation.</p> <p>The Central authority strives to visit the accredited agencies twice a year.</p> <p>The accredited agencies must provide their annual (financial) report to the central authority.</p>
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	Accreditation may be revoked if the national accredited body has not complied with the provisions by or pursuant to articles 8 and 20 to 23 of the Act containing rules concerning the placement of foreign

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

	<p>children with a view to adoption; or if the national accredited body has not completed mediation activities in connection to the placement of a foreign child for at least three years.</p> <p>Accreditation shall be revoked if the information that was furnished with a view to obtaining the licence should appear to be incorrect or incomplete to such an extent that a different decision would have been taken on the application if the correct or complete details had been known at the time of its assessment.</p>
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): The accreditation can be suspended or withdrawn.</p> <p><input type="checkbox"/> No</p>

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12) ⁸	
7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	The Central Authority International Children's Issues
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input checked="" type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).	The Netherlands does not have specific authorization criteria. General criteria are that the State of origin acts in accordance with the Convention and that it has also granted authorization to the Dutch accredited body to operate in that State.

⁸ In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

⁹ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

e) For how long is authorisation granted?	In principle the authorization will be valid along with the accreditation.
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	not applicable
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff ¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	During frequent meetings with the individual accredited bodies the operation of the accredited bodies is monitored. Secondly the operation of the accredited bodies is monitored in contacts with the Central Authorities in the state of origin.
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	When the accredited body does not act in compliance with the convention, the Dutch rules and regulations or the national rules and regulations in the state of origin, the authorization can be revoked.

8. Approved (non-accredited) persons (Art. 22(2))¹¹	
<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4 a))	
Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied <i>in addition to</i> the requirements of the State of origin?	<input checked="" type="checkbox"/> Yes – please specify: According to Dutch legislation the foreign child shall not be more than 6 years of age upon arrival in the Netherlands, unless specific circumstances. There also must be a

¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 13.

¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

	<p>perspective that the child will eventually be able to live an independent life.</p> <p><input type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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10. The best interests of the child and subsidiarity (Art. 4 b))

Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (<i>i.e.</i> , proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?	<p><input checked="" type="checkbox"/> Yes – please specify: The file of the child must contain information about the way the subsidiarity principle was respected (proof of the efforts that were made). Since february 2021, the Central Authority performs a multidisciplinary review of the information on the subsidiarity principle in the file of each child.</p> <p><input type="checkbox"/> No</p>
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11. Children with special needs

Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?	<p><input checked="" type="checkbox"/> Yes – please provide the definition used in your State: Children with a need for special care, which means that these children require special medical or psychological care.</p> <p><input type="checkbox"/> No – the definition used in the State(s) of origin is determinative.</p>
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12. The nationality of children who are adopted intercountry¹³

Do children who are adopted intercountry to your State acquire the nationality of your State?	<p><input checked="" type="checkbox"/> Yes, always. Please specify:</p> <p>(i) At what stage nationality is acquired by the child: by operation of law in case of most adoptions under the Hague Adoption Convention, by conversion of a simple adoption into a full adoption or by recognition of a foreign adoption ; and</p> <p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i>, the making of the final adoption decision): In case of the procedure for conversion and recognition a decision of Dutch court is required.</p> <p><input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin):</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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¹³ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](https://www.hcch.net) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

13. Limits on the acceptance of files	
a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<input type="checkbox"/> Yes, please specify whether any limits are applied: <input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption ¹⁴ (Art. 5 a))	
14.1 Eligibility criteria	
a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)? <i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i>	<input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input checked="" type="checkbox"/> Married, heterosexual couples: <input checked="" type="checkbox"/> Married, same-sex couples: <input type="checkbox"/> Heterosexual couples in a legally registered partnership: <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Single men: <input checked="" type="checkbox"/> Single women: <input checked="" type="checkbox"/> Other (please specify): single men or women whether or not married or in a registered partnership <input type="checkbox"/> No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Minimum age requirements: 18 years of age <input checked="" type="checkbox"/> Maximum age requirements: 46 years of age, unless specific circumstances <input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: 40 years, provided unless specific circumstances <input type="checkbox"/> Other (please specify):

¹⁴ I.e., this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

	<input type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input type="checkbox"/> Yes, please specify: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
14.2 Suitability assessment¹⁵	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	The Child Care and Protection Agency, which is a part of the Ministry of Justice and Security
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	The home study focusses on gaining an insight into the suitability and eligibility of the PAP's with respect to their ability to take care of and raise a foreign child. The home study ascertains which protective factors and which risk factors are present for an adopted child in the family, how these relate to each other and which factors will ultimately prompt the Child Care and Protection Agency to advise positively or negatively on the application for a consent in principle. The results of the home study are put down in a home study report. The home study also includes a picture of the suitability and eligibility to take care of a child with special needs, a sibling and/or an older child in those cases where the PAP's have indicated their willingness to adopt such child(ren).
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	The Central Authority International Children's Issues.

¹⁵ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

15. Preparation and counselling of PAPs (Art. 5 b))	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: yes, mandatory - At what stage of the adoption procedure they are offered: at the start of the procedure - Who provides the courses: The Foundation Adoption Services - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): collectively - Whether they are provided "in person" or electronically: in person - How many hours the courses last: 18 - The content of the courses: The sessions are based on an number of themes: <ul style="list-style-type: none"> - the birth parents; - the background of the child; - attachment; - loss and grief; - identity and loyalty; - wishes of the PAP's - adoption of children with special needs, siblings or older children - Whether there are specific courses for PAPs wishing to adopt a child with special needs: yes also additionally - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: Mostly this is done by the national accredited bodies. <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i>, meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>This is the responsibility of the national accredited bodies.</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>To the FIOM/Foundation Adoption Services.</p>

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): standard</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): standard</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): depends on the demands in the State of origin</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): depends on the demands in the State of origin</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input type="checkbox"/> Other(s): please explain</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure): For the decision which child from which state of origin can be adopted, for submission of the adoption file to the State of origin and the further procedure including the matching, the preparation of the PAP's, the sending of the follow-up reports and to a certain extend adoption after care.</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to</p>

¹⁶ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

¹⁷ See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

	<p>act on their behalf in relation to the intercountry adoption):</p> <p><input checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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17. The report on the PAPs (Arts 5 a) and 15(1))

a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.	The national accredited body. The report includes among others the home study report of the Child Care and Protection Agency.
b) Is a "standard form" used for the report on the PAPs in your State?	<input type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: Most of it depends on the demands of the State of origin
c) For how long is the report on the PAPs valid in your State?	Four years
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	The national accredited body is responsible and invites the PAP's to gather new or updated documents.

18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	The national accredited body
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	<input checked="" type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?	The national accredited body
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19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): By the Central Authority on International Children's Issues and - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): The national accredited body sends the matching proposal for approval to the Central Authority. If approved the Central Authority provides a Statement of Approval (Statement according to Art. 17c of the Hague Adoption Convention). <p><u>Go to Question 19.2 b)</u></p> <input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin: <p><u>Go to Question 19.2 c)</u></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The matching proposal must be in accordance with the requirements in the Act containing rules concerning the placement of foreign children with a view to adoption. Secondly the matching proposal must be in accordance with the recommendation of the Child Care and Protection Agency regarding the suitability and eligibility to adopt the proposed child.
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: <input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): The PAP's can ask advice from the national accredited body or from a paediatrician when it concerns a child with special needs. <input type="checkbox"/> No

20. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The Central Authority International Children's Issues.
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR

	<input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR <input checked="" type="checkbox"/> Other (please specify): The Central Authority provides such Statement to the national accredited body, who informs the State of origin about it and adds it to the file for the State of origin.
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21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input type="checkbox"/> Yes, please specify the additional requirements / restrictions: <input checked="" type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: In case the State of origin requires this. <input type="checkbox"/> No

¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	The authorization to enter and reside permanently in the Netherlands is included in the Statement of approval (Statement according to Art. 17c of the Hague Adoption Convention). Based on this the Immigration and Naturalization Service in the Netherlands will issue a document for the admittance of the child to the Netherlands. Based on this document the Embassy of the Netherlands to the State of origin will issue a visa.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	<ul style="list-style-type: none"> - the statement of approval according to Art. 17c of the Hague Adoption Convention; - the decision of adoption made by the court or a competent authority in the state of origin; - the document for the admittance of the child to the Netherlands; - the visa; and - the Certificate of conformity according to Art. 23 of the Hague Adoption Convention, issued by the competent authority in the state of origin.
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	<ul style="list-style-type: none"> - the statement of approval; - the document for the admittance of the child to the Netherlands; and <p>the visa the first document mentioned will be issued by the Central Authority International Children's Issues; the second by the Immigration and Naturalization Agency; the third by the embassy of the Netherlands to the State of origin.</p>
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	No procedure.

23. Final adoption decision and the Article 23 certificate	
a) If the final adoption decision is made in your State, which competent authority: <ul style="list-style-type: none"> (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention.</p>	<ul style="list-style-type: none"> (i) A Dutch Court (ii) The same Dutch Court

<p>The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	
<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate.</p> <p><i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>At the moment the adoption order is made, the Court will, on request, issue this Certificate of Conformity. it is the duty of the involved national accredited body to send a copy of the Certificate of Conformity to the Central Authority of the State of origin.</p>

d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The national accredited body.
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	classification as an intra-family intercountry adoption when it concerns a brother or sister or the child of a brother or sister.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? <i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – go to Question 25 <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25 <input type="checkbox"/> No – go to Question 24 c)
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

25. Simple and full adoption	
a) Is "full" adoption permitted in your State? <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances only – please specify: <input type="checkbox"/> Other (please explain):

¹⁹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: Adoptive parents can request a Dutch Court to convert a simple adoption into a full adoption.</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p>The court has the authority to convert a simple adoption into a full adoption. The court takes into consideration whether consent has been given for a full adoption by the biological parents.</p>
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input checked="" type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>The accredited body</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>at least 30 years, in practice the accredited bodies archive the files for a longer period.</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: Depending on the age and/or level of maturity of the adoptee</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>

concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)? <i>See Art. 9 a) and c) and Art. 30.</i>	(iv) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input checked="" type="checkbox"/> Yes – please specify: by the national accredited body or FIOM when the accredited agency no longer exists <input type="checkbox"/> No
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<input checked="" type="checkbox"/> Yes – please specify: by the national accredited body or at request by International Social Services <input type="checkbox"/> No

27. Post-adoption reports

a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	The national accredited body and, if permitted, the adoptive parents are responsible for writing the reports. The accredited body is responsible for sending the report to the State of origin.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy): <input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child's development, schooling):
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	This is the responsibility of the accredited body who mostly has to comply with regulations in this respect.

28. Post-adoption services and support (Art. 9 c))

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>The Foundation Adoption Services has the responsibility to assist adoptees and adoptive families on request with regard to counselling. It also has a function in referring adoptees and adoptive families to specialist (psychologists, psychiatrists, paediatricians etc.).</p>
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.

29. The costs ²¹ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: <input checked="" type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: <input checked="" type="checkbox"/> No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves? <i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i>	<input type="checkbox"/> Through the accredited body: <input checked="" type="checkbox"/> Directly by the PAPs: costs for mediation. <input checked="" type="checkbox"/> Other (please explain): Costs that need to be made in the Netherlands are the costs for the pre-adoption counselling, performed by the Foundation Adoption Services. These costs are paid directly by the PAP's.
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? <i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i>	<input checked="" type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input type="checkbox"/> Other (please explain):
e) Which body / authority in your State receives the payments?	Foundation Adoption Services
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)? N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).	<input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: by the Foundation Adoption Services and by the accredited bodies <input type="checkbox"/> No

²⁰ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²¹ See the definition of "costs" provided in the harmonised Terminology, *ibid*.

30. Contributions, co-operation projects and donations²²	
<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: only contributions required by the Central or competent authority - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): accredited agency - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: There may not be a relationship between contributions and the number of children to be adopted. <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input checked="" type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: The ones where there is no relationship between the co-operation project and the authorization for the national accredited body to operate in that State or the number of children that can be adopted through that accredited body. - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): the national accredited body - Whether such projects are mandatory according to the law of your State: No - Whether such projects are monitored by an authority / body in your State: By the Central Authority International Children's Issues - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: By supervision on the finances of the national accredited bodies <p><input type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families):

²² See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

²³ See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

<p>orphanages, institutions or birth families in the State of origin?</p> <p>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<ul style="list-style-type: none"> - What donations are intended to be used for: - Who is permitted to pay donations (e.g., only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input checked="" type="checkbox"/> No</p>
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31. Improper financial or other gain (Arts 8 and 32)

a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Minister of Justice and Security is responsible for accounting the national accredited bodies.
b) What measures have been taken in your State to prevent improper financial or other gain?	The supervision on (among others) this aspect is laid down at the Ministry of Justice and Security
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Punishment by a monetary fine and suspension or revocation of the accreditation.

PART XI: ILLICIT PRACTICES²⁴

32. Response to illicit practices in general

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁵	When a case of alleged or actual illicit practice in intercountry adoption appears, it will be reported to the public prosecutor.
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33. The abduction, sale of and traffic in children

<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>The Act containing rules concerning the placement of foreign children with a view to adoption.</p> <p>The law targets both the national accredited bodies and the PAP's or other persons or legal entities involved.</p>
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²⁴ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁵ *Ibid.*

b) Please explain how your State monitors respect for the above laws.	
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	monetary fines and imprisonment.

34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

- ☒ Private adoptions are permitted – please explain how this term is defined in your State: Private adoption are permitted, provided that the supervision on the private contact, the procedure, the matching and the financial aspects is performed by a national accredited body; the accredited body has reported to the Central Authority International Children's Issues and the Central Authority has given its consent to the adoption procedure.
- ☐ Independent adoptions are permitted - please explain how this term is defined in your State:
- ☐ Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)

- a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.

- ☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This will be treated as an intercountry adoption, similar to other intercountry adoptions.
- ☐ No

- b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.

- ☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This will be considered as a domestic adoption.
- ☐ No

- c) If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?

Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.

It will not be considered as an adoption which is in compliance with the Hague Adoption Convention. It will then depend on the rules of international private law how the situation will be dealt with.

²⁶ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

²⁷ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	<p>In the continent Africa: South Africa, Lesotho,</p> <p>In the continent Europe with Bulgaria, Hungary, Portugal and Slovakia.</p> <p>In the continent Asia with the People's Republic of China, Israel, the Philippines, Sri Lanka, Taiwan and Thailand.</p> <p>In the continent America with Colombia, Haïti, Nicaragua and the USA.</p>
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>It depends on the working area of the national accredited bodies, provided that these countries of origin comply with the standards of Hague Adoption Convention.</p>
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ²⁹	<p>Yes, see the answer to question 36b</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement ³⁰ with that State of origin)?	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³¹</p> <p><input checked="" type="checkbox"/> No</p>

²⁸ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

²⁹ See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³¹ *Ibid.*