

STATE OF ORIGIN

COUNTRY NAME: THE REPUBLIC OF LITHUANIA

PROFILE UPDATED ON: 2021

PART I: CENTRAL AUTHORITY

1. Contact details ¹	
Name of office:	State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania (further in text - the Service)
Acronyms used:	-
Address:	Labdarių g. 8, LT - 01120 Vilnius, Lithuania
Telephone:	+370 5 231 0928
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E-mail:	info@vaikoteises.lt
Website:	www.vaikoteises.lt
Contact person(s) and direct contact details (please indicate language(s) of communication):	Agne Marciukaitiene, +370 5-43-11-67, agne.marciukaitiene@vaikoteises.lt, English
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your	August 1st1998

¹ Please verify whether the contact details on the “Adoption Section” of the HCCH website < www.hcch.net > under “Central Authorities” are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

<p>State?</p> <p><i>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption 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 Civil Code (entered into force on 1 July 2001, new provisions from 2019-07-01): https://www.etar.lt/portal/lt/legalAct/TAR.8A39C83848CB/asr The Code of Civil Procedure (entered into force on 1 January 2003, new provisions from 2019-09-01): https://www.etar.lt/portal/lt/legalAct/TAR.2E7C18F61454/asr The Procedure for Registry of Adoption (approved on 10 September 2002 by Resolution No 1422 of the Government of the Republic of Lithuania, new provisions from 2018-11-14): https://www.etar.lt/portal/lt/legalAct/207141f0ee5e11e88568e724760eeafa The Order on Medical Contraindications (approved on 25 July 2001 by the Order of the Minister of Health Care and the Minister of Social Security and Labour of the Republic of Lithuania, new provisions from 2015-03-24): https://www.etar.lt/portal/lt/legalAct/d93bbd30d3c011e4bcd1a882e9a189f1</p>

3. Other international agreements on intercountry adoption²

² 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>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></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>
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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 Adoption 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 functions of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour are governed by the Regulations of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour approved by the Resolution No 293 of the Government of the Republic of Lithuania of 28 March 2018. The operational objective of the Service is to ensure the implementation, safeguarding and protection of the rights and freedoms of the child as well as the interests of the child in the Republic of Lithuania. In pursuit of the operational objective set forth in clause 9 of the Regulations, the Service shall by itself or through its constituent bodies:</p> <ol style="list-style-type: none"> 1. perform the functions of the central body for the organization of the international protection of the child's rights and adoption in the Republic of Lithuania; 2. defend and ensure the rights of the child and represent the rights and legitimate interests of the child in the territory of municipalities 24 hours a day; 3. in the case of the potential violation of the rights of the child shall assess the situation of the child, initiate the examination of the case, make decisions on individual cases of the protection of the child's rights; 4. immediately take measures to protect the rights of the child in cases where there is a risk to the child's safety, health or life (shall move the child to a safe environment);

	<ol style="list-style-type: none">5. act as a legal representative of the child until the child is assigned a guardian (caregiver);6. participate in the case management process, provide methodological support to the case manager;7. set up mobile teams to provide intensive assistance for families, shall organise and coordinate the work of these teams;8. keep and ensure the records of the children who require and in respect of whom the child's rights protection measures are applied;9. organise the establishment of the child custody (care) in the municipalities, coordinate the surveillance of custody (care) in families, households, care centers and care institutions;10. organise the return of the child to his/her parents or his/her other legal representatives, 4 initiate the provision of family support;11. make and manage a queue for the children's long -term (short -term) social care in child care institutions, whose owner's rights and obligations are implemented by the Ministry of Social Security and Labour, shall issue children's referrals to these institutions;12. supervise the implementation of the program of temporary staying abroad by the children guarded (cared) in care institutions;13. apply to the competent institution for the registration of the birth of a child whose parents are unknown, give the child the first name and surname;14. organise adoption of the child by the citizens of the Republic of Lithuania and foreigners;15. take decisions on the powers for foreign authorities to act in the framework of international adoption in the Republic of Lithuania;16. manage and possess information on the status of the child's rights protection;17. collect information on the status of the child's rights protection in the municipalities and provide methodological assistance and suggestions to municipal administrations regarding the improvement of the implementation of the protection of the rights of the child;
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	<p>18. in the cases and under the procedure established by the Civil Code shall protect the rights and legitimate interests of the child at the court, shall participate in the court hearings and shall submit a conclusion to the court, represent the interests of the child;</p> <p>19. participate in the process of the enforcement of non -pecuniary court decisions adopted in respect of a child;</p> <p>20. in the cases and under the procedure established by the Code of Civil Procedure of the Republic of Lithuania shall represent the interests of the child during pre -trial investigation and/or criminal proceedings at the court;</p> <p>21. cooperate with other Ministries stipulated in the Law on Fundamentals of Protection of the Rights of the Child and other state and municipal institutions and bodies on the issues concerning the coordination and implementation of the policy on the protection of the rights of the child;</p> <p>22. cooperate with the state and municipal institutions and non -governmental organizations in matters concerning the protection of the rights of the child;</p> <p>23. provide methodological assistance to the institutions and bodies ensuring the protection of the rights of the child in the field 5 of the implementation and protection of the rights and freedoms of the child and assurance of the interests of the child;</p> <p>24. organise education of the society on the issues of protection of the rights of the child;</p> <p>25. participates in the activity of councils, commissions and working groups related to the protection of the rights of the child;</p> <p>26. submit suggestions to the Minister for Social Security and Labour regarding the improvement of the legal regulation of the protection of the rights of the child, prepare legal acts;</p> <p>27. advise children, parents, custodians (caretakers), adoptive parents, educational, social workers, other natural and legal persons on the issues of protecting and defending the rights of the child;</p> <p>28. examine the claims and complaints of natural and legal persons related to the</p>
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	<p>protection and defence of the rights of the child, take the necessary measures to resolve the issues raised in the claims and complaints;</p> <p>29. perform other functions prescribed by laws and other legal acts.</p>
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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>District courts of Lithuania are competent to take decisions to deprive parental rights, to approve the consent of the child's parents or guardian (caregiver) to adopt the child, also takes the decision in domestic adoption cases.</p> <p>If the child is placed under the guardianship of the State Care institution (Children Home), it is necessary to get its consent for the child's adoption. The State Care institution also prepares information about the adoptable child (child's special needs, medical history).</p> <p>Vilnius County Court takes the final decision in intercountry adoption cases.</p>

6. National accredited bodies³	
<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 HCCH (see Art. 13).⁴</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.⁵</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>	

³ “National accredited bodies” in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (“GGP No 2”), available on the [Adoption Section](#) of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

⁵ *Ibid.*, Chapter 3.4.

b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
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> .	
6.2 Monitoring of national accredited bodies⁶	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11(c).</i>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No

7. Authorised foreign accredited bodies⁷ (Art. 12)	
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 HCCH.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – go to Question 8
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	There are 6 authorised foreign accredited bodies in Lithuania (2 from Italy, 1 from USA, 1 - from Sweden, New Zealand and Canada). Information about them and their tariffs is available at the website: http://vaikoteises.lt/adoption-and-fostercare/adoption/ Since 1 August 2006

⁶ *Ibid.*, Chapter 7.4.

⁷ "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Adoption 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, *ibid.*, Chapter 4.2.

<p>what basis your State limits the number.⁸</p>	<p>new applications for authorization for foreign accredited bodies in respect of inter-country adoption in the Republic of Lithuania are not accepted.</p>
<p>c) Please briefly describe the role of authorised foreign accredited bodies in your State.</p>	<p>The Authorized Institution and the Authorized Representative shall perform the following functions:</p> <ol style="list-style-type: none"> 1. inform future adoptive parents, wishing to adopt a child in Lithuania, of adoption procedures and requirements in the Republic of Lithuania, services rendered by the Authorized Institution, and expected rates for services, as well as provide professional consultations for them; 2. assist future adoptive parents to prepare the documents that are necessary for the family to be included in the list of citizens of the Republic of Lithuania having permanent residence abroad and foreigners wishing to adopt, and, making sure that the applicants are duly ready to adopt a child, prepare a letter of informative nature in accordance with Article 15 of the Hague Convention as well as all necessary documents; 3. ensure that future adoptive parents are duly ready and assessed as well as meet the requirements of legal acts of the Republic of Lithuania ; 4. represent future adoptive parents during the course of adoption process and inform of the course of consideration of application thereof; 5. present in detail the information, prepared as per Article 16 a) of the Hague Convention, submitted by Service, to the future adoptive parents; 6. encourage future adoptive parents, where possible, to arrive to Lithuania before the legal proceedings to familiarize and communicate with a child, suggested for adoption; 7. prepare future adoptive parents for the first meeting with a child; 8. cooperate with Service and custodian (guardian) in preparing a particular child for the first meeting with future adoptive parents;

⁸ See GGP No 2, *ibid.*, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

	<ol style="list-style-type: none">9. submit a document, substantiating that a particular child has been or will be given a permit to enter the host country and have permanent residence there;10. continually exchange information with the Service on the course and means of adoption;11. inform the Service of completion of adoption procedures after a child has arrived to the host country;12. where it is requested to adopted a child with special needs, follow the provisions of the Description of pretrial procedure for adopting children with special needs, approved by the Order No. A1 -32 of the Minister of Social Security and Labor dated 1 February 2007 (Official Gazette, 2007, No. 18 -688);13. assist future adoptive parents in assessing their potential to adopt a child with special needs, prepare them for the arrival of a child, and provide for the action plan that will help to easier integrate in a new environment;14. render services or organize provision of services for adoptive parents after adoption;15. inform the Service of the problems arising after adoption as well as coordinate the decisions relevant to a child, adopted from the Republic of Lithuania;16. provide the Service with feedback on adopted children (over the first two years after adoption – every six months, over 9 the next two years – once a year, after four years as of adoption – as requested by the Service), including the reports on integration of an adopted child in the family, living conditions, development, and health of the form, as approved by the order of the Director of Service, as well as visual material;17. keep and provide the adoptive parents and the adopted child, in view of his age and maturity, and, if it does not conflict with his interests, information on his origin;18. pursue that the adoptive parents enabled their adopted child to communicate with his biological brothers and sisters, if it does not conflict with his interests.
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<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><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): 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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7.1 The authorisation procedure	
<p>a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?</p>	<p>Recommendation to grant or reject authorization to a foreign institution in respect of inter-country adoption in the Republic of Lithuania is drawn by a Commission formed by the order of the Minister of Social Security and Labour. The Commission consists of seven representatives of the Ministry of Social Security and Labour, one of them appointed as Chairperson. This Commission revises the presented documents of accredited foreign body and issues the recommendation on authorization. The final decision under the recommendation of the Commission mentioned above shall be taken by the Director of the Service.</p>
<p>b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p>	<p>As it was mentioned before, since 1 August 2006 new applications for authorization for foreign accredited bodies in respect of inter-country adoption in the Republic of Lithuania are not accepted. According to the legal provisions of the Order on Granting Authorization to the Foreign Institution in Respect of Inter-Country Adoption in the Republic of Lithuania (hereinafter - the Order), prolongation of authorization is foreseen.</p>

⁹ In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

<p>c) For how long is authorisation granted?</p>	<p>The Accredited Institution of Foreign State shall be authorized to act in pursuance of intercountry adoption in the Republic of Lithuania for the period of 3 years or for the period of validity of the accreditation document to act in the field of intercountry adoption, issued by the competent institution of the host country, in case, if the period of validity of such document is less than three years.</p>
<p>d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>Before the end of the term, indicated in 7.1 c) hereof, the Authorized Institution, wishing to prolong the term of authorization to act in pursuance of intercountry adoption in the Republic of Lithuania, shall not later than 2 months before the expiration of the term, indicated in 7.1 c) hereof, provide the Service with a reasoned request to renew the authorization as well as documents and data, indicated in the Order. If the period of validity of the document, indicated in clause 5.2 of the Order, coincides with the term of expiration of authorization to act in pursuance of intercountry adoption in the Republic of Lithuania, however, the Authorized Institution, upon receipt of the accreditation document to act in the field of intercountry adoption, issued by the competent institution of the host country, intends to continue the activities in Lithuania, it shall apply to the Service in the manner prescribed in clause 29 of the Order. The Authorized Institution shall also submit a written confirmation by the competent institution that there is no representation as to activities of the Authorized Institution and that the authorization will be renewed. The Service, in view of the activities performed by the Authorized Institution, shall not later than 1 month before the term, indicated in 7.1 c) hereof, provide the commission, indicated in 7.1 a) hereof, with the conclusion on renewal of the authorization for the Accredited Institution to act in pursuance of intercountry adoption in the Republic of Lithuania. Where submitting the conclusion, it should indicate whether there were any complaints on the activities thereof received during the period of activities of the Authorized Institution. The matter of prolongation of the term of authorization for the Authorized Institution</p>

	to act in pursuance of intercountry adoption in the Republic of Lithuania shall be considered and decision made in the manner prescribed in Clauses 8–20 of the Order. The term of authorization of the Authorized Institution to act in pursuance of intercountry adoption in the Republic of Lithuania shall be prolonged for the period, provided in 7.1 c) hereof.
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹⁰	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – go to Question 8
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	the Service
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 Order lays down the procedure of a control mechanism of foreign accredited bodies. The Service controls the activities of such institutions, as well as only enable competent persons shall act in the field of intercountry adoption of the Republic of Lithuania in view of their educational background, work experience, and ethical attitude, necessary for working in the field of intercountry adoption. Annually not later than by 31 January foreign accredited bodies provide the Service with the annual report on activities in the Republic of Lithuania. According to the information provided the Service checks if the functions and duties are fulfilled properly. Generally, the control mechanism of these institutions is implied through aforementioned authorization prolongation process. Besides, during the authorization prolongation procedures the fees of the foreign accredited institution are always evaluated. If the authorized foreign bodies is suspected of getting improper financial gain the authorization to act in the field of intercountry adoption in Lithuania may be suspended.
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (i.e., withdrawn).	The authorization for the authorized Institution to act in pursuance of intercountry adoption in the Republic of Lithuania shall be suspended by the order of the Director

¹⁰ *Ibid.*, Chapter 7.4 and, in particular, para. 290.

	<p>of Service, indicating the reasons, in the following cases:</p> <ol style="list-style-type: none"> 1. upon determining that the authorized institution, where submitting the documents and data, listed in Clause 5 of the aforementioned Order, indicated false information; 2. if the authorized institution and (or) the authorized representative fails to perform or unduly performs the functions and (or) duties, as provided in 7. c); 3. if the case, indicated in Clause 30 of the Order, the authorized institution prior to the expiration of authorization to act in pursuance of intercountry adoption in the Republic of Lithuania fails to submit the accreditation document to act in the field of intercountry adoption, issued by the competent institution of the host country; 4. upon receipt of information on expected change of the Authorized Representative in the manner prescribed in Clause 23.6 of the Order; 5. under such other circumstances, preventing due performance of activities of the authorized institution.
<p>e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation): Cancellation of authorization</p> <p><input type="checkbox"/> No</p>

8. Approved (non-accredited) persons (Art. 22(2)) ¹¹	
<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><i>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 Adoption Convention, available on the Adoption Section of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</i></p>	<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:</p> <p><input checked="" type="checkbox"/> No</p>

¹¹ *Ibid.*, Chapter 13.

¹² *Ibid.*, Chapter 13.2.2.5.

<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><i>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 Adoption Convention, available on the Adoption Section of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" 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	
Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (<i>e.g.</i> , age, sex, state of health).	The average profile of child in need of intercountry adoption is children over 7 years old, children with serious health problems, big sibling groups (3 and more children).

10. The adoptability of a child (Art. 4(a))	
a) Which authority is responsible for establishing that a child is adoptable?	the Service
b) Which criteria are applied to determine whether a child is adoptable?	<p>According the Lithuanian legal acts a child is adoptable if:</p> <ol style="list-style-type: none"> 1) both parents or the only parent is dead; 2) both parents or the only parent is declared dead by the court; 3) parents are unknown; 4) parents or the only parent deprived of parental rights; 5) parents or the only parent gives a written consent, approved by the court, for the adoption of the child; 6) the parents or guardian (caregiver) of minor or legally incapable parents (in the area of family relationships) give a written consent, approved by the court, for the adoption of the child; 7) the legally incapable to a limited extent (in the area of family relationships) parents and their caregivers give a written consent, approved by the court, for the adoption of the child; 8) the guardian (caregiver) (except for the State children's care institution), upon arising of the grounds (enumerated in clauses 1-7) gives a

	written consent approved by the court, for the adoption of the child.
<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><i>N.B. the issue of consent is dealt with at Question 12 below.</i></p>	<p>When a child loses parental care the constituent territorial body of the Service searches for the close relative's family who can take care of him or her. There are social workers who provide social services for biological family of the child. If the situation in the family changes the court can rule the decision to return child to the biological family. According to the Civil Code of the Republic of Lithuania the biological parents can revoke their consent for adoption until the adoption procedure had been completed. Adoption is possible only in the best interest of the child. When all possible measures to return the child to his or her biological family had been exhausted, the adoption as alternative measure is considered. The constituent territorial body of the Service sends the information about the adoptable child to the Service. This information includes data about child's parents, brother/sisters, their relations, the child's life story, data about health, special needs, and legal status. The Service includes a child in the central register of adoptable children.</p>

11. The best interests of the child and subsidiarity (Art. 4(b))	
<p>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).</p>	<p>According the Civil Code intercountry adoption is possible only if during 6 month period since inclusion of a child into the register of adoptable children, the local adoptive or foster family had not been found. The Service within 6 months after the child was entered in the register of adoptable children arranges the Inter institutional Adoption Commission meeting, which takes the recommendation if he international adoption is in the best interest of the concrete child.</p>
<p>b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?</p>	<p>The Service takes into account the recommendation of aforementioned commission and decides whether international adoption is in the best interests of the child.</p>
<p>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.</p>	<p>See answer 11. a) and b)</p>

12. Counselling and consents (Art. 4(c) and (d))	
<p>a) According to your State’s domestic legislation, please explain which person, institution or authority has to 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"> (i) (ii) (iii) (iv) The parents' written consent confirmed by the court shall be required to adoption. If parents of the adoptive child are minors or legally incapable in the are of family relationships, it shall be required to obtain their parents' or guardians' (caregivers') written consent, approved by the court. The consent of the parents of the child to be adopted shall not be required if the identity of the parents is not known, if they are dead, or if the parental rights has been deprived for an unlimited period. The parents may revoke their consent to adoption before a court judgement is made on the adoption of the child. The parents may request the court to revoke the deprivation of the parents’ authority before a court judgement is made on the adoption of the child
<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.¹³ 	<ul style="list-style-type: none"> (i) (ii) Parents (or their guardians) are informed about the consequences of adoption during court hearing (hearing to confirm the consent for adoption or hearing of parental rights deprivation for an unlimited time period).
<p>c) Does your State use the model form “<i>Statement of consent to the adoption</i>” developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the Adoption section of the HCCH 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: See answer d)</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</p>	<p>Lithuania has no form concerning the consent of the child (Art. 4d)). Where the adoptable child has already reached the age of 10, the child’s consent to the adoption filed with the court shall be required. It shall be required to have his/her written consent to</p>

¹³ See also Part VIII below on “Simple and Full Adoption” and Art. 27 of the 1993 Adoption Convention.

<p>whether an intercountry adoption should proceed.</p> <p><i>See Art. 4(d)(2).</i></p>	<p>be adopted. The child shall give his/her consent to the court (any form is approved). It is not permitted to adopt a child without such consent. Where the child is under 10, the court must take account of the child's opinion if the child is capable to express his/her own views and if those views are not contrary to the child's interests. Before taking decision that intercountry adoption is in the best interest of the child the Service seeks to determine the child's opinion and always takes this into account during the matching procedures.</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>See answer d) The court puts an obligation to the Service to provide legal consultation to a child eligible to intercountry adoption. The lawyers of the Service inform such child of the effects of the adoption and ascertain if his or her consent to the adoption meets his or her wishes. A statement on that is provided to the court by the Service.</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>Special needs children – are children:</p> <ol style="list-style-type: none"> 1. with serious or incurable medical condition, which is certified by a health certificate issued by a medical institution and a certificate filled in by the child's guardian; 2. older than 7 years of age; 3. a sibling group of at least three who are referred for adoption together; 4. children close to their siblings who do not agree to be adopted or who can not be adopted together.
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>Currently, the children eligible for adoption by foreign nationals are special needs children. The Service encourages competent authorities of all receiving States to provide training for families that can adopt such children. Special needs children adoption programme is implemented in co-operation with authorized foreign bodies involved in finding families, providing information and training as well as postadoption services for them. Since 2007</p>

	<p>there is the Specification of special procedure regarding the adoption of special needs adoptable children (link is indicated on answer 2. b)). The objective of this Specification is to ensure the right of each and every child to be raised in a family irrespective of the child's age, health or social origin by allowing foreign institutions authorised in respect of intercountry adoption in the Republic of Lithuania to search for families ready to adopt special needs children from the register of special needs adoptable children. Mandatory conditions of the procedure regarding the adoption of special needs adoptable children:</p> <ol style="list-style-type: none"> 1. special needs adoptable children may be referred for adoption according to this Specification only if such children cannot be placed under guardianship or adopted in the Republic of Lithuania; 2. information about special needs adoptable children may be provided only to authorised foreign bodies; 3. decisions on entering concrete child into the register of special needs adoptable children, the suitability of a family to adopt a child with special needs, and the termination of the procedure of the adoption of a special needs adoptable child are made by the Service. Please be informed that from 1st of April 2012 foreign nationals who are the permanent residents of a foreign state may apply to the Service only with an application for adoption of children with special needs. Besides, only spouses may apply for mentioned adoption. Citizens of the Republic of Lithuania (spouses) and spouses whereof one is a citizen of the Republic of Lithuania who are the permanent residents of a foreign state may apply for adoption in usual order as it was before. New rules regarding intercountry adoption came into force in accordance with the order of the Minister of Social Security and Labour No. A1-8 of January 10, 2012 Re: Amendments to the order of the Minister of Social Security and Labour of the Republic of Lithuania No. A1-162 " Re: approval of the description of procedure for authorizing the institutions of foreign states to act in pursuance of international adoption in the Republic of Lithuania" of 3 June 2005.
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<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 (e.g., the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used):</p> <p>The Service in 2011 has obtained training program for the personnel of child care institutions regarding preparation of children for foster care and adoption from which was developed by institution „Atsigrėžk į vaikus“. The specialists of this institution in October and November 2011 trained five teams from Vilnius, Kaunas, Telsiai, Panevezys and Utena (each of them consist of 3 persons). They were trained to give for the professionals of children social care institutions the knowledge and skills necessary in the direct work with children in the preparation of the latter for foster care or adoption. The training aimed to change the current approach and develop positive social care workers in the provisions relating to foster care and adoption. The training was conducted on the following topics: child's psychology by age, attachment relations development, children's psychological crisis and trauma psychology, adoption and foster of different ages, the child's life story, individual working methods with the child, the child's anxiety sources of a child's future outlook, introduction to the new family, special needs, preparation for adoption of children with behavioral and emotional problems, the child's preparation for departure, and teamwork skills.</p> <p>The program points 3 stages (phases) of children's preparation for the transition to a new family:</p> <p>I stage. All children who are placed into the children home and are experiencing loss, the most important work to be done by the staff of children home is child's security, the provision of information, overcoming the crisis and the contact person's placement of the child. To achieve these goals, along with a child his or her life book (child's life story) is being created.</p> <p>II stage. After consideration of the child's abilities to return to his/her biological family and overcome the loss as well as of his/her capacity to adapt and live in an institution, begins the phase of consideration of possibility for adoption or foster care of a minor in the family, which begins from</p>
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	<p>identification of child's expectations, and presentation of the idea about foster care or adoption.</p> <p>III stage. After the evaluation of the situation in the pre-transition of the child to another family, the child is made aware of a new family, and if the new connection of a child and a family develops successfully, a minor is prepared for a farewell process and intended maintenance communication after moving from an institution.</p> <p>From August to December of 2012, five aforementioned teams provided training in five children care institutions. In 2013 training was accomplished in 15 institutions, 265 specialists working in children's homes were trained.</p> <p>According to aforementioned training program everyone from the personnel of the care institution is involved into the process of the preparation for adoption and it is not necessarily obligation only of social workers. The person to whom the eligible for adoption child is entrusted often can be the best adviser and supporter of a child.</p> <p>The most of eligible for adoption children live in children homes. Only some of them, which are eligible for adoption, live in foster families. According to the Lithuanian laws, foster family must give the consent to adopt concrete child, which is fostering in the family (this consent must be approved by court). Above mentioned training program is not applicable for foster families.</p> <p><input type="checkbox"/> No</p>
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15. The nationality of children who are adopted intercountry ¹⁴	
<p>Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?</p>	<p><input type="checkbox"/> Yes, always</p> <p><input checked="" 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): According to the provisions of Law on Citizenship, a child who is a Lithuanian citizen and who is adopted</p>

¹⁴ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

	<p>by a citizen (-s) of a different state retains the Lithuanian citizenship regardless if he acquired citizenship of a different state due to adoption. Dual Citizenship in Lithuania can be acquired by persons who are under 21 years of age, provided they, being citizens of Lithuania, were adopted by a citizen (-s) of a different state before reaching 18 years of age and, as a result of the adoption, acquired citizenship of that state. Lithuanian citizenship is lost if in the case of aforementioned dual citizenship, the person attains the age of 21 and doesn't refuse the citizenship of a different state. Summing up, Lithuanian citizens adopted by foreigners can choose which citizenship to keep by reaching 21.</p> <p><input type="checkbox"/> No, the child will never retain this nationality</p>
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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?¹⁵</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>

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁶	
<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 type="checkbox"/> Married, same-sex couples:</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 type="checkbox"/> Single men:</p> <p><input type="checkbox"/> Single women:</p>

¹⁵ See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

¹⁶ *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 Adoption Convention.

	<input type="checkbox"/> Other (please specify): <input type="checkbox"/> No, there are no relationship status criteria for PAPs.
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Minimum age requirements: The prospective adoptive parents must be adults - not younger than 18 years. <input checked="" type="checkbox"/> Maximum age requirements: from 18 till employable age. In exceptional cases the court may give a permission for older persons to adopt a child. The court can make an exception with the view to the best interests of the child, also considering specific circumstances of the case, e.g. when a child is being adopted by two spouses one of which meets the age requirement and the other exceeds the age requirement but is of a satisfactory physical and mental condition and is capable of bringing up the adoptee; when prospective adoptive parents wish to adopt an older child (e.g. eight years of age or older) or a child that was in their care for a relatively lengthy period of time; when the prospective adoptive parents and the adoptee are related; when the adoptee is the spouse's child. <input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: Age difference between the adopter and the adoptee shall be at least eighteen years. Where a person adopts a child of his/her spouse, the age difference may be reduced by the court to fifteen years. <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<input type="checkbox"/> Yes: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): <input type="checkbox"/> Couples must supply evidence of infertility: <input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): Families having their children shall also have the right to adopt. But the Service always recommends that they would

	<p>adopt a younger child than their own child.</p> <p><input checked="" type="checkbox"/> Other (please specify): Other (please specify): PAP's must meet the requirements established by the receiving State, and they must be recognised as suitable to adopt.</p> <p><input type="checkbox"/> No</p>
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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 counselling concerning intercountry adoption <i>in the receiving State</i>?</p>	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: According to the Art. 3.210 of the Civil Code of the Republic of Lithuania the adoptive parents can be adults, properly prepared for adoption. There are no legal requirements for the preparation. That depends on the orders of the receiving states.</p> <p><input type="checkbox"/> No</p>

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>Citizens of foreign countries wishing to adopt a child in Lithuania shall apply to an accredited body in their habitual residence with an application for adoption. This institution shall submit the PAPs file to the Service.</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 checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): A copy of marriage certificate (if married), of divorce certificate</p>

	<p>(if divorced), of death certificate of the spouse (if widowed)</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Medical certificates proving state of health (if children or other persons live together with adoptive family medical certificates proving their state of health must be submitted as well)</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): Certificates of the financial state of the family (incomes received and assets owned)</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</p> <ol style="list-style-type: none"> 1. Information letter introducing the prospective adoptive parents issued by an authorized foreign body; 2. Consent of the competent authority of the Receiving State that the adopted child will be authorized to enter and reside permanently in the receiving country; 3. A confirmation that the decision of the Lithuanian court concerning the adoption will be recognized in the Receiving State; 4. If more adults live together with adoptive family their criminal record certificates must be submitted as well. It should be noted that all above mentioned documents shall be issued no earlier than 12 months before the date of receipt at the Service.
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input checked="" type="checkbox"/> Yes, please specify 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.¹⁸ 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): If citizens of foreign</p>

¹⁷ See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

¹⁸ See the definitions provided at notes 3 and 7 above.

	<p>countries apply, foreign authorized accredited body of that country is involved for all stages of the procedure</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 type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" 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>
<p>e) Please specify the language(s) in which any documents must be submitted:</p>	<p>All documents shall be translated into the Lithuanian language</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: Each original document has to be translated into the Lithuanian language and carry APOSTILLE (The Hague Convention, October 5, 1961). The translation of the original documents has to be notarized. All these documents shall be sent to the Service together with the application for adoption. Only properly prepared documents shall be considered.</p> <p><input type="checkbox"/> No – go to Question 20</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 Apostille Convention)?</p> <p><i>This information is available on the Status Table for the Apostille Convention (see the Apostille Section of the HCCH website).</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: 19 July 1997</p> <p><input type="checkbox"/> No</p>

20. The report on the child (Art. 16(1)(a))	
<p>a) Who is responsible for preparing the report on the child?</p>	<p>Constituent territorial body of the Service</p>

<p>b) Is a “standard form” used for the report on the child?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: Under the order of the Specification of the procedure for Granting Authorization to foreign bodies in respect of inter-country adoption in the republic of Lithuania the authorized foreign accredited body provides the PAPs with all the necessary information regarding the child’s social status, development and health. The Service prepares and provides a report on the child (Art.16(1)a) to accredited body (FORM No. 1 attached). Specifically it includes information about biological parents, social origin, health and development of the child, legal status and contains medical certificates, characterizations, photos etc. As indicated below Lithuania doesn’t use “Model Form – Medical Report on the Child” and the “Supplement to the general medical report on the child” (Guide to Good Practice No1-Annex 7). If the PAPs need more information about child’s health state they may request additional information. After the matching is accepted the PAPs through the representative of the authorized foreign body may get the information directly from the child’s caregiver or the Service. As a rule, costs related to additional health tests shall be borne by the family.</p> <p><input 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:</p>
<p>c) Does your State use the “<i>Model Form – Medical Report on the Child</i>” and the “<i>Supplement to the general medical report on the child</i>”?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

21. The report on the PAPs (Art. 15(2))	
<p>a) For how long is the report on the PAPs valid in your State?</p>	<p>Lithuania has no approved form of PAPs report as regards Art.15(2)) Documents (PAPs request including home study, report and other) that are presented to the Service by receiving country should be not older than 12 months. After the family is included into</p>

	the register, family's report is valid as long as in the receiving state.
<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>Foreigners permanently residing abroad, whose statement of "approval to adopt" issued by a competent authority in the receiving state expires earlier than in 2 months, shall not get proposals to adopt until PAPs do not submit renewed permission to adopt. The approval to adopt usually is based on report of PAPs. 2 months before the expiration of the approval to adopt the Service informs the representative of PAPs about it. When the report is no longer valid, usually representatives of PAPs present to the Service entirely new report. There are any specific requirements for that if the report should be updated or entirely new, it depends on the requirements of receiving state.</p>

22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))	
22.1 The authorities and the matching procedure	
a) Who is responsible for the matching of the child and the PAPs in your State?	The Service
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	The matching process is performed by the Commission, consisting of 6 representatives of the Service (5 lawyers, one psychologist) and one representative from the Ministry of Social Security and Labour. One of the lawyers is appointed as the Chairperson. The Commission is approved by the Order of the Director of the Service.
c) What methodology is used for the matching in your State?	
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 checked="" type="checkbox"/> Yes, please specify: A due consideration is given to the heritage of upbringing, ethnic origin, cultural background and the native language of the child; therefore, the priority to adopt the child is given to Lithuanian nationals residing abroad and to foreign nationals of a Lithuanian descent. A person is considered as being of a Lithuanian descent if his/her parents or grandparents, or one of the parents or grandparents are/were Lithuanians, and

	<p>the person considers himself/herself to be Lithuanian.</p> <p><input type="checkbox"/> No</p>
e) Who is responsible for notifying the receiving State of the matching?	The Service
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	The outsiders may enter the child care institution only under the permission to meet proposed child submitted by the Service. Other cases like voluntary work are not under control.
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?	<p><input type="checkbox"/> Yes, please provide details of the required procedure:</p> <p><input checked="" type="checkbox"/> No</p>
b) How much time is the receiving State given to decide whether to accept a match?	40 days. There is special procedure for special needs children.
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>The family may refuse the proposal. In this case it must indicate the reasons of such refusal. The Service shall reserve the right to contact the accredited agency of the receiving State regarding a repeated assessment of the family's suitability for adoption.</p> <p>If a family refuses to adopt the special needs child regarding whom it was entered into the waiting list of foreign nationals or of Lithuanian nationals residing abroad, this family shall be excluded from this waiting list without any prior notice.</p> <p>If a family is entered into the waiting list of foreign nationals or of Lithuanian nationals residing abroad in relation to the adoption of the particular child with special needs, and if it cannot continue the adoption procedure because of the reasons related to that child (the child becomes no longer eligible for adoption or refuses to be adopted), at its request this family is kept in the waiting list of foreign nationals or of Lithuanian nationals residing abroad.</p>
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	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: As it was mentioned in answer 20.b), after the matching is accepted the PAPs through the representative of the authorized foreign

the intercountry adoption procedure and prior to entrustment)?	body may get the information directly from the child's caregiver or the Service. <input type="checkbox"/> No
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23. Agreement under Article 17(c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	The Service
b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	<input 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 checked="" type="checkbox"/> Other (please specify): The agreement is given after the PAPs give the consent to adopt a child. The referral procedure is the same. PAPs are informed about that from the time an agreement is given.

24. Travel of the PAPs to your State ¹⁹	
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: During the trial. The adoption case is examined in obligatory presence of both applicants. - How many trips are required to complete the intercountry adoption procedure: 1-2 - How long the PAPs need to stay for each trip: There is no requirement for duration. - Any other conditions: Usually the Service requires PAPs to come to meet the proposed child before applying to court, especially when there is an adoption of a special need child. <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 type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

¹⁹ See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

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>The social workers/psychologists of children home prepares children for the first meeting.</p> <p>There are 30 days period after the Court decision in intercountry adoption becomes final (valid). During that period children home gives permission for a child to stay with PAPs. In general there is no special procedure of physical entrustment of the child. There is no requirement for the child to be placed in the care of the PAPs before the final decision is made.</p>

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>The following documents shall be required for the departure of the child:</p> <ol style="list-style-type: none"> 1) the judgement of Vilnius County Court regarding adoption; 2) a new birth certificate of the child; 3) the child's passport; 4) a visa, if applicable according to the legislation of the receiving State; 5) the certificate on compliance with intercountry adoption.
<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>	<ol style="list-style-type: none"> 1 - Vilnius County Court; 2 - Civil Registry Department; 3 - Migration Authority; 4- Embassy; 5- The certificate on compliance with intercountry adoption shall be issued by the Service after the judgement of Vilnius County Court regarding adoption.
<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:</p> <p><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)</p> <p><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 (e.g., obtaining a copy 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>(i)</p> <p>(ii)</p> <p><u>Go to Question 28</u></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 Adoption Convention?</p> <p><i>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 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</i></p> <p><i>The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under “Authorities”), available on the Adoption Section of the HCCH website.</i></p>	<p>(i) The Court</p> <p>(ii) The Service</p>
<p>d) Does your State use the “Recommended model form – Certificate of conformity of intercountry adoption”?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></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 given to the PAPs directly or through the representative of accredited foreign body. It takes one workday to issue the certificate.</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>(i) The intercountry adoption by a citizen of a foreign State shall be permitted if there was no application received from a citizen of the Republic of Lithuania to adopt or to take foster care a child within six months from inclusion of this child into the register. At the ending of these six months the Service has to</p>
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<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>renew the information about the child, prepare the report and present it to the Interinstitutional Adoption Commission. Within one month this Commission takes the recommendation. Taking into account mentioned recommendation, intercountry adoption procedures of concrete adoptable child starts. If the decision is positive, during one month the Service prepares the information about the child and matches the PAPs, sends information about the adoptable child to the representative of the authorized body (usually by e-mail). During 40 days PAPs have to take the decision. If they agree to adopt child they have to apply to court. Approximately within 2 months the court appoints the hearing. All procedures in the court (to appoint the hearing, court date, appeal period) takes about 3-4 months. After the court's decision enters into force the family prepares the new child's documents in one week. The waiting period for PAPs depends on a few circumstances. If they are Lithuanian citizens living abroad, their waiting period is shorter. Also this period depends on the family's wishes for the child age, health state etc. The procedures are faster when family is adopting the special needs child. Usually it takes from 6 till 12 months.</p> <p>(ii) see above (iii) see above</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>Intra-family adoption - adoption by relatives or a new spouse of the mother/father. Brothers and sisters cannot adopt their brother or sister. The priority, taking into consideration the best interests of the child, shall be given to relatives. Parents may give consent to adopt their child to a particular/concrete prospective adoptive parent only if she/he is relative.</p> <p>In case of several relatives-prospective adoptive parents (one habitually is resident in another State and the other one in Lithuania) the priority will be given to the one who lives in Lithuania. In its practice the Service hasn't had intra family intercountry adoptions.</p>

<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption 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 ADOPTION²⁰

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 20 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 20 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 (<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)²¹ 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</p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>

²⁰ According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.8.8.

²¹ Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.

<p>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 / family²² 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 Service</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>The records are kept in archive everlastingly.</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: Until the child attains majority, data on the child's adoption may not be disclosed without the consent of the adoptive parents. Information on a child's adoption may be provided to the child from the age of 14, the child's former close relatives (according to blood relationship) or to other persons with the permission of the court which examined the adoption case provided that the information is required for the considerations of the child's health or the health of the child's close relatives or of other persons as well as for other important reasons. <input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: see above <input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: see above <input type="checkbox"/> No</p>

	(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: see above <input type="checkbox"/> No
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input checked="" type="checkbox"/> Yes – please specify: Biological parents or siblings may apply to the Service seeking for some information about the adopted child. The general information without any identifying data (names, habitual residence) may be given only with the consent of adoptive parents. If adoptive parents accept more information may be provided to the biological family. The role of the court is described above. <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 type="checkbox"/> Yes – please specify: <input checked="" type="checkbox"/> No

32. Post-adoption reports	
a) Is there a model form which is used by your State for post-adoption reports?	<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 an approved form of the Post-adoption report (see FORM No. 3 attached) that should be fulfilled by social workers or psychologist of the authorized foreign body or competent institution during the first 2 years after adoption – every 6 months, during the following 2 years – once a year, after 4 years after adoption – upon request from the Service. The reports are quite informative – the information is given about the adopted child’s integration into the family, living conditions, development and state of health and visual material (mostly pictures). <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):
b) What are the requirements of your State in relation to post-adoption reports? Please indicate:	(i) see answer 32.a) (ii) 4 years after adoption (iii) original translated into Lithuanian

<ul style="list-style-type: none"> (i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years); (ii) For how long (<i>e.g.</i>, until the child is a certain age); (iii) The language in which the report must be submitted; (iv) Who should write the reports; and (v) Any other requirements. 	<ul style="list-style-type: none"> (iv) see answer 32.a) (v)
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <ul style="list-style-type: none"> (i) Not submitted at all; or (ii) Submitted, but not in accordance with your requirements? 	<ul style="list-style-type: none"> (i) During the procedures of renewal of authorization the Service takes into account if the duty of authorized accredited body to provide the Service with feedback on adopted children is fulfilled properly. If the authorized institution and (or) the authorized representative fails to perform or unduly performs the functions and (or) duties, the activities of accredited body may be suspended. (ii)
<p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p>	<p>Information is used for statistics, reports, analysis (f.e. Analysis of feedback on children over 10 years of age, adopted by foreigners was accomplished. This analysis covers the portraits of adopted children and adoptive parents, information on the life of children over 10 years of age, adopted by the families of foreign citizens in 2009–2012, in their new home, the situation and points at issue of the adoptive families, as well as certain tendencies. Furthermore, the analysis covers an overview of the way the children, parents, and other family members adapted to new conditions as well as of the role of Lithuania and connection to Lithuania). This information helps in preparing children for adoption as well.</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²³

States of origin are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.

33. The costs ²⁴ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (<i>e.g.</i>, link to a website or</p>

²³ See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH 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*.

²⁴ See the definition of “costs” provided in the Terminology, *ibid*.

	<p>attach a copy). Please also briefly explain the legal framework:</p> <p><input checked="" 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: information must be submitted in annual reports of accredited bodies</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 checked="" type="checkbox"/> Through the accredited body:</p> <p><input checked="" type="checkbox"/> Directly by the PAPs: stamp study</p> <p><input type="checkbox"/> Other (please explain):</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 type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input checked="" type="checkbox"/> Other (please explain): up to the PAPs</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>The State receives the stamp duty</p>
<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><i>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</i></p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: information is provided on a website</p> <p><input type="checkbox"/> No</p>

34. Contributions, co-operation projects and donations²⁵

<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁶ to your State if it</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • What type of contribution is required:
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²⁵ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 23.

²⁶ See further the Terminology, *supra*, note 23, 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

<p>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 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: • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): • Whether such projects are monitored by an authority / body in your State: • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" 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 type="checkbox"/> No</p>

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 Service. If there is a doubt the Service may apply to the prosecutor or State tax inspection. Article 3.224 of the Civil Code provides that when a child is going to be adopted in any other State, all appropriate measures shall be taken to prevent improper material benefit to be received by persons concerned in relation to the child's transfer to another State.
b) What measures have been taken in your State to prevent improper financial or other gain?	Every accredited body must provide an annual report where charges, payments, income and expenses should be mandatory declared for the supervision of the Service. There is no special regulation but during the authorization procedures the fees of the foreign accredited institution are always evaluated.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Activities of accredited body may be suspended. The prosecutions or other actions under the criminal law shall be made by the competent criminal institutions.

PART XI: ILLICIT PRACTICES²⁷

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. ²⁸	close cooperation with prosecutors

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 (<i>e.g.</i> , accredited bodies (national or foreign), PAPs, directors of children's institutions).	Criminal code

²⁷ "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 [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >).

²⁸ *Ibid.*

<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>Interdepartmental Commission regarding the recommendation to grant or not to grant authorisation to the legal person to implement the programme in the Republic of Lithuania on temporary stay of children placed in custody (care) in a foreign country by the order of the Minister of Social Security and Labour is formed as well as the Commissions indicated in 7.1 a) and 11 a).</p>
<p>c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?</p>	<p>criminal liability may be applied</p>

38. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><i>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</i></p> <p><i>Please tick all which apply.</i></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>

PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Adoption 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 State²⁹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: It would be treated as domestic adoption, additionally PAPs shall submit information from the last state of residence</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 Adoption 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: The conclusion on the legal bars and the suitability and preparedness of the PAPs for the adoption of a child in another country shall be approved by a ruling of the Vilnius County Court</p> <p><input type="checkbox"/> No</p>

²⁹ According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.4.

<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption 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 State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: It would be treated as intercountry adoption, the same rules apply, just these PAPs have the priority to get the proposal of eligible for adoption child</p> <p><input type="checkbox"/> No</p>
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PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³¹

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>Italy, USA, Spain, New Zealand, Canada, Sweden</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 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	<p>see answer 7 b)</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 Adoption Convention are complied with in these cases.³²</p>	<p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (<i>e.g.</i>, the conclusion of a formal agreement³³ with that receiving State)?</p>	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁴</p> <p><input checked="" type="checkbox"/> No</p>

³⁰ According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.4.

³¹ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

³² See GGP No 1 (*op. cit.* note 14), 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”.

³³ See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

³⁴ *Ibid.*

