

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

STATE OF ORIGIN

COUNTRY NAME: Federative Republic of Brazil

PROFILE UPDATED ON: March 2020

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Brazilian Central Authority for Intercountry Adoption Department for Asset Recovery and International Legal Cooperation National Secretariat of Justice and Public Security Ministry of Justice and Public Security
Acronyms used:	ACAF
Address:	SCN Quadra 06, Bloco A, 2º andar - Shopping ID Brasília/DF, Brazil CEP: 70297-400
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E-mail:	acaf@mj.gov.br
Website:	www.https://www.justica.gov.br/sua- protecao/cooperacao-internacional/adocao- internacional/adocao-internacional
Contact person(s) and direct contact details (please indicate language(s) of communication):	<ul style="list-style-type: none"> Mrs Natalia Camba MARTINS Head of the Brazilian Central Authority (languages of communication: Portuguese, English, Spanish and French)

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

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

- Ms. Ana Maria Gomes MESQUITA
Case Officer of the Intercountry Adoption Division
(languages of communication: Portuguese, English, Spanish)
- Ms. Fabiana Cardoso Martins de SOUZA
Case Officer of the Intercountry Adoption Division
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- Mr. Raul MENEZES
Case Officer of the Intercountry Adoption Division
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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.

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>22 June 1999</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>1. Federal Act Nº 8.069, 13 July 1990 - Child and Adolescent's Statute</p> <p>2. Federal Decree Nº 3.087, 21 June 1999 - Internalization of the 1993 Hague Convention</p> <p>3. Federal Decree Nº 3.174, 16 September 1999 - Federal Regulation on Central Authority and Competent Authorities for Intercountry Adoptions</p> <p>4. Decree Nº 5.491, 18 July 2005 - Federal Regulation on Accredited Bodies Activities</p> <p>These laws and regulations may be accessed (Portuguese only) on the website http://www4.planalto.gov.br/legislacao</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p>	<p><input type="checkbox"/> Yes:</p>

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

See Art. 39.	<input type="checkbox"/> Regional agreements (please specify): <input type="checkbox"/> Bilateral agreements (please specify): <input type="checkbox"/> Non-binding memoranda of understanding (please specify): <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
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PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Brazilian Central Authority (ACAF) for International Child Abduction and Intercountry Adoption is a Division of the Department for Assets Recovery and International Legal Cooperation of the National Secretariat of Justice of the Ministry of Justice and Public Security responsible for:</p> <p>I - representing the interests of the Brazilian State in preserving the fundamental rights and the best interests of the intercountry adopted children and adolescents;</p> <p>II - receiving all communications from Contracting Parties Central Authorities and transmit them to the Competent Authorities in the Brazilian States and Federal District when it is pertinent;</p> <p>III - co-operating with the Contracting Parties Central Authorities and promoting technical co-operation and collaboration amongst the Competent Authorities in Brazilian States to protect children and to achieve the other objectives of the Convention;</p> <p>IV - providing information about Brazilian legislation concerning intercountry adoption and other general information, such as statistics and standard forms;</p> <p>V - processing the accreditations of the bodies which demonstrate to be competent to act properly in intercountry adoptions and prove that they are accredited in the other Country where they intend to act;</p> <p>VI - taking, directly or through domestic public authorities, all appropriate measures to prevent improper financial or other gain related to an intercountry adoption and to detain all practices contrary to the objectives of the Hague Convention.</p>

5. Public and competent authorities

<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>In Brazil, the National Justice Council is the body responsible for maintaining the National System for Foster care and Adoptions, a database in which all adoptable children and prospective parents must be registered. There is one Competent State Authority in each state of the Brazilian Federation and in the Federal District to perform intercountry adoptions. They are all members of the judiciary branch, at its State level. Their role is to decide and perform all adoptions, observing all the requirements stated in the Arts 4, 5, 8, 9, 12, 23 and 30.</p>
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6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <u>go to Question 7</u></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.⁶</p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	
6.1 The accreditation procedure (Arts 10-11)	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	
<p>c) For how long is accreditation granted in your State?</p>	
<p>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>.</p>	
6.2 Monitoring of national accredited bodies⁷	

⁴ “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 > at Chapters 3.1 *et seq.*

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

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

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

<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i></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>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).</p>	
<p>d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation):</p> <p><input type="checkbox"/> No</p>

7. Authorised foreign accredited bodies⁸ (Art. 12)	
<p>a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State? <i>N.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.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – <u>go to Question 8</u></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 on what basis your State limits the number.⁹</p>	<p>There are 17 foreign accredited bodies authorised to work with Inter-country Adoption in Brazil (number registered in March, 2020). The number of accredited bodies is not limited.</p>
<p>c) Please briefly describe the role of authorised foreign accredited bodies in your State.</p>	<p>The role of authorised foreign accredited bodies in Brazil is similar, in much of its aspects, to the role played by the Brazilian Central Authority when intermediating an intercountry adoption. They are also responsible for presenting the certificate of citizenship and (at least) 4 post-adoption reports (half-yearly) of each child adopted with their intermediation to the Brazilian Central Authority and to the Competent State Authority of the State where the child was adopted. Furthermore, yearly, from the date of their authorization, they have to present a comprehensive report explaining all their activities during the previous year.</p>
<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p>	<p><input checked="" type="checkbox"/> Yes: <input type="checkbox"/> The foreign accredited body must establish an office in your State with a</p>

⁸ "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.

⁹ See GGP No 2, *supra*, note 4, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

<p>Please tick any which apply.</p>	<p>representative and professional staff (from the receiving State or from your State – please specify): OR</p> <p><input checked="" type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: OR</p> <p><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: OR</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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<h3>7.1 The authorisation procedure</h3>	
<p>a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?</p>	<p>The Brazilian Central Authority (ACAF) is the only responsible for granting the accreditation/authorization to foreign bodies to operate in Brazil intermediating intercountry adoptions.</p>
<p>b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.¹⁰ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p>	<p>For granting authorisation a body must be: 1) accredited in the State of destination; 2) be registered in Brazil's Federal Police Department (Certificate of Registration of Intercountry Adoption Entity); 3) be authorized to act as a foreign organization in Brazil, and afterwards 4) ask the Brazilian Central Authority the specific accreditation to act as a body able to intermediate intercountry adoptions in Brazil.</p> <p>The decision by the Brazilian Central Authority is based on 2 main criteria. The qualification, ethical standards and experience of the directors, national representative and the staff of the organization; and the body must pursue exclusively non-profit objectives.</p>
<p>c) For how long is authorisation granted?</p>	<p>For 2 years.</p>
<p>d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>The foreign accredited body must renew all the documentation required for the first authorisation and can not be indebted to its obligations, especially regarding the annual reports, the post-adoption reports and the certificates of citizenship of the children adopted with its intermediation.</p>
<h3>7.2 Monitoring of authorised foreign accredited bodies</h3>	
<p>a) Does your State monitor / supervise the activities of authorised foreign accredited bodies?¹¹</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – go to Question 8</p>

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

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

b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	The Brazilian Central Authority supervises the activities of the accredited bodies as a whole and the Competent State Authorities supervises the activities related to the adoptions performed in their jurisdiction.
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	The activities are supervised by the continuous monitoring of each adoption, and by constant request of information. Inspections may occur when the bodies apply to the Federal Police Department for the Certificate of Registration of Intercountry Adoption Entities (a requirement to grant or to renew the accreditation), which is also valid for a period of 2 years.
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (i.e., withdrawn).	The hypotheses of suspension or revocation of the authorisation of foreign bodies are established by the Decree Nº 5.491, 18 July 2005 - Regulation on Accredited Bodies Activities. They include the non-provision of information required by Central Authority; non-presentation of the mandatory reports; the loss of the term to require renewal of accreditation.
e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation): Suspension and revocation of the authorisation. The national representative of the accredited body in Brazil can also be sued for civil and/or criminal matters. <input type="checkbox"/> No

8. Approved (non-accredited) persons (Art. 22(2))¹²	
<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>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website. 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)).¹³</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>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention,</p>	<input checked="" type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State: Brazil has not made a declaration according to Article 22(4) of the convention. This topic has never been regulated in the national legal system. Therefore there are no records of approved (non-accredited) persons

¹² See GGP No 2, *supra*, note 4, Chapter 13.

¹³ See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

<p>available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>working with intercountry adoptions in Brazil.</p> <p><input type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>
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PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
<p>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).</p>	<p>There is no specific age profile of children placed for intercountry adoption in Brazil. Nevertheless, according to the 1993 Hague Convention and also to Brazilian laws, intercountry adoption is a subsidiary measure that should be taken only if a suitable family cannot be found in the child State of origin. Usually the children's age available to intercountry adoptions range from 5 do 18 years old and large groups of siblings.</p> <p>The majority are male. As children with special health care needs, such as physical or psychological issues or disabilities, find greater obstacles to find a suitable family whitin Brazil, they are usually available of intercountry adoption.</p>

10. The adoptability of a child (Art. 4 a))	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>In Brazil, Specialized State Courts are the only authorities which can determine that an intercountry adoption is in a child's best interests.</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>Children and adolescents in Brazil have the right to family life and sociability. Children who cannot be cared for by their own families have a right to special care and must be cared for properly in a foster care system, either in an institution or in a substitute family. Children can be in this situation for many reasons: e.g., domestic violence, abuse, neglect, abandonment, etc. If it is proven by social and psychological monitoring that a child can not be reunited with her/his biological parents and that other membes of her/his family can not be granted his/her parental responsibility, the competent State Court will terminate the parental rights/responsibility, and determine that the child is fully adoptable.</p> <p>(Parental Responsibility is understood as all the rights, duties, powers, responsibilities and authority which, by law, a parent of a child has in relation to the child. It is also important to mention that, since 1998, Brazil only accepts full adoptions, meaning that other partial adoption arrangements ("simple adoptions") shall not be acceptable ad/or enforced.)</p>

	(Extended family is understood, by law, as the family that transcends beyond the unit composed by parents and children and it is formed by close relatives with whom the child or adolescent uses/used to be in contact and maintains bonds of affinity and affectivity.)
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (<i>e.g.</i>, search for the child's birth family).</p> <p>N.B. <i>the issue of consent is dealt with at Question 12 below.</i></p>	In Brazil, adoption is an exceptional and irrevocable measure. Before determining if a child is adoptable, it is necessary to exhaust some possibilities, such as: search for the child's birth family, not only parents but also other relatives that may desire to get the parental responsibility (extended family); keep the child in contact with his/her biological family, unless there is some risk for him/her; keep the child in a substitute family or in a domestic institution - in Brazil - in order to give time for the parents to reorganize their lives; provide psychological support and monitoring in order to reach the family reunification, whenever possible and advisable.

11. The best interests of the child and subsidiarity (Art. 4 b))	
a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (<i>e.g.</i> , through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	By law, Brazilian authorities must take all measures to promote family reunification before deciding that a child is adoptable (as described in item 10, C). Moreover, when a child is considered adoptable he/she is not automatically available for intercountry adoption. The adoption system must search for a family which habitually resides in Brazil in order to place this child in a domestic family. After all that, only when it is really unlikely to proceed a national adoption, the competent State Court may authorize a child to be available for an intercountry adoption.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	Specialized State Courts are the only authorities which can determine that an intercountry adoption is in a child's best interests.
c) Please briefly explain how that decision is reached (<i>e.g.</i> , whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	The decision of the Specialized State Court is granted based on the verification of the measures that were taken in order to reunite the child with her/his family and to search for an appropriated family in Brazil. This data/evidence must be documented during the whole experience of the child within the foster care system.

12. Counselling and consents (Art. 4 c) and d))	
a) According to your State's domestic legislation, please explain which person, institution or authority has to	(i) When parents are in possession of parental responsibilities regarding a child, it is necessary the consent

<p>consent to the adoption of a child in the following scenarios – where:</p> <ul style="list-style-type: none"> (i) Both parents are known; (ii) One parent is unknown or deceased; (iii) Both parents are unknown or deceased; (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). <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>	<ul style="list-style-type: none"> (ii) of both of them to the adoption of their child. The competent State Court must also determine whether child can be adopted. When the known parent holds the parental responsibilities it is necessary her/his consent. The competent State Court must also determine whether the child can be adopted. (iii) After searching for the biological parents and the extended family of the child the competent State court determines whether the child can be adopted. (iv) It is necessary the consent of the one parent in hold of the parental responsibilities and the determination of the competent State Court. When both parents have their parental rights/responsibilities terminated, the competent State Court determines whether the child can be adopted. <p>In all cases (i, ii, iii and iv) the authorities search for the extended family in order to inquire if any member has the interest in being responsible for the child. It is not possible to a minor to consent to the adoption of his/her child.</p>
<p>b) Please describe the procedure for:</p> <ul style="list-style-type: none"> (i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and (ii) obtaining their consent(s) to an adoption.¹⁴ 	<ul style="list-style-type: none"> (i) The consent of the parents or other holders of parental responsibilities is preceded by guidance and clarifications provided by an interprofessional technical team in the service of the competent State Courts, especially information about the irrevocability of the measure. (ii) When there is a petition/motion to voluntarily put a child for adoption, the judge must schedule a court hearing in a 10 days term. In the presence of a Public Prosecutor (in Brazil the Prosecution Office is responsible for ensuring the safety and rights of children. They necessarily take part in adoption procedures and supervise the legitimacy of the whole adoption process), the judge shall hear the parents or other holders of parental responsibilities, duly assisted by an attorney or a Public Defender, to verify their consent. <p>It is not acceptable a written consent without a court hearing.</p>

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

	<p>It is not possible to consent before the child birth.</p> <p>There is the right of withdrawal the written consent until the hearing court and there is the right of retraction on the period of 10 days from the judicial decision that declared the termination of the parental responsibilities.</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 Intercountry Adoption section 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: Each Specialized State Court decides which form is acceptable.</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>According to the Brazilian regulations, whenever possible the child or adolescent must be heard. If the adoptee is over 12 years old, it is necessary his/her consent, which must be taken in a hearing court. Under this age each Judge decides if he/she wants to hear the child.</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>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>If the adoptee is over 12 years old it is necessary his/her consent, which must be taken in a hearing court.</p> <p>The child or adolescent will be previously heard by an interprofessional technical team, respecting his/her stage of development and degree of understanding of the implications of the measure, and will have their opinion duly considered. The adoption procedure is preceded by gradual preparation of the child or adolescent and subsequent follow-up, carried out by the interprofessional team at the service of the competent State Court, preferably with the support of the professionals responsible for implementing the policy envisaged to guarantee full respect for family life.</p>

13. Children with special needs

<p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p>	<p>In the context of intercountry adoption, "children with special needs" can be described as those children with chronic diseases, physical or psychological disabilities.</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>By law, absolute priority is given to adoption judicial procedures in cases which adopting children or adolescents have any disability or chronic disease.</p>

14. The preparation of children for intercountry adoption	
<p>Is there a special procedure in your State to prepare a child for an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please provide details (<i>e.g.</i>, the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): The placement of the child or adolescent in a substitute family will be preceded by their gradual preparation and subsequent follow-up, carried out by an interprofessional technical team in the service of the competent State Court, preferably with the support of the professionals responsible for implementing the policy envisaged to guarantee full respect for family life. Before the final judicial decision granting intercountry adoption the PAPs must necessarily spend a period of family living with the child. This period may vary between 30 and 45 days depending on the judge's discretion. It can be extended to up to 45 days on the Judge's discretion (maximum of 90 days). This procedure is an important measure because being in temporary care of the PAPs is an attempt to emulate the future life in family so the children can be prepared and more confident. Besides, during all the adoption process the child and the PAPs are accompanied by social assistants and psychologists (working in the service of the competent State Court).</p> <p><input type="checkbox"/> No</p>

15. The nationality of children who are adopted intercountry¹⁵	
<p>Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?</p>	<p><input checked="" type="checkbox"/> Yes, always</p> <p><input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State):</p> <p><input type="checkbox"/> No, the child will never retain this nationality</p>

PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

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

¹⁵ 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 >, at Chapter 8.4.5.

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

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁷	
<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <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 checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples:</p> <p><input checked="" type="checkbox"/> Married, same-sex couples:</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input checked="" 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 type="checkbox"/> Other (please specify):</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 checked="" type="checkbox"/> Minimum age requirements: 18 years old</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: minimum of 16 (sixteen) years</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 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 type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

18. Preparation and counselling of PAPs (Art. 5 b))	
<p>Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or</p>	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: It is expected that the PAPs understand the difficulties of an adoption procedure, of raising an adopted</p>

¹⁷ 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>counselling concerning intercountry adoption <i>in the receiving State</i>?</p>	<p>child (or adolescent) and that they try to develop some skills to deal with the adoptée potential difficulties, as children and adolescents in this situation may face psychological issues arising from a potentially tough background and abandonment. The PAPs also need to be prepared for the barriers derived from the difference of language and culture. And they shall understand that the adoption is an irrevocable decision, so there is no possibility of regretting, and they will be forever responsible for that human being. They must be prepared to deal with the adoption subject at the child different stages of life, even with the possibility that in certain moment the adopted person decides to search for his/her origins and biological family.</p> <p><input type="checkbox"/> No</p>
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
<p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p>	<p>If the PAPs hire the services of an accredited body their complete file must be submitted directly by the accredited body's national (or local) representative to the Competent State Central Authority from the Brazilian State where the PAPs have decided to adopt. Otherwise the file must be submitted by the Central Authority of the country where PAPs have their habitual residence to the Brazilian Central Authority (ACAF), for its transmission to one of the 27 State competent authorities for processing the intercountry adoption request (the State Central Authority).</p> <p>The Brazilian Central Authority may receive files from foreign Central authorities even when those countries have accredited bodies in Brazil.</p>
<p>b) Please indicate which documents must be submitted with an application:</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): If applicants are</p>

	<p>married or in a similar relationship (independent of same or opposite sex), recognised by law. The certificates need to have a maximum date of issuance of six months.</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAs (please specify in which circumstances and what type of information is required): Proof of physical and mental health.</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Income Statement</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAs (please specify in which circumstances and what type of information is required): Occupation Statement</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain</p> <ul style="list-style-type: none"> • The proof of no criminal record needs to be provided by the country of habitual residence as well as in the PAs' countries of nationalities, with a maximum date of issuance of six months; • Statement of awareness of gratuity of adoption in Brazil; • Statement of awareness of irrevocability of adoption in Brazil; • Power of attorney (if there is a representative); • Proof of residence in accordance with the regulations of the country of habitual residence; • PAs' photographs, as well as photos of their family and residence (good quality photographs); <p>Information about other sons and daughters - biological or adopted - the PAs may have;</p> <ul style="list-style-type: none"> • A psychosocial report, elaborated by a specialized agency, official body or an agency authorized by the Court or other authority which consented that the proponents are eligible for intercountry adoption; • Country's legislation on adoption, with a certificate of authenticity and proof of validity; • Statement of acknowledgement that they should not establish contact with the parents of the child or adolescent, or any person who has custody of the child before: a) the competent State Court properly examines and concludes on the impossibility of placement of the adoptée into his national substitute family, within its jurisdiction; b) that Court has defined that the child or adolescent is available for intercountry adoption and informed the registration of the State Central Authority;
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	<p>c) the State Central Authority has certified the applicants as eligible and suited to adopt.</p> <p>The request for intercountry adoption of a Brazilian child must be signed by the candidate(s), or his/their legal representative(s), with a certificate of signature authenticity (in accordance with the regulations of the country of habitual residence of the PAPs).</p> <p>According to the Brazilian law, all documents mentioned must be translated to Portuguese by a sworn/public/official translator and certified accordingly to the Hague Convention of 1961 (Apostille).</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁸</p>	<p><input 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.¹⁹ Please also specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure):</p> <p><input checked="" 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 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 checked="" type="checkbox"/> Other (please specify): Please see answer to Question 19(b), above.</p> <p><input type="checkbox"/> No</p>
<p>e) Please specify the language(s) in which any documents must be submitted:</p>	<p>Documents written in any language but Portuguese must be sworn translated.</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: The Application form and the declaration of acknowledgement of gratuity and classified information of the adoption procedure must be signed by the applicants or their representatives and the signatures must be notarized. Moreover, all foreign documents shall be certified accordingly to the Hague Convention of 1961 (Apostille).</p>

¹⁸ 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.

¹⁹ See the definitions provided at notes 4 and 8 above.

	<input type="checkbox"/> No – go to Question 20
<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 Status Table for the Hague Apostille Convention (see the Apostille Section 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: 14-VIII-2016</p> <p><input type="checkbox"/> No</p>

20. The report on the child (Art. 16(1) a)	
a) Who is responsible for preparing the report on the child?	The assistant professionals from the competent State Courts. Usually psychologists and social workers.
b) Is a "standard form" used for the report on the child?	<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: Each Specialized State Court defines the information to be included in the report and the documentation to be attached to it. The Council of Central Authorities for Intercountry Adoption has approved, on October 2019, a suggestive model form for the medical report of the child, which is available at: https://www.justica.gov.br/sua-protecao/cooperacao-internacional/adocao-internacional/Resolucao212019RelatriosMdicosVERSOFINAL.pdf</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"? <i>See GGP No 1 – Annex 7, available here.</i>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	Usually, the report doesn't have an specific expiration date. But from the date that the Brazilian Court decides that the PAPs are eligible and suited to adopt this approval is valid for one year.

<p>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?</p>	<p>The report doesn't have an specific expiration date. But from the date that the Court decides that the PAPs are eligible and suited to adopt this approval is valid for one year and it can be renewed by request of the PAPs. For the first renewal, only the request and changes on the previous submitted information/documents need to be presented. Also, note that each Specialized State Court - as well as each State Central Authority - can define their specific procedure.</p>
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22. Matching of the child and the PAPs (Art. 16(1) d) and (2))	
22.1 The authorities and the matching procedure	
<p>a) Who is responsible for the matching of the child and the PAPs in your State?</p>	<p>The specialized State Court and, in some State, the State Central Authority for Intercountry Adoptions.</p>
<p>b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?</p>	<p>In Brazil, besides the Judicial Authority, the Prosecution Office is responsible for ensuring the safety and rights of children. Then they necessarily take part in adoption procedures and supervises the legitimacy of the whole adoption process.</p>
<p>c) What methodology is used for the matching in your State?</p>	<p>There are national and local databasis of the children eligible for intercountry adoption, of the PAPs approved by the courts and the desired child profile. When there is a matching between the desired child profile and a child eligible for intercountry adoption the PAPs are notified so they can start the adoption process.</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes, please specify: By law it is given preference to Brazilians who reside habitually in a receiving State. <input type="checkbox"/> No</p>
<p>e) Who is responsible for notifying the receiving State of the matching?</p>	<p>When there is an accredited body intermediating the adoption they are responsible for the notification. When there is no accredited body, the state-level competent Authorities shall inform the Brazilian Central Authority, so it can notify the Central Authority of the receiving State.</p>
<p>f) How does your State ensure that the prohibition on contact in Article 29 is respected?</p>	<p>According to the Brazilian Board of Central Authorities resolution, when PAPs present their request of intercountry adoption, they must sign a statement of acknowledgement that they should not establish contact with the (biological) parents of the child/adolescent or the child/adolescent before court decision has certified the applicants as eligible and suited to adopt, as well as the</p>

	child/adolescent is available for adoption. Also, by law, the contact between representatives of accredited bodies and directors of the foster care system or children and adolescents eligible for intercountry adoption is forbidden.
22.2 Acceptance of the match	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: After the matching and the start of the adoption process by the PAPs the State competent Court demand for a certificate of continuity, a statement from the Central Authority of the receiving State approving the continuity of the adoption process. <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	There is no predetermined timeframe.
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?	The refusal of the match by the receiving State prevents the continuity of the adoption. Three unjustified refusals by the PAPs result in reevaluation of their approval to adopt.
22.3 Information following acceptance of the match	
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: It doesn't happen necessarily, but it is possible if there is a judicial authorization. In this hypothesis the accredited bodies may get in touch with the responsible for taking care of the child or the State Competent Authorities may provide such information to be reported to the receiving State Central Authority. <input type="checkbox"/> No

23. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	Central Authority and the Competent Authorities.
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; OR <input type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; OR <input type="checkbox"/> Other (please specify):

24. Travel of the PAPs to your State²⁰	
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"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: Before the final judicial decision about the adoption is rendered, the PAPs must necessarily spend a period of family living with the child. This period may vary between 30 and 90 days depending on the judge discretion. Once the competent State Court rules in favor of the adoption, the adopting parents must come to Brazil to take the child/adolescent to their country of residence. - How many trips are required to complete the intercountry adoption procedure: Usually 2 trips. In practice, after the period of family living, PAPs normally wait for the final decision of the Court in Brazil. If staying in Brazil is possible for the PAPs, it would require only 1 trip to complete the intercountry adoption procedure. - How long the PAPs need to stay for each trip: During the family living period, between 30 and 90 days, depending on the judge discretion. After the adoption decision, some time (days) is needed to issue passports and other necessary documents to have the child ready to travel to the receiving State. - Any other conditions: <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 prohibition to use an escort in this case in Brazilian law. However it is always necessary that parents sign an authorization form in order to allow that specific person to travel with their child. The form must be signed for both parents and notarized. Moreover, all foreign documents shall be certified accordingly to the Hague Convention of 1961 (Apostille).

²⁰ See GGP No 1, *supra*, note 15, Chapter 7.4.10.

	<input type="checkbox"/> No
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25. Entrustment of the child to the PAPs (Art. 17)

<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 (<i>e.g.</i>, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>As stated in item 24, before the final judicial decision about the adoption the PAPs must necessarily spend a period of family living with the child in Brazil. This period may vary between 30 and 90 days depending on the judge discretion. This procedure is an important measure because being in temporary care of the PAPs is an attempt to emulate the future life in family so the children can be prepared and confident. Besides, during all the adoption process the child and the PAPs are accompanied by social assistants and psychologists.</p>
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26. Transfer of the child to the receiving State (Arts 5 c) and 18)

<p>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 (<i>e.g.</i>, passport, visa, exit permit)?</p>	<p>For international travels with children Brazilian legislation requires a valid passport and the parents authorization forms signed and notarized - if the child is scorted by a thrid party (that is not any of the parents). If the child is traveling with both parents no travel authorization is required. Travelers to the States that are members of Mercosur are expemted of showing a valid passport. Only the birth certificate can be accpeted.</p>
<p>b) Which of the documents listed in response to Question 26 a) above does your State issue?</p> <p>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>	<p>The Brazilian passport is issued by the Federal Police Department. The birth certification is issued by a notary, under the request of the competent State Court which granted the adoption. The travel authorization form (needed when the child is traveling with just one of the parents or with an escort) must be printed and signed by the parents and notarized.</p>
<p>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?</p>	<p><input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No</p>

27. Final adoption decision and the Article 23 certificate

<p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>	<p><input checked="" type="checkbox"/> In our State - go to Question 27 c) <input type="checkbox"/> In the receiving State - go to Question 27 b)</p>
<p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (<i>e.g.</i>, obtaining a copy</p>	<p>(i) (ii) Go to Question 28</p>

<p>of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>	
<p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Convention?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</p> <p>The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>(i) The competent State Court which granted the adoption.</p> <p>(ii) The competent State Court which granted the adoption and the Central Authority.</p>
<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 here.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. E.g., 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 is delivered to the PAPs after the adoption decision is rendered. A copy of the adoption file/law suit may be granted to those PAPs who ask to.</p>

28. Duration of the intercountry adoption procedure

<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) It depends on the profile desired by the PAPs. If the desired profile is for older children/adolescents and/or children/adolescents with disabilities and/or large groups of siblings, the match will normally take less time (less than one year).</p> <p>(ii) It depends on each competent State Courts.</p> <p>(iii) By law the maximum term for completion of the adoption procedure is 120 days. This term can be extended only once for an equal period of time by a reasoned decision of the responsible judicial authority.</p>
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "<i>intra-family intercountry adoption</i>" 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>An adoption is classified as an "intra-family intercountry adoption" when the PAPs are members of the child extended family. By law, extended family is understood as the family that transcends beyond the unit composed by parents and children and it is formed by close relatives with whom the child or adolescent uses to be in contact and maintains bonds of affinity and affectivity.</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p>N.B. <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – go to Question 30</p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . Go to Question 30</p> <p><input type="checkbox"/> No – go to Question 29 c)</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>

PART VIII: SIMPLE AND FULL ADOPTION²¹

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 type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 31</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) 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)²² to</p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>

²¹ 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.

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

<p>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>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family²³ 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>	

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	
<p>a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>The competent State Court that granted the adoption.</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>According to the Brazilian law, the documents of the adoptive process and other related documents (E.g.: termination of parents rights) must be available at any time. Thus, the law does not estipulate a specific period of time.</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive 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 (<i>e.g.</i>, 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: After completing 18 years, the adoptée has the right to know its biological origin, as well as to obtain unrestricted access to the process in which the adoption was granted. Access to the adoption process may also be granted to the adoptee younger than 18 years, at his legal representative request and if provided legal and psychological counseling and assistance.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>

²³ *Ibid.*

<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The access is provided by the competent State Court where the adoption was granted. For requesting access to biological origins, the interested person shall fulfil and sign a specific form and send it to the Brazilian Central Authority (acaf@mj.gov.br). The request form can be found at https://www.justica.gov.br/sua-protecao/cooperacao-internacional/adocao-internacional/formularios</p> <p><input type="checkbox"/> No</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Further assistance regarding the location and contact with biological parents can be provided, at the discretion of each of the State Central Authorities. Having actual information on the location of biological parents and making contact with them is not mandatory under Brazilian legislation.</p> <p><input type="checkbox"/> No</p>

32. Post-adoption reports

<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input checked="" 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): There is a recommended model form for post-adoption reports available at: https://www.justica.gov.br/sua-protecao/cooperacao-internacional/adocao-internacional/formularios.</p> <p>This recommended model form includes: Health and development report (diseases presented in the period, treatments performed, health follow-ups with attached copies of reports and exams, weight and height evolution); sleep characteristics; cognitive and motor skills development; interaction at school (rate of education, relationship with colleagues and teachers); learning: difficulties, evolution, follow-up, extracurricular activities; emotional and affective aspects (qualities, resources, belligerence, fears, traumas, phobias, fantasies, needs, adaptation, resilience); social and cultural integration; skills, talents, creativity, interest in activities such as leisure activities, culture, sports, reading; language development (adaptation to the new language and difficulties presented); maintenance of bonds with Portuguese as a heritage language and with Brazilian culture; adaptation, family dynamics, affective climate, use of free time; analysis of the family's expectations regarding the idealizations and the reality experienced; bonds with siblings; adoptive parents</p>
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	<p>behaviour (exercise of beliefs and parenting); parents' reaction to the difficulties presented by the child and the role of parents in education and guidance; psychological analysis of family dynamics and difficulties of any order experienced by the family and method of solution; how the child and parents deal with the child's life history and disclosure of adoption.</p> <p><input 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):</p>
<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 six months.</p> <p>(ii) For two years from the adoption. After two years (4 post-adoption reports), it is required the maintenance of the reports on a semester basis until the delivery of the child's certificate of citizenship.</p> <p>(iii) In Portuguese and sworn translated from the original language.</p> <p>(iv) The reports should be written by a case-worker or social assistance area related professionals.</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) Suspension and/or revocation of the accreditation of the accredited body.</p> <p>(ii) The report is returned to the accredited body or to the Central Authority to be fixed.</p>
<p>d) What does your State do with post-adoption reports? (i.e., to what use are they put?)</p>	<p>The post-adoption reports are analyzed by the Central Authority team and the State Central Authority that took part on the adoption. The aim is to try to identify any problems or difficulties related to the child so appropriate measures can be taken.</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁴

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.

33. The costs²⁵ of intercountry adoption	
<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: Law nº 8.069, 13 July 1990 - Child and</p>

²⁴ 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*.

²⁵ See the definition of "costs" provided in the Terminology, *ibid*.

	<p>Adolescent's Statute determines that all the procedures under the jurisdiction of the competent State Courts are gratuitous (article 141, second paragraph). Also it determines that accredited bodies must have only nonprofit purposes.</p> <p><input type="checkbox"/> No</p>
b) Does your State monitor the payment of the costs of intercountry adoption?	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The accredited bodies have to submit their operational finance annually to Central Authority scrutiny.</p> <p><input type="checkbox"/> No</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? <i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.</i>	<p><input type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input checked="" type="checkbox"/> Other (please explain): There are no costs to be paid to Brazilian State, besides, for example, document copies, notarizations and apostilles, the issuing of a passport on behalf of the child once the adoption is completed.</p>
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? <i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i>	<p><input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain): There are no costs to be paid to Brazilian State besides, for example, document copies, notarizations and apostilles, the issuing of a passport on behalf of the child once the adoption is completed.</p>
e) Which body / authority in your State receives the payments?	<p>There are no costs to be paid to Brazilian State besides, for example, document copies, notarizations and apostilles, the issuing of a passport on behalf of the child once the adoption is completed.</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)? N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: Central Authority's website expressly informs that the adoption procedure is gratuitous. The costs of intermediation charged by accredited bodies shall be obtained by the PAPs directly with those bodies.</p> <p><input type="checkbox"/> No</p>

34. Contributions, co-operation projects and donations²⁶

a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution ²⁷ to your State if	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • What type of contribution is required:
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²⁶ 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.

²⁷ 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

<p>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>	<ul style="list-style-type: none"> • Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): • How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <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 checked="" 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"> • What type of co-operation projects are permitted: Only projects that do not require the transfer of funds from the accredited body to private persons or institutions in Brazil • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): The Central Authority, the State Central Authorities and/or accredited bodies. • Whether such projects are monitored by an authority / body in your State: No • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: The transfer of funds is completely banned. <p><input type="checkbox"/> No</p>
<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><i>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).</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are permitted to be paid: • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>

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.

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 Public Prosecutor's Office in Brazil is responsible for ensure the respect of children's rights. This Office and Police authorities are responsible for investigating, chasing and prosecuting this kind of occurrence. The Central Authority can monitor the accredited bodies activities, including financial records, annually provided by them.
b) What measures have been taken in your State to prevent improper financial or other gain?	Brazil launched the National Policy Against Human Trafficking wich embraces children traffic for adoption purposes including improper financial or other gains. And in relation to the accredited bodies, they have to submit their operational finance annually to Central Authority scrutiny.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Depending on the severity of the behaviour the sanctions may be imprisonment, fine, imposed by civil and/or criminal Judges. The Central Authority may suspend or revoke the accreditation of the body.

PART XI: ILLICIT PRACTICES²⁸

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. ²⁹	When alleged or actual illicit practices come to knowledge of the Central Authorities (Federal and/or state-level) or other competent authorities, the situation is reported to the authorities competent to conduct inquiries to solve the case and take the appropriate legal measures - civil and/or criminal.

37. The abduction, sale of and traffic in children	
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. Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	<ol style="list-style-type: none"> 1. Act Nº 8.069, 13 July 1990 - Child and Adolescent's Statute 2.. Act Nº 13.344, 6th October 2016 - Prevention, repressive measures and criminal persecution of human trafficking 3. Act Nº 7th December 1940 - Brazilian Criminal Code <p>Every person involved with one of these ilegal practices is investigated, chased and prosecuted: accredited bodies, PAPs, parents, directors of children´s institution, organizations and/or individuals, in civil and/or criminal contexts.</p>

²⁸ "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 >).

²⁹ *Ibid.*

b) Please explain how your State monitors respect for the above laws.	The Public Prosecutor's Office in Brazil is responsible for ensure the respect of children's rights. Moreover the Ministry of Justice and Public Security is responsible for the National Policy Against Human Trafficking wich includes children traffic for adoption purposes.
c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?	The sanctions depend on the severity of the behaviour of each participant and may be imprisonment, fine, suspension and/or revocation of accreditation of the body.

38. Private and / or independent adoptions

<p>Are private and / or independent adoptions permitted in your State?</p> <p>N.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"/> <u>Neither</u> private nor independent adoptions are permitted</p>
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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 State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: It is permitted by national legislation that foreign PAPs, habitually resident in Brazil, adopt children who also resides habitually in Brazil. It is considered a domestic adoption and follows the same procedures of domestic adoptions performed by Brazilians.</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: As long as the foreing PAPs are habitually resident in Brazil, the procedure the foreign national PAPs would follow in this case is the same Brazilian PAPs should accomplish. There are no specific criteria or conditions applied.</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,</p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i></p>

³⁰ 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.

<p>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>adoption in your State³¹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This situation is treated as an intercountry adoption by Brazilian laws. The procedure is the same applied to non nationals. The only difference is that Brazilians habitually residents in another Contracting State have priority over non-Brazilians habitually residents in another Contracting States.</p> <p><input type="checkbox"/> No</p>
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PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³²

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>The major partners of Brazil on intercountry adoption are Italy, France, United States of America and Spain.</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><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>Brazil only partners with other Contracting States to the 1993 Convention.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.³³</p>	<p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> 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 agreement³⁴ with that receiving State)?</p>	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁵</p> <p><input checked="" type="checkbox"/> No</p>

³¹ 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.

³² 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.

³³ 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”.

³⁴ 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.

³⁵ *Ibid.*