

Short questionnaire

Therefore, States are respectfully requested to provide responses to the following questions which relate to the recognition in one State of a domestic adoption granted in another State:

Name of State:	SLOVENIA
<u>Information for follow-up purposes</u>	
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A. RECOGNITION IN YOUR STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN OTHER STATES

The law and procedure in your State

1. Please briefly outline the **law** (legislation or other rules) in your State concerning the recognition of a domestic adoption granted previously in another State.

In Slovenia we don't have specific legislation or other rules concerning the recognition of a domestic adoption granted previously in another State. In Slovenia we don't collect data about personal (civil) status of foreign nationals (who moved from other country to Slovenia).

In general, the Act which contains rules for determining the law that shall be used in all personal, family, social labour, property and other civil law relations with an international element is The Private International Law and Procedure Act. In Article 94 of mentioned Act is prescribed that foreign court decisions shall be equal to the decisions passed by courts in the Republic of Slovenia, and shall have the same legal effect in the Republic of Slovenia, only if having been recognised by a court in the Republic of Slovenia. A settlement reached before a court (court settlement) shall also be considered to be a foreign court decision as described in the first paragraph of this Article. A decision by another body which in the country where it was issued is equal to a court decision or court settlement shall be considered to be a foreign court decision, if governing relations from Article 1 of this Act.

In particular, please specify whether your State applies different rules to the recognition of domestic adoptions made in certain States or regions and, if so, why.

2. Please briefly outline the **procedure** which must be followed in your State by persons seeking the recognition of a domestic adoption granted previously in another State.

In particular, please specify what legal or administrative steps are required for recognition.

3. What is the competent authority in your State for such matters?

Cases which have arisen in your State

4. Has your State been asked to recognise domestic adoptions granted previously in other States? If so:

(a) How many such cases have arisen in the past year?

Please insert text here

Past three years?

Please insert text here

(b) In such cases, why was recognition of the domestic adoption sought?

Please insert text here

(c) What type of document was presented for recognition?

Please insert text here

(d) Was recognition permitted?

Please insert text here

(e) In cases where recognition was refused, what were the reasons?

Please insert text here

In particular, have there been any cases in which recognition was refused by your State on the basis that jurisdiction had been inappropriately assumed by the foreign authority?

Please insert text here

(f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

Please insert text here

(g) Has there been any cross-border co-operation / communication between your State and any State(s) which granted the adoption(s) in these cases?

Please insert text here

5. In your State's experience, do (some or many) families with an adopted child move to your State without having the child's adoption formally recognised in your State?

As mentioned before in Slovenia we don't collect data about personal (civil) status of foreign nationals.

Does this create any problems for the family?

We are not informed about any such case.

B. RECOGNITION IN ANOTHER STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN YOUR STATE

The law and procedure in your State

6. In relation to the granting of domestic adoptions in your State:

- (a) Are any special rules or procedures followed when a case involving a domestic adoption has an international element (*e.g.*, it involves a foreign national child and / or foreign national prospective adoptive parents, despite the fact that they are all habitually resident in your State)?

Article 46 of the Private International Law and Procedure Act prescribes:

(1) The conditions for adoption and for termination of adoption shall be assessed under the law of the country whose citizens the adopting parent and the adopted child are.

(2) If the adopting parent and the adopted child are citizens of different countries, then the cumulative laws of the countries whose citizens they are shall be used for adoption and termination of adoption.

(3) If the spouses adopt someone jointly, then in addition to the law of the country whose citizen the adopted person is, the laws of the countries whose citizens the two spouses are shall also be used for adoption and termination of adoption.

(4) The form of adoption shall be assessed under the law of the country where the adoption takes place.

Article 47 of the same Act prescribes:

(1) The effects of adoption shall be assessed under the law of the country whose citizens the adopting parent and the adopted child are at the time of adoption.

(2) If the adopting parent and the adopted child are citizens of different countries, then the law of the country of their permanent residence shall be used.

(3) If the adopting parent and the adopted child are citizens of different countries and do not have permanent residence in the same country, then the law of the country whose citizen the adopted child is shall be used.

- (b) What type of document is issued for domestic adoptions granted in your State?

Decision issued by a competent center for social work as a public authority.

7. Are there any special rules or procedures which are followed when your State is made aware that another State has been requested to recognise a domestic adoption originating from your State?

Article 83 of the Private International Law and Procedure Act prescribes:

(1) A body of the Republic of Slovenia shall have exclusive jurisdiction for decisions regarding adoption and termination of adoption of a person who is a Slovene citizen and has permanent residence in the Republic of Slovenia.

(2) A body of the Republic of Slovenia shall have jurisdiction to decide on the adoption and termination of adoption if the adopting parent is a Slovene citizen with permanent residence in the Republic of Slovenia.

(3) If the spouses adopt jointly, then it shall suffice for jurisdiction of a body of the Republic of Slovenia that one of the spouses is a Slovene citizen with permanent residence in the Republic of Slovenia.

Cases which have arisen involving your State

8. Are you aware of situations in which recognition has been sought in other States of domestic adoptions granted in your State?

No.

If so:

- (a) How many such cases have arisen in the past year of which you are aware?

Please insert text here

Past three years?

Please insert text here

- (b) Which competent authorities were addressed in your State? And in the other State(s)?

Please insert text here

- (c) In such cases, why was recognition of the domestic adoption sought?

Please insert text here

- (d) Was recognition permitted by the other State(s)?

Please insert text here

- (e) In cases where recognition was refused, what were the reasons?

Please insert text here

Have you ever had a case where the grounds upon which your State assumed jurisdiction to grant the domestic adoption were challenged by the foreign State?

Please insert text here

- (f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

Please insert text here

- (g) Has there been any cross-border co-operation / communication between your State and any State(s) being asked to recognise the adoption in these cases?

Please insert text here

C. PRACTICAL PROBLEMS REQUIRING ACTION

9. In light of the information you have provided in both sections above, overall, are there, in your State's experience, practical problems in this area that need resolving at the international level?

We are not informed about any such problems.