

### Short questionnaire

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

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

##### *The law and procedure in your State*

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

The National Social Appeals Board can recognize a foreign adoption in Denmark, if the adopter at the time of the application/adoption was domiciled in the country where the adoption has been carried out (if a national adoption) or the receiving state (if an intercountry adoption), and if the adoption is valid, final and legally binding according to the laws of the country concerned. Furthermore it requires that the adoption has legal effects corresponding to the legal effects of a Danish Adoption cf. The Danish adoption (Consolidation) Act part 2. Finally it requires that the adoption is not evidently incompatible with fundamental Danish legal principles.

The National Social Appeals Board do not differentiate between domestic and international adoptions granted previously in another state. We use the Hauge Convention when this applies, otherwise we base our assessment on the principles of the Hauge Convention.

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

See above.

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

Upon receiving an application for recognition of a domestic adoption granted in another state, the National Social Appeals Board examine where the adoptive parents were domiciled at the time of the adoption. If the adoptive parents were domiciled in the country where the adoption was granted we examine the adoption according to the procedure described in question 1.

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

The adoptive parents have to answer the following questions as a part of the National Social Appeals Boards administrative assessment of the application:

1. Since when have you had your residence in (country),
2. What was/is the reason for your residence in (country) ,
3. What are your working relation in Denmark and/or in (country) (please inform us whether you have a local fixed-term or permanent employment contract in Denmark or if you are a posted worker),

4. Do you have a permanent work and resident permission in (country) , if not, when does it expire,
5. Do you own real estate in (country) and/or in Denmark,
6. Do you have a rented habitation in (country) and/or in Denmark,
7. Do you pay taxes in (country) and/or in Denmark,
8. How often and for how long do you spend your holidays in Denmark,
9. Have you any plans of returning to Denmark and if so, when,
10. When did you apply for adoption in (country) .

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

The National Social Appeals Board, which is the central authority on adoptions according to the Hague Convention.

### **Cases which have arisen in your State**

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

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

The National Social Appeals Board received approximately 31 applications for recognition of adoptions granted in another state. We do not differentiate between domestic and international adoptions granted previously in another state.

Past three years?

The National Social Appeals Board received approximately 96 applications for recognition of adoptions granted in another state. We do not differentiate between domestic and international adoptions granted previously in another state.

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

We do not have this information, but typically an application is based on a wish to enter the country and/or seek citizenship.

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

The adoptive parents must send the following documents to the National Social Appeals Board:

- The original decision of adoption (or a certified copy of this document, verified by the authority that issued the original document)
- The child's original birth certificate (or a certified copy of this document, verified by the authority that issued the original document)

- (d) Was recognition permitted?

We have not extracted this information

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

Usually the adoptive parents were not domiciled where they adopted the child or the adoption was not valid, final and legally binding according to the laws of the country concerned, or did not have legal effects corresponding to the legal effects of a Danish Adoption.

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

We do not have this information

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

If possible in a given case, the adoptive parents are informed about the possibility of national adoption.

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

Only regarding general requests and not regarding specific cases.

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

We do not have specific numbers, but it does happen.

Does this create any problems for the family?

It can, if the danish state considers the child to reside in Denmark illegally.

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

### ***The law and procedure in your State***

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

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

We do not have any special rules or procedures in cases involving a domestic adoption with an international element. However, we do involve the country in question, should the country have specific rules regarding this (e.g. Ukraine) We use the Hauge Convention when this applies, otherwise we base our assessment on the principles of the Hauge Convention.

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

An adoption order.

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

No.

### ***Cases which have arisen involving your State***

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

No.

If so:

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

Please insert text here

Past three years?

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

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

### **C. PRACTICAL PROBLEMS REQUIRING ACTION**

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

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