

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION  
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

<b>Name of State:</b>	South Africa
<b>Information for follow-up purposes</b>	
Name and title of contact person:	Ms Conny Nxumalo, Deputy Director General
Name of Authority / Office	South African Central Authority
Telephone number:	+27 12 312 7248/7610
E-mail address:	ConnyN@dsd.gov.za / connie45@gmail.com

**1. POST-ADOPTION MATTERS**

**1.1. Preservation of, and access to, information**

Both States of origin and receiving States

**1.1.1. Preservation of information and use of data**

1.	<p>Has your State <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: The National Department of Social Development</p> <p><input type="checkbox"/> No. Please specify where the information is stored: Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

**1.1.2. Search for origins**

3.	<p>Is there a <b>specialised programme or section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: The Registrar of Adoption. Adoptees send requests to the Registrar for origin enquiries. A questionnaire is forwarded to the adoptee for completion to establish whether an adoptee might require counselling before being provided with adoption documents. Furthermore, the adoptee is made aware of the possibility that the biological parent/s might not want to have contact with the adoptee.</p> <p><input checked="" type="checkbox"/> No. Please specify how the search for the origins is handled: Please insert text here</p>
----	---

4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21<sup>1</sup></b> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">The practice guidelines have been developed to emphasise the importance of including tracing of origin during counselling of prospective adoptive parents.</a></p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs);  <a href="#">Please insert text here</a></p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity;  <a href="#">Please insert text here</a></p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available;  <a href="#">Please insert text here</a></p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general.  <a href="#">The State has never experienced the above scenarios in terms of DNA testing of adoptees</a></p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations?  <a href="#">Counselling is provided and engagements are made with relevant departments for updated personal information on the biological parent/ss</a></p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.  <a href="#">The State has thus far not yet experienced any illicit practice in terms of origin enquires, however, should such practice be encountered it will be dealt with in terms of section 305 of The Children's Act 38 of 2005 .</a></p>
8.	<p>If <b>statistics</b> are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were <b>successful</b> (<i>e.g.</i>, the adoptee found his birth family);  <a href="#">Most of the children adopted are still under age and the legislation allows allows adoptees to access information after the age of 18 years.</a></p> <p>(b) how many were <b>not successful</b> and what were the reasons.  <a href="#">Please insert text here</a></p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality</b> of the <b>identity of the birth parents</b>?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p>

<sup>1</sup> [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>In terms of section 248: 1, C, information can be provided to the biological parent after the child has reached the age of 18 years, but only if the adoptive parent and the adoptee gave their consent in writing.</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: This has been included in the practice guidelines.</p> <p><input type="checkbox"/> No.</p>
-----	--

### 1.2. Post-adoption services<sup>2</sup>

#### Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18</b><sup>3</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p> <p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (e.g., child and adult adoptees, birth families, adoptive families); Counselling and support provided to the above.</p> <p>(b) <b>who</b> provides the services (e.g., social welfare administration, school, health personnel); Accredited Child Protection Organisations providing adoption services.</p>

<sup>2</sup> Post-adoption services may be provided to adoptees, birth families and adoptive families.

<sup>3</sup> C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);  <a href="#">Yes</a></p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;  <a href="#">N/A</a></p> <p>(e) how the post-adoption services are <b>financed</b> (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);  <a href="#">Adoptive parents.</a></p> <p>(f) the <b>length of time</b> this support is available.  <a href="#">As a receiving country the period is two years and as a sending country , it is five years.</a></p>
15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services.  <a href="#">PDuring preparation of prospective adoptive parents, they are made aware of post adoption services that will be provided.e</a></p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
17.	<p>Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any <b>challenges</b> your State encounters in ensuring that <b>adequate support</b> is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with <b>special needs</b>. Please also share any <b>good practices</b> your State has developed to overcome such challenges.<sup>4</sup>  <a href="#">There were no challenges experienced in this regard.</a></p>
-----	---

**1.3. Post-adoption reports**

Receiving States only

19.	<p>Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p>
-----	--

<sup>4</sup> If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

	<p>Please insert text here</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:</p> <p>Please insert text here</p>
--	--

Both States of origin and receiving States

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</b></p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>No challenges experienced.</p>

#### 1.4. Adoption breakdowns

Both States of origin and receiving States

22.	<p>If your State has had any experience regarding <b>intercountry adoptions which have broken down</b>, please specify:<sup>5</sup></p> <p>(a) what have been the main <b>causes</b> of the breakdowns;<sup>6</sup></p> <p>The family rejected the adoptee.</p> <p>(b) how your State <b>has addressed</b> these situations and whether your State has any good practices to share in this regard;<sup>7</sup></p> <p>The State liaised with the receiving State and the child was removed and declared a child in need of care and protection.</p> <p>(c) what <b>support</b> is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;</p> <p>The adoptive families are made aware that if there are challenges experienced, they should request assistance from the adoption agency.</p> <p>(d) whether your State has developed any good practices to ensure that <b>Recommendation No 19</b><sup>8</sup> of the 2015 Special Commission is implemented:</p> <p><input checked="" type="checkbox"/> Yes. Please specify any good practices developed in this regard:</p> <p>Practice guidelines were developed to emphasise that appropriate evaluations, preparation, reports, matching and post adoption support will reduce the risk of breakdown on intercountry adoption.</p>
-----	---

<sup>5</sup> If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

<sup>6</sup> If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

<sup>7</sup> If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

<sup>8</sup> C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

	<p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p> <p>(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to <b>return</b> to the State of origin, and if so, what the situations were and how they were handled;  N/A</p> <p>(f) <b>how many</b> cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;  N/A</p> <p>(g) how many of these cases included a <b>new placement</b> (<i>e.g.</i>, foster care, new adoption) for the child;  N/A</p> <p>(h) how many cases of breakdowns were intercountry adoptions done (a) under the <b>1993 Adoption Convention</b> ; and (b) outside of the Convention (<i>i.e.</i>, prior to the entry into force of the Convention in your State or with non-State Party);  N/A</p> <p>(i) in line with <b>Recommendation No 20</b><sup>9</sup> of the 2015 Special Commission, whether your State has applied the <b>1996 Child Protection Convention</b> to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.  N/A</p>
--	--

Receiving States only

23.	<p>Is your State's <b>Central Authority</b> informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption:  <a href="#">Please insert text here</a></p>
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:  <a href="#">Please insert text here</a></p>

<sup>9</sup> C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<input type="checkbox"/> No.
--	------------------------------

States of origin only

25.	<p>Is your State's <b>Central Authority</b> (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>
-----	--

**1.5. Other post-adoption matters**

States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: The State has never experienced such.</p>
-----	--

Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled: Not yet experienced such.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p>The State would support.</p>

**2. PREVENTING AND ADDRESSING ILLICIT PRACTICES**

Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>type</b> of illicit practices which were discovered; Please insert text here</p> <p>(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);</p>
-----	--

	<p>Please insert text here</p> <p>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention; Please insert text here</p> <p>(d) how your State <b>handled</b> these situations; Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices. The Children's act 38 of 2005.</p>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so; Children's Courte</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Adoptee, adoptive parents and birth parents or other person who had guadianship</p> <p>(c) the <b>grounds</b> upon which this may be done; If it is in the best interest of the child and if birth parents were not consulted to give consent.</p> <p>(d) whether there is an <b>age limit</b> for the annulment of an adoption; Before the age of 18 years.</p> <p>(e) the <b>procedure</b> involved; Application is made through the Children's Court.</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year. N/A</p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has the jurisdiction to do so; Children's Courte</p> <p>(b) <b>who</b> can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Adoptee, adoptive parents and birth parents or other person who had guadianship</p> <p>(c) the <b>grounds</b> upon which this is done; If it is in the best interest of the child and if birth parents were not consulted to give consent.</p> <p>(d) whether there is an <b>age limit</b> for the revocation of the adoption; Before the age of 18 years.</p> <p>(e) the <b>procedure</b> involved; Application is made through the Children's Court.</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average revoked per year.</p>



	Please insert text here
<input type="checkbox"/>	No.

### 3. INTRAFAMILY ADOPTIONS

In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.<sup>10</sup>

#### 3.1. General questions for intrafamily adoptions (i.e., relative and stepparent adoptions)

##### Both States of origin and receiving States

33.	In your State, which <b>authority</b> is in charge of intrafamily adoptions? <input checked="" type="checkbox"/> The <b>Central Authority</b> . <input type="checkbox"/> <b>Another competent authority</b> . Please specify which authority and the reasons for designating a different authority: <span style="color: blue;">Please insert text here</span>
34.	Has your State developed any good practices to ensure that <b>Recommendation No 32</b> <sup>11</sup> of the 2015 Special Commission is implemented? <input type="checkbox"/> Yes. Please specify the good practices developed in that regard: <span style="color: blue;">Please insert text here</span> <input type="checkbox"/> No. Please specify any reasons: <span style="color: blue;">Please insert text here</span>
35.	Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State? <input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: <input type="checkbox"/> No.
36.	Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions? <input type="checkbox"/> Yes. Please specify the situations and how they were handled: <sup>12</sup> <span style="color: blue;">Please insert text here</span>

<sup>10</sup> See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

<sup>11</sup> C&R No 32 of the 2015 SC:  
 “In relation to in-family adoption, the SC:  
 a. recalled that in-family adoptions **fall within the scope** of the Convention;  
 b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;  
 c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;  
 d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;  
 e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

<sup>12</sup> If applicable, you may wish to refer to your State’s response to Question 3(b) of the [2014 Questionnaire](#).

	<input checked="" type="checkbox"/> No.
37.	<p>In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response: <a href="#">Please insert text here</a></p>
38.	<p>Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: <a href="#">No challenges experienced.</a></p> <p><input type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup> <a href="#">Please insert text here</a></p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input checked="" type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response: <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family: <a href="#">Please insert text here</a></p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p>

<sup>13</sup> If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

Please insert text here

### 3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p><a href="#">All children including children with special needs.</a></p>
44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions:  <a href="#">N/A</a></p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges:  <a href="#">The Stae comply with the Convention.</a></p>

### 3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to <b>circumvent</b> immigration laws?</p> <p><input type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
-----	--

## 4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

*Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).*

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State?  <a href="#">N/A</a></p> <p>(b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered?  <a href="#">Please insert text here</a></p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b>?  <a href="#">Please insert text here</a></p>
-----	---

	<p>(d) what <b>challenges</b> did your State face in dealing with such situation(s)?  <a href="#">Please insert text here</a></p> <p>(e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States?  <a href="#">Please insert text here</a></p>
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please explain your response:  <a href="#">Please insert text here</a></p>
48.	<p>Which <b>actions</b> would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in <b>their</b> State?  <a href="#">Where the child is currently residing.</a></p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State?  <a href="#">Please insert text here</a></p>

## 5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

### 5.1. Simple adoptions

*A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.<sup>14</sup>*

49.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?  <a href="#">N/As.</a></p>
51.	<p>If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b>?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p>

<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.

	Please insert text here
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's <b>consent to convert</b> a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
53.	<p>(a) Please specify any <b>challenges</b> your State encounters with simple adoptions: N/A</p> <p>(b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges: The State comply to the Convention.</p>

## 5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <p><input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: It is where the biological parents knows who adopted their child. Yes, it is regulated and it os promoted in the State.</p> <p><input type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts: Please insert text here</p>
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p>

<sup>15</sup> If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

<sup>16</sup> C&R No 31 of the 2015 SC:

"The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child's best interests should guide the nature of this contact, considering his or her wishes" [emphasis added].

	The best interests of the child is paramounte
57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Related/family adoptionse</p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children? <input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
58.	<p>Does your State provide professional <b>support or services</b> to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions: N/Ae</p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges: The State complies to the Convention</p>

## 6. NON-CONSENSUAL ADOPTIONS

*In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).*

### States of origin only

61.	<p>What are the <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility? When the parents are unfit to care for the child and when they withheld his/her consent unreasonably</p>
62.	<p>Does your State <b>permit</b> the adoption of children whose birth parents have been deprived of parental responsibility? <input type="checkbox"/> Yes. Please specify:</p>

	<p>(a) whether the <b>consent</b> of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p> <p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (<i>e.g.</i>, long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption. Please insert text here</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (<i>e.g.</i>: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest). Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Please insert text here</p>
--	--

Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin <b>contested</b> a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
-----	--

Both States of origin and receiving States

64.	<p>What is the <b>profile of children</b> for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Abused and Negled childrene</p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions: N/A</p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges: Compliance to the Conventio</p>

**7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING**

Both States of origin and receiving States

**7.1. General questions**

66.	<p>Does your State prohibit any <b>contact</b> between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p>
-----	--

Pre-identification of children is not encouraged

No. Please specify:

(a) in which **circumstances** such contact is permitted;

Please insert text here

(b) the **experience** of your State with regard to such contact.

Please insert text here

## 7.2. Summer camps / hosting programmes

*In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event (usually a camp) in the PAPs' State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.*

*"Hosting programmes" (including "respite care" programmes for children who go abroad to improve their physical and psychological well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.*

67. Is your State involved in summer camps / hosting programmes for children?<sup>17</sup>

Yes. Please specify:

(a) whether such programmes specifically aim to be a **precursor to adoption** for some children (e.g., for children with special needs):

Yes. Please explain your response:

Please insert text here

No.

(b) whether such programmes have, in fact, **resulted in the adoption** of children:

Yes. Please specify the percentage of children involved in the programmes that are adopted:

Please insert text here

No.

(c) where a child is adopted following such a programme, how is it ensured that the **safeguards** of the **1993 Adoption Convention** have been respected (bearing in mind that it is likely that the child remains "habitually resident" in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?

Please insert text here

No.

68. If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:

(a) whether the children benefiting from these programmes must have been **declared adoptable before** they can be part of such programmes;

N/A

<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).



	<p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes; Please insert text here</p> <p>(c) how the PAPs and children are <b>selected</b> to participate in such programmes, and whether a selection is made in cooperation with the other State; Please insert text here</p> <p>(d) how the children are <b>prepared</b> for such programmes; Please insert text here</p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted; Please insert text here</p> <p>(f) whether there have been situations where the adoption <b>broke down</b> after the child was adopted following participation in such programmes; Please insert text here</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must <b>return</b> to the State of origin before the adoption procedure can be initiated; Please insert text here</p> <p>(h) who <b>finances</b> such programmes; Please insert text here</p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>). Please insert text here</p>
--	--

### 7.3. Voluntourism

*In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.*

69.	<p>Has your State <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused: This practice is not encouraged</p> <p><input type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: Engagements were made with Child Youth Care Centres</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>

### 7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, “<i>niño puesto</i>”,<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup></p> <p>(a) whether the child had already <b>been declared adoptable</b> before the PAPs’ adoption application was submitted;  <a href="#">Yes. The child has to be adoptable before placed with PAP's</a></p> <p>(b) at what stage in the process the PAPs were <b>declared eligible and suitable</b> to adopt;  <a href="#">After screening and preparation</a></p> <p>(c) what the <b>profile</b> of these children was;  <a href="#">Abused and Neglected</a></p> <p>(d) what was done to ensure that the <b>safeguards and procedures</b> of the 1993 Adoption Convention had been respected;  <a href="#">Compliance to the Convention</a></p> <p>(e) your State's <b>experience</b> with such adoptions.  <a href="#">The State ensures that the adoption service providers comply</a></p>
-----	---

## 8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (<i>e.g.</i>, blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (<i>i.e.</i>, benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
-----	---

## 9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) <b>relative</b> adoptions (<i>i.e.</i>, excluding stepparent adoptions);<sup>20</sup>  <a href="#">The State does not keep separate statistics in respect of types of adoption</a></p> <p>(b) <b>stepparent</b> adoptions;  <a href="#">Please insert text here</a></p> <p>(c) <b>simple</b> adoptions;</p>
-----	--

<sup>18</sup> “*Niño puesto*” refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

	<p>Please insert text here</p> <p>(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b>; and</p> <p>Please insert text here</p> <p>(e) <b>non-consensual</b> adoptions.</p> <p>Please insert text here</p>
--	--

#### 10. OTHER MATTERS

74.	<p>Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>Please insert text here</p>
-----	--