

NAME OF COUNTRY: The Democratic Socialist Republic of Sri Lanka.

EXPLANATIONS AND QUESTIONS

If a question does not apply to your State, please answer "Not applicable".

1. Description

- (a) Is your country (primarily) a receiving State or a State of origin? If both, please ensure your answers to the questions clearly distinguish, when necessary, between your role as a receiving State and your role as a State of origin.

State of Origin

In case of adoption of children in Sri Lanka, preference is always given to local adopters. Hence requests of foreign adopters are complied with, only when there are no requests from local adopters.

- (b) If your country is not yet a Party, please specify if your country is considering becoming a party to the Convention.

Not applicable.

- (c) Was your country represented at the 2000 Special Commission? Were the Conclusions and Recommendations of that meeting discussed or implemented by relevant authorities in your country?

No.

2. Good practice

The Permanent Bureau has commenced work on a Guide to Good Practice on Implementation of the Convention. A consultative group met in September 2004 to provide advice to the Permanent Bureau on this project. It is anticipated that the draft Guide will be circulated, in English, French and Spanish, to all Contracting States in June 2005 seeking comments and for discussion at the Special Commission.

- (a) In relation to any aspect of intercountry adoption, what examples of good practice can you report, (i) from your own country or (ii) from another country?
- (b) Please indicate what topics you would suggest for future chapters in the Guide to Good Practice (in addition to "Implementation", "Central Authority Practice" and possibly "Accreditation").

Search for biological mothers.

- (c) Have you experienced any major concerns or problems (i) in your State and (ii) in another State, associated with implementation of the Convention, such as a lack of implementing legislation, inadequate staffing or funding issues?

According to the Adoption Ordinance implemented in Sri Lanka, a child is a person under 14 years of age. So, there is no legal provision to adopt a child over 14 years. When the upper age-limit in some states are higher, there may be some difficulties encountered. Further it is not possible for prospective adopters to furnish us the Home Study Report in proper order when such prospective adopters are temporarily residing in another country, and not their own country. When such reports not containing all the due information and particulars are received in this Department, we have to refuse them, for lack of proper and due particulars. There are instances where Sri Lankans make request to adopt children over 14 years age, who are related to them, as per the legal provisions prevalent in such

countries. But, such request cannot be complied under the present law in Sri Lanka.

- (d) If your State has signed but not yet ratified the Convention, please indicate whether your State would like implementation assistance from the Permanent Bureau or other States. What type of assistance would be most beneficial?

Not applicable.

3. Questions concerning scope

Please specify any difficulties you have experienced in determining whether certain situations do or do not come within the scope of the Convention.

In particular, have there been any problems in determining whether:

- (a) a child was or was not habitually resident in the State of origin;

In term of the Adoption Ordinance in Sri Lanka the Judiciary in Sri Lanka has no power to give, an, adoption order in respect of a child not residing in Sri Lanka. But, there is no difficulty for the judiciary to take a decision in respect of child living in Sri Lanka.

- (b) a prospective adopter was or was not habitually resident in the receiving State (as e.g. in the case of a short-term or temporary resident); and

According to the Adoption Ordinance in Sri Lanka, Prospective adopters from a foreign country, submitting applications for adoption of Sri Lankan children, should necessarily be legally married spouses. Also, the Home Study Report related to them, has to be obtained by them from their country of origin. In most cases, such applicants have been temporarily residing in another country, over a long period of time. In the circumstances, they find it difficulty to get the Home Study Report from their own country of origin. But, we have to act according to our law applicable to foreign adoption.

- (c) The removal of the child was or was not "for the purpose of adoption" in the receiving State (as e.g. where the child is initially moved to the receiving country on a temporary basis or for foster care, and later on adoption is considered)?

In terms of rules and regulations in force in Sri Lanka, the child could be taken away from the country only if he/she is legally adopted. However according to Juvenile Justice Procedure Act, in Sri Lanka, it is possible to hand over the child to a suitable relative guardian of the child. (If the said child is in need of care and protection) This arrangement is applicable only to the relatives of the child. Further in terms of the said Act, there is no legal provision to remove such a child who is in need of care and protection. Under the Foster Care System in Sri Lanka, it is always expected to keep the child within his/her natural family. It is an alternative care system, instead of Institulization and rehabilitation.

4. General principles for protection of children

- (a) What are the different types of care available to a child in need of care and protection in your State?

In Sri Lanka, there is an ordinance called the Children and Young Persons Ordinance, which looks into all matters related to children who are in need of care and protection. Under this ordinance at the outset, children in need of care and protection are identified under different categories. When a child is identified as one who is in need of care and protection, he/she is sent to an approved or certified school. Further it is also possible to hand over the child to a guardian after obtaining a FIT PERSONS ORDER from the court. Further, such a child under guardianship of FIT PERSON, is being regularly supervised by an officer appointed by the court.

- (b) Please specify the procedures or other measures in place to ensure that due consideration is given to the possibilities for placement of the child within the State of origin before intercountry adoption is considered (the principle of subsidiarity - see Article 4 *b*) and Preamble, paragraphs 1-3).

We are taking every effort to keep the child within his/her natural family. There are many schemes and programmes in Sri Lanka to provide financial assistance to the needy parents with a view to keep the children with their natural parents. Herein, the government has, through its various agencies, make necessary arrangements to provide assistance. In addition, the Department of Probation and Child Care Services, the prime governmental organization vested with the power and responsibility of looking into various matters related to children, has been very successfully implementing two sponsorship programmes, under which the financial and other assistance are provided to children through their parents or guardians to pursue their education as well as to meet their other requirements. The prime objective of these programmes is to keep the child within his/her natural family under its care and protection. When the child is refused by both mother and father or the guardian, it is possible for a relative of the child to adopt the child. Even when it also fails, the child is referred to local adopters. When all these attempts fail, the child is referred to foreign adopters.

- (c) What are your procedures to establish if a child is adoptable?

Only children identified as abandoned, deserted and orphaned, are to be given for adoption. In case both mother and father give away their child willingly, such a child is also identified as an abandoned child. Such children live in Children's Homes run by Government and voluntary organizations. If the relevant Provincial Commissioner, decides to give the child for adoption, at first the child is referred to local adopters, who have been registered with the Provincial Commissioner. The children refused by local adopters, are thereafter, referred to the Central Authority. Then the Commissioner of Probation and Child Care Services of the Central Authority takes action to put them in a priority list for foreign adoption.

The Guide lines (annexure 1) for foreign adoption is enclosed for your kind information.

- (d) What procedures are in place to ensure that consent to an adoption is given in accordance with Article 4 *c*) and *d*) of the Convention?

The Department of Probation and Child Care Services attends to all matters related to both local and foreign adoption. The probation officers do conduct proper investigation regarding the prospective adopters as well as the child and his/her natural parents. In this investigation, the probation officers explain in details the effects of adoption to both parties.

Also the consent of natural parents and the institution where the child lives, has to be obtained by an affidavit and also all the parties have to confirm that they are willing to give their consent before courts.

- (e) Do you make use of the Model Form for the "Statement of consent to the Adoption"? See < www.hcch.net >, "Intercountry Adoption", "Practical Operation Documents", "Annex B to the Special Commission Report of October 1994".

Also, the consent of the child has to be obtained by an Affidavit if the child is under 10 years of age. In addition the child has to give his/her consent to appear in courts.

In terms of the Adoption Ordinance in Sri Lanka it is totally prohibited to give away the child for economic or other benefits. An attempt to get such illegal benefits will be liable for punishment as specified in the Ordinance. As per the law related to giving consent, the parties concerned should give their consent by an Affidavit before a Justice of the Peace or an Attorney-At-Law. A format prepared by us, is used for this purpose.

- (f) Have you applied the "Recommendation concerning the application to refugee children and other internationally displaced children of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption"? See Annex A to the Special Commission Report of October 1994.

Not applicable.

- (g) How is the eligibility and suitability of prospective adoptive parents assessed in your country (see Article 5 a))?

The Department has issued a set of Guide Lines, to be followed by foreign adopters. The application should be made by a legally married couple. Also, we pay special attention to the Home Study Report submitted by the Receiving State regarding the applicants. Herein, we do carefully investigate as to whether the applicants are in a suitable state or condition to adopt a child. We allocate a child for foreign adoption after examining the Home Study Report as well as other relevant. Supporting documents submitted by them and are fully satisfied that they are capable of adopting a child. Once again the applicants are further investigated once they come to Sri Lanka.

Special attention is paid to investigate about the training and education they have received for adopting a child. Also the age difference between the adoptive child and adoptive parents are taken into consideration. In our country, we have a specific age criteria for adoption.

Finally, the application for foreign adoption is legally approved by the Department, only if the Central Authority concerned approves of the adoption of the said child for which we furnish the relevant particulars of the said child to the Central Authority of the Receiving Country.

- (h) What preparation (counselling, education or training) is given to prospective adoptive parents to prepare them for the intercountry adoption?

Since Sri Lanka acts as the state of origin, we have to pay attention to the training the prospective adoptive parents have received in their country.

- (i) Please also specify the measures / procedures in place to ensure that the requirements concerning the counselling of prospective adopters are complied with (see Article 5 b)).

Not applicable.

- (j) Please specify any post-adoption services established or contemplated in your country (see Article 9 c)).

The State concerned through the relevant Central Authority should submit the duly and properly prepared Home Study Report and relevant documents about the applicants to our Central Authority in Sri Lanka. Having made a thorough study of the documents, the Department registers the names of the applicants, provided that it is proved beyond doubt, they are suitably qualified to adopt a child there after, children refused by local adopters are listed in accordance with the suitability and preferences of the applicants. Then, relevant particulars about the prospective adoptive child, his/her family, are sent to the Central Authority of the Receiving State. After that the Central Authority concerned should obtain the consent of the applicants and submit it to us together with its recommendation. If the Central Authority concerned is in agreement with the adoption, we will take other necessary steps to make it effective. It is a legal requirement that adoptive parents have to forward progress reports of the child to the Commissioner of Probation Child Care until the child reaches the age of 10 years.

5. Central Authorities

- (a) Please specify any of the functions under Chapter IV of the Convention performed directly by your Central Authority or Central Authorities.

Since Sri Lanka acts as the State of Origins, the Department, functioning as the sole Central Authority in Sri Lanka in dealing with adoption does a very thorough study of the applicants. Herein, special attention is paid to the Home Study Report and other relevant documents of the applicants. If the applicants are qualified to adopt a child, a suitable child will be allocated in accordance with the prevalent rules and regulars in our country in terms of the Article 16. The Central Authority of the relevant State would be informed about that decision together with all the particulars of the child. Once the approval is granted by the receiving state in terms of the Article 17, we will take necessary action in keeping with the Article 18.

- (b) Please indicate the number of personnel employed by your Central Authority to deal with intercountry adoption, their experience and qualifications, and what type of training they have received. (Where personnel undertake other functions, count them only for the amount of time spent on intercountry adoption, for example, if a person spends 50% of their time on intercountry adoption, count them as 0.5 of a person.)

In Sri Lanka, the Department of Probation and Child Care Services functions as the Central Authority. The adoption unit in the Department consists of three (3) officers, Commissioner of Probation and Child Care Services, a Probation Officer and a clerk; The Commissioner is a graduate officer in the Sri Lanka Administrative Services. The Probation Officer is also a graduate in Sociology and has successfully completed the Masters Degree in Sociology. She has been taking a lively interest in her work. All the officers in the unit have been functioning full time on adoption work. Further, they have received training on various subjects like child abuse, child Rights, Child Labor, alternative care, best interest of the child. They have undergone training on counseling as well.

- (c) What procedures are in place to ensure continuity of experienced staff and training for new staff?

A senior Probation Officer had handled work in this unit until recently. Now she has gone on retirement. Prior to her retirement, a junior officer was trained by that senior officer. Another junior officer has been recruited and steps have been taken to give her proper training in this field.

- (d) Have you experienced difficulties with regard to the establishment or operation of the Central Authority, for example, difficulties over funding or resources?

No.

- (e) Please provide details of any difficulties you have experienced communicating with "central" Central Authorities in other countries or with provincial Central Authorities (in your own country or other countries)?

Representatives of accredited bodies registered under the Central Authority in most of the countries that have signed the Hague connection are working in our country. However, there are no representatives of organizations in states that have not signed the Hague convention. This has resulted in some difficulties in communication. Likewise there are instances where documents are sent to us directly through the Central Authority, not through organizations in some states, who have signed the Hague convention. In that case there are problems related to know the progress of the child.

In our country, we do not have Central Authorities at the provincial level. The Department functions as the one and only central authority in Sri Lanka.

6. Accreditation

At the Special Commission meeting in September 2005, the first day will be devoted to an examination of accreditation issues. Your responses to this part of the questionnaire will be very helpful to the Permanent Bureau in the planning and preparations for that day.

Accredited bodies

- (1) Please indicate whether your country uses or intends to use accredited bodies in intercountry adoption. If so, please provide details on the topics (a) to (m) below.

The Department of Probation and Child Care Services, functions as the central Authority related to inter-country adoption of children. Hence there is no other Central Authority at Provincial level or any other accredited bodies in the country.

- (a) Please provide details (including powers and resources) of the authority or authorities which grant accreditation.

Not applicable.

- (b) How many bodies have been accredited by your country? Federal States may provide the number for each state or province. If possible, please indicate how many bodies have been refused accreditation.

Not applicable.

- (c) Please give a brief outline of your accreditation criteria, guidelines or legislation.

Not applicable.

- (d) What is the process by which accreditation is granted?

Not applicable.

- (e) If possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish.

Not applicable.

- (f) How is the supervision of accredited bodies carried out in your State (Article 11 c))? Are there regular reporting requirements (including financial reporting) by the accredited body to the supervising authority?

Not applicable.

- (g) How is the performance of the accredited body assessed or evaluated?

Not applicable.

- (h) Has the competent supervisory authority encountered any difficulties in relation to (f)?

Not applicable.

- (i) Are you aware of any acts or behaviour by accredited bodies or approved bodies or persons that contravened your accreditation criteria? Please also provide details of any sanctions or penalties applied?

Not applicable.

- (j) What are the conditions for renewal of accreditation?

Not applicable.

- (k) Have you experienced any difficulties in obtaining assistance or cooperation from other Central Authorities in regard to accredited bodies?

Not applicable.

- (l) Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries?

Not applicable.

- (m) Do you consider that standard or model accreditation guidelines would assist countries in developing appropriate safeguards or procedures?

Not applicable.

- (2) Has your country authorised foreign accredited bodies to undertake intercountry adoptions in your country (see Article 12)?

No.

- (a) What steps are involved in the process of authorisation?

Not applicable.

- (b) What supervision of foreign authorised bodies occurs?

Not applicable.

- (c) Have you experienced any difficulties regarding a body accredited in one State and authorised to act in another State?

Not applicable.

- (3) If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision.

In terms of the Adoption Ordinance in Sri Lanka only the Commissioner of Probation and Child Care Services has been granted the authority related to all matters regarding foreign adoption. Hence, the authority cannot be granted to any other accredited body.

- (4) What particular issues concerning accreditation would you like discussed on the Accreditation Day (17 September)?
- (5) Would you like to see a chapter on Accreditation developed for the Guide to Good Practice for Intercountry Adoption? What issues do you think should be covered in this chapter?

Approved bodies and persons

- (6) Please indicate whether your country uses or intends to use approved bodies or persons (see Article 22(2)) in intercountry adoption. If so,

The Department is the only body in Sri Lanka to function as the sole authorized body in all matters related to inter-country adoption. However the Department deals with representatives appointed by accredited bodies, who have been given authority by the Central Authority in states which have signed the Hague Convention.

- (a) How many bodies or persons have been approved by your country to provide adoption services in accordance with Article 22(2)?

Accordingly 22 (Twenty two) representatives in Sri Lanka have been appointed by accredited bodies. These representatives provide adoption services in Sri Lanka.

- (b) Do you grant approval to persons or bodies from abroad?

Approval is granted only in special cases.

- (c) What are the guidelines by which approval is granted (if different from 1(c))?

When representatives are appointed by accredited bodies registered in the central Authority, they are granted authority to function attending to foreign adoption services, only after consulting and making due inquiries from the Central Authority of the state concerned. In case of renewal of service, the relevant Central Authority of the state concerned is consulted prior to granting such an extension.

- (d) What is the process by which approval is granted and renewed?

Necessary action is taken, as per "C" above.

- (e) How is the supervision of approved bodies or persons carried out in your State (Article 22(2))?

Regular supervision is carried out, in Sri Lanka by the central authority.

- (f) Has your country made a declaration under Article 22(4)?

Yes.

7. Procedural aspects

- (1) Please indicate any operational difficulties that have been experienced, including in particular:

Very often, the orphaned and abandoned children are the ones, allocated for foreign adoption. It is very difficult to trace the natural parents when such children are abandoned in hospitals or other places. However every possible effort is made by the Department to find out the natural parents. When such attempts fail, it is very difficult to furnish relevant particulars regarding the child's social background as well as information about his/her natural parents.

On the other hand, a normal medical certificate is submitted, when such a certificate is given to prospective adoptive parents and other parties concerned. In some cases the state expects us to submit a very comprehensive report. We can ill affect to undertake to provide such certifications e.g. HIV test, defects, in hearing, etc.

- (b) Obtaining accurate and sufficient health and social information on the child;

In some cases the prospective adoptive parents do not furnish us all the required documents and information as specified in our guidelines. Then we have to keep them on reminding to adhere to our requirements specified in our guide lines and request them to send us all documents containing accurate and sufficient information about them.

- (c) Obtaining accurate and sufficient information on prospective adoptive parents;¹

The Central Authority does not charge any fees for adoption either prior to or after adoption.

- (d) Obtaining an accurate estimate of fees to be paid by adoptive parents prior to adoption and / or travel to collect the child;²

The documents have to be authenticated by the Sri Lanka embassy in the receiving state. No. Operational difficulties are experienced the relevant documents have to be submitted in accordance with our guidelines.

- (e) Documentation requirements, including requirements for legalisation or authentication of documents, or the acceptance of documents by the other country;

No operational difficulties have been experienced so far.

- (f) Obtaining the agreements required in Article 17;

It is a legal requirement that adoptive parents have o forward Progress report of the child. When the case is handling by the central authority there is a delaying submitting such reports.

¹ The Convention, Articles 15 and 16.

² See Report of the Special Commission of 2000, page 42, paragraph 7.

- (g) Receiving post-placement reports from adoptive parents or Central Authorities;³

No operational difficulties have been experienced so far.

- (h) Translation requirements;

No operational difficulties have been experienced so far.

- (i) Time taken to process Convention cases.

It is depending in the availability of children.

- (2) Do you permit prospective adopters, once their eligibility and suitability have been established, to make their own arrangements for contacting directly the placement agencies in the country of origin?

Yes.

- (3) Has the practice referred to in the preceding question given rise to particular problems of which you are aware?

So far no such difficulties have been experienced by us.

- (4) Please provide details on the breakdown of placements in the Receiving State. What steps have been or are being taken in your country to address this problem (Article 21)?⁴

Regular reports have to be submitted to us and the court on regular basis till the child reaches the age of 10 years. A copy of such a report is enclosed herein for you kind information (Annexure 2).

- (5) Legalisation of foreign documents can be very time consuming for Contracting States. At the Special Commission on the Apostille, Evidence and Service Conventions in November 2003,⁵ a recommendation was made concerning the 1993 Convention. The Report states that:

"The Special Commission stressed the usefulness of linking the application of the Hague Adoption Convention of 1993 to the Apostille Convention [the 1961 Convention Abolishing the Requirement of Legalisation for Foreign Public Documents]. In light of the high number of public documents included in a typical adoption procedure, the Special Commission recommended that States that are party to the Adoption Convention but not to the Apostille Convention consider actively becoming party to the latter."⁶

Would you favour a similar recommendation from the forthcoming Special Commission meeting for the 1993 Convention?

- (6) DNA testing has been used to establish identity (if, for example, a consent is in doubt). Can you provide details of such cases, including the cost and procedures involved?

³ See the Convention, Article 20.

⁴ The number of placement breakdowns is sought in the new draft Statistics Form.

⁵ See "Conclusions and Recommendations adopted by the Special Commission on the Practical Operation of the Hague Apostille, Evidence and Service Conventions", 2003, page 5, available on the Hague Conference website at < www.hcch.net >.

⁶ See paragraph 6.

A comprehensive medical test could be obtained at the applicants expense if they so desire.

8. Private international law issues

- (1) The Convention does not determine which authorities have jurisdiction to grant or amend / revoke an adoption nor which law applies to the conditions governing, or the effects of, an adoption.

- (a) Are you aware of any difficulties that may have arisen in the application of the Convention concerning the jurisdiction of the authorities to grant or amend / revoke an adoption?

No.

- (b) Are you aware of any difficulties that may have arisen in the application of the Convention concerning the law or laws to be applied to the conditions governing, or the effects of, an adoption?

If the answer to either or both of these questions is "yes", do you wish the Permanent Bureau to study these questions further?

No.

- (2) Issues of applicable law may arise when bodies accredited in one Contracting State act in another Contracting State (Article 12), for example:

- Whether and to what extent agents of that body are authorised to act and bind their principal;
- Whether they have exceeded or misused their authority.

Have you experienced any difficulties in this respect (see also the *Hague Convention of 14 March 1978 on the Law Applicable to Agency*)?

Not applicable.

9. Recognition and effects

- (1) Have your courts used the Recommended Model Form "Certificate of Conformity of Intercountry Adoption"? See < www.hcch.net >, "Intercountry Adoption", "Practical Operation Documents", "Annex C to the Special Commission Report of October 1994".

Yes.

- (2) Have you knowledge of any difficulties that have arisen in obtaining certificates under Article 23(1)?

No.

- (3) Do you have information about any case in which recognition of a Convention adoption has been refused under Article 24?

No.

- (4) Are there any circumstances in which you would recognise the validity of a foreign adoption coming within the scope of the Convention despite Convention procedures or requirements not having been followed?

Please specify any other difficulties that have arisen in relation to Chapter V of the Convention.

No.

10. Payment of reasonable charges and fees

- (1) Please quantify the costs and expenses charged or fees paid in your country in respect of intercountry adoptions (Article 32(2)). Is this information freely available and accessible to prospective adoptive parents and competent authorities?

The Central Authority does not charge any fees.

- (2) Have you had any experiences with the use of fee caps, established and publicised appropriate fees, established expediting fees, or other similar controls?

No.

- (3) Do you have any comments on the practice in some countries of requiring a mandatory contribution by adoptive parents for the support or development of child protection services in such countries?

No.

- (4) Do you have any comments on or experiences of uneven processing amongst countries due to large disparities in fees (for example, applications from countries that offer higher fees may be processed more quickly)?

The Central Authority can take action to make new laws and regulations if necessary.

- (5) Are you aware of any instances of disparity between professional salaries or fees charged for adoptions compared to other forms of legal work? (For example, large legal fees may be charged for adoption, while standard or lower fees are paid for other family law matters such as divorces – see Article 32(3).)

The Department cannot interview in matters related to fees charged by the lawyers.

- (6) Are you aware of any significant differences in fees charged for intercountry adoption by regional or provincial authorities?

No.

- (7) To what extent, if any, are intercountry adoption fees used (a) to support or develop the national childcare and protection system; or (b) to contribute to funding resources of Central Authorities or accredited bodies?

Not applicable.

- (8) Do you have any other comments about reasonable or unreasonable costs and expenses or fees?

Some prospective adoptive parents from foreign countries have expressed their unwillingness to send these documents through accredited Bodies in their countries probably it may be due to high fees countries charged by from applicants by such bodies. So they prefer to send documents through the central Authority. Consequently, it is difficult to make necessary inquiries pertaining to the progress of the child.

- (9) Are you aware of any other problems arising from the payment of fees or charges in your country or in other countries with which you have adoption arrangements?

No.

11. Improper financial gain

- (1) Please indicate the laws (including criminal sanctions), measures and procedures in place to give effect to the principle that no one shall derive improper financial or other gain from an activity related to an intercountry adoption (Article 32(1)).

Penalties are imposed under the Adoption ordinance.

- (2) Are you aware of any instances of success in enforcing penalties to discourage improper financial gain?

No.

- (3) Are you aware of any difficulties in the enforcement of laws or regulations or in prosecution of criminal activity?

No.

- (4) Apart from the measures referred to in Question 11(1) above, have any other preventive measures been taken in your country to combat improper financial gain?

Penalties are imposed for violation of laws under the Penal Code No. 22 (Amendment) of 1995.

- (5) Please provide details of any measures taken to prevent solicitation (e.g. through inducements to consent) of children for adoption (Articles 8 and 29).

Various steps are taken to keep the child within his/her family. For this purpose an alternative system, designed on priority basis, is in operation. Every effort is made by the STATE to keep the child within his/her family by providing various assistance and relief. Please see the annexure 1 section 11.

- (6) Have you experienced any difficulties in obtaining co-operation or assistance from other States in eliminating practices that lead to improper financial gain?

No.

12. Relative adoptions

Do you have any comments on the application of the Convention procedures to relative (inter-family) adoptions?

All the relevant documents from Sri Lankans living abroad, submitted for relative (inter-family) adoption should be channelled similarly to these by other foreign adoptive parents as detailed in the GUIDE LINES issued by us. Children with need are given the same opportunity to find a family through inter-country adoption as other children (with their relations).

13. Children with special needs

What policies or programmes do you have to ensure that children with special needs are given the same opportunity to find a family through intercountry adoption as other children?

If the applicants are willing to accept the special need children adoption should be channelled similarly to other normal children.

14. Other forms of cross-border child care

International foster care, transnational *kafala* and other forms of child care with a cross-border element are not covered by the 1993 Convention, but by the *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*: See for example its Articles 3 e) and 33(1).

- (1) Is your country involved in international placements of children other than for purposes of adoption?

No.

- (2) Are you aware of any difficulties concerning such placements?

Not applicable.

- (3) If your country is not yet a Party to the 1996 Convention, is your country actively studying ratifying or acceding to it?

Not applicable.

15. Avoiding the Convention

Are you aware of any attempts to circumvent the Convention or to avoid protections afforded to children, including the moving of children or birth parents to other countries?

No.

16. Additional safeguards and bilateral arrangements

Please describe any additional safeguards, requirements or procedures, which you apply to Convention adoptions (*i.e.* over and above those which are set out in the Convention itself). Are these applied generally, or only in relation to particular States?

Have you made agreements with one or more other Contracting State (see Article 32(2)) with a view to improving the application of the Convention? If so, please specify with which States and what matters are covered by the agreements.

In addition to the Convention adoption, we abide by the Adoption ordinance in Sri Lanka.

Do you have any comments on the efficacy of bilateral arrangements:

- (a) with non-Contracting States? Are Convention safeguards applied?

No.

- (b) with Contracting States? Do they improve the operation of the Convention? Have they caused any difficulties?

No.

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

In making arrangements for intercountry adoption (whether as a receiving State or as a State of origin), have you found it necessary to confine co-operation under the Convention to a limited number of other Contracting States? If so, please explain

the reasons (e.g. no appropriate accredited body, lack of resources to process applications from large number of States, etc) and indicate what has influenced the choice of these States.

No.

A SUGGESTIONS FOR THE SEPTEMBER SPECIAL COMMISSION

- 18.** Do you regularly hold seminars, training sessions or workshops on the Adoption Convention in your State? Would you welcome participants from other countries? Would you find it helpful if there was a consistent way to announce such activities to other States? Do you have suggestions?

No. Being a South Asian Country, the facilities available in this regard are not at all adequate.

- 19.** In the current negotiations for a new Convention on the International Recovery of Child Support and other Forms of Family Maintenance, an Administrative Co-operation Working Group has been established to examine and report on practical problems and issues of administrative co-operation between authorities. Would you favour the establishment of a similar group for the 1993 Convention?

Yes.

- 20.** Please indicate which topics you consider priority issues for the Special Commission in September 2005, and their degree of importance.

- 1. Alternative care for children who have been orphaned and abandoned.**
- 2. Search for the biological mothers.**

- 21.** Any other suggestions, comments and observations are welcomed.

No.

ANNEX 1 - ORGANIGRAM

Introduction and explanation

In response to the recommendation of the Special Commission of 2000⁷ the Permanent Bureau has prepared a model form designed to provide information on which entity in each State performs each function outlined in the Convention.⁸ The form is applicable to both States of Origin and Receiving States, and also includes space for the reporting and updating of names and contact information for the Central Authorities, Public Authorities, Courts, Accredited Bodies and Approved Persons in each State.

With reference to the recommendation of the Special Commission of 2000, it was not possible in the time available to develop a simple form that would show the interaction of the competent authorities and bodies in each State. Any additional information could be provided by States in a separate document.

We would welcome comments on the form and its ease of use, and any suggested changes or additions. It is thought that the exercise of preparing answers to the form may be the best way to test its value and may highlight any need for revision. Therefore, we would like, if possible, to receive completed forms from States prior to **14 June 2005**. If your State has already sent the information requested in Section C, please send only revisions as necessary.

⁷ N.B. A Special Commission on the Convention was held from 28 November-1 December 2000 on the Practical Operation of the Convention. The report of this meeting, *Report and Conclusions of the Special Commission on the Practical Operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*, was published in English and French and is available on the Hague Conference website at: < <http://hcch.e-vision.nl/upload/scrpt33e2000.pdf> >.

⁸ See Report of the Special Commission of 2000, page 41, paragraphs 1 and 2.

ORGANISATION AND RESPONSIBILITY UNDER THE 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION

Country: _____

Please check the box(es) that indicate which body performs the stated function. States which are solely States of origin should complete only section A; States which are solely receiving States should complete only section B; States which act as both States of origin and receiving States should complete sections A and B. All States are requested to ensure that the Permanent Bureau has the information requested in Section C and to provide updated information where changes are needed.

- (CAN) Central Authority National
- (CAR) Central Authority Regional
- (PA) Public Authority
- (CT) Court or Tribunal
- (ABN) Accredited Body National
- (ABF) Accredited Body Foreign
- (APN) Approved Person National
- (APF) Approved Person Foreign
- (IAE) Independent Accrediting Entity appointed by Central Authority

Section A: States of origin

Article	Action	Responsible Party
4 a)	Establishes that the child is adoptable	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 b)	Determines that possibilities for placement of the child within the State of origin have been considered	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 d)	Ensures that child has been counselled and consulted when appropriate	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
8	Takes all appropriate steps to prevent improper financial gain	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
9 a); 30	Preserves adoption records and information; Ensures availability of information to child when appropriate	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input checked="" type="checkbox"/> CT <input checked="" type="checkbox"/> ABN <input type="checkbox"/> ABF
9 b)	Facilitates, follows and expedites proceedings with a view to obtaining the adoption	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input checked="" type="checkbox"/> ABN <input type="checkbox"/> ABF
9 c)	Promotes the development of adoption counselling and post adoption services	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
16(1) a)	Prepares report on the child	<input checked="" 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
16(1) a); 22(5)	Supervises preparation of report by approved persons	<input checked="" 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	<input checked="" 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
16(2)	Transmits reports and documentation to receiving State	<input checked="" 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
17 a)	Ensures that the prospective adoptive parent(s) agree to the placement	<input checked="" 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
17 c)	Agrees that the adoption may proceed	<input checked="" 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
18	Takes all necessary steps to obtain permission for the child to leave the State of origin	<input checked="" 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(2)	Ensures that the transfer of the child takes place in secure and appropriate circumstances	<input checked="" 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 checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input checked="" type="checkbox"/> APN <input type="checkbox"/> APF
20	Provides information on the progress of the adoption to the Central Authority of the receiving State	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input checked="" type="checkbox"/> ABF <input checked="" 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	<input checked="" 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
23	Certifies that the adoption has been made in accordance with the Convention (if the adoption is completed in State of origin)	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
24	Retains authority to refuse adoption if manifestly contrary to the public policy of the State	<input checked="" type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> 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 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 type="checkbox"/> CT

Section B: Receiving Countries

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
5 a)	Determines the eligibility and suitability of adopters	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
5 b)	Ensures that prospective adoptive parents have been counselled	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
5 c)	Determines that the child is or will be authorised to enter or reside permanently in that State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
8	Takes all appropriate steps to prevent improper financial gain	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
9 a); 30	Preserves adoption records and information; Ensures availability of information to child when appropriate	<input type="checkbox"/> 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	<input type="checkbox"/> 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	<input type="checkbox"/> 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	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
10; 11	Accredits bodies and ensures that accredited bodies meet the requirements of the Convention and the State	<input type="checkbox"/> 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	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
14	Accepts adoption applications from prospective adoptive parents	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
15	Prepares report on prospective adoptive parents and transmits to the State of origin	<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
15(1); 22(5)	Supervises preparation of reports 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
15(2)	Transmits report to State of origin	<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
16(2)	Receives report on child, proof of consents and reasons for recommended placement of child with prospective adoptive parents	<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

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
17 a) b)	Approves decision made by State of origin regarding match of child and parents where required by law or appropriate; notifies State of origin of agreement of prospective adoptive parents to placement of child	<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
17 c)	Agrees that the adoption may proceed	<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
18	Takes all necessary steps to obtain permission for the child to enter and reside permanently in the receiving State	<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(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 State of origin	<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
21	Protects child, finds alternate care, consults with Central Authority or other body in State of origin in the event the placement fails and a new placement is necessary	<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
23	Certifies that the adoption has been made in accordance with the Convention (if the adoption is completed in the receiving State)	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
24	Retains authority to refuse adoption if manifestly contrary to the public policy of the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
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 type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input 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 type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT

Section C: Identification of responsible parties

Please provide the names and contact information for all applicable entities noted below. Separate sheets may be attached as necessary.

Central Authority
Regional Central Authorities
Public Authorities / Courts and Tribunals
Accredited Bodies
Approved Persons

Please provide name and contact information of person / department completing this form.

Mr. D. M. S. Abayagunawardana

Commissioner

Department of Probation and Child Care Services

National Central Authority

No. 150 A, Nawalaroad

Nugegoda

Telephone : 011 285 3549

Fax : 011 285 2393

E-mail: pcc@sltnet.lk

ANNEX 2 – STATISTICS FORMS

Introduction and explanation

In response to the request made during the Special Commission of 2000, the Permanent Bureau is developing a set of standard forms for the reporting of statistics, and we have attached the Draft Adoption Statistics Forms (State of origin forms – 1a, 1b, 1c; receiving State forms – 2a, 2b, 2c).

We would like to receive the completed forms from as many States as possible by **14 June 2005**, and welcome comments or suggestions on the forms and their ease of use. If possible, we would like to receive statistics from the years 2001, 2002 and 2003. Compiled statistics will be made available at the Special Commission meeting.

Comments and suggestions

We have not so far collected statistics as per 1a. We have collected statistics in a different way. As it is, we are furnishing the particulars available in the Department. We will take necessary steps to collect all statistics as per your format as it will be very useful.

Annual adoption statistics for States of origin

Country Sri Lanka

Year **2001**

1a. Intercountry adoptions to Hague States

Country	Total # completed adoptions for year ¹	# Children entrusted to PAPs ²	Age and gender of child at adoption ³								# Adoptions of special needs children ⁴	Average time child spent in care or awaiting adoption ⁵	Location of child prior to adoption ⁶			Average total cost of adoption services in State of origin (in local currency) ⁷
			<1		1-4		5-9		>10				Institution	Foster care	Family of origin	
Italy	6												6			
Australia	4												4			
Switzerland	2												2			
Sweden	1													1		
Netherlands	6												6			
Denmark	1												1			
Norway	3												3			
France	7												7			
Belgium	2												2			
Germany	5												5			
Canada	4												4			
Totals / Averages	41												40	1		

¹ Number of adoptions completed in State of origin e.g. by adoption order or decree. If relative adoptions are included in the total, please provide in a note a separate total for these adoptions if possible.

² Number of children entrusted to prospective adoptive parents with a view to adoption in the receiving State.

³ If your national statistics are compiled according to other age groups, please indicate accordingly e.g. if you only count the number of children under 5, you should combine the two columns here that refer to children under 1 year old and between 1 and 4 years old.

⁴ Number of adoptions of special needs children.

⁵ Calculated from time child entered the institution or foster care, or from the date the Central Authority was first contacted about a child currently living with his or her family of origin that was in need of adoptive placement.

⁶ Location of child prior to adoption: these numbers should only relate to children adopted (not entrusted).

⁷ Travel related costs should not be included in this amount.

Annual adoption statistics for States of origin

Country Sri Lanka

Year **2002**

1a. Intercountry adoptions to Hague States

Country	Total # completed adoptions for year ¹⁶	# Children entrusted to PAPs ¹⁷	Age and gender of child at adoption ¹⁸								# Adoptions of special needs children ¹⁹	Average time child spent in care or awaiting adoption ²⁰	Location of child prior to adoption ²¹			Average total cost of adoption services in State of origin (in local currency) ²²
			<1		1-4		5-9		>10				Institution	Foster care	Family of origin	
Italy	7	-														
Australia	1	-														
Switzerland	2	-														
Sweden	1	-														
Netherlands	7	-														
Norway	3	-														
France	7	-														
Belgium	6	-														
Germany	9	-														
Canada	1	-														
Totals / Averages	44															

¹⁶ Number of adoptions completed in State of origin e.g. by adoption order or decree. If relative adoptions are included in the total, please provide in a note a separate total for these adoptions if possible.

¹⁷ Number of children entrusted to prospective adoptive parents with a view to adoption in the receiving State.

¹⁸ If your national statistics are compiled according to other age groups, please indicate accordingly e.g. if you only count the number of children under 5, you should combine the two columns here that refer to children under 1 year old and between 1 and 4 years old.

¹⁹ Number of adoptions of special needs children.

²⁰ Calculated from time child entered the institution or foster care, or from the date the Central Authority was first contacted about a child currently living with his or her family of origin that was in need of adoptive placement.

²¹ Location of child prior to adoption: these numbers should only relate to children adopted (not entrusted).

²² Travel related costs should not be included in this amount.

1b. Intercountry adoptions to non-Hague States²³

Totals / Averages	10
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²⁷ Travel related costs should not be included in this amount.

Annual adoption statistics for States of origin

Country Sri Lanka

Year **2003**

1a. Intercountry adoptions to Hague States

Country	Total # completed adoptions for year ³¹	# Children entrusted to PAPs ³²	Age and gender of child at adoption ³³								# Adoptions of special needs children ³⁴	Average time child spent in care or awaiting adoption ³⁵	Location of child prior to adoption ³⁶			Average total cost of adoption services in State of origin (in local currency) ³⁷
			<1		1-4		5-9		>10				Institution	Foster care	Family of origin	
			M	F	M	F	M	F	M	F						
Italy	5	-														
Australia	3	-														
Switzerland	4	-														
Netherlands	8	-														
Norway	4	-														
France	7	-														
Belgium	8	-														
German	6	-														
Canada	1	-														
Totals / Averages	46															

³¹ Number of adoptions completed in State of origin e.g. by adoption order or decree. If relative adoptions are included in the total, please provide in a note a separate total for these adoptions if possible.

³² Number of children entrusted to prospective adoptive parents with a view to adoption in the receiving State.

³³ If your national statistics are compiled according to other age groups, please indicate accordingly e.g. if you only count the number of children under 5, you should combine the two columns here that refer to children under 1 year old and between 1 and 4 years old.

³⁴ Number of adoptions of special needs children.

³⁵ Calculated from time child entered the institution or foster care, or from the date the Central Authority was first contacted about a child currently living with his or her family of origin that was in need of adoptive placement.

³⁶ Location of child prior to adoption: these numbers should only relate to children adopted (not entrusted).

³⁷ Travel related costs should not be included in this amount.

Year 2003

38

Totals /	7
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³⁹ If relative adoptions are included in the total, please provide in a note a separate total for these adoptions if possible.

⁴¹ See footnote 13.

⁴² Travel related costs should not be included in this amount.

CHILD ADOPTION PROCEDURE FOR THE GUIDANCE OF FOREIGN APPLICANTS

(A) Part I – General Guide Lines

1. The foreign applicants who desire to adopt Sri Lankan children are required to forward their joint applications to the Commissioner of Probation and Child Care Services whose address is given below:

Commissioner
Department of Probation and Child Care Services
2nd Floor L.H.P. Building, No. 150 A, Nawala Road,
Nugegoda.
Sri Lanka.
Tel No : 094 011 285 3549
Fax : 094 011 285 2393
Email : pcc@sltnet.lk

2. Applications for adoption of a Sri Lankan Child must be accompanied by the following supporting documents. The applications together with the Home study Report (in duplicate) should be sent to the Sri Lanka overseas mission for authentication and transmission to the Department of Probation and Child Care Services in Sri Lanka.
 - (a) General information sheet of the applicants (Annexture 1)
 - (b) The application should be accompanied by a "Home Study Report" (in duplicate) in respect of the applicants from an institution recognized by the country of the applicants and authenticated by the accredited representative for the republic of Sri Lanka in that country (b-1) passport Size photographs of the applicants should be attached to both copies of the Home Study Report (b-2). The applicants must attach to the Home Study Report a formal letter (in duplicate) requesting a child for adoption together with their preference if any.

NOTE :- As per adoption ordinance 1941 the " A Home Study Report means a report on the mental health of the applicants their social, religious and financial background and their suitability to adopt a child. Overseas Social Welfare Agencies / Department must include information on these specific aspects in the Home Study Report prepared in respect of proposed adoptive parents by the country of perm ant residence of the applicants.

- (c) Certified copies of the birth certificate of both prospective parents.
- (d) Certified copies of the marriage certificate of both prospective parents.
- (e) Certified copies of health certificates of both prospective parents.
- (f) Certified copies of employment records of both prospective parents.
- (g) Police reports on the conduct and activities of the applicants.

(h) Copies of the passport of the applicants must also be submitted.

NOTE :- All document must be submitted (in duplicate) with certified English translations, when documents are in another language. Each and Every Page of the documents should be authenticated by the Sri Lankan High Commissioner in the country of the applicants. Applications not in conformity with these requirements will be rejected

3. The applicants should deal with the Department of Probation and Child Care Services through their respective Adoption Agencies.
4. **When the Commissioner finds a suitable child after-assessment of the Home Study Report of the applicants a letter will be issued intimating Commissioner's decision to the adoption agency, which has forwarded the application. The Adoption Agency is expected to intimate the same to the applicants. The applicants will have to come to Sri Lanka *only after receiving commissioner's letter of allocation*. No foreign applicant can find children for adoption privately. Allocation of children can be made only from the State Receiving Homes and voluntary Children's Homes that are registered by the Department of Probation and Child Care Services for over five years and only by specific authorization of the commissioner of Probation and Child Care Services.**
 - 4.1 **Upon receipt of the Commissioner's letter the applicants should make arrangements for their travel to Sri Lanka. The applicants will have to stay about 4 to 5 weeks in Sri Lanka. Until all formalities connected with the adoption are completed.**
 - 4.2 After their arrival in Sri Lanka, applicants should present themselves for an interview at the under mentioned address. Applicants should produce at the interview their passports and the letter sent to them by the Commissioner.

**Commissioner
Department of Probation and Child Care Services
2nd Floor L.H.P. Building, No. 150 A, Nawala Road,
Nugegoda
Sri Lanka.
Tel No : 094 011 285 3549
Fax : 094 011 285 2393
Email : pcc@sltnet.lk**

5. **Information regarding hotel accommodation and other facilities available to visitors to this country could be obtained from the Sri Lanka Mission in the applicant's country.**
6. **After the interview of the applicants they will be issued with a letter by the Commissioner authorizing them to see the child at the particular Children's Home. However, they should not take the child out of the custody of the person in-charge for any purpose without the prior approval of the commissioner.**

Authority will be given to the applicants for the purpose of medical examination of the child, if such necessity does arise.

6.1 At the same time the applicants should arrange to institute court proceedings for which they should engage the services of an Attorney-at-law.

- 7 After the adoption, copies of the adoption order should be obtained upon application to the court that made the order.

7.1 A copy of the certificate of Adoption should be obtained from the Registrar General, whose office is situated Indika Building Main Street, Colombo 11(www.pubad.gov.lk)

7.2 The Certificate of adoption (After registration) should be attached to the application for the issue of a passport for the child. Application for the issue of passport should be made to the Department of Immigration and Emigration (Passport section) Station Road, Bambalapitiya, Colombo 04.

7.3 Obtain a Sri Lanka passport for the adopted child, return to the commissioner with a copy of the certificate of adoption and ask for a letter requesting issuance of a passport with the certificate of adoption the letter from the commissioner, and the original birth certificate of the child, apply for the Sri Lankan passport. Applications for Sri Lanka passport should be made to the Department of immigration and Emigration (passport section) station Road, Bambalapitiya,colombo.4
<http://www.immigration.gov.lk/html/location/index.html>

Applicants should consult their respective Diplomatic Missions regarding the issue of the Visa for the adopted child.

8. Where the adoption laws of the adoptive parents country of domicile do not provide for automatic recognition of adoptions authorized by a court of law outside their country, the adoptive parents should take steps early, to Institute legal proceedings in their country of domicile and a copy of the fresh Adoption Order should be sent to this Department.

9. Adoptive parents should furnish to this Department (a) quarter yearly Progress Reports on the child prepared by a recognized Adoption Agency until the adoption is legally confirmed in their country of domicile (b) half yearly in respect of such child along with the child's photograph for a period of 3 years from the date on which the adoption is legally confirmed in the receiving country. (c) Yearly in respect of such child until he or she reaches the age of 10 years.

(B) Part II Legal Requirements

10 The adoptive parents must be married.

10.1 The application to Court must be made jointly by the husband and the wife.

10.2 The Sri Lankan law does not permit a single parent to adopt a child.

- 10.3** Each of the applicants must be over the age of 25 years and not less than 21 years older than the child in respect of whom the application is made.
- 10.4** The personal attendance of both spouses is required during the court proceedings, unless the court dispensed with the personal attendance of one of them, on grounds of ill health supported by a Medical Certificate Issued by a Medical Practitioner recognized by the Government of the country of the applicants. In such cases power of attorney would also be necessary.
- 10.5** A report on the social and psychological aspects of the adoption must be furnished by the Commissioner of Probation and Child Care Services for consideration of Court in accordance with Section 3 sub section (6) of Adoption of Children (Amendment) Act No. 38 of 1979.
- 10.6** The period fixed by the Court for the submission of the Commissioner's Report shall be not less than 14 days and not more than 28 days from the date on which the Court calls for the report.
- 10.7** The commissioner is required to annex to his/her report a Home Study Report in respect of the applicant from an institution recognized by the country of the applicants and authenticated by the accredited representative of the Republic of Sri Lanka in the country of the applicants.
- 10.8** All application for adoption of a Sri Lankan child by persons not resident and domiciled in Sri Lanka shall be made to the District Court of Colombo and District Court Colombo south or such other district Court as may be confirmed by jurisdiction for such purpose by regulation which may be formed from time to time.
- 10.9** Every application for adoption of a child must be in conformity with the provisions of the Adoption of children Ordinance (chapter 6) as amended and Rules framed there under. Attention is particularly drawn to section 3 and 5 of the Ordinance which relate to restrictions in making of Adoption orders, matters with regard to which Court must be satisfied and terms and conditions of Adoption Orders respectively.
- 11.** The Applicants should abstain from making any payment or giving any reward to any person in consideration of the adoption except such as the Court may sanction. Legal action would be the taken against those who commit this offence.
- 12.** The maximum number of adoptions that can be allowed during each calendar year will be gazetted by the Hon. Minister and the Sri Lankan missions abroad will be kept informed every year of such ceiling.
- 13.** The Department may, as the need arises, amend the procedure followed by the Department, in which case our Overseas Missions will be informed of the

changes.

- 14. This guideline is being issued with the approval of the secretary, Ministry of Reconstruction, Rehabilitation and Social Welfare No: 01, Alfred House Gardens, Colombo 03 Sri Lanka.**
- 15. Any Form of canvassing of any influence of the procedure regarding adoption, will be a disqualification for adoption.**

**Commissioner
Probation & Child Care Services.**

FORMAT FOR A PROGRESS REPORT

As you are aware it is a legal requirement that adoptive parents have to forward Progress Reports to the Commissioner and Child Care Services.

- a. Quarter-yearly in respect of such child until the adoption of such child is legally confirmed in your country.**
- b. Half years in respect of the child for the first three years from the date on which the adoption is legally confirmed in your country.**
- c. Yearly in respect of the child until the child reaches the age of ten years. Please use the format for progress reports.**

- i. Name of Child :**
Date of Birth :
- ii. Case No. :**
Date of Court Order :
Court :
- iii. Name of male applicant :**
Name of female applicant :
- iv. Address of applicants :**
- v. Child's physical Development :**
- vi. Child's emotional Development :**
- vii. Adjustment to family :**
- viii. Health of the Child :**
- ix. Comments :**
- x. Date**

Please annex a photograph of the child and a copy of the bank statements to each progress report.

**For Commissioner of Probation and
Child Care Services.**