HCCH
HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVÉ

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION[1]

STATE OF ORIGIN

COUNTRY NAME: Romania

PROFILE UPDATED ON: May 2022

PART I: CENTRAL AUTHORITY

1. Contact details[2]

Name of office:	National Authority for the Protection of Child's Rights and Adoption
Acronyms used:	(NAPCRA)
Address:	7th Bd. Gral. Ghe. Magheru, 1st District, Bucharest 010322 Romania
Telephone:	+40213100789
Fax:	+40213127474
E-mail:	office@anpdca.ro
Website:	copii.gov.ro
Contact person(s) and direct contact details (please indicate language(s) of communication):	Mrs. Elena Tudor, President Romanian, English

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.

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

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

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State? *This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).*	21-X-1994
b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force. *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.*	The law governing adoption in Romania is: - Law no. 273/2004 on the adoption procedure (republished 3).The last amendments of this law entry into force on March 26, 2021; - Methodological Norms of applying Law no. 273/2004 on the adoption procedure, approved by Government Decision no.798/2021, entry into force on August 05, 2021; - the Civil Code, chapter III "Adoption", entry into force at October 1st, 2011; - Government Decision no.1441 / 2004 on authorizing foreign private organizations to carry out activities in international adoption, as subsequently amended; - NAPCRA President Decision no.1430/05.08.2021 on the approval of the model of the document certifying the capacity for adoption of a person/family, as well as of the model and content of some forms, tools and documents used in the adoption procedure. The legislation is available at the following link:http://www.copii.gov.ro/1/legislatie/nationala/

3. Other international agreements on intercountry adoption[3]	
Is your State party to any other international (cross-border) agreements concerning intercountry adoption? *See Art. 39.*	☐ Yes: ☐ Regional agreements (please specify): ☐ Bilateral agreements (please specify): ☐ Non-binding memoranda of understanding (please specify): ☐ Other (please specify): ☒ No

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

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State. *See Arts 6-9 and Arts 14-21 if accredited bodies are not used.*	NAPCRA represents the Romanian central authority responsible with the fulfilment of the obligations set forth by the Convention on Child Protection and Cooperation in Respect of Intercountry Adoption, concluded in Hague on 29 May 1993. In order to fulfil the objectives in the field of adoption,NAPCRA fulfils the following functions: a) state authority, through which to ensure the tracking and the monitoring of the application and the compliance with the adoption regulations, as well as the coordination of the activities carried out by public or private law legal persons in the field; b) representation, through which to ensure, in the name of the Romanian state, the internal and external representation in the field of adoption; c) regulation, through which to ensure the elaboration of the normative frame needed to harmonise the internal legislation in the field of adoption with the norms and principles set forth by the international treaties and conventions to which Romania is part of, as well as in order to actually apply them. d) authorizes foreign Romanian and foreign private bodies to perform activities in the field of adoption; e) draws up notifications and communications provided by Law no.273/2004, republished with subsequent amendments; f) follows the development of the child and the relationship between him/her and the adopter or the foreign adoptive family, for at least 2 years from the intercountry adoption approval, through the competent public central authority or the acredited/authorized body in the receiving State; g) sends the intercountry adoption applications of the adoptive persons/families to the competent Court; h) participates in cases whose object is settling claims on intercountry adoption approval pending in the Courts; i) sets out necessary measures to avoid the approval of an adoption which is subject to failure, the obtaining of any improper material benefits and any trends of child trafficking; j) issues certificates attesting that the adoption has been approved according to the rules imposed by the Hague Convention; k) endeavors to the authorities of the State whose citizen adopted a child, in order for him/her to benefit of the guarantees and

	standards equivalent to those existing in the case of domestic adoption; l) keeps a central record for all the approved adoptions; m) draws up draft regulations, standards and methodologies in the field of adoption; n) provides control and methodological guidance of the activities performed within the adoption procedures by the general directions of social assistance and child protection and by the private bodies and proposes to the competent institutions the setting up of disciplinary, material, administrative or criminal, if applicable, of the persons guilty of the found violations; o) takes the necessary measures or, if applicable, proposes to the competent authorities or institutions to take action to prevent or, if applicable, to remove the effects of any act or facts that violate the principles and norms of international treaties in the field of adoption, to which Romania is a party; p) supports the adopted children to learn about their origins and past, by collaborating with other public or private legal entities in this respect.

5. Public and competent authorities	
Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State. *See Arts 4, 5, 8, 9, 12, 22, 23 and 30.*	The General Directions of Social Assistance and Child Protection (GDSACP) - authorities of the local public administration, with legal personality, existing at the level of each county/district of Bucharest municipality -, monitor the manner in which the special protection measures are applied, carry out the legal formalities for the integration/reintegration of the child in the natural/extended family or, as the case may be, the prior formalities for obtaining the legal status of adoptable child (the prior formalities imply the counselling and the preparation of the child, finding parents and counselling them regarding the child situation, the counselling of the birth parent before expressing the consent for adoption). GDSACP carries out the selection and initial and practical matching between the adoptable child and certified family. GDSACP draws up the report on the adoptable child. GDSACP provides information and training of the child for the intercountry adoption. NAPCRA communicates to the central authority or to the foreign accredited organization the report on the child and

	solicits the consent of the adopter on the matching, the consent of the responsible foreign authority for continuing the adoption procedure, and also the transmission of the document that certifies there are guarantees for the adoptee to enter and resides permanently in the receiving State. After obtaining the agreements required by law, the selected adopter must travel and reside in Romania for at least 30 consecutive days in order to relate to the child (the process of practical matching). GDSAPC monitors the manner in which the relation between the adopter and the child to be adopted is carried out, it draws up and submits to NAPCRA a report regarding the evolution of the relations between the child and the prospective adoptive parent. NAPCRA keeps the evidence of all the eligible children for the intercountry adoption, as well as of all the families certified for intercountry adoption. It notifies the central authority from the receiving state or the private accredited body on the selection performed and sends the report comprising the recent, detailed information on the adoptable child. It requests, receives and submits the approvals set forth by the convention. After receiving the report on the relationship between the child and the adoptive family, if the conclusions show a good evolution of these relations between the child and the future adoptive parent, NAPCRA submits to the competent court the international adoption application accompanied by the documentation set forth by the law. It makes all the necessary endeavours, according to the law, in order to support the adopted person in his/her efforts to know his/her origins, his/her own past and, as the case may be, knowing and contacting the birth family. The competent court is the authority that decides if a child obtains the legal status of adoptable child or not, following the application of GDSAPC which operates in the jurisdiction where the child is protected. Moreover, the court is the competent authority to approve the intercountry adoption, following the application of the NAPCRA, which submits the intercountry adoption application. It approves, according to the law, the access of the adopted person to information aiming to disclose the identity of the birth parents and biological relatives.

6. National accredited bodies[4]

[4] "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"),

a) Has your State accredited its own adoption bodies? *See Arts 10-11.* ***N.B.** the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).*[5]	☐ Yes ☒ No – **go to Question 7**
b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.[6]	
c) Please briefly describe the role of national accredited bodies in your State.	
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the *procedure* for granting accreditation and the most important accreditation *criteria*.	
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 *renewed*.	
6.2 Monitoring of national accredited bodies[7]	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? *See Art. 11* c).	

available on the Intercountry Adoption Section of the Hague Conference website < www.hcch.net > at Chapters 3.1 *et seq*.

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

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

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

b) Please briefly describe how national accredited bodies are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (*i.e.*, withdrawn).	
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	☐ Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of accreditation): ☐ No

7. Authorised foreign accredited bodies[8] (Art. 12)	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State? ***N.B.*** *the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.*	☒ Yes ☐ 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 what basis your State limits the number.[9]	Until May 2022 NAPCRA has authorized 15 foreign private bodies. The Romanian law does not limit the number of foreign accredited bodies in any way.
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	The roles of authorised foreign accredited bodies are the following: a) The submission of the intercountry adoption request accompanied by the documentation set forth by law, in case of persons/families with the residence abroad classified under one of the circumstances set forth by art. 60 from Law no. 273/2004, on the adoption procedure, republished III. b) The receipt of the notification sent according to the law by NAPCRA regarding the registration of the intercountry adoption application within the National Adoption Register or, as the case may be, regarding the need to complete the submitted documentation. c) The receipt of the notification submitted according to the law by NAPCRA regarding the selection of the adoptive parent or family and of the report comprising information on the child.

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

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

	d) The information/submission to persons/families of the notifications sent by NAPCRA within the instrumentation procedure of the intercountry adoption application. e) The submission to NAPCRA of the necessary documents/information for the settlement of the intercountry adoption applications. f) The communication to NAPCRA of the approval of the adoptive parent/family on the selection carried out according to the law, as well as the approval of the competent foreign authority on the continuance of the adoption procedure, as the case may be. g) The submission or, as the case may be, the drawing up and the submission to NAPCRA of the quarterly post-adoption monitoring reports accompanied by their authorised Romanian translation.
d) Are there any requirements concerning the way foreign accredited bodies must operate in your State? *Please tick any which apply.*	☒ Yes: ☐ 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** ☐ The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: **OR** ☒ 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** ☒ Other (please specify): The activities for which the authorisation is issued shall be carried out directly by the foreign private body in collaboration with NAPCRA. ☐ No

7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	NAPCRA is the central authority responsible with the authorisation of the foreign private bodies in order to carry out activities in the field of intercountry adoption of children from Romania.
b) Please briefly describe the *procedure* for granting authorisation and the most important authorisation *criteria*.[10] If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	The foreign private bodies located in another State may conduct activities in the field of intercountry adoption of children from Romania only if they are authorized by NAPCRA. The main conditions that they must meet are the following: - be legally established businesses; - have their registered office in a State that ratified the 1993 Convention or in a State whose competent authorities on adoption concluded cooperation agreements with NAPCRA; - be acredited by the competent authorities in the field of intercountry adoption in the State in which they have their headquarters; - pursue non-profit objectives; - be led and administrated by qualified persons in terms of moral integrity and professional training/ experience to work in the filed of intercountry adoption; - be under the supervision of the competent authorities of the State where their head office is, regarding their composition, operation and financial situation. The foreign private body forwards to NAPCRA the authorisation application accompanied by the documents set forth by law. NAPCRA analyses the documentation and, if it is complete, it issues the authorisation. If the documentation is incomplete, it requests supplementation/clarifications or, as the case may be, additional comments. The term of issuing authorisation is 30 days with the possibility of extension with other 30 days.
c) For how long is authorisation granted?	The authorisation shall be valid for 2 years
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be *renewed*.	Within the renewal procedure it is required to fulfill the same criteria as when the moment of authorization. Additionally, the private body is requested an activity report and also it is taken into account the collaboration with the private body during the period it performed authorized activities.
7.2 Monitoring of authorised foreign accredited bodies	

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

a) Does your State monitor / supervise the activities of authorised foreign accredited bodies?[11]	☒ Yes ☐ No – **go to Question 8**
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	NAPCRA
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).	See no.7.1 d), paragraph 2. Also, the assessment of the collaboration with the authorized private body may be achieved at any moment, in case there are elements that require this.
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (*i.e.*, withdrawn).	NAPCRA may decide, depending on the seriousness of the analyzed issues, the adjournment or withdrawal of the authorization, when it finds that the foreign private body no longer meets the authorizing requirements and conditions and it does not comply with the legal norms or the assumed commitments in this field.
e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	☒ Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of authorisation): The authorization adjournment or withdrawal ☐ No

8. Approved (non-accredited) persons (Art. 22(2))[12]	
a) Is the involvement of approved (non-accredited) persons *from your State* permitted in intercountry adoption procedures in your State? ***N.B.*** *see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.* *If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).*[13]	☐ 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: ☒ No
b) Is the involvement of approved (non-accredited) persons *from other Contracting States* permitted in intercountry adoption procedures in your State? ***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*	☐ Yes. Please specify the role of these approved (non-accredited) persons in your State: ☐ No, our State has made a declaration according to Article 22(4).

[11] See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.
[12] See GGP No 2, *supra*, note 4, Chapter 13.
[13] See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.	

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (*e.g.,* age, sex, state of health).	The children eligible for intercountry adoption are older than 2 years, but most of them are over 5 years old, and may show delays in development or may be classified within different degrees of disabilities.

10. The adoptability of a child (Art. 4 *a)*)	
a) Which authority is responsible for establishing that a child is adoptable?	The court, upon the notification of the local public administration authority, GDSAPC, within the jurisdiction where the child has the residence.
b) Which criteria are applied to determine whether a child is adoptable?	A child becomes adoptable under explicit situations stipulated by law and the adoption declaration is the Courts' competence. The declaring of the children as being adoptable is done in the following circumstances: -children with unknown parents (when there is no guardienship); -children whose natural parents are unreachable or they are not collaborating in order to reintegrate the child into the natural family. -children whose natural parents state they do not want to be implied in the growth and the care of the child. -children in guardianship and those who are in foster care with the relatives, at the guardian's/relatives' request, if the social services consider the adoption in the child's best interest.
c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (*e.g.*, search for the child's birth family). ***N.B.** the issue of* consent *is dealt with at Question 12 below.*	The proposal of adoptable declaration is issued by the social services (GDSACP within each county/district of Bucharest) and it is forwarded to the competent Court. This proposal is based on the description of the existing relationships from the child's natural family, on how the natural parents and the relatives imply in the child's reintegration demarches and on their ability to give the child the proper care.

11. The best interests of the child and subsidiarity (Art. 4 *b)*)	
a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking	Prior to the adoptable declaration of the children there are taken steps in order for them to be reintegrated with their natural parents or to be

intercountry adoptions (*e.g.*, through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	placed within the extended family. For this reason, the natural parents and the relatives receive support in order to raise and to care for the child. Also, there is the possibility to establish guardianship in cases of children with unknown/dead parents. A child may become eligible for the intercountry adoption only after a period of 1 year from the date of the final court decision that approves the application for the opening of the internal adoption procedure, if during this period an adoptive parent or family with the residence in Romania or a relative of up to the IV degree of the child, who would like to adopt the child, was not found.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	Children become, under the law, eligible to be intercountry adoptable if there has not been identified a proper adopter in Romania within 1 years period of time. Also, a child who is declared adoptable may be intercountry adopted before 1 year term if the intercountry adoption request is made by a relative within the 4th degree of kinship (and there are no other relatives in Romania who want to adopt the respective child). The international adoption of a child with habitual residence in Romania is allowed before the end of the 1-year term, if he / she is 14 years old and the certified family/person requesting the adoption is part of the extended family of the child or maintained and developed personal relationships with him. The provision applies similarly to siblings who cannot be adopted separately if one of them has reached the age of 14. The authority that establishes the accomplishment of the eligibility conditions of the children for adoption is the Court of Law.
c) Please briefly explain how that decision is reached (*e.g.*, whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	See previous letter.

12. Counselling and consents (Art. 4 *c)* and *d)*)	
a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where: (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	(i) The birth parents of the child or his/her legal guardian, as the case may be, must consent to the adoption in a free and unconditioned way, only after they have been properly informed on the consequences of expressing their consent on the termination of the family relationship of the child with his/her family, following the adoption consent. (ii) In these situations the consent of the

responsibilities (*i.e.*, the rights and responsibilities which attach to being a parent). In each case, please remember to specify in which circumstances a *father* 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.	other parent is sufficient; (iii) The consent is not the task of any other person; (iv) The parents who have been deprived of parental rights also give their consent to adoption; (v) In all the situations in which the father is known and he is able to give his consent, he is required to consent to the child's adoption. Moreover, in case the child's filiation to the father is established after the child's adoptability declaration, the adoption procedure is suspended and his/her father is called to consent to adoption. (vi) The child whose biological parents do not turn 14 years old cannot be adopted. (vii) The parents who are not yet of full age consent to adoption assisted by their biological parents or legal representatives.
b) Please describe the procedure for: (i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and (ii) obtaining their consent(s) to an adoption.[14]	(i) The birth parents of the child or his/her legal guardian, as the case may be, must consent to the adoption in a free and unconditioned way, only after they have been properly informed on the consequences of expressing their consent on the termination of the family relationship of the child with his/her family, following the adoption consent. The GDSACP in whose jurisdiction the birth parents live or the legal guardian lives, as the case may be, through the means of the specialty department, is bound to ensure their counselling and information before expressing the consent to adopt and to draw up a report in the matter. (ii) The consent of the natural parents/guardian is given in front of the Court that will decide on the child's adoptable declaration, being recorded by the Court. (iii) The Romanian legislation sets forth that, exceptionally, the court may overrule the rejection of the birth parents or the legal guardian, as the case may be, to consent the adoption, if there are proofs that the rejection is abusive and the court considers that the adoption is the higher interest of the child, taking into account his/her opinion, if the child is 10 years old. The express justification of the court in

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

	this matter is necessary, according to the law (iv)
c) Does your State use the model form *"Statement of consent to the adoption"* developed by the Permanent Bureau of the Hague Conference? *The model form is available on the Intercountry Adoption section of the Hague Conference website.*	☐ Yes ☒ No – please provide (or link to) any form(s) which your State uses for this purpose: The consent is given solely in front of the Court.
d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed. *See Art. 4* d) *2).*	The child's opinion is recorded in the assessments and in the reports issued on his/her person, and this is taken into consideration depending on the child's degree of maturity. Also, the child's wishes regarding the adoption are recorded and included within the matching criteria.
e) Please briefly describe the circumstances in which a child's consent to an intercountry adoption is required in your State. 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. *See Art. 4* d) *1).*	The consent of the child for the adoption is needed when the child is 10 years old. In this case, the consent for adoption of the child is given before the court, in the adoption approval phase. Prior to expressing the consent, the GDSACP in whose jurisdiction the child who is 10 years old lives shall advise and inform him/her, considering his/her age and maturity, especially regarding the adoption consequences and his/her consent for adoption, and shall draw up a report in the matter. The case responsible within the specialty department is bound to offer the child information and clear and concrete explanations, according to his/her age and maturity, regarding the duration and the adoption procedure phases, during the adoption procedure. Therefore, the case responsible is bound to collaborate with the reference person/persons for the child, as well as with the case manager, informing them regarding the formalities carried out during the procedure.

13. Children with special needs	
a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".	In general "children with special needs" reffers to children with various degrees of disabilities.
b) What, if any, procedures does your State use to expedite the adoption of children with special needs?	Romanian legislation provides a simplified adoption procedure for children with a "public profile" (some of whom may have different types of disabilities), this category including children for whom within 6 months of declaring their adoptability the matching with an adoptive person/family failed, either because no adoptive

	person/family has been identified to meet the child's needs, or the adoption procedure/the entrustment in view of adoption procedure has not been completed with a positive outcome. Whitin this simplified procedure, the adoptive person/family has an active role in initiating an adoption proceeding with a specific child, being able to consult the public profiles at the headquarters of GDSACP and having the possibility to express the agreement to initiate the matching procedure with that specific child. At this time, the simplified procedure for the adoption of children with a "public profile" can be applied in the case of domestic adoption only and not in the case of intercountry adoption.

14. The preparation of children for intercountry adoption	
Is there a special procedure in your State to prepare a child for an intercountry adoption?	☒ Yes, please provide details (*e.g.*, the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): The preparation of the child in order to meet the adoptive parents is carried out, according to his/her age and degree of maturity. The preparation of the child is performed after the selection of the adoptive person/family in view of the relationship between the child and the adoptive person/family during the actual matching stage. This is carried out by the case responsible within the specialty department - the GDSACP from the child's residence, in collaboration with the reference person for the child. ☐ No

15. The nationality of children who are adopted intercountry[15]	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	☐ Yes, always ☒ It depends – please specify which factors are taken into consideration (*e.g.*, the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State): The infant, Romanian citizen, adopted by a foreign citizen, loses the Romanian citizenship, if at the adopter's request or, if applicable, adopters' request, aquires their citizenship thereof under foreign law. The infant who reached 14 years old is asked for his/her consent. The time he/she loses the Romanian citizenship is the time when he/she aquires the citizenship of the adopter.

[15] Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, "GGP No 1"), available on the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

	Motivated by the fact that Romanian law allows dual citizenship, the child who has Romanian citizenship and who is intercountry adopted by a Romanian citizen / a person with dual citizenship or by a family in which one spouse has Romanian citizenship / dual citizenship, can keep Romanian citizenship even he/she acquires a new citizenship, to the extent that the foreign legislation allows it. ☐ No, the child will never retain this nationality

PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

16. Limits on the acceptance of files	
Does your State place any limit on the number of PAPs' files which are accepted from receiving States?[16]	☐ Yes, please specify the limit applied and the basis on which it is determined: ☒ No

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State[17]	
a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)? *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).*	☒ Yes, the following person(s) may apply in our State for an intercountry adoption: ☒ Married, heterosexual couples: ☐ Married, same-sex couples: ☐ Heterosexual couples in a legally registered partnership: ☐ Same-sex couples in a legally registered partnership: ☐ Heterosexual couples that have not legally formalised their relationship: ☐ Same-sex couples that have not legally formalised their relationship: ☒ Single men: ☒ Single women: ☐ Other (please specify): ☐ No, there are no relationship status criteria for PAPs.
b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?	☒ Yes, please specify: ☐ Minimum age requirements: 18 years old ☐ Maximum age requirements: ☒ Difference in years required between the PAPs and the child: 18 years ☐ Other (please specify):

[16] See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.
[17] *I.e.*, this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Convention.

	☐ No
c) Are there any *other* eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?	☒ Yes: ☐ Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): ☐ Couples must supply evidence of infertility: ☐ For persons with children already (biological or adopted), there are additional criteria (please specify): ☒ Other (please specify): The children from NAPCRA may be adopted by the persons who find themselves in the following situations: - the adopter/one of the adoptive family spouses is related within the fourth degree of kinship to the child; - the adopter/one of the adoptive family spouses is also a Romanian citizen; - the adopter is the spouse of the child's natural parent. Adoption interdictions for: - (1) A person that has been convicted through a final court decision of an offence against the person or family, intentionally, as well as for the offence of human trafficking or illegal traffic and consumption of drugs cannot adopt. - (2) The person or the family whose child benefits from a special protection measure or whose parental rights have been terminated cannot adopt. The persons who are not of full age and the persons who are mentally ill or suffer from an intellectual disability cannot adopt. - The interdiction is applied to the persons that wish to adopt on their own, whose spouses are mentally ill, have a mental illness or are classified within one of the circumstances set forth in paragraph (1) and (2). The adoption between siblings, regardless the gender, is forbidden. Two people cannot adopt together or simultaneously or successively, unless they are husband and wife. However, a new adoption may be permitted when: a) the adopter or adoptive spouses have passed away; in such case, the initial adoption shall be dissolved as of the date on which the new adoption order becomes irrevocable; b) the initial adoption has ended for any other reason. Two persons of the same sex cannot

	adopt together. ☐ No

18. Preparation and counselling of PAPs (Art. 5 *b)*)	
Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption *in the receiving State*?	☒ Yes, please explain what kind of preparation is expected: The intercountry adoption file must comprise a document issued by the competent foreign authority or the accredited foreign organisation that emphasises that the adopters have benefitted, in the receiving state, from the necessary counselling in view of the adoption. ☐ No

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	The adoption file of PAPs have to be submitted to NAPCRA.
b) Please indicate which documents must be submitted with an application: *Please tick all which apply.*	☒ An application form for adoption completed by the PAPs ☒ A statement of "approval to adopt" issued by a competent authority in the receiving State ☒ A report on the PAPs including the "home study" and other personal assessments (see Art. 15) ☒ Copies of the PAPs' passports or other personal identification documents ☒ Copies of the PAPs' birth certificates ☐ Copies of the birth certificates of any children living with the PAPs ☒ Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): For married couples shall be submitted the certificate of marriage ☒ Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Shall be submitted a separate medical report for each adopter containing the result of psychiatric assessment and, if applicable, the medical report regarding the mental illness of the spouse who will not adopt ☐ Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): ☐ Information concerning the employment status of the PAPs (please specify in which

	circumstances and what type of information is required): ☒ Proof of no criminal record ☒ Other(s): please explain - authenticated statement, under own responsibility, of the applicants that their parental rights are not terminated, as well as that they do not have children within the protection system; - justifying documents on the family degree with the child, as the case may be; - the document issued by the competent foreign authority or the accredited foreign organisation that certifies the post-adoption services; - the document issued by the competent foreign authority or the accredited foreign organisation which specifies that the monitoring of the child's evolution and of the relationship between him/her and the adoptive parents is ensured for a period of minimum 2 years since the adoption approval, through quarterly reports; - the document issued by the competent foreign authority or the accredited foreign organisation specifying that the adopted child has the same legal status as a birth child or the adoptive parent before the latter and his/her relatives, respectively the acknowledgement of the adoption in the receiving state; - the document issued by the competent foreign authority or the accredited foreign organisation that specifies that the adopters have benefited, in the receiving state, from the necessary counselling in view of the adoption.
c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?[18]	☐ Yes, please specify whether it must be a *national* accredited body, a *foreign authorised* accredited body or whether it may be either of these accredited bodies.[19] Please also specify at which stage(s) of the procedure an accredited body must be involved (*e.g.*, for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): ☒ No
d) Are any *additional* documents required if PAPs apply through an accredited body? *Please tick all which apply.*	☐ Yes ☐ A power of attorney issued by the PAPs to the accredited body (*i.e.*, 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): ☐ A contract signed by the accredited

[18] See GGP No 1, *supra*, note 15, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.
[19] See the definitions provided at notes 4 and 8 above.

	body and the PAPs: ☐ A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: ☐ Other (please specify): ☒ No
e) Please specify the language(s) in which any documents must be submitted:	In general, the documentation for the adoption file shall be submitted in original. A series of documents can be sent to the adoption file in certified true copy by the central authority or by the accredited foreign organization, respectively: - copy of the passport/valid identity card attesting the citizenship of the applicant/applicants; - copies of the marriage certificate and of the birth certificates of the applicants. All the documents issued in another language than Romanian must be accompanied by the authorised Romanian translation.
f) Do any of the required documents need to be legalised or apostillised?	☒ Yes, please specify which documents: The declaration on the own responsibility of the applicants stating that "they are not deprived of the parental rights, as well as that they do not have a child/children in the protection system" must be in authentic form, respectivelly expressed in front of a notary public or a competent authority. Documents drawn up or certified by an authority or public agent from the receiving state can be submitted or presented before Romanian courts, without having to comply with the procedures of supralegalization/apostillation. ☐ No – **go to Question 20**
g) Is your State party to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (the Hague Apostille Convention)? *This information is available on the Status Table for the Hague Apostille Convention (see the Apostille Section of the Hague Conference website).*	☒ Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: 16-III-2001 ☐ No

20. The report on the child (Art. 16(1) *a*))	
a) Who is responsible for preparing the report on the child?	The report comprising information regarding the child is prepared by the GDSACP in whose jurisdiction the child has the residence.
b) Is a "standard form" used for the report on the child?	☒ Yes, please provide a link to the form or attach a copy: The report is prepared based

	on a template used in the adoption procedure, approved and applied according to NAPCRA President Decision no.1430/05.08.2021, published in the Official Gazette, Part I no. 774/11.08.2021. You may find attached the framework of this report. ☐ 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:
c) Does your State use the *"Model Form – Medical Report on the Child"* and the *"Supplement to the general medical report on the child"*? *See GGP No 1 – Annex 7, available here.*	☒ Yes ☐ No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	The Romanian legislation does not set forth a validity of the social enquiry report of the PAPs. The provisions of the law of the Receiving State are applicable.

b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. *E.g.*, does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?	Before the report expires, the foreign competent authority or foreign accredited organisation shall submit an update report

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 initial matching is performed by the GDSACP from the child's residence.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	The matching is performed only by the children's case responsibles - social workers/psychologists employed at the adoption department within GDSACP.
c) What methodology is used for the matching in your State?	The matching is made based on the childs needs in relation to the child's particularities that the family was certified for. The criteria hereunder shall be used for the selection: (a) Adoption of a child's brother or sister; (b) Adoption of another child from Romania; (c) Adoption of a child with whom they lived, for whom they were directly involved in his/her care and education, and the child developed attachment relationships with them; (d) The child's age for which the family is certified; (e) Number of children for which the family is certified; (f) The child's gender for which they the family is certified; (g) Child's health status and development level.
d) Is any preference given to PAPs who have a close connection with your State (*e.g.*, nationals of your State who have emigrated to a receiving State)?	☒ Yes, please specify: The intercountry adoption of the child with the residence in Romanian by a person/family with the residence abroad may be approved only for children who are recorded in the NAPCRA. evidence and only in the following situations: a) the adoptive parent or one of the spouses of the adoptive family is a relative, of up to the forth degree including of the child for whom the opening of the internal adoption procedure has been approved; b) the adoptive parent or one of the spouses of the adoptive family is also a Romanian citizen; c) the adoptive parent is married to the birth

	parent of the child whose adoption is requested. ☐ No
e) Who is responsible for notifying the receiving State of the matching?	NAPCRA.
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	According to the legislation only the children from the special protection system who were declared adoptable by the Court can be adopted. The matching is done only between an adoptable child and a family certified as suitable by public institutions.
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?	☐ Yes, please provide details of the required procedure: The initial matching is performed by GDSACP starting from the criteria stated at no. 22.1 c) and taking into consideration the information about the child and those information registered in the documents refering to PAP's, so that the adopter who best meets the child's needs will be indentified. If the selection is performed, following a theoretical matching, NAPCRA submits the central authority/the accredited foreign organisation the report comprising information referring to the child accompanied by the authorised translation in an international language. The report is submitted together with information referring to the status of the adoptable child, as well as his/her recent photos. Upon the submission of the report, the central authority/the accredited organisation is notified on the selected adoptive parent/family. Moreover, the agreement of the adoptive parent/family on the selection performed, as well as the approval of the central authority to continue the adoption procedure are requested. The notification comprises information on the obligation of the adoptive parents to travel to Romania, in the child's district/county of residence, within 30 days, in order to relate with the child. ☐ No
b) How much time is the receiving State given to decide whether to accept a match?	The agreement of the adoptive parent/family on the selection performed, as well as the approval of the central authority to continue the adoption procedure are submitted to the Authority within 45 days from the notification. At the duly motivated request of the competent foreign authority, the 45 days term may be extended to another 45 days.
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?	No sanctions are mentioned in the PAPs case in the legislation, but PAPs must motivate their refusal in writing and send it to NAPCRA.

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.e.*, during the remainder of the intercountry adoption procedure and prior to entrustment)?	☒ Yes, please specify who is responsible for providing this information: After the initial matching is completed, PAP's must travel to Romania in order for the practical matching to be performed. At that moment they will directly meet the child, they will interact with him/her and they will be able to ask for additional information regarding the child. After the practical matching process is completed (it may last 30 days, but in duly justified cases it may be extended to 15 days) PAP's may remain in contact with the child and also with the social services reprezentatives/ the family who takes care of the child, and they are informed on his/her development. Also, within or after the practical matching procedure (prior to the adoption approval by Court), it is regulated by law the possibility for the child to be hosted by the PAPs at their request. The location is established by mutual agreement between the PAPs and the case responsible person of the child. ☐ No

23. Agreement under Article 17 *c)*	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 *c)*?	NAPCRA
b) At what point in the adoption procedure is the Article 17 *c)* agreement given in your State?	☐ Our State sends the Article 17 *c)* agreement to the receiving State with the proposed match; **OR** ☒ The receiving State must accept the match first and then our State will provide its Article 17 *c)* agreement; **OR** ☐ Other (please specify):

24. Travel of the PAPs to your State[20]	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	☒ Yes, in which case please specify: - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: The adoptive parent/family shall travel to Romania, in the child's district/county of residence, for a period of at least 30 consecutive days, in order to relate with the child. - There are 60 days to come to Romania from the agreement registration date. - How many trips are required to complete the intercountry adoption procedure: A trip to Romanian of at least 30 consecutive days (to relate) and the mandatory appearance before the court to express the consent on the adoption, as well as the presence of at least one of the parents after the final decision to travel together with the adopted child from Romania to the receiving country. - Regarding the expression of the consent to adoption in front of the Court of Law, by the adoptive family, the Romanian law provides that one of the spouses may mandate the other spouse by a power of attorney empowering him/her to represent him/her in front of the Court in order to consent to adoption. - It is mandatory that both parents live for 30 days in Romania to relate to the child, then (if they want that) they may go back to their country of residence, but al least one of them must return to consent before the Court. Then, at the family's discretion, they may either live in Romania until the final decision or leave and at least one of them return when the decision becomes final in order to take the adopted child out of Romania. - How long the PAPs need to stay for each

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

	trip: a trip to Romania of at least 30 consecutive days and the mandatory appearance before the court to express the consent on the adoption. - At least one of the parent must be in Romania -mandatory appearance before the court - to express the consent on the adoption. - At least one of the parent must be in Romania when the decision becomes final in order to take the adopted child out of Romania. - Any other conditions: ☐ 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?	☐ Yes, please specify in which circumstances: ☒ No

25. Entrustment of the child to the PAPs (Art. 17)	
After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs? Please include an explanation of the procedures used to prepare the child for entrustment (*e.g.*, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).	The child's preparation is performed by the case responsible within the specialty department - the GDSACP from the child's residence, in collaboration with the reference person for the child, according to the child's age and degree of maturity, as well as according to his/her specific traits. The child shall interact with PAPs in the district/county where s/he lives, during visits and meetings at the child's house, at playgrounds and leisure spaces, as well as in other locations chosen by the case aide to allow their adjustment and interaction. Within or after the practical matching procedure (prior to the adoption approval by Court), it is regulated by law the possibility for the child to be hosted by the PAPs at their request. The location is established by mutual agreement between the PAPs and the case responsible person of the child. During the 30 days the relation between the child and the PAPs is monitored by the psychologist or the case responsible within the specialty department. They may leave Romania together with the child only after the court decision becomes final (that is after the termination of a period of 10 days from the ruling). After the court decision becomes final, the child's documents may be obtained - a new birth certificate, travel documents (passport), the certificate attesting that the adoption is according to the provisions of the Hague Convention.

26. Transfer of the child to the receiving State (Arts 5 *c)* and 18)	
a) Which documents does your State	After the court decision becomes final, the

require in order for the child to be permitted to leave your State and travel to the receiving State (*e.g.,* passport, visa, exit permit)?	child's documents may be obtained - a new birth certificate, travel documents (passport), the certificate attesting that the adoption is according to the provisions of the Hague Convention. Also, depending on the receiving State it may be mandatory the issuing of the visa for the child. The Romanian law expressly sets forth the fact that the travel of the adopted child from Romania to the state where the adoptive parent/family has the residence is possible only when the adoption approval decision becomes final. The adopted child travels only accompanied by at least one adoptive parent, in safety conditions according to his/her needs.

b) Which of the documents listed in response to Question 26 a) above does your State issue? Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.	The Court of Law issues the adoption order. The Civil Status Service issues the new birth certificate; NAPCRA issues the certificate attesting that the adoption is according to the provisions of the Hague Convention; The Passports general directorate/the county public community services for ordinary passports issues the child's passport.
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?	☒ Yes, please specify: The demarches to obtain the visa for the child (applicable for those receiving States which visa is mandatory) ☐ No

27. Final adoption decision and the Article 23 certificate	
a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	☒ In our State – **go to Question 27 c)** ☐ In the receiving State – **go to Question 27 b)**
b) Following the making of the final adoption decision in the receiving State: (i) Are any further steps required in your State to complete the procedure (*e.g.*, obtaining a copy of the final adoption decision from the receiving State)? (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?	(i) (ii) **Go to Question 28**
c) If the final adoption decision is made in your State, which competent authority: (i) Makes the adoption decision; and (ii) Issues the certificate under Article 23 of the 1993 Convention? ***N.B.*** *According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.* *The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.*	(i) The final adoption decision is made by the Court (ii) NAPCRA.
d) Does your State use the *"Recommended model form – Certificate of conformity of intercountry adoption"*?	☒ Yes ☐ No

See GGP No 1 – Annex 7, available here.	

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?	The issue of the certificate is performed upon the application of the adoptive parent/family, within 5 working days from the registration of the application accompanied by the adoption approval decision, in notarised copy, with the specification "final". The application is personally submitted by the adoptive parent/family or by the authorised representative and comprises the copy of the new child's birth certificate , copy of the valid identity document that certifies the identity of the adoptive parent/family or, as the case may be, of the authorised person, as well as the document certifying this capacity.

28. Duration of the intercountry adoption procedure	
Where possible, please indicate the average time which it takes to: (i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption; (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; (iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: *i.e.*, if the final adoption decision is made in your State and not in the receiving State).	(i) The duration of the matching procedure may be influenced a lot by the expectations of the adoptive parent/family expressed in the adoption application - in terms of child's age, gender, and health. The settlement duration may be shorter for the families that are flexible and are willing to adopt older children, or with health problems. (ii) not applicable, the child is entrusted to the adopters after the Court adoption approval. (iii) not applicable, the child is entrusted to the adopters after the Court adoption approval.

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")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "*intra-family* intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	The term "extended family of the child" refers to the relatives of up to the forth degree of kinship of the child.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? ***N.B.*** *If the child and PAPs are habitually resident in* different *Contracting States to the 1993 Convention,* ***the Convention is applicable****, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.*	☒ Yes – **go to Question 30** ☐ Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . **Go to Question 30** ☐ No – **go to Question 29 c)**

c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in the receiving State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION[21]

30. Simple and full adoption	
a) Is "full" adoption permitted in your State? *See GGP No 1 at Chapter 8.8.8 and note 21 below.*	☒ Yes ☐ No ☐ In certain circumstances only – please specify: ☐ Other (please explain):
b) Is "simple" adoption permitted in your State? *See GGP No 1 at Chapter 8.8.8 and note 21 below.*	☐ Yes ☒ No – **go to Question 31** ☐ In certain circumstances only (*e.g.*, for intra-family adoptions only) – please specify: ☐ Other (please explain):
c) If a "simple" adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family's consent(s)[22] to a "*full*" adoption where this is in the child's best interests (*i.e.*, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)? *See Art. 27(1)* b) *and Art. 4* c) *and* d)*.*	☐ Yes – please provide details of how this is undertaken: ☐ No
d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family[23] 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?	

[21] According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 15, Chapter 8.8.8.
[22] Or other person(s) whose consent to the adoption is required under Art. 4 *c)* and *d)* of the 1993 Convention.
[23] *Ibid.*

PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?	GDSACP in whose jurisdiction the child has been protected before the adoption, NAPCRA, the District Courts.
b) For how long is the information concerning the child's origins preserved?	NAPCRA (50 years), the National Archives (100 years) .

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: (i) the adoptee and / or his / her representative(s); (ii) the adoptive parents; (iii) the birth family; and / or (iv) any other persons? If so, are there any criteria which must be met for access to be granted (*e.g.*, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)? *See Art. 9* a) *and* c) *and Art. 30.*	(i) ☐ Yes – please explain any criteria: Yes, after the adoptee becomes of full age (has a full exercise capacity) or if the adoptee is an infant, it is mandatory for him/her to be assisted by the adopters in this demarch. ☐ No (ii) ☒ Yes – please explain any criteria: The adoptive parents are not allowed to access this information on the birth parents, except for the case when this is done from medical reasons, before the adopted child becomes of age. ☐ No (iii) ☒ Yes – please explain any criteria: The birth parents may receive only the information on the adoption regarding its confirmation, the year of adoption, if it is a domestic or intercountry adoption and whether the child is alive or not . The information does not disclose the identity of the adoptive parents or the new identity of the adopted child. Other information on the adoptee may be provided to the birth parents/biological relatives only with the consent of the adoptee/adoptive family. The demarches in order to obtain the consent are made by NAPCRA through GDSACP or, as the case may be, through the central authority from the receiving State. ☐ No (iv) ☐ Yes – please explain any criteria: ☒ No
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	☒ Yes – please specify: The adoptee is informed on the necessary demarches in order to access information on his/her origins and also the adoptee is reccomended to consider the possibility of requesting counseling from specialized services, given the emotional effects of these demarches. If the adoptee lives in Romania, he/she may be counseled by the Romanian social services/by the Romanian authorized private bodies/private psychology/social assistance offices that signed

	collaboration agreements with NAPCRA. Also, the Romanian social services/the Romanian authorized private bodies or private psychology/social assistance offices that signed collaboration agreements with NAPCRA perform the counseling of the adoptee's biological relatives prior to their contact. The biological parents'/adoptee's/adopters' current identity data have a personal nature, protected by law, and they cannot be disclosed unless they agree in this respect. For this reason, if the biological family does not consent on providing their personal data, their privacy will be kept and the adoptee will be provided information on his/her personal history/ institutional tracking and the context of his/her adoption without revealing his/her biological parents' data. ☐ No
e) Once access to such information has been provided, is any *further* assistance offered to the adoptee and / or others (*e.g.*, regarding making contact with his / her biological family, tracing extended family)?	☒ Yes – please specify: NAPCRA in collaboration with the Romanian social services, Romanian authorized private bodies and with the private psychology/social assistance offices that signed collaboration agreements with NAPCRA facilitates the contact beween the adoptee and his/her biological family. ☐ No

32. Post-adoption reports	
a) Is there a model form which is used by your State for post-adoption reports?	☒ 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): The framework of this report can be found at the following link: http://copii.gov.ro/1/formulare-adoptie-internationala/ ☐ 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) How frequently such reports should be submitted (*e.g.*, every year, every two years); (ii) For how long (*e.g.,* until the child is a certain age); (iii) The language in which the report must be submitted;	(i) 4 post-adoption reports/year (quarterly reports); (ii) 2 years from the adoption approval (iii) Romanian language (iv) The report is drawn up by the competent foreign authority or by the accredited foreign organisation (v) The report should contain recent photos of the child

(iv) Who should write the reports; and (v) Any other requirements.	
c) What, if any, are the consequences in your State if post-adoption reports are either: (i) Not submitted at all; or (ii) Submitted, but not in accordance with your requirements?	(i) NAPCRA shall notify the competent foreign central authority/the accredited foreign organisation about the necessity of issuing the report. If the acredited foreign organisation does not respond to the request, its authorization may be adjourned/withdrawn. (ii) NAPCRA shall notify the competent foreign central authority/the accredited foreign organisation about the necessity of filling the report. If the acredited foreign organisation does not respond to the request, its authorization may be adjourned/withdrawn.
d) What does your State do with post-adoption reports? (*i.e.*, to what use are they put?)	Post-adoption monitoring follows the making of the adoption order and monitors the progress of the adopted child and of his/her relationship with the adoptive parents with a view to fully integrating the child into the adoptive family and to early identifying any difficulties that may arise at this time. NAPCRA enters the electronic framework of these reports in its records.

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION[24]

States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the Intercountry Adoption Section of the Hague Conference website.

33. The costs[25] of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	☐ Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (*e.g.*, link to a website or attach a copy). Please also briefly explain the legal framework: ☒ No
b) Does your State monitor the payment of the costs of intercountry adoption?	☐ Yes – please briefly describe how this monitoring is undertaken: ☒ No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?	☐ Through the accredited body: ☐ Directly by the PAPs: ☐ Other (please explain):

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

See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.	
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? *See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.*	☐ Only by bank transfer: ☐ In cash: ☐ Other (please explain):
e) Which body / authority in your State receives the payments?	Not applicable. See question 33.c) above.
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (*e.g.*, in a brochure or on a website)? ***N.B.*** *Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).*	☐ Yes – please indicate how this information may be accessed: ☒ No

34. Contributions, co-operation projects and donations[26]	
a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution[27] to your State if it wishes to engage in intercountry adoption in your State? *For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.*	☐ Yes – please explain: • What type of contribution is required: • Who is responsible for paying it (*i.e.*, 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: ☒ No
b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?	☐ Yes – it is a *mandatory* requirement for authorisation to be granted to a foreign accredited body. ☐ Yes – it is *permitted* but not required. In either of the above cases, please explain: • What type of co-operation projects are permitted: • Who may undertake such projects (*i.e.*, 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: ☒ No
c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State? ***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).*	☐ Yes – please explain: • To whom may donations may be made (*e.g.*, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (*e.g.*, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are

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

[27] See further the Terminology, *supra,* note 24, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	permitted to be paid: • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: ☒ No

35. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The criminal investigation bodies (Police department, the Public Prosecutor's Office)
b) What measures have been taken in your State to prevent improper financial or other gain?	Legislative measures
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	- The child's parent or legal representative claims and receives money or other material benefits for themselves or someone else through the child's adoption, s/he shall be sentenced to 2-7 years in prison and the deprivation of certain rights. - The same sentence as above shall apply to any person who unlawfully mediates or facilitates child adoption for the purpose of getting financial or other kind of benefits; - It is requested the dissolution of the Romanian private organisation that is involved in the intercountry adoption procedure.

PART XI: ILLICIT PRACTICES[28]

36. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.[29]	If such situations occur the criminal investigation bodies are noticed and it is asked for the collaboration with the central authority from the receiving State. At the end of the investigation it may be brought legal action to the Romanian Court in order to declare the adoption null under the law.

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	- The Hague Convention on 25 October 1980 in respect of the civil aspects of international child kidnapping (which Romania ratified by Law No. 100/1992, published in the Official Monitory no.

[28] "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases,* available on the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).
[29] *Ibid.*

programmes. Please also specify which bodies / persons the laws target (*e.g.*, accredited bodies (national or foreign), PAPs, directors of children's institutions).	243/30.09.1992); - Law no. 369/2004 in respect of the ratifying of the Convention on the civil aspects of international child kidnapping, 25 October 1980; - Law. no. 470/2001 in respect of the ratifying of Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. - Law no. 565/2002 in respect of ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. - Law no. 678/2001 in respect of preventing and combating trafficking in persons - Penal Code
b) Please explain how your State monitors respect for the above laws.	-Promotion of bilateral and multilateral agreements that establish measures to protect and safely return children who are victims of cross-border trafficking - Establishment of institutions and specialized services with attributions in the field (e.g: at the central level - The Ministry of Justice, The Ministry of Internal and NAPCRA have competences aiming these issues; at the local level - in every county there is a GDSACP. According to law, each of these institutions must have a specialized intervention department in their minimal structure. This department has a multidisciplinary team that performs the following main and customized stages in case management for the children who are victims: identifying, reporting, initial assessment and taking the cases of the children who are victims; detailed, comprehensive and multidimensional assessment of the situation of the children who are victims; planning of the support and specialized services and other interventions needed to rehabilitate the children who are victims; providing services and interventions.
c) If these laws are breached, what sanctions may be applied (*e.g.*, imprisonment, fine, withdrawal of accreditation)?	- criminal penalties (prison sentences) - authorization withdrawl and dissolution of the legal entity, applicable to private bodies

38. Private and / or independent adoptions	
Are private and / or independent adoptions permitted in your State? ***N.B.*** *"Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.* *Please tick all which apply.*	☐ Private adoptions are permitted – please explain how this term is defined in your State: ☐ Independent adoptions are permitted – please explain how this term is defined in your State: ☒ <u>Neither</u> private nor independent adoptions are permitted

PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Convention (Art. 2)	
a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State? *Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.*	☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[30] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Foreign national PAPs may adopt a child habitually resident in Romania if they have the documents that certify the right of long-term residence in Romania, issued by the Romanian authorities (as general rule, such document is obtained after 5 years of effective and continuous residence in Romania). In this case it will be a domestic adoption. ☐ No
b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State? *Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.*	☒ Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: the collaboration is made with the central authorities from the implied States. In such cases, there are several difficulties arising from the different interpretation which the States give to the concept of ''habitual residence'', and also difficulties regarding the establishment of the Party States of the Convention between which is to take place such an adoption (e.g: between the child's State of origin and the State in which the adopters have their habitual residence or between the State of origin and the State in which the adopters have their citizenship). ☐ No
c) If nationals of your State, habitually resident in another Contracting State to the 1993 Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State? *Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.*	☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[31] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: In this situation it is considered to be achieved an intercountry adoption of a child from Romania and it is one of the Romanian law requirements for an intercountry adoption to be achieved from Romania. See answer to 17 c) above. ☐ No

[30] According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra,* note 15, Chapter 8.4.

[31] According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra,* note 15, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION[32]

40. Selection of partners	
a) With which receiving States does your State currently partner on intercountry adoption?	Belgium, Canada, France, Germany, Ghana, Hungary, Italy, Malta, Norway, Portugal, Spain, Switzerland,UK, USA.
b) How does your State determine with which receiving States it will partner? In particular, please specify whether your State only partners with other *Contracting States* to the 1993 Convention. *To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).*	Under Romanian law, in the intercountry adoption procedure there is the collaboration with the competent authorities from the Hague ratifying States or if applicable, with those that did not ratify the convention (but with whom there are singned collaboration agreements in this respect). All the approved adoptions have been done with ratifying States of the Convention.
c) If your State also partners with *non*-Contracting States, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.[33]	Until now ther are no signed collaboration agreements with non-ratifying States of the Convention. At the conclusion of such agreements there will be stated obligations and guarantees similar to those contained in the Convention. ☐ Not applicable: our State only partners with other *Contracting* States to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (*e.g.*, the conclusion of a formal agreement[34] with that receiving State)?	☐ Yes – please explain the content of any agreements or other formalities:[35] ☒ No

[32] In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra,* note 4, Chapter 3.5.
[33] See GGP No 1, *supra,* note 15, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".
[34] See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.
[35] *Ibid.*