

**QUESTIONNAIRE SUR LE FONCTIONNEMENT PRATIQUE DE LA
CONVENTION DE LA HAYE DU 29 MAI 1993 SUR LA PROTECTION
DES ENFANTS ET LA COOPERATION EN MATIERE
D'ADOPTION INTERNATIONALE**

établi par le Bureau Permanent

* * *

**QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE
HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION
OF CHILDREN AND CO-OPERATION IN RESPECT
OF INTERCOUNTRY ADOPTION**

drawn up by the Permanent Bureau

*Document préliminaire No 1 de mars 2005 à l'intention de la
Commission spéciale de septembre 2005 sur le fonctionnement pratique de la
Convention de La Haye du 29 mai 1993 sur la protection des enfants et
la coopération en matière d'adoption internationale*

*Preliminary Document No 1 of March 2005 for the attention of the
Special Commission of September 2005 on the practical operation of the
Hague Convention of 29 May 1993 on Protection of Children and
Co-operation in Respect of Intercountry Adoption*

**QUESTIONNAIRE SUR LE FONCTIONNEMENT PRATIQUE DE LA
CONVENTION DE LA HAYE DU 29 MAI 1993 SUR LA PROTECTION
DES ENFANTS ET LA COOPERATION EN MATIERE
D'ADOPTION INTERNATIONALE**

établi par le Bureau Permanent

* * *

**QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE
HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION
OF CHILDREN AND CO-OPERATION IN RESPECT
OF INTERCOUNTRY ADOPTION**

drawn up by the Permanent Bureau

Table of Contents

	<u>Page</u>
Introduction	4
A EXPLANATIONS AND QUESTIONS	5
1. Description	5
2. Good practice	5
3. Questions concerning scope.....	5
4. General principles for protection of children	6
5. Central Authorities	6
6. Accreditation	7
7. Procedural aspects	8
8. Private international law issues	10
9. Recognition and effects.....	10
10. Payment of reasonable charges and fees	10
11. Improper financial gain	11
12. Relative adoptions	12
13. Children with special needs	12
14. Other forms of cross-border child care	12
15. Avoiding the Convention	12
16. Additional safeguards and bilateral arrangements	12
17. Limits on number of States with whom co-operation is possible	13
B SUGGESTIONS FOR THE SEPTEMBER SPECIAL COMMISSION	13
Annex 1 – Organigram	
Annex 2 – Statistical Forms	

Introduction

The Permanent Bureau is undertaking preparations for the Special Commission to review the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*, which is to be held in The Hague from 17-23 September 2005. It is intended that the Special Commission will provide the opportunity for State Parties to the Convention (as well as States which are considering or preparing for ratification or accession) to exchange information and experiences on the operation of the Convention, to compare practices, and to consider any difficulties in respect of the implementation and practical operation of the Convention. In order to make the maximum use of the time available at the Special Commission, the Permanent Bureau is gathering information with a view to its circulation for use by the Special Commission. *We would be very grateful for your co-operation in this exercise, and we hope that you will be able to send us your replies to this Questionnaire by 14 June 2005.*

If you responded to the Questionnaire in 2000, you may wish to refer to your answers from 2000 again in this Questionnaire. For example, if you provided copies of legislation in 2000, and that legislation has not changed, a statement to that effect will suffice for an answer and it is not necessary to provide copies again in 2005. Both this Questionnaire and that of 2000 are available on the Hague Conference website at: < www.hcch.net > under Convention 33, Questionnaires and Responses.

The information provided in responses to this Questionnaire will be supplemented by responses to the draft Statistics Forms and draft Organigram. These forms are in Annexes 1 and 2 of this Questionnaire. States are encouraged to complete those forms to provide the Permanent Bureau with the best information possible.

This Questionnaire is addressed to Member States of the Hague Conference and Contracting States to the 1993 Convention. Obviously, it is understood that some questions can only be readily answered by Contracting States. It is also understood that some questions are more relevant to States of origin than to Receiving States and vice versa.

As regards all other States which are not yet Party to the Convention, as well as certain intergovernmental organisations and non-governmental international organisations which have also been invited to the Special Commission as observers, we would welcome from them any comments in respect of any items in the Questionnaire which are considered relevant.

We intend, except where expressly asked not to do so, to place all replies to the Questionnaire on the Hague Conference website. We would therefore request that replies be sent to the Permanent Bureau, if possible by e-mail, to: **secretariat@hcch.net**.

NAME OF COUNTRY OR ORGANISATION: _____

A EXPLANATIONS AND QUESTIONS

If a question does not apply to your State, please answer "Not applicable".

1. Description

- (a) Is your country (primarily) a receiving State or a State of origin? If both, please ensure your answers to the questions clearly distinguish, when necessary, between your role as a receiving State and your role as a State of origin.
- (b) If your country is not yet a Party, please specify if your country is considering becoming a party to the Convention.
- (c) Was your country represented at the 2000 Special Commission? Were the Conclusions and Recommendations of that meeting discussed or implemented by relevant authorities in your country?

2. Good practice

The Permanent Bureau has commenced work on a Guide to Good Practice on Implementation of the Convention. A consultative group met in September 2004 to provide advice to the Permanent Bureau on this project. It is anticipated that the draft Guide will be circulated, in English, French and Spanish, to all Contracting States in June 2005 seeking comments and for discussion at the Special Commission.

- (a) In relation to any aspect of intercountry adoption, what examples of good practice can you report, (i) from your own country or (ii) from another country?
- (b) Please indicate what topics you would suggest for future chapters in the Guide to Good Practice (in addition to "Implementation", "Central Authority Practice" and possibly "Accreditation").
- (c) Have you experienced any major concerns or problems (i) in your State and (ii) in another State, associated with implementation of the Convention, such as a lack of implementing legislation, inadequate staffing or funding issues?
- (d) If your State has signed but not yet ratified the Convention, please indicate whether your State would like implementation assistance from the Permanent Bureau or other States. What type of assistance would be most beneficial?

3. Questions concerning scope

Please specify any difficulties you have experienced in determining whether certain situations do or do not come within the scope of the Convention.

In particular, have there been any problems in determining whether:

- (a) a child was or was not habitually resident in the State of origin;
- (b) a prospective adopter was or was not habitually resident in the receiving State (as *e.g.* in the case of a short-term or temporary resident); and

- (c) the removal of the child was or was not "for the purpose of adoption" in the receiving State (as *e.g.* where the child is initially moved to the receiving country on a temporary basis or for foster care, and later on adoption is considered)?

4. General principles for protection of children

- (a) What are the different types of care available to a child in need of care and protection in your State?
- (b) Please specify the procedures or other measures in place to ensure that due consideration is given to the possibilities for placement of the child within the State of origin before intercountry adoption is considered (the principle of subsidiarity - see Article 4 *b*) and Preamble, paragraphs 1-3).
- (c) What are your procedures to establish if a child is adoptable?
- (d) What procedures are in place to ensure that consent to an adoption is given in accordance with Article 4 *c*) and *d*) of the Convention?
- (e) Do you make use of the Model Form for the "Statement of consent to the Adoption"? See < www.hcch.net >, "Intercountry Adoption", "Practical Operation Documents", "Annex B to the Special Commission Report of October 1994".
- (f) Have you applied the "Recommendation concerning the application to refugee children and other internationally displaced children of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption"? See Annex A to the Special Commission Report of October 1994.
- (g) How is the eligibility and suitability of prospective adoptive parents assessed in your country (see Article 5 *a*)?)
- (h) What preparation (counselling, education or training) is given to prospective adoptive parents to prepare them for the intercountry adoption?
- (i) Please also specify the measures / procedures in place to ensure that the requirements concerning the counselling of prospective adopters are complied with (see Article 5 *b*)).
- (j) Please specify any post-adoption services established or contemplated in your country (see Article 9 *c*)).

5. Central Authorities

- (a) Please specify any of the functions under Chapter IV of the Convention performed directly by your Central Authority or Central Authorities.
- (b) Please indicate the number of personnel employed by your Central Authority to deal with intercountry adoption, their experience and qualifications, and what type of training they have received. (Where personnel undertake other functions, count them only for the amount of time spent on intercountry adoption, for example, if a person spends 50% of their time on intercountry adoption, count them as 0.5 of a person.)
- (c) What procedures are in place to ensure continuity of experienced staff and training for new staff?

- (d) Have you experienced difficulties with regard to the establishment or operation of the Central Authority, for example, difficulties over funding or resources?
- (e) Please provide details of any difficulties you have experienced communicating with "central" Central Authorities in other countries or with provincial Central Authorities (in your own country or other countries)?

6. Accreditation

At the Special Commission meeting in September 2005, the first day will be devoted to an examination of accreditation issues. Your responses to this part of the questionnaire will be very helpful to the Permanent Bureau in the planning and preparations for that day.

Accredited bodies

- (1) Please indicate whether your country uses or intends to use accredited bodies in intercountry adoption. If so, please provide details on the topics (a) to (m) below.
- (a) Please provide details (including powers and resources) of the authority or authorities which grant accreditation.
- (b) How many bodies have been accredited by your country? Federal States may provide the number for each state or province. If possible, please indicate how many bodies have been refused accreditation.
- (c) Please give a brief outline of your accreditation criteria, guidelines or legislation.
- (d) What is the process by which accreditation is granted?
- (e) If possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish.
- (f) How is the supervision of accredited bodies carried out in your State (Article 11 c))? Are there regular reporting requirements (including financial reporting) by the accredited body to the supervising authority?
- (g) How is the performance of the accredited body assessed or evaluated?
- (h) Has the competent supervisory authority encountered any difficulties in relation to (f)?
- (i) Are you aware of any acts or behaviour by accredited bodies or approved bodies or persons that contravened your accreditation criteria? Please also provide details of any sanctions or penalties applied?
- (j) What are the conditions for renewal of accreditation?
- (k) Have you experienced any difficulties in obtaining assistance or cooperation from other Central Authorities in regard to accredited bodies?
- (l) Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries?

- (m) Do you consider that standard or model accreditation guidelines would assist countries in developing appropriate safeguards or procedures?
- (2) Has your country authorised foreign accredited bodies to undertake intercountry adoptions in your country (see Article 12)?
 - (a) What steps are involved in the process of authorisation?
 - (b) What supervision of foreign authorised bodies occurs?
 - (c) Have you experienced any difficulties regarding a body accredited in one State and authorised to act in another State?
- (3) If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision.
- (4) What particular issues concerning accreditation would you like discussed on the Accreditation Day (17 September)?
- (5) Would you like to see a chapter on Accreditation developed for the Guide to Good Practice for Intercountry Adoption? What issues do you think should be covered in this chapter?

Approved bodies and persons

- (6) Please indicate whether your country uses or intends to use approved bodies or persons (see Article 22(2)) in intercountry adoption. If so,
 - (a) How many bodies or persons have been approved by your country to provide adoption services in accordance with Article 22(2)?
 - (b) Do you grant approval to persons or bodies from abroad?
 - (c) What are the guidelines by which approval is granted (if different from 1(c))?
 - (d) What is the process by which approval is granted and renewed?
 - (e) How is the supervision of approved bodies or persons carried out in your State (Article 22(2))?
 - (f) Has your country made a declaration under Article 22(4)?

7. Procedural aspects

- (1) Please indicate any operational difficulties that have been experienced, including in particular:
 - (a) obtaining accurate and sufficient health and social information on the child;
 - (b) obtaining accurate and sufficient information on prospective adoptive parents;¹

¹ The Convention, Articles 15 and 16.

- (c) obtaining an accurate estimate of fees to be paid by adoptive parents prior to adoption and / or travel to collect the child;²
- (d) documentation requirements, including requirements for legalisation or authentication of documents, or the acceptance of documents by the other country;
- (e) obtaining the agreements required in Article 17;
- (f) receiving post-placement reports from adoptive parents or Central Authorities;³
- (g) translation requirements;
- (h) time taken to process Convention cases.

(2) Do you permit prospective adopters, once their eligibility and suitability have been established, to make their own arrangements for contacting directly the placement agencies in the country of origin?

(3) Has the practice referred to in the preceding question given rise to particular problems of which you are aware?

(4) Please provide details on the breakdown of placements in the Receiving State. What steps have been or are being taken in your country to address this problem (Article 21)?⁴

(5) Legalisation of foreign documents can be very time consuming for Contracting States. At the Special Commission on the Apostille, Evidence and Service Conventions in November 2003,⁵ a recommendation was made concerning the 1993 Convention. The Report states that:

"The Special Commission stressed the usefulness of linking the application of the Hague Adoption Convention of 1993 to the Apostille Convention [the 1961 Convention Abolishing the Requirement of Legalisation for Foreign Public Documents]. In light of the high number of public documents included in a typical adoption procedure, the Special Commission recommended that States that are party to the Adoption Convention but not to the Apostille Convention consider actively becoming party to the latter."⁶

Would you favour a similar recommendation from the forthcoming Special Commission meeting for the 1993 Convention?

(6) DNA testing has been used to establish identity (if, for example, a consent is in doubt). Can you provide details of such cases, including the cost and procedures involved?

² See Report of the Special Commission of 2000, page 42, paragraph 7.

³ See the Convention, Article 20.

⁴ The number of placement breakdowns is sought in the new draft Statistics Form.

⁵ See "Conclusions and Recommendations adopted by the Special Commission on the Practical Operation of the Hague Apostille, Evidence and Service Conventions", 2003, page 5, available on the Hague Conference website at < [Hwww.hcch.net/H](http://www.hcch.net/H) >.

⁶ See paragraph 6.

8. Private international law issues

(1) The Convention does not determine which authorities have jurisdiction to grant or amend / revoke an adoption nor which law applies to the conditions governing, or the effects of, an adoption.

- (a) Are you aware of any difficulties that may have arisen in the application of the Convention concerning the jurisdiction of the authorities to grant or amend / revoke an adoption?
- (b) Are you aware of any difficulties that may have arisen in the application of the Convention concerning the law or laws to be applied to the conditions governing, or the effects of, an adoption?

If the answer to either or both of these questions is "yes", do you wish the Permanent Bureau to study these questions further?

(2) Issues of applicable law may arise when bodies accredited in one Contracting State act in another Contracting State (Article 12), for example:

- whether and to what extent agents of that body are authorised to act and bind their principal;
- whether they have exceeded or misused their authority.

Have you experienced any difficulties in this respect (see also the *Hague Convention of 14 March 1978 on the Law Applicable to Agency*)?

9. Recognition and effects

(1) Have your courts used the Recommended Model Form "Certificate of Conformity of Inter-country Adoption"? See < www.hcch.net >, "Inter-country Adoption", "Practical Operation Documents", "Annex C to the Special Commission Report of October 1994".

(2) Have you knowledge of any difficulties that have arisen in obtaining certificates under Article 23(1)?

(3) Do you have information about any case in which recognition of a Convention adoption has been refused under Article 24?

(4) Are there any circumstances in which you would recognise the validity of a foreign adoption coming within the scope of the Convention despite Convention procedures or requirements not having been followed?

Please specify any other difficulties that have arisen in relation to Chapter V of the Convention.

10. Payment of reasonable charges and fees

(1) Please quantify the costs and expenses charged or fees paid in your country in respect of inter-country adoptions (Article 32(2)). Is this information freely available and accessible to prospective adoptive parents and competent authorities?

- (2) Have you had any experiences with the use of fee caps, established and publicised appropriate fees, established expediting fees, or other similar controls?
- (3) Do you have any comments on the practice in some countries of requiring a mandatory contribution by adoptive parents for the support or development of child protection services in such countries?
- (4) Do you have any comments on or experiences of uneven processing amongst countries due to large disparities in fees (for example, applications from countries that offer higher fees may be processed more quickly)?
- (5) Are you aware of any instances of disparity between professional salaries or fees charged for adoptions compared to other forms of legal work? (For example, large legal fees may be charged for adoption, while standard or lower fees are paid for other family law matters such as divorces – see Article 32(3).)
- (6) Are you aware of any significant differences in fees charged for intercountry adoption by regional or provincial authorities?
- (7) To what extent, if any, are intercountry adoption fees used (a) to support or develop the national childcare and protection system; or (b) to contribute to funding resources of Central Authorities or accredited bodies?
- (8) Do you have any other comments about reasonable or unreasonable costs and expenses or fees?
- (9) Are you aware of any other problems arising from the payment of fees or charges in your country or in other countries with which you have adoption arrangements?

11. Improper financial gain

- (1) Please indicate the laws (including criminal sanctions), measures and procedures in place to give effect to the principle that no one shall derive improper financial or other gain from an activity related to an intercountry adoption (Article 32(1)).
- (2) Are you aware of any instances of success in enforcing penalties to discourage improper financial gain?
- (3) Are you aware of any difficulties in the enforcement of laws or regulations or in prosecution of criminal activity?
- (4) Apart from the measures referred to in Question 11(1) above, have any other preventive measures been taken in your country to combat improper financial gain?
- (5) Please provide details of any measures taken to prevent solicitation (*e.g.* through inducements to consent) of children for adoption (Articles 8 and 29).
- (6) Have you experienced any difficulties in obtaining co-operation or assistance from other States in eliminating practices that lead to improper financial gain?

12. Relative adoptions

Do you have any comments on the application of the Convention procedures to relative (inter-family) adoptions?

13. Children with special needs

What policies or programmes do you have to ensure that children with special needs are given the same opportunity to find a family through intercountry adoption as other children?

14. Other forms of cross-border child care

International foster care, transnational *kafala* and other forms of child care with a cross-border element are not covered by the 1993 Convention, but by the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*: See for example its Articles 3 e) and 33(1).

- (1) Is your country involved in international placements of children other than for purposes of adoption?
- (2) Are you aware of any difficulties concerning such placements?
- (3) If your country is not yet a Party to the 1996 Convention, is your country actively studying ratifying or acceding to it?

15. Avoiding the Convention

Are you aware of any attempts to circumvent the Convention or to avoid protections afforded to children, including the moving of children or birth parents to other countries?

16. Additional safeguards and bilateral arrangements

Please describe any additional safeguards, requirements or procedures, which you apply to Convention adoptions (*i.e.* over and above those which are set out in the Convention itself). Are these applied generally, or only in relation to particular States?

Have you made agreements with one or more other Contracting State (see Article 32(2)) with a view to improving the application of the Convention? If so, please specify with which States and what matters are covered by the agreements.

Do you have any comments on the efficacy of bilateral arrangements:

- (a) with non-Contracting States? Are Convention safeguards applied?
- (b) with Contracting States? Do they improve the operation of the Convention? Have they caused any difficulties?

17. Limits on number of States with whom co-operation is possible

In making arrangements for intercountry adoption (whether as a receiving State or as a State of origin), have you found it necessary to confine co-operation under the Convention to a limited number of other Contracting States? If so, please explain the reasons (*e.g.* no appropriate accredited body, lack of resources to process applications from large number of States, etc) and indicate what has influenced the choice of these States.

B SUGGESTIONS FOR THE SEPTEMBER SPECIAL COMMISSION

18. Do you regularly hold seminars, training sessions or workshops on the Adoption Convention in your State? Would you welcome participants from other countries? Would you find it helpful if there was a consistent way to announce such activities to other States? Do you have suggestions?

19. In the current negotiations for a new Convention on the International Recovery of Child Support and other Forms of Family Maintenance, an Administrative Co-operation Working Group has been established to examine and report on practical problems and issues of administrative co-operation between authorities. Would you favour the establishment of a similar group for the 1993 Convention?

20. Please indicate which topics you consider priority issues for the Special Commission in September 2005, and their degree of importance.

21. Any other suggestions, comments and observations are welcomed.

A N N E X E S

ANNEX 1 - ORGANIGRAM

Introduction and explanation

In response to the recommendation of the Special Commission of 2000¹ the Permanent Bureau has prepared a model form designed to provide information on which entity in each State performs each function outlined in the Convention.² The form is applicable to both States of Origin and Receiving States, and also includes space for the reporting and updating of names and contact information for the Central Authorities, Public Authorities, Courts, Accredited Bodies and Approved Persons in each State.

With reference to the recommendation of the Special Commission of 2000, it was not possible in the time available to develop a simple form that would show the interaction of the competent authorities and bodies in each State. Any additional information could be provided by States in a separate document.

We would welcome comments on the form and its ease of use, and any suggested changes or additions. It is thought that the exercise of preparing answers to the form may be the best way to test its value and may highlight any need for revision. Therefore, we would like, if possible, to receive completed forms from States prior to **14 June 2005**. If your State has already sent the information requested in Section C, please send only revisions as necessary.

¹ N.B. A Special Commission on the Convention was held from 28 November-1 December 2000 on the Practical Operation of the Convention. The report of this meeting, *Report and Conclusions of the Special Commission on the Practical Operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*, was published in English and French and is available on the Hague Conference website at: < <http://hcch.e-vision.nl/upload/scrpt33e2000.pdf> >.

² See Report of the Special Commission of 2000, page 41, paragraphs 1 and 2.

ORGANISATION AND RESPONSIBILITY UNDER THE 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION

Country: _____

Please check the box(es) that indicate which body performs the stated function. States which are solely States of origin should complete only section A; States which are solely receiving States should complete only section B; States which act as both States of origin and receiving States should complete sections A and B. All States are requested to ensure that the Permanent Bureau has the information requested in Section C and to provide updated information where changes are needed.

- (CAN) Central Authority National
- (CAR) Central Authority Regional
- (PA) Public Authority
- (CT) Court or Tribunal
- (ABN) Accredited Body National
- (ABF) Accredited Body Foreign
- (APN) Approved Person National
- (APF) Approved Person Foreign
- (IAE) Independent Accrediting Entity appointed by Central Authority

Section A: States of origin

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
4 a)	Establishes that the child is adoptable	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 b)	Determines that possibilities for placement of the child within the State of origin have been considered	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 b)	Determines that intercountry adoption is in the child's best interests	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 c); 16(1) c)	Ensures that all involved parties have been counselled; consent has been obtained; consent was freely given; and was only given after birth of child	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
4 d)	Ensures that child has been counselled and consulted when appropriate	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
8	Takes all appropriate steps to prevent improper financial gain	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
9 a); 30	Preserves adoption records and information; Ensures availability of information to child when appropriate	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 b)	Facilitates, follows and expedites proceedings with a view to obtaining the adoption	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 c)	Promotes the development of adoption counselling and post adoption services	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 d)	Provides Central Authorities with general evaluation reports about experiences with intercountry adoption	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 e)	Replies, in so far as it is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
10; 11	Accredits bodies and ensures that accredited bodies meet the requirements of the Convention and the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> IAE
12	Authorises foreign accredited bodies to act in the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
16(1) a)	Prepares report on the child	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
16(1) a); 22(5)	Supervises preparation of report by approved persons	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
16(1) b)-d)	Determines, after giving due consideration to the child's circumstances and ensuring that consents have been properly obtained, that the envisaged placement is in the best interests of the child	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
16(2)	Transmits reports and documentation to receiving State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
17 a)	Ensures that the prospective adoptive parent(s) agree to the placement	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
17 c)	Agrees that the adoption may proceed	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
18	Takes all necessary steps to obtain permission for the child to leave the State of origin	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
19(2)	Ensures that the transfer of the child takes place in secure and appropriate circumstances	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
19(3)	Returns reports if transfer of the child does not take place	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
20	Provides information on the progress of the adoption to the Central Authority of the receiving State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
21	Consults with Central Authority or other body in receiving State in the event the placement fails and a new placement is necessary	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
23	Certifies that the adoption has been made in accordance with the Convention (if the adoption is completed in State of origin)	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
24	Retains authority to refuse adoption if manifestly contrary to the public policy of the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
29	Ensures that no contact takes place between the prospective adoptive parent(s) and the child's parents or any other person who has care of the child until the requirements of Articles 4 a) and 5 a) have been met in accordance with the law of the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
32	Ensures that no one derives improper financial gain, and that service providers do not receive remuneration which is unreasonably high in relation to services rendered	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT

Section B: Receiving Countries

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
5 a)	Determines the eligibility and suitability of adopters	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
5 b)	Ensures that prospective adoptive parents have been counselled	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
5 c)	Determines that the child is or will be authorised to enter or reside permanently in that State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
8	Takes all appropriate steps to prevent improper financial gain	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
9 a); 30	Preserves adoption records and information; Ensures availability of information to child when appropriate	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 b)	Facilitates, follows and expedites proceedings with a view to obtaining the adoption	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 d)	Provides Central Authorities with general evaluation reports about experiences with intercountry adoption	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
9 e)	Replies, in so far as it is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
10; 11	Accredits bodies and ensures that accredited bodies meet the requirements of the Convention and the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> IAE
12	Authorises foreign accredited bodies to act in the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
14	Accepts adoption applications from prospective adoptive parents	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
15	Prepares report on prospective adoptive parents and transmits to the State of origin	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
15(1); 22(5)	Supervises preparation of reports by approved persons	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF
15(2)	Transmits report to State of origin	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
16(2)	Receives report on child, proof of consents and reasons for recommended placement of child with prospective adoptive parents	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
17 a) b)	Approves decision made by State of origin regarding match of child and parents where required by law or appropriate; notifies State of origin of agreement of prospective adoptive parents to placement of child	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
17 c)	Agrees that the adoption may proceed	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
18	Takes all necessary steps to obtain permission for the child to enter and reside permanently in the receiving State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
19(2)	Ensures that the transfer of the child takes place in secure and appropriate circumstances	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
19(3)	Returns reports if transfer of the child does not take place	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
20	Provides information on the progress of the adoption to the Central Authority of State of origin	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
21	Protects child, finds alternate care, consults with Central Authority or other body in State of origin in the event the placement fails and a new placement is necessary	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT <input type="checkbox"/> ABN <input type="checkbox"/> ABF <input type="checkbox"/> APN <input type="checkbox"/> APF
23	Certifies that the adoption has been made in accordance with the Convention (if the adoption is completed in the receiving State)	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
24	Retains authority to refuse adoption if manifestly contrary to the public policy of the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
29	Ensures that no contact takes place between the prospective adoptive parent(s) and the child's parents or any other person who has care of the child until the requirements of Articles 4 a) and 5 a) have been met in accordance with the law of the State	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT
32	Ensures that no one derives improper financial gain, and that service providers do not receive remuneration which is unreasonably high in relation to services rendered	<input type="checkbox"/> CAN <input type="checkbox"/> CAR <input type="checkbox"/> PA <input type="checkbox"/> CT

Section C: Identification of responsible parties

Please provide the names and contact information for all applicable entities noted below. Separate sheets may be attached as necessary.

Central Authority
Regional Central Authorities
Public Authorities / Courts and Tribunals
Accredited Bodies
Approved Persons

Please provide name and contact information of person / department completing this form.

ANNEX 2 – STATISTICS FORMS

Introduction and explanation

In response to the request made during the Special Commission of 2000, the Permanent Bureau is developing a set of standard forms for the reporting of statistics, and we have attached the Draft Adoption Statistics Forms (State of origin forms – 1a, 1b, 1c; receiving State forms – 2a, 2b, 2c).

We would like to receive the completed forms from as many States as possible by **14 June 2005**, and welcome comments or suggestions on the forms and their ease of use. If possible, we would like to receive statistics from the years 2001, 2002 and 2003. Compiled statistics will be made available at the Special Commission meeting.

Year _____

1a. Intercountry adoptions to Hague States

Page 2 of 7

Year _____

1b. Intercountry adoptions to non-Hague States⁸

[illegible]

⁸ Some Central Authorities do not or are not able to count, or do not have access to, the statistics for non-Hague Convention adoptions. If you are unable to provide these statistics, please make a note of this to the Permanent Bureau, and if possible, state the name of the competent authority that completes non-Hague adoptions.

⁹ If relative adoptions are included in the total, please provide in a note a separate total for these adoptions if possible.

¹⁰ Number of children entrusted to prospective adoptive parents with a view to adoption in the receiving State.

¹¹ See footnote 13.

¹² Travel related costs should not be included in this amount.

1c. Domestic adoptions

Page 4 of 7

Year _____

2a. Intercountry adoptions from Hague States

Page 5 of 7

Country _____

Year _____

2c. Domestic adoptions

[illegible]

²⁸ If relative adoptions are included in the total, please provide in a note a separate total for these adoptions if possible.

²⁹ Numbers of children for whom another form of permanent care, excluding adoption, was found.

³⁰ If your national statistics are compiled according to other age groups, please indicate accordingly *e.g.* if you only count the number of children under 5, you should combine the two columns here that refer to children under 1 year old and between 1 and 4 years old.

³¹ Calculated from time child entered the institution or temporary care.