

## COUNTRY PROFILE

### 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>1</sup>

#### STATE OF ORIGIN

**COUNTRY NAME:** Bulgaria

**PROFILE UPDATED ON:** 2024

### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	Ministry of Justice Department of International Legal Child Protection and Intercountry Adoptions
Acronyms used:	
Address:	No 1, Slavyanska Str. 1040 SOFIA
Telephone:	+359 (2) 923 7396; +359 (2) 923 7334
Fax:	+359 (2) 980 92 18
E-mail:	M_Parvanova@justice.government.bg; Petya.Todorova@justice.government.bg
Website:	www.mjs.bg
Contact person(s) and direct contact details (please indicate language(s) of communication):	Milena Parvanova, Director; Petya Todorova, Head of office
<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>	

<sup>1</sup> 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.

<sup>2</sup> Please verify whether the contact details on the Hague Conference website < [www.hcch.net](http://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](mailto:secretariat@hcch.net) >.

## PART II: RELEVANT LEGISLATION

<b>2. The 1993 Hague Intercountry Adoption Convention and domestic legislation</b>	
<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 <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>The Convention entered into force for the Republic of Bulgaria on 01.09.2002.</p>
<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>	<p>The Convention was introduced into the domestic legislation by a Ratification Act of 12.02.2002. As consequence of the ratification of the Convention, the legislation of the adoption was revised several times. Implementation of the Convention is provided by the Family Code of 01.10.2009 (Section V of Chapter Eight), Ordinance No 2 as of 24 October 2014 on the Terms and Conditions of Granting and Withdrawing a License for Intercountry Adoption Mediation, and for Carrying out and Terminating the Activity of Accredited Organizations, effective from 04.11.2014 and Ordinance No 3 as of 24 October 2014 for the Terms and Conditions for Keeping Intercountry Adoptions Registers and Granting Consent by the Minister of Justice, effective from 04.11.2014.</p> <p><a href="http://www.mjs.bg">www.mjs.bg</a></p>

<b>3. Other international agreements on intercountry adoption<sup>3</sup></b>	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p>See Art. 39.</p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

## PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>
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<sup>3</sup> 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>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>Pursuant to Art. 6 of the Convention, the Ministry of Justice was defined as the Central Authority of the Republic of Bulgaria. The functions of the Central Authority include the fulfillment of the obligations under Art. 7 - 9, under Art. 16 - 20 and under Art. 23 of the Convention. The Minister of Justice issues licenses for intercountry adoption mediation and controls the activities of the accredited bodies.</p>
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<b>5. Public and competent authorities</b>	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Social Assistance Directorates, Regional Social Assistance Directorates and Ministry of Labour and Social Policy which establish the adoptability of the child, also have competences in the sphere of intercountry adoption further to the Ministry of Justice.</p> <p>An Intercountry Adoption Council was created with the Ministry of Justice, which is a permanently functioning interdepartmental authority and makes a proposal to the Minister of Justice for the determination of appropriate adoptive parents for a specific child (matching) and for the issuance or withdrawal of a license for intercountry adoption mediation.</p> <p>Sofia City Court is competent to admit the intercountry adoption. The Court has competences also pursuant to Art. 30 of the Convention.</p>

<b>6. National accredited bodies<sup>4</sup></b>	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><b>N.B.</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).<sup>5</sup></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b><u>go to Question 7</u></b></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>6</sup></p>	<p>The number of the accredited bodies is not stable and the Ministry of Justice provides the Permanent Bureau of the Hague Conference with the needed information about them. The legislation of the Republic of Bulgaria does not anticipate a limit about the number of the accredited bodies.</p>

<sup>4</sup> "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) 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](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 et seq.

<sup>5</sup> See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

<sup>6</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.

c) Please briefly describe the role of national accredited bodies in your State.	<p>The accredited bodies for intercountry adoption mediation are obligated to implement their activity taking into consideration the best interests of the child and in compliance with the legislative acts in the sphere of intercountry adoption and child protection. Some of the fundamental activities of the bodies are:</p> <ul style="list-style-type: none"> <li>- Counseling the adoptive parents on the legislation, the procedure, the needed documents and terms for intercountry adoption;</li> <li>- Rendering assistance for the establishment of a contact between the adoptive parents and the adoptee;</li> <li>- Counseling the adoptive parents at making a decision for the expression of consent or rejection for the adoption of the child;</li> <li>- Representation of the adoptive parents with habitual residence abroad.</li> </ul>
<b>6.1 The accreditation procedure (Arts 10-11)</b>	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	The Minister of Justice is competent to issue a license for intercountry adoption mediation.
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	<p>A registered in Bulgarian non-profit legal entity for implementation of socially beneficial activities and a registered in Bulgaria branch of a foreign non-profit legal entity which has a license for intercountry adoption mediation may apply for obtaining a license for intercountry adoption mediation. The license is issued after studying the possibilities, the knowledge and the resources needed for the implementation of the mediation and under the following conditions:</p> <ol style="list-style-type: none"> <li>1. The non-profit legal entity shall have technical and expert resources for the implementation of the activity, including translators and interpreters, lawyers, psychologists, medical doctors with acquired specialty "Pediatrics" and other appropriate specialists;</li> <li>2. The Board of Managers of the legal entity has ratified ethical principles and rules of conduct at the implementation of the mediation, mandatory for the members and the persons who work for the legal entity.</li> <li>3. Each of the members of the Board of the legal entity shall have higher education, shall not have been convicted and his/her total length of service shall not be less than five years;</li> <li>4. Each of the members of the Board and the persons who work for it shall have moral qualities, training and experience in the</li> </ol>

	<p>sphere of services for children and intercountry adoption.</p> <p>For issuance of a license for intercountry adoption mediation shall be filed an application. Documents certifying the satisfaction of the conditions fixed by Ordinance No 2/24.10.2014 shall be attached to the application. The applicant shall be admitted to a procedure for research if at the consideration of the application and the documents attached to it no irregularities are established or if the irregularities established have been eliminated within the term fixed after instructions have been provided for the purpose. The research is on the grounds of the presented documentation and a visit to the office for conducting mediation. A report shall be drawn on the grounds of the research conducted on the possibilities stated for the implementation of intercountry adoption mediation with regard to each state indicated in the application, which shall be presented before the Intercountry Adoption Council. The Intercountry Adoption Council shall consider the report and make a decision by which it shall offer the Minister of Justice to issue or to reject the issuance of a license for the implementation of mediation for all the states indicated in the application or for a part of them. Within a three-month term from the expiration of the term for filing an application for the issuance of a license the Minister of Justice shall issue or in a motivated manner reject to issue a license for the implementation of mediation for all the states indicated in the application or for a part of them.</p>
c) For how long is accreditation granted in your State?	The license for intercountry adoption mediation is with a term of validity 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> .	A body which has obtained a license for intercountry adoption mediation may file an application to the Minister of Justice for the issuance of a new license during the month preceding the last three months from the validity of the license. The applicant shall be admitted to a procedure for research, if at the consideration of the application and the documents attached to it, no irregularities are stated or the irregularities stated are eliminated within the term fixed after instructions provided for the purpose. A report shall be prepared on the grounds of the research conducted about the possibilities stated for the implementation of intercountry adoption mediation with regard to each state indicated in the application and the report shall also contain information about the work of the accredited body. The Report shall be presented before the Intercountry Adoption Council which shall also discuss:

	<ul style="list-style-type: none"> <li>- The quality of work of the accredited body;</li> <li>- The observation of the statutorily defined requirements and conditions, including availability of sufficient technical and expert resources in conformity with the represented adoptive parents;</li> <li>- Organization and/or participation in national and international forums, research and presentation of international practices;</li> <li>- Number of entered adoptive parents and procedures for intercountry adoptions for the relevant state.</li> </ul> <p>The Council shall adopt a resolution by which it shall offer the Minister of Justice to issue a new license or to reject its issuance for all the states indicated in the application or for a part of them. Within a three-month term from the expiration of the term for filing an application for the issuance of a license, the Minister of Justice shall issue or shall reject the issuance in a motivated manner of a new license for the implementation of mediation for all the states indicated in the application or for a part of them.</p>
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	<p>The Minister of Justice is competent to supervise the activities of the accredited bodies for intercountry adoption mediation.</p>
<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).</p>	<p>Monitoring over the activities of the accredited bodies is exercised through the conduct of inspections of the activities and the provision of mandatory instructions for their improvement. The inspections of the activities of the accredited bodies are planned or they are conducted at the submission of a signal for a violation committed. Planned inspections are conducted in conformity with a plan ratified annually by the Minister of Justice by 31 January. At least one planned inspection of the activity of the accredited body is made within the term of validity of the license.</p> <p>The Minister of Justice by his Order may provide mandatory instructions for the improvement of the activity of an accredited body for intercountry adoption mediation. The Order shall indicate the violations committed or the non-fulfillment of obligations, the actions which should be undertaken for the improvement of the activity and the term for their performance. Within a one-month from the expiration of the term for the performance of the actions for the improvement of the activity, the accredited body shall be obligated to present to the Ministry of</p>

<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

	Justice information in writing about the implementation.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked ( <i>i.e.</i> , withdrawn).	<p>The Minister of Justice shall revoke the license for performance of intercountry adoption mediation in the following events:</p> <ul style="list-style-type: none"> <li>- Non-fulfillment of a statutorily established obligation of the accredited body;</li> <li>- Violation of the prohibition for assignment of the right of use of its license for mediation;</li> <li>- Violation of the prohibition for the accredited body to derive a financial benefit from the intercountry adoption mediation;</li> <li>- Conclusion of a Contract for intercountry adoption mediation whose contents does not correspond to the model form attached to the application for obtaining a license for mediation;</li> <li>- In event of a non-execution of a Contract concluded with adoptive parents;</li> <li>- In event of a change in the circumstances, under which the license for mediation is issued, after a motivated proposal of the Intercountry Adoption Council under the condition that the statutorily defined conditions which the body should satisfy are not available at hand after the change;</li> <li>- In event of revocation of the license for mediation issued by a competent authority of the relevant state, for mediation activity at adoption of children with habitual residence in the Republic of Bulgaria (solely for a branch of a foreign legal entity).</li> </ul>
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 (<i>e.g.</i>, fine, withdrawal of accreditation): The license for intercountry adoption mediation may be revoked as a consequence of non-compliance.</p> <p><input type="checkbox"/> No</p>

<b>7. Authorised foreign accredited bodies<sup>8</sup> (Art. 12)</b>	
<p>a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?</p> <p><b>N.B.</b> the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b><u>go to Question 8</u></b></p>
<p>b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate</p>	

<sup>8</sup> "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *supra*, note 4, Chapter 4.2.

on what basis your State limits the number. <sup>9</sup>	
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	
d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?  <i>Please tick any which apply.</i>	<input type="checkbox"/> Yes: <input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): <b>OR</b> <input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: <b>OR</b> <input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: <b>OR</b> <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No

7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>10</sup> If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	
c) For how long is authorisation granted?	
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? <sup>11</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No – <b><u>go to Question 8</u></b>
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored /	

<sup>9</sup> See GGP No 2, *supra*, note 4, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

<sup>10</sup> In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

<sup>11</sup> See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.

supervised in your State (e.g., if inspections are undertaken, how frequently).	
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (i.e., withdrawn).	
e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation):  <input type="checkbox"/> No

8. Approved (non-accredited) persons (Art. 22(2)) <sup>12</sup>	
<p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website. 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)).<sup>13</sup></p>	<input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:  <input checked="" type="checkbox"/> No
<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</p>	<input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:  <input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).

## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).	The number of children at an older age and/or with specifics in their health status and development and/or big sibling groups (3, 4 and more children) is predominant.

<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.

<sup>13</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

<b>10. The adoptability of a child (Art. 4 a))</b>	
a) Which authority is responsible for establishing that a child is adoptable?	Competent authorities to define whether a child is adoptable or not are the Social Assistance Directorates, Regional Social Assistance Directorates, district courts and Ministry of Labour and Social Policy. The assertion of the availability of the conditions, which the law places, and the confirmation that a child may be adopted through the issuance of an order for his/her entry into an National Electronic Information System for Full Adoption /Full Adoption Children's Register.
b) Which criteria are applied to determine whether a child is adoptable?	According to the Bulgarian legislation the adoption, including intercountry adoption, is a measure for child protection. Adoption may be initiated with regard to a child whose parents are unknown, whose parents have provided their preliminary consent for the Full Adoption of the child or without the consent of the parents in events stipulated by the Family Code.
c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).  <i><b>N.B.</b> the issue of consent is dealt with at Question 12 below.</i>	<p>The entry of the child in the Full Adoption Children's Register/National Electronic Information System for Full Adoption is anticipated as an additional condition for Full Adoption. There is an exception to this rule for the adoption of a child of a spouse and adoption by collateral relatives up to the third degree of consanguinity.</p> <p>When the parents of a child are unknown, as well as when both parents are known but have provided their preliminary consent for Full Adoption by a statement in writing with notarial certification of the signatures, the child shall be entered into the Full Adoption Children's Register/National Electronic Information System for Full Adoption.</p> <p>A child placed in a service for residential care or a foster family, whose parents have not provided preliminary consent for adoption, but who within a term of six months from the date of placement, without any plausible reason, did not request the termination of the placement or a change of the measure and return of the child or his/her placement in a family of relatives shall also be subject to an entry into the Register mentioned hereinabove.</p> <p>A child placed in a residential care service or a foster family shall be entered in the Register on the basis of a court decision of the district court at child's current address, when within 6 months of placement the parents has requested termination of placement and return of the child, or placement in a family of relatives, but the conditions for this are not met.</p> <p>A child, whose parents passed away, were deprived of parental rights or were placed under full judicial disability, may also be entered into the Register after an assessment</p>

	<p>of the interest in admission of Full Adoption. The proceedings for entry are initiated at the request of the guardian / the trustee of the child.</p> <p>The Order for entry shall be obligatorily announced to the parents and other persons interested in the proceedings and shall be subject to dispute before the relevant Administrative Court.</p> <p>There is no obstacle and time limit for parents to request termination of placement and return of the child after entry in the Register.</p>
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<b>11. The best interests of the child and subsidiarity (Art. 4 b))</b>	
a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	<p>To guarantee the subsidiarity nature, a child may be adopted in an intercountry adoption procedure solely when the possibilities for his/her adoption in the country were exhausted. The Family Code establishes the following condition: if within a 6-month term from the entry of a child into the Full Adoption Children's Register/ National Electronic Information System for Full Adoption not fewer than three adoptive parents were defined for him/her and none of them has filed an application for his/her adoption or when regardless of the efforts made it is not possible to define an appropriate adoptive parent, a proposal is made for entry into the Intercountry Adoption Register.</p> <p>The 6-month term may not be met only for a child over 7 years of age, a child with disabilities or for the adoption of brothers and sisters.</p> <p>Prior to entering a child into the Register, the Ministry of Justice also makes an assessment with regard to the interest of the child in intercountry adoption, taking into consideration both the impossibility for adoption in the country, and all the remaining circumstances under the case and the attitudes of the child when he/she may form such.</p>
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	See the answer to question 11 a
c) Please briefly explain how that decision is reached (e.g., whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	See the answer to question 11 a

<b>12. Counselling and consents (Art. 4 c) and d))</b>	
a) According to your State's domestic legislation, please explain which person,	(i) When both parents of the child are known, they both should provide

<p>institution or authority has to consent to the adoption of a child in the following scenarios – where:</p> <ul style="list-style-type: none"> <li>(i) Both parents are known;</li> <li>(ii) One parent is unknown or deceased;</li> <li>(iii) Both parents are unknown or deceased;</li> <li>(iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent).</li> </ul> <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<p>their consent for his/her Full adoption.</p> <ul style="list-style-type: none"> <li>(ii) When one of the parents of the child is unknown or has passed away, one parent shall provide his/her consent for Full adoption.</li> <li>(iii) When both parents are unknown or have passed away, no consent shall be required for the admission of Full adoption, but the expression of an opinion by the guardian / the trustee of the child shall be needed.</li> <li>(iv) When one of the parents has been deprived of parental rights with regard to the children, the consent of the other parent and the opinion of the parent deprived of parental rights shall be needed for the performance of the adoption of the child. Provided that both parents were deprived of parental rights with regard to the child their consent shall not be required but the same shall express an opinion.</li> <li>(v) The Bulgarian legislation anticipates that consent is required for the adoption by: <ul style="list-style-type: none"> <li>(vi) 1. The adoptive parent;</li> <li>(vii) 2. The parents of the adoptee;</li> <li>(viii) 3. The spouses of the adoptive parent and of the adoptee;</li> <li>(ix) 4. The adoptee if he/she has come to the age of fourteen.</li> </ul> </li> <li>(x) The consent of the hereinabove enumerated persons if they are minors – if they have not come to the age of 14 – shall not be required.</li> <li>(xi) The consent of the mother may be provided 30 days after the birth at the earliest. The parents of the adoptee shall provide their consent also in the events when they are juveniles – at the age from 14 to 18, but the consent shall be provided with the consent of their legal representatives. When they are juveniles, they shall express an opinion.</li> <li>(xii) Adoption shall be admitted without the consent of the parents in the events indicated in the answer to question 10 c.</li> <li>(xiii) The consent of the Minister of Justice shall be required in all events for intercountry adoption after the exchange of the consents pursuant to Art. 17 of the Convention.</li> </ul>
<p>b) Please describe the procedure for:</p>	<ul style="list-style-type: none"> <li>(i) The relevant Social Assistance Directorate shall be the authority competent to counsel and clarify</li> </ul>

<p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.<sup>14</sup></p>	<p>to the adoptive parent, the parents of the adoptee (the spouses of the adoptive parent and of the adoptee), the adoptee, if he/she has come to the age of 14, the consequences from the admission of the adoption prior to expressing their consent.</p> <p>(ii) The persons whose consent is needed for the performance of the adoption may provide it before the Court in person, by a statement with notarial certification of the signatures. The adoptee, however, shall provide for his/her consent solely in person before the Court. The Court shall also clarify the consequences from the admission of Full adoption to the persons who have provided their consents.</p>
<p>c) Does your State use the model form "Statement of consent to the adoption" developed by the Permanent Bureau of the Hague Conference?</p> <p><i>The model form is available on the <a href="#">Intercountry Adoption section</a> of the Hague Conference website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose:</p> <p>The Statement of Preliminary Consent to the Full Adoption of a Child by a parent is a statutorily defined model form developed in conformity with the model of the Permanent Bureau of the Hague Conference</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4 d) 2).</i></p>	<p>The legislation anticipates that in each administrative or court proceedings under which rights or interests of a child are affected, he/she shall be obligatorily heard if the child has come to the age of 10, unless that would harm his/her interests. When the child has not come to the age of 10, he/she may be heard depending on the degree of his/her development. Prior to hearing the child, the Court of the administrative authority should provide the needed information which shall help it to form his/her opinion, as well as to inform it about the eventual consequences of his/her wishes, of the opinion maintained by him/her as well as about each decision of the Court or the administrative authority.</p> <p>The Ministry of Justice requires for each child an statement for his/her interest in international adoption from the Social Assistance Directorate, which contains information about the child's opinion and attitudes, when it can form such.</p>
<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p>	<p>The consent of the child if he/she has come to the age of 14 shall be required both for the performance of a domestic adoption and for an intercountry adoption. The preparation and the</p>

<sup>14</sup> See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Convention.

<p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4 d) 1).</i></p>	<p>counseling shall be made by the relevant competent Social Assistance Directorates and the Court.</p>
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<b>13. Children with special needs</b>	
<p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p>	<p>The Bulgarian legislation in the field of adoption does not contain a definition for a "child with special needs".</p> <p>The law regulates possibility of taking special measures for adoption of children with health and/or developmental disabilities and/or over the age of seven in both national and international adoptions.</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>When in the Register there are no appropriate adoptive parents, the Intercountry Adoption Council may not define proper adoptive parents or the defined adoptive parents have refused to adopt a child with a health and/or developmental disabilities and/or at the age of over seven, the Minister of Justice shall undertake special measures for adoption. These measures shall be taken through:</p> <ol style="list-style-type: none"> <li>1. Publication of a list with information about the children which contains gender, date of birth, description of the health status and development and place where the child is accommodated;</li> <li>2. Provision of information and detailed data about a specific child from the list published in conformity with an application by a Bulgarian accredited body, which stated a wish for participation in the implementation of special measures for adoption of children.</li> </ol> <p>The accredited body shall present the materials received from the Ministry of Justice and/or collected by its specialists about each child to a partnering accredited body abroad, which should use them solely for the purposes for the adoption of the child and with observation of the relevant requirements for personal data protection. Within a two-month term from the receipt of the information about the child the Bulgarian accredited body shall present in the Ministry of Justice an application by prospective adoptive parents for the adoption of the specific child or return the presented materials and suspend the work under the case.</p>

<b>14. The preparation of children for intercountry adoption</b>	
Is there a special procedure in your State to prepare a child for an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please provide details (e.g., the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): The Ministry of Justice shall notify in writing the relevant Regional/Social Assistance Directorate about the initiation of a procedure for an intercountry adoption and shall require that the social worker in charge of the child's case should start his/her preparation, and psychological counseling, participation in language courses and any other method assessed as appropriate for the specific event may be used. The Bulgarian accredited bodies also may cooperate at the preparation of the child. <input type="checkbox"/> No

<b>15. The nationality of children who are adopted intercountry<sup>15</sup></b>	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State): <input type="checkbox"/> No, the child will never retain this nationality

## PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

<b>16. Limits on the acceptance of files</b>	
Does your State place any limit on the number of PAPs' files which are accepted from receiving States? <sup>16</sup>	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No

<b>17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State<sup>17</sup></b>	
a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input checked="" type="checkbox"/> Married, heterosexual couples: <input type="checkbox"/> Married, same-sex couples:

<sup>15</sup> 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](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

<sup>16</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.

<sup>17</sup> I.e., this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Convention.

<p><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></p>	<p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men:</p> <p><input checked="" type="checkbox"/> Single women:</p> <p><input checked="" type="checkbox"/> Other (please specify): one of the spouses</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Minimum age requirements:</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: The adoptive parent must be at least fifteen years, but no more than fifty years, older than the person to be adopted.</p> <p>Where the adoption is carried out simultaneously or consecutively by both spouses and one of them meets the age difference requirement, no such age difference shall be required from the other.</p> <p>An age difference shall not be required when a spouse adopts a child of their spouse, in case of adoption by grandparents or one of them, and in case of adoption by a relative of the third degree.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input checked="" type="checkbox"/> Other (please specify): the adoptive parent should be a legally capable person who has not been deprived of parental rights.</p> <p><input type="checkbox"/> No</p>

<b>18. Preparation and counselling of PAPs (Art. 5 b))</b>	
Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i> ?	<input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: According to the Bulgarian legislation the preparation of the adoptive parents is mandatory. There are no statutorily defined contents of the subject-matters for preparation of the adoptive parents in intercountry adoption, but the counseling and the preparation should correspond to the characteristics of the child whom they were announced as appropriate to adopt.  <input type="checkbox"/> No

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

<b>19. Applications</b>	
a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	A person with habitual place of residence abroad, who wishes to adopt a child with habitual residence in the Republic of Bulgaria shall submit an application with attached to it statutorily defined documents to the Ministry of Justice through the Central Authority of the state of his/her habitual residence or through a Bulgarian accredited body.
b) Please indicate which documents must be submitted with an application:  <i>Please tick all which apply.</i>	<input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input type="checkbox"/> Copies of the PAPs' birth certificates <input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): a marriage certificate shall be presented in the events of adoption by spouses. <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): a document for the health status of the adoptive parent prepared by a doctor which contains an assessment of the physical and the mental health of the person on the grounds of past and present diseases; the document shall also contain data about the availability / absence of chronic diseases, contagious venereal diseases, AIDS,

	<p>tuberculosis and other life threatening diseases and should be issued not earlier than one year from the submission of the application to the Ministry of Justice.</p> <p><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain - A document issued by a competent authority certifying that the adoptive parent is not deprived of parental rights;</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>18</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.<sup>19</sup> Please also specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): According to Bulgarian legislation, mediation can be provided by a Bulgarian accredited body or by the central authority of the receiving country. Practice shows, that even at a later stage, the services of the Bulgarian accredited body are necessary to complete the adoption - especially for the contact between adoptive parents and adoptive child and in the court proceedings.</p> <p><input type="checkbox"/> No</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 checked="" 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 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>

<sup>18</sup> See GGP No 1, *supra*, note 15, 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.

<sup>19</sup> See the definitions provided at notes 4 and 8 above.

<p>e) Please specify the language(s) in which any documents must be submitted:</p>	<p>Each document from abroad shall be presented in the original and in translation into Bulgarian language certified by the Bulgarian Embassy or Consular Office in the relevant state.</p> <p>A document prepared on the territory of a state, a Party under the Convention of 5 October 1961, with an Apostille affixed shall be presented in the original and in translation into Bulgarian language. The translator's signature shall be notarized in the Republic of Bulgaria.</p>
<p>f) Do any of the required documents need to be legalised or apostilled?</p>	<p><input checked="" type="checkbox"/> Yes, please specify which documents: all the documents with the exception of the copies of the identity papers of the adoptive parents and the Contract between the adoptive parents and the Bulgarian accredited body.</p> <p><input type="checkbox"/> No – <b>go to Question 20</b></p>
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Hague Apostille Convention)?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the Hague Apostille Convention (see the <a href="#">Apostille Section</a> of the Hague Conference website).</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: The Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents was ratified by the Republic of Bulgaria by a law of 2000. The Convention has been effective for the Republic of Bulgaria from 30 April 2001.</p> <p><input type="checkbox"/> No</p>

<b>20. The report on the child (Art. 16(1) a))</b>	
<p>a) Who is responsible for preparing the report on the child?</p>	<p>The Report on the Child is prepared by the Ministry of Justice.</p>
<p>b) Is a "standard form" used for the report on the child?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: The report contains personal data about the child, but does not contain personal data about his/her parents and relatives. It also contains information about upbringing of the child and the measures taken for his/her protection, detailed information about the state of health - including current status and history of examinations and hospitalizations, as well as information about the child's development.</p>
<p>c) Does your State use the "Model Form – Medical Report on the Child" and the "Supplement to the general medical report on the child"?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

See GGP No 1 – Annex 7, available [here](#).

<b>21. The report on the PAPs (Art. 15(2))</b>	
a) For how long is the report on the PAPs valid in your State?	For the purposes of the procedure for intercountry adoption the presentation of a Home Study for the adoptive parents is required, prepared by a competent authority in the state of their habitual residence. When more than one year has passed as at the time of the submission of the application by the adoptive parents to the Ministry of Justice from the date of the Home Study, the presentation of an updated report shall be required and in event of impossibility – a document certifying the absence of changes in the circumstances described in the Report.
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g.</i> , does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?	According to the Bulgarian legislation, within a one-month term from the expiration of the term of validity of the Home Study, respectively the permit for adoption /when they have such/, the adoptive parent shall be obligated to present a new / updated home study and a new /updated permit for adoption, otherwise the erasure from the Adoptive Parents Register shall be initiated.

<b>22. Matching of the child and the PAPs (Art. 16(1) d) and (2))</b>	
<b>22.1 The authorities and the matching procedure</b>	
a) Who is responsible for the matching of the child and the PAPs in your State?	An Intercountry Adoption Council was created with the Ministry of Justice, one of the fundamental functions of which is the determination of appropriate adoptive parents for the children entered into the Register for intercountry adoption and the sending of a proposal to the Minister of Justice.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	<p>The Intercountry Adoption Council is an interdepartmental permanently functioning body. It consists of six members – representatives of the Ministry of Justice, the Ministry of Health, the Social Assistance Agency, the Ministry of Labour and Social Policy, the Ministry of Foreign Affairs and the State Child Protection Agency and shall be chaired by a Deputy Minister of Justice. The resolutions shall be passed by an open ballot and with majority of 2/3 of the composition.</p> <p>It is possible that the Minister of Justice may not accept a proposal of the Council.</p>

c) What methodology is used for the matching in your State?	Within a term of 60 days from the entry of the children in the Register the Intercountry Adoption Council shall discuss the reports of the children, considering the candidatures of the prospective adoptive parents (PAPs) entered into the Register for the determination of an appropriate adoptive parent in conformity with the sequence of their entry, the preferences stated by them, as well as the circumstances of significance for the interest of the child. The reports on the children shall be considered in accordance with the sequence of the entry and shall be juxtaposed with the data from the reports of the adoptive parents and the conditions contained in their permits for adoption of a child. At passing a resolution for determination of an appropriate adoptive parent the Council shall be guided further to by the criteria indicated hereinabove also by the possibilities of the adoptive parent to provide for physical, mental and social prosperity of the child, as well as by the information about the personality of the adoptive parent and the other circumstances of significance for the adoption. The assessment shall be made on the grounds of the reports on the adoptive parents prepared by the relevant competent authorities.
d) Is any preference given to PAPs who have a close connection with your State ( <i>e.g.</i> , nationals of your State who have emigrated to a receiving State)?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	The Ministry of Justice shall send to the Central Authority of the receiving state a certificate for the initiation of the procedure for the adoption under Art. 17 of the Convention, a report on the child and a certificate for identity with a photograph in full size. The same documents shall also be presented to the Bulgarian accredited body if such was engaged.
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	After the entry of the Convention into force and the changes made in the legislation, no selection of a child and the direct contact between a child and an adoptive parent shall be admitted prior to the initiation of the procedure for adoption in accordance with the procedure established by Art. 17. The application for a specific child is possible solely for adoption in the family or by relatives as well as for the adoption of a child through the special measures.
<b>22.2 Acceptance of the match</b>	
a) Does your State require that the matching be approved by the relevant	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: A notification for acceptance or refusal of the match with regard to the sent certificate for the initiation of the

authorities / bodies of the receiving State?	specific procedure for adoption by the Central Authority of the state shall be received in the Ministry of Justice. <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	The notification by the Central Authority of the receiving state for the acceptance or refusal of the match shall be received in the Ministry of Justice within a two-month term from the receipt of the certificate for the initiation of the procedure for adoption.
c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?	<p>In event of a received refusal of the match or when no notification for acceptance or refusal of the match has been received by the Central Authority /within a two-month term from the expiration of the term for its presentation/ the procedure shall be terminated and the Inter-country Adoption Council shall undertake actions for determination of another appropriate adoptive parent for the child.</p> <p>The same actions shall also be undertaken when the adoptive parent has made a refusal for adoption. When no serious motivations are indicated for the refusal, the adoptive parent shall be entered under a new number in the register of the adoptive parents. When adoptive parent does not submit acceptance or refusal for adoption, he/she shall be ejected from the Register.</p>
<b>22.3 Information following acceptance of the match</b>	
Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development ( <i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)?	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: The adoptive parents and the Central Authority shall be entitled to request additional information and materials about the child. Further to that when a Bulgarian accredited body is engaged in the procedure, the same may render considerable assistance to this process and cooperate for the preparation for smooth transition of the child into the family of the adoptive parents.  <input type="checkbox"/> No

<b>23. Agreement under Article 17 c)</b>	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The Minister of Justice
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input checked="" type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; <b>OR</b> <input type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; <b>OR</b> <input checked="" type="checkbox"/> Other (please specify): The certificate for the initiation of the procedure for adoption shall be sent to the receiving state with

	the proposal for adoption of a child by given family made by the Intercountry Adoption Council
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<b>24. Travel of the PAPs to your State<sup>20</sup></b>	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> <li>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: Within a two-month term from the receipt of the certificate for initiation of the procedure for adoption, the adoptive parent shall be obligated to establish a personal contact with the child with duration not shorter than 5 days.</li> <li>- How many trips are required to complete the intercountry adoption procedure: Two trips are needed on the part of the prospective adoptive parents: for the establishment of the mandatory contact with the child and for taking the child after the adoption admitted by an effective court decision.</li> <li>- How long the PAPs need to stay for each trip: The mandatory personal contact with the child is with duration not shorter than 5 days. The time period of taking the child is different, with view to the various procedures for the issuance of the documents needed for entry into the receiving state.</li> <li>- Any other conditions:</li> </ul> <input type="checkbox"/> No
b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: There is no explicit legal regulation but it is not recommended. <input type="checkbox"/> No

<b>25. Entrustment of the child to the PAPs (Art. 17)</b>	
<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>On the grounds of an effective decision for admission of an adoption by the Sofia City Court, the adoptive parents may take out the adopted child with the cooperation of the accredited body in Bulgaria representing them.</p> <p>The information, the counseling and the preparation of a child for adoption shall be made by the social worker in charge of the case who if needed may also attract other appropriate specialists. After obtaining consent to adopt the particular child and for the purposes of a smoother transition into the adoptive family, contacts and meetings with the adoptive parents may be</p>

<sup>20</sup> See GGP No 1, *supra*, note 15, Chapter 7.4.10.

	conducted and maintained, including online..
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26. Transfer of the child to the receiving State (Arts 5 c) and 18)	
a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (e.g., passport, visa, exit permit)?	The issuance of a passport of the child shall be needed for leaving the territory of Bulgaria. The issuance of a visa shall also be needed for the countries applying a visa regime with regard to Bulgaria.
b) Which of the documents listed in response to Question 26 a) above does your State issue?  Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.	The passport of the child shall be issued by the competent services of the Ministry of Interior in the Republic of Bulgaria. A visa shall be issued by the relevant diplomatic representation office of the receiving state.
c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No

27. Final adoption decision and the Article 23 certificate	
a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	<input checked="" type="checkbox"/> In our State – <b><u>go to Question 27 c)</u></b> <input type="checkbox"/> In the receiving State – <b><u>go to Question 27 b)</u></b>
b) Following the making of the final adoption decision in the receiving State: (i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)? (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?	(i) (ii) <b><u>Go to Question 28</u></b>
c) If the final adoption decision is made in your State, which competent authority: (i) Makes the adoption decision; and (ii) Issues the certificate under Article 23 of the 1993 Convention?  <b>N.B.</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 of a designation) should be notified to the depositary of the Convention.  The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available	(i) Sofia City Court is solely competent to admit an intercountry adoption. (ii) The Minister of Justice shall issue a certificate that the adoption was made in compliance with the Hague Convention.

on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.	
<p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7, available <a href="#">here</a>.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. <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 receiving State?</p>	<p>The Certificate shall be issued on the grounds of an effective decision of Sofia City Court for admission of Full adoption. The issuance shall be performed within a 14-day term from its presentation before the Ministry of Justice and shall be presented to the adoptive parent through the Bulgarian accredited body or through the Central Authority.</p>

<b>28. Duration of the intercountry adoption procedure</b>	
<p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	<p>(i) Within a term of 60 days from the entry of the children into the Register the Intercountry Adoption Council shall consider the candidatures for matching an appropriate adoptive parent with each child.</p> <p>(ii) NA</p> <p>(iii) The final decision for an intercountry adoption shall be made by Sofia City Court in the proceedings for the admission of the adoption. The time period is about 4-5 months after acceptance of matching.</p>

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</b>	
<p>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.</p>	<p>When a spouse adopts a child of his/her spouse, at the adoption of a grandchild by a grandfather and a grandfather or by one of them as well as adoption by collateral relatives up to the third degree of consanguinity no entry of the child and the adoptive parents in the Registers for adoption shall be required.</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p><b>N.B.</b> If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</p>	<p><input type="checkbox"/> Yes – <b>go to Question 30</b></p> <p><input checked="" type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: For the differences in the procedure see the answer to question 29a.. <b>Go to Question 30</b></p> <p><input type="checkbox"/> No – <b>go to Question 29 c)</b></p>

<p>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:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>
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## PART VIII: SIMPLE AND FULL ADOPTION<sup>21</sup>

30. Simple and full adoption	
<p>a) Is "full" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b>go to Question 31</b></p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a "simple" adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family's consent(s)<sup>22</sup> to a "full" adoption where this is in the child's best interests (<i>i.e.</i>, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken: The consents indicated in the answer to question 12a are required for this kind of adoption.</p> <p><input type="checkbox"/> No</p>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family<sup>23</sup> to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>	<p>The legislation does not contain an explicit provision.</p>

<sup>21</sup> 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 15, Chapter 8.8.8.

<sup>22</sup> Or other person(s) whose consent to the adoption is required under Art. 4 c) and d) of the 1993 Convention.

<sup>23</sup> *Ibid.*

## PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?	The Sofia City Court.
b) For how long is the information concerning the child's origins preserved?	The legislation does not contain an explicit provision.
<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 parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</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 concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adoptee who has reached the age of eighteen. <input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: <input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adoptee's spouse and descendants. <input type="checkbox"/> No</p>
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: Intermediation regarding the origin of adopted persons may be carried out by a non-profit legal entity for carrying out a socially beneficial activity, which has received authorisation from the Minister of Labour and Social Policy, hereinafter referred to as an intermediary regarding the origin. <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: Mediation regarding the origin of adopted persons is carried out at the request of the persons who have received a court decision and includes counselling for making appropriate contact with the birth parents and assisting in meetings between the adoptee and the birth parents. <input type="checkbox"/> No

32. Post-adoption reports	
a) 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 in a post-adoption report (e.g., medical information, information about the child's development, schooling):

	No, the content of the report is not determined in a statutory manner.
<p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p> <p>(i) How frequently such reports should be submitted (e.g., every year, every two years);</p> <p>(ii) For how long (e.g., until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) Every 6 months</p> <p>(ii) Up to three years after the adoption.</p> <p>(iii) The report shall be presented in the original and in translation into Bulgarian language certified by the Bulgarian Embassy or Consular Office in the relevant state. A Report developed on the territory of a state, a Party under the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, with an Apostille affixed shall be presented in the original and in translation into Bulgarian. The translator's signature shall be notarized in the Republic of Bulgaria.</p> <p>(iv) A competent authority in the receiving state.</p> <p>(v) No.</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>	<p>(i) The Bulgarian accredited body if engaged in the procedure or the Ministry of Justice shall turn for cooperation respectively to a foreign accredited body, respectively a Central Authority of the receiving state. Where violation of the rights and legitimate interests of the adopted child is observed within two years of granting adoption, the Minister of Justice shall notify the Competent Authority of the State in which the adoptive parent is habitually resident.</p> <p>(ii)</p>
<p>d) What does your State do with post-adoption reports? (i.e., to what use are they put?)</p>	<p>The Ministry of Justice shall preserve the reports received and shall provide relevant information from them under motivated requests of other authorities.</p>

## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>24</sup>

**States of origin 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.**

<sup>24</sup> 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 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*.

<b>33. The costs<sup>25</sup> of intercountry adoption</b>	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input checked="" 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: Bulgarian legislation does not determine the costs of intercountry adoption in general, but only the state fees in the procedure: entry in the register of adoptive parents, giving written consent from the Minister of Justice; initiation of court proceedings and transcripts of court decisions; issuing a birth certificate of the adopted child and issuing a Bulgarian passport to the adopted child.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The Ministry of Justice requires from each accredited body to present information about the maximal amount of the costs for intercountry adoption mediation for each state. Further to that a model form of a Contract between the accredited body and the adoptive parent, which shall contain the specific activities and the services the adoptive parents shall be provided with, and the costs needed for their provision, the exact amount of the statutorily fixed state fees; the amount of the administrative expenditures of the body, the maximal amount of the costs for mediation and the manner of payment shall be presented in the Ministry. Prior to the signing of the Contract, the accredited body shall be obligated to present to the adoptive parent overall information about the procedure for the adoption, including the exact amount of the state fees and the needed funds for the implementation of the mediation.</p> <p><input type="checkbox"/> No</p>
<p>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 19 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.</i></p>	<p><input type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input checked="" type="checkbox"/> Other (please explain): when a Bulgarian accredited body is engaged in the procedure the payment shall be effected obligatorily through it. When such is not engaged, the payment of the state fees shall be effected directly by the adoptive parents.</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i></p>	<p><input checked="" type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>

<sup>25</sup> See the definition of "costs" provided in the Terminology, *ibid.*

e) Which body / authority in your State receives the payments?	See the answer to question 33 a)
<p>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)?</p> <p><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: In the Register of accredited bodies for mediation in international adoption, available on the website of the Ministry of Justice, the maximum amount of costs and expenses for adoption for each country stated by each organization is published.</p> <p>The Bulgarian accredited bodies are obliged to maintain a website and publish on it the Table on costs associated with intercountry adoption. The Ministry of Justice monitors the fulfillment of this obligation.</p> <p><input type="checkbox"/> No</p>

### 34. Contributions, co-operation projects and donations<sup>26</sup>

<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution<sup>27</sup> to your State if it wishes to engage in intercountry adoption in your 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 type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• What type of contribution is required:</li> <li>• Who is responsible for paying it (i.e., the Central Authority or the relevant authorised foreign accredited body):</li> <li>• How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> <li>• What type of co-operation projects are permitted:</li> <li>• Who may undertake such projects (i.e., the Central Authority and / or authorised foreign accredited bodies):</li> </ul>

<sup>26</sup> See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 24.

<sup>27</sup> See further the Terminology, *supra*, note 24, 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.

	<ul style="list-style-type: none"> <li>• Whether such projects are monitored by an authority / body in your State:</li> <li>• How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <input checked="" type="checkbox"/> No
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><b>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).</b></p>	<input type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> <li>• To whom may donations may be made (e.g., to orphanages, other institutions and / or birth families):</li> <li>• What donations are used for:</li> <li>• Who is permitted to pay donations (e.g., only authorised foreign accredited bodies or also PAPs):</li> <li>• At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>• How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <input checked="" type="checkbox"/> No

35. 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 Ministry of Justice, the Prosecutor's Office, the Court
b) What measures have been taken in your State to prevent improper financial or other gain?	The Bulgarian legislation anticipates a number of measures against the obtaining of non-due financial or other benefits from the adoption or participation in activities related to the adoption, including of incrimination of certain deeds. These measures are directed both at the parents and at the relevant officials and accredited bodies for intercountry adoption mediation. Revocation of the mediation license may also be initiated with regard to the accredited bodies.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	See the answer to question 35.b)

## PART XI: ILLICIT PRACTICES<sup>28</sup>

36. 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. <sup>29</sup>	<p>According to the Bulgarian legislation, the competence to take a protection measure of a child, domestic adoption and intercountry adoption is granted to different authorities. Accredited bodies are in no way involved in deciding whether a child is adoptable.</p> <p>The Ministry of Justice as the Central Authority exercises monitoring for non-admission of illegal practices in the sphere of intercountry adoption, and it shall promptly notify the relevant competent authorities in events of doubts for such.</p>

37. 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 State's 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>After the ratification of the Convention and with a view to the prevention of the traffic and the sale of children, the obligation for entry of the children for full adoption into a Register was introduced into the Family Code. As it was mentioned hereinabove, the adoption, intercountry adoption included, is a measure for protection in conformity with the Child Protection Act and the same shall be undertaken with the participation of and/or in compliance with the standpoint of the relevant state authorities. The Penal Code of Bulgaria incriminates a number of deeds related to sale and traffic of children.</p>
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)?	

38. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><b>N.B.</b> "Independent" and "private" adoptions are <u>not</u> 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.</p> <p>Please tick all which apply.</p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> Neither private nor independent adoptions are permitted</p>

<sup>28</sup> "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](http://www.hcch.net) >).

<sup>29</sup> *Ibid.*

## PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>30</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: in accordance with the procedure for domestic adoption.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: in accordance with the procedure by the Convention, i.e. intercountry adoption.</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>31</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: in accordance with the procedure by the Convention, i.e. intercountry adoption.</p> <p><input type="checkbox"/> No</p>

## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>32</sup>

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>Austria, Germany, Belgium, Canada, Cyprus, Denmark, Spain, USA, Finland, France, Greece, Italy, Luxemburg, Malta, Norway, Netherlands, Switzerland.</p>
<p>b) How does your State determine with which receiving States 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>There is no statutorily defined procedure for the establishment of cooperation.</p>

<sup>30</sup> 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 15, Chapter 8.4.

<sup>31</sup> 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 (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

<sup>32</sup> 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.

<p>To see which States are Contracting States to the 1993 Convention, please refer to the <a href="#">Status Table</a> for the 1993 Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</p>	
<p>c) If your State also partners with <i>non</i>-Contracting States, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.<sup>33</sup></p>	<p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting</i> States to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement<sup>34</sup> with that receiving State)?</p>	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>35</sup></p> <p><input checked="" type="checkbox"/> No</p>

<sup>33</sup> See GGP No 1, *supra*, note 15, 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”.

<sup>34</sup> 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.

<sup>35</sup> *Ibid.*