

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: Portugal

PROFILE UPDATED ON: June/2020

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	INSTITUTO DA SEGURANÇA SOCIAL, I.P.
Acronyms used:	ACAI
Address:	Av. 5 de Outubro, 175 1069-451 Lisboa Portugal
Telephone:	+ 351 300 511 283
Fax:	
E-mail:	autoridadecentraladocaointernacional@seg-social.pt
Website:	http://seg-social.pt/adopcao-internacional
Contact person(s) and direct contact details (please indicate language(s) of communication):	Teresa Coelho: Tel. + 351 300 511 283 Ana Teresa Sousa: Tel. + 351 300 511 296 Eliana Santos: Tel. + 351 300 511 314 Jacqueline Barreto: Tel. + 351 300 511 311
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

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

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

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	1-VII-2004
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Decree-Law n.º 83/2012, of March 30 , Article 3, n.º 2, x) (determines as Central Authority for the Intercountry Adoption the Instituto da Segurança Social, I.P.)</p> <p>- Law n.º 143/2015, of September 8 (entry into force in December 8th, 2015) - Legal Regime for the Adoption Process</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input checked="" type="checkbox"/> Non-binding memoranda of understanding (please specify): Memorandum of Understanding between the Centre for the International Legal Protection of Children and Youth in the Slovak Republic and the Instituto da Segurança Social, IP, the Portuguese Central Authority for Intercountry Adoption</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)

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

Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.

See Arts 6-9 and Arts 14-21 if accredited bodies are not used.

The Central Authority is the entity responsible for complying with the international commitments assumed by Portugal in the context of the CH. The Central Authority is obliged to intervene in all intercountry adoption files, including those involving countries that are not parties to the Convention (ntercountry adoptions decreed abroad without the due intervention of the Central Auhtority are not recognized).

The Central Authority is responsible, namely, for:

- a) Exercising the duties of central authority provided for in international agreements relating to adoption to which Portugal is a party;
- b) Certifying the conformity of intercountry adoptions with the CH;
- c) Recognizing and repromoting registration in the Civil Registry of foreign intercountry adoption decisions;
- d) Issuing an opinion on the regularity of a specific intercountry adoption process for the purpose of authorizing the child's entry into national territory;
- e) Outlining, in collaboration with diplomatic and consular structures, strategies for intercountry adoption based on cooperation policies for children deprived of their families;
- f) Preparing intercountry adoption agreements and protocols;
- g) Monitorizing, evaluating and providing the necessary collaboration regarding the procedures in intercountry adoption;
- h) Accrediting entities with headquarters in Portugal that intend to act as accreditaed bodies in intercountry adopion;
- i) Authorizing the action in Portugal of bodies accredited in another Contracting State;
- j) Monitoring, supervising and controlling the performance of accredited and authorized bodies;
- k) Assuring the conservation of the information available regarding the origins of the intercontry adopted person, in particular as regards the personal history including the identity of the parents;
- l) Proceeding with the collection, treatment and disclosure of statistical data related to intercountry adoption;
- m) Preparing and publishing an annual activity report, containing, in particular, information and conclusions on the duties referred to in the preceding paragraphs.

5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>The adoptability of a child, as well as the adoption decision is of the exclusive competence of the Courts of Law, following a strict judicial procedure.</p>

6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – go to Question 8</p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶</p>	<p>There is one accredited national body in Portugal. The law does not predict a limited number, but the accreditation of such entities is subjected to confirmation of their need.</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>a) Information and advice to those interested in intercountry adoption;</p> <p>b) Receiving and forwarding to the competent foreign authority the applications of prospective adoptive parents residing in Portugal wishing to adopt children residing abroad;</p> <p>c) Advising and supporting candidates in the procedures to be carried out before the competent authorities, both in Portugal and abroad;</p> <p>d) Pre and Post-adoption intervention, assessment and monitoring in compliance with the obligations imposed on adopters by the legislation of the child's country of origin.</p>
6.1 The accreditation procedure (Arts 10-11)	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	<p>The Central Authority for Intercountry Adoption</p>
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>Entities that cumulatively fulfill the following requirements may apply for accreditation:</p> <ul style="list-style-type: none"> - pursue non-profit purposes - have as their goal the protection of children;

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 et seq.

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

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

	<ul style="list-style-type: none"> - have a multidisciplinary team, necessarily including professionals from the field of psychology, social work and law; - are administered by qualified persons, with respect to suitability, knowledge / experience in intercountry adoption. <p>In addition to the objective criteria mentioned, the accreditation is also based on criteria of opportunity taking into account the number of children/applications and the existing resources.</p> <p>The proposing entity submits a request to the Central Authority containing the intent (areas of activity in which they intend to act on, geographic area covered, methodology; costs, expenses, among others); copy of the Statutes (if it is a private social solidarity institution) or certificate of constitutive title (if it has other legal nature); documents proving the fulfillment of the requirements described above; other documents necessary for the overall assessment of the claim.</p> <p>The Central Authority proceeds with the instruction of the accreditation process, giving, within a maximum period of 30 days, a fundamented decision including the weighting of the applicant's accreditation relevance, taking into account the conditions and needs for international adoption in the countries where it is proposed to work. In the accreditation decision, the countries for which the accreditation is granted must be mentioned, as well as the respective validity period.</p> <p>The Central Authority notifies the applicant regarding the accreditation decision and, in case of approval, requests publication in the <i>Diário da República</i>.</p>
c) For how long is accreditation granted in your State?	To be indicated in the accreditation.
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	<p>The Central Authority will assess the following:</p> <ul style="list-style-type: none"> a) Maintenance or improvement of the quality of the services provided; b) Maintenance of the requirements for the accreditation.
6.2 Monitoring of national accredited bodies⁷	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	The Central Authority for Intercountry Adoption
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if	The monitorization is done based on the presentation of documentation to confirm the maintenance of the requirements. The

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

inspections are undertaken, how frequently).	accredited bodies are obliged to present a yearly report of the activities of the previous year with detailed information regarding the number of files processed, and the respective revenues and expenses. They are also obliged to inform immediately the Central Authority of any irregularity or illegal activity that may have come to their knowledge during the exercise of their activity.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	An accreditation may be revoked if the accredited body; a) no longer fulfils the requirements to be accredited; b) Acts or proceeds against the principles and laws applicable; c) Does not receive authorization by the country of origin intended; d) Fails to exercise the activity in the country destined in the year following the authorization.
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): Partial or total withdrawal of accreditation. <input type="checkbox"/> No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁸

7.1 The authorisation procedure

a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	The Central Authority for Intercountry Adoption
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input checked="" type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	Kindly refer to 6.1.b) above

⁸ In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

⁹ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

<p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	
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<p>e) For how long is authorisation granted?</p>	<p>To be indicated in the authorisation</p>
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>Kindly refer to 6.1.d) above.</p>

7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States

<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>Kindly refer to 6.2.b) above.</p>
<p>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>Kindly refer to 6.2.c) above.</p>

8. Approved (non-accredited) persons (Art. 22(2))¹¹

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>
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¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 13.

¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4 a))

Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied *in addition to* the requirements of the State of origin?

- Yes – please specify: maximum 15 years of age
- No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.

10. The best interests of the child and subsidiarity (Art. 4 b))

Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (i.e., proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?

- Yes – please specify:
- a) proof of legal consent/waiver of legal consent by a Court of Law;
- b) proof of legal reason for the adoptability of the child;
- c) proof of no possibility of adoption in the country of origin.
- No

11. Children with special needs

Does your State have its own definition of the term "special needs children" which is applied in intercountry adoption cases?

- Yes – please provide the definition used in your State: The definition of "special need children" is a child whose characteristics are not equivalent to the profile of child accepted by the national prospective adoptive parents.
- No – the definition used in the State(s) of origin is determinative.

12. The nationality of children who are adopted intercountry¹³

Do children who are adopted intercountry to your State acquire the nationality of your State?

- Yes, always. Please specify:
- (i) At what stage nationality is acquired by the child: when the adoption is decided by a Portuguese Court of Law, or when a Foreign Adoption Decree/Decision is recognized by the Central Authority; and
- (ii) The procedure which must be undertaken (or whether acquisition of nationality is *automatic* upon the occurrence of a particular event, e.g., the making of the final adoption decision): a child adopted by Portuguese nationals acquires the Portuguese nationality automatically after the entry into force of the adoption decision in Portugal.

¹³ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, "GGP No 1"), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

	<input type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): <input type="checkbox"/> No, the child will never acquire this nationality.
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

13. Limits on the acceptance of files	
a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<input checked="" type="checkbox"/> Yes, please specify whether any limits are applied: No <input type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption¹⁴ (Art. 5 a)	
14.1 Eligibility criteria	
a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)? <i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i>	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input checked="" type="checkbox"/> Married, heterosexual couples: minimum of 4 years of common living <input checked="" type="checkbox"/> Married, same-sex couples: minimum of 4 years of common living <input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: minimum of 4 years of common living <input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: minimum of 4 years if common living <input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: minimum of 4 years of common living <input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: minimum of 4 years of common living <input checked="" type="checkbox"/> Single men: <input checked="" type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify):

¹⁴ I.e., this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

	<input type="checkbox"/> No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minimum age requirements: if in joint application, PAPs must be older than 25 years of age. <input checked="" type="checkbox"/> Maximum age requirements: 60 years of age <input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: 50 <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
14.2 Suitability assessment¹⁵	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	The assessment is made by multidisciplinary teams of the 4 social security organisms determined by Law. These teams are composed by psychologists, social workers and legal advisers.
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	<p>The assessment for adoptive parenting implies an analysis of characteristics of the individual and his family/support network. For an assessment for adoptive parenting, the following areas are evaluated:</p> <ul style="list-style-type: none"> • Personal characteristics - e.g. the personality, health; • History, functioning and composition of the household; • Characteristics of the family system; • Parental capacity; • Adoption project and motivation; • Expectations about adoption; • Profile of the desired child; • Housing and social environment; • Economic situation; • Social support; • Acceptance of professional intervention and collaborative posture.

¹⁵ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

	<p>From a methodological point of view, multiple methods used by a dyad consisting of a psychologist and a social service professional are used. The collection of information from prospective adoptive parents focuses on several sources - data collected from the PAPs themselves, medical statements, analysis of other members of the household or people who, not cohabiting, may have a relevant role in the life of the PAPs or who may come to play a particularly important role in the education of the adoptee.</p> <p>The phases of the evaluation, the methods, the instruments, as well as the participants and responsible professionals are described in the following table.</p> <p>Phase 1 Methods/Techniques: 1 - Psychosocial interview - Observation of interactions - Genogram - Ecomap Participants: - Individual - Couple Professionals: - Psychologist -Social Service Professional</p> <p>Phase 2 Methods/Techniques: - Psychological interview - Administration of psychological tests - Administration of information collection technique (optional) - Observation of interactions Participants: - Individual - Couple Professionals: - Psychologist.</p> <p>Phase 3 Methods/Techniques: - Psychosocial interview at home - Observation at home Intervenients: - Individual - Couple</p>
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	Professionals: - Psychologist - Social Service Professional
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	The Director of the Social Security Organism of the Region of habitual residence of the PAPs will decide if they are eligible and suitable to undertake an intercountry adoption, if necessary with the cooperation of the Central Authority for Intercountry Adoption. If so, a Certificate will be issued, and the files will be sent to the Central Authority. The CA will then analyse the application and, if everything is in agreement with the requirements of the Receiving State, will transmit the application.

15. Preparation and counselling of PAPs (Art. 5 b))

<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: Yes - At what stage of the adoption procedure they are offered: During the assessment and selection, and before receiving a child referral - Who provides the courses: The local adoption teams of the State - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): Collectively - Whether they are provided "in person" or electronically: in person - How many hours the courses last: - The content of the courses: - Session A: <ul style="list-style-type: none"> - 1. Concept, objectives and modalities of adoption; - 2. The characterization of children with an adoption project; - 3. Legal procedures for national and intercountry adoption; - 5. The adoption process; - 6. Clarification of doubts. - Session B: <ul style="list-style-type: none"> - 1. The needs-capacities model; - 2. Clues for the prospective adoptive parents to consider their adoption project and clarify their claims; - 3. Impact that the child's life story has on the adult; - 4. Importance of teamwork in the entire adoption process (the roles of adoption services are addressed). - C1: <ul style="list-style-type: none"> - 1. Understanding children's needs related to their past and derived from the bonding process; - 2. Exploration of doubts, fears and expectations of PAPs; - 3. Children's experiences and promotion of sensitivity to their needs; - 4. Concepts of bonding, confidence building and emotional regulation. - C2: <ul style="list-style-type: none"> - 1. The child's emotional needs and desirable responsiveness in the adult; - 2. Open communication in the family; - 3. Establishing a safe and empathic relationship with the child. - C3: <ul style="list-style-type: none"> - 1. General aspects of educational practices;
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	<ul style="list-style-type: none"> - 2. Educational practices in face of specific problematic situations of adoptive parenting; - 3. Demands, requirements, satisfactions, resources and strategies specific to "special adoptions" (children with disabilities, older, with chronic diseases and of international adoption). - C4: - 1. The right of children to know their adoptive condition, as well as the need to adapt the process of revelation - the communication about the adoption - to the child's characteristics; - 2. General models and concrete strategies on the revelation process; - 3. Useful strategies for communicating potentially painful information regarding the child's origins; - 4. The processes of searching for origins. - C5: - 1. The first contacts and the child's arrival; - 3. Specific aspects of the different stages of the adoptive family's life cycle; - 4. The changes taking place in the family system and on the available resources. - Whether there are specific courses for PAPs wishing to adopt a child with special needs: No - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: The training may be adapted, if necessary <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (e.g., meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <ul style="list-style-type: none"> (i) If it is mandatory for PAPs to use the service; (ii) Who provides the service; and (iii) At what stage in the adoption procedure the service is provided. 	<p>The local adoption team will provide counselling, at different stages of the adoption procedure, as necessary.</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications

a) To which authority / body should PAs apply for an intercountry adoption?	To the local adoption team of their area of residence.
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<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): marriage or civil union, always, if a joint application</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): A declaration written by a medical practitioner is mandatory, informing of the capability to perform parental responsibilities.</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Income declaration</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): it is included in the income declaration</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain Psychological tests</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure):</p> <p><input checked="" type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure: the local adoption team and the Central Authority for Intercountry Adoption</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to</p>

¹⁶ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

¹⁷ See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

	<p>act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>
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17. The report on the PAPs (Arts 5 a) and 15(1))

<p>a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>The local adoption team will prepare the report, based in the assessment made (social and psychological) and on the documentation provided (by medical practitioners and other bodies of the State, e.g. the Ministry of Finance and the Ministry of Justice, the Parish Council, the Civil Registry).</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: kindly find it in attachment (ADO 27 and ADO 28)</p> <p><input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it:</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>3 years</p>
<p>d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?</p>	<p>The local adoption team of the residence of the PAPs. The renewal includes psychosocial interviews and a home visit, or other interventions considered necessary.</p>

18. Transmission of the PAPs' file to the State of origin

<p>a) Who sends the finalised application file of the PAPs to the State of origin?</p>	<p>The Central Authority for Intercountry Adoption</p>
<p>b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?</p>	<p>The local adoption team will assist the PAPs in compiling the file, and will then transfer the process to the Central Authority</p> <p><input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).</p>

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

19.1 Receipt of the report on the child (Art. 16(2))	
Which authority / body in your State receives the report on the child from the State of origin?	The Central Authority for Intercountry Adoption
19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (<i>e.g.</i>, the Central Authority or another competent authority): The Central Authority in cooperation with the local adoption team and - The procedure which is followed (<i>e.g.</i>, the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): The Central Authority and the local adoption team will discuss the matching, and, if it is considered within the capabilities of the PAPs, the local adoption team will present them the referral. <p style="text-align: center;"><u>Go to Question 19.2 b)</u></p> <input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin: <p style="text-align: center;"><u>Go to Question 19.2 c)</u></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The referral must be within the Portuguese legal requirements (age, for example) and the PAPs must have capabilities to answer to the child's needs.
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input checked="" type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: The determination of the deadline for the decision of the prospective adoptive parents after the formal presentation of an adoption proposal by the competent team in the Receiving State follows the criterion of the cumulative requirements of the countries involved. Thus, on the one hand, the deadlines established in the children's State of Origin will have to be respected, and, on the other, the mandatory reflection period established for the Receiving State, which in Portugal is at least 1 day and maximum 3 days (1 to 3 days in a row). This period is suspended if additional information elements are considered necessary and, as it is an international adoption, it also includes 1) the need for coordination between the team of the Portuguese Central Authority for Intercountry Adoption and the local reference team responsible for the PAPs and 2) the need to translate the child's reports.

	<input type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): Counselling <input type="checkbox"/> No

20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The Central Authority for Intercountry Adoption
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR <input checked="" type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR <input type="checkbox"/> Other (please specify):

21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input type="checkbox"/> Yes, please specify the additional requirements / restrictions: <input checked="" type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	The PAPs must request a visa for the child to enter the country. The competent service must contact the Central Authority for Intercountry Adoption and request an opinion on the regularity of the adoption.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	Passport and Visa
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	Visa
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	The PAPs must inform the Central Authority for Intercountry Adoption of the arrival of the child, as well as the local adoption team.

23. Final adoption decision and the Article 23 certificate	
a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? <i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</i>	(i) The Portuguese Court of Law (ii) The Central Authority for Intercountry Adoption
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"? <i>See GGP No 1 – Annex 7.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</i>	The original of the Article 23 is sent to the Central Authority of the Country of Origin, and a copy is given to the PAPs.

d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The Central Authority must receive and original or certified copy of the Article 23.
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	The Portuguese Civil Code determines that for legal purposes family members include all members who are ascendent or descendent of the person in question (in this case, the child), and up to the 6 th degree of kinship in the colateral line (family members who descend from the same member).
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? <i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – go to Question 25 <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25 <input type="checkbox"/> No – go to Question 24 c)
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

25. Simple and full adoption	
a) Is "full" adoption permitted in your State? <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances only – please specify: <input type="checkbox"/> Other (please explain):

¹⁹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: It must be specifically required by the PAPs before a Court of Law and evidences of the best interest of the child must be presented.</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p>The birth parents consents must be given according to the legislation of the Country of origin, and presented to the Portuguese Court of Law.</p>
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input checked="" type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>yes</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>50 years</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adoptee, if older than 16 years of age and with the agreement of the adoptive parents. If the adoptee is older than 18, the access can be done by himself.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The information regarding the origins is provided to the PAPs at the referral. Any questions/doubts will be mediated and clarified by the local adoption team, per request of the PAPs.</p>

<p>birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p><input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The local adoption teams are obliged to prepare the adoptee, the adoptive family and, if applicable, the birth family, and to mediate the access to information and contacts.</p> <p><input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: any contacts are preceded by a preparation from the local adoption team and will be mediated. The local adoption team will coordinate the tracing of extended family.</p> <p><input type="checkbox"/> No</p>

27. Post-adoption reports

<p>a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?</p>	<p>The post adoption reports required by the State of Origin are written by the local adoption teams and sent to the Portuguese Central Authority, who will transmit them to the Central Authority of the State of Origin.</p>
<p>b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):</p> <p><input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child's development, schooling): There is no specific form for post-adoption reporting. However, the working methodology is as follows:</p> <p>This follow-up, which by nature is exempt from any evaluative phase (because intended as support), is subject to the formal request of the family and will be maintained as long as the family agrees, with the final time limit being the majority of the adopted or the date in which he turns 25 years old. In the latter case, the extension of the follow-up must be expressly requested by the adoptee before reaching 18.</p> <p>Monitoring is carried out through telephone contacts, interviews, home visits, as well as participation in group activities - in which sharing with other adoptive families is encouraged - and the creation, as well</p>

	<p>as maintenance of support networks and self-help groups.</p> <p>Whenever possible, post-adoption monitoring is carried out by the same team that carried out pre-adoption monitoring and with which the family, as a whole, and the child in particular, has already established a relationship of trust.</p>
<p>c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?</p>	<p>The Central Authority for Intercountry Adoption is responsible or assessing that the requirements of the country of origin are met.</p>

28. Post-adoption services and support (Art. 9 c)

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (<i>e.g.</i>, counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>The post adoption service is free if provided by the local adoption teams, but it must be requested by the PAPs. The type of service provided will depend on the request and also on the needs observed by the local adoption teams.</p>
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section of the Hague Conference website](#).

29. The costs²¹ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: There are no costs in adoption. <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: it is forbidden by law. <input type="checkbox"/> No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves? <i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i>	<input type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input checked="" type="checkbox"/> Other (please explain): N/A
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? <i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i>	<input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain): N/A
e) Which body / authority in your State receives the payments?	N/A
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)? N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).	<input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: It is free <input type="checkbox"/> No

²⁰ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²¹ See the definition of "costs" provided in the harmonised Terminology, *ibid*.

30. Contributions, co-operation projects and donations²²	
<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): - What donations are intended to be used for: - Who is permitted to pay donations (<i>e.g.</i>, only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input checked="" type="checkbox"/> No</p>

²² See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

²³ See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

31. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Central Authority for Intercountry Adoption. Profit is legally forbidden.
b) What measures have been taken in your State to prevent improper financial or other gain?	The Law does not allow for profit in adoption.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	The entity may lose the license to operate.

PART XI: ILLICIT PRACTICES²⁴

32. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁵	The case must be reported to the Criminal Court of Law.

33. The abduction, sale of and traffic in children	
a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes. Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	The Legal Regime of the Adoption Process (Law n.º 143/2015, of September 8 th)
b) Please explain how your State monitors respect for the above laws.	The compliance with the above legislation is monitored by the police services.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	Imprisonment determined by the Criminal Court of Law.

²⁴ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁵ *Ibid.*

34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

- Private adoptions are permitted – please explain how this term is defined in your State:
- Independent adoptions are permitted - please explain how this term is defined in your State:
- Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)

a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: It is considered an intercountry adoption, according to the criteria of habitual residence of PAP and child.
- No

b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: domestic adoption, according to the criteria of habitual residence. The procedure would be the same as for PAPs of Portuguese nationality residing habitually in Portugal, added by a Declaration of No Objection from the competent authority of the country of nationality of the PAPs.
- No

c) If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?

Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.

The adoption would have to be reviewed by the Appeal Court of Lisbon (Tribunal da Relação de Lisboa).

²⁶ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

²⁷ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	Cabo Verde and Slovakia
b) How does your State determine with which States of origin it will partner? In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention. <i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i>	The criteria used is the common interest and principles between both States.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ²⁹	Not defined. <input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement ³⁰ with that State of origin)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³¹ <input checked="" type="checkbox"/> No

²⁸ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

²⁹ See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³¹ *Ibid.*