

RECEIVING STATE

COUNTRY NAME: PORTUGAL

PROFILE UPDATED ON: June 2024

PART I: CENTRAL AUTHORITY

1. Contact details ¹	
Name of office:	INSTITUTO DA SEGURANÇA SOCIAL, I.P.
Acronyms used:	ACAI -Portuguese Central Authority
Address:	Av. 5 de Outubro, 175 1069-451 Lisboa PORTUGAL
Telephone:	00351 300 511 502
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):	Suzana Amorim - Head of Adoption Setor Tel.: +351 300 511 502 Ana Teresa Sousa Tel.: + 351 300 511 296 Eliana Santos Tel.: + 351 300 511 314 Jacqueline Barreto Tel.: + 351 300 511 311 Portuguese/English/French
<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>	

PART II: RELEVANT LEGISLATION

¹ Please verify whether the contact details on the “Adoption Section” of the HCCH website < www.hcch.net > under “Central Authorities” are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

2. The 1993 Adoption Convention and domestic legislation	
<p>a) When did the 1993 Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH 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 Adoption 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 8th September, Legal Regime for the Adoption Process (entered into force in December 8th, 2015), amended by the Law n.º 46/2023, of 17th August</p> <p>Law n.º 2/16, of 29th february, Eliminates discrimination in access to adoption, sponsorship and other legal family relationships</p>

3. Other international agreements on intercountry adoption ²	
<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 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 Center for the International Legal Protection of Children and Youth in the Slovak Republic and the Instituto da Segurança Social, IP, and 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)

² 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).

<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Central Authority for Inter-country Adoption 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 (intercountry adoptions decreed abroad without the due intervention of the Central Authority are not recognized).</p> <p>The Central Authority is responsible, namely, for:</p> <ul style="list-style-type: none"> 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 promoting registration in the Civil Registry of foreign intercountry adoption decisions; d) Issuing a technical opinion on the regularity of a specific intercountry adoption procedure for the purpose of authorization of 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 accredited bodies in intercountry adoption; 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 intercountry adopted person, in particular as regards the personal history, including the identity of the parents;
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	<p>l) Proceeding with the collection, treatment and disclosure of statistical data related to intercountry adoption;</p> <p>m) Preparing and publishing an annual activity report, containing, in particular, information and conclusions on the duties referred to in the preceding paragraphs.</p>
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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 bodies ³	
<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 HCCH (see Art. 13).⁴</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" 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.⁵</p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</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>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	
<p>c) For how long is accreditation granted in your State?</p>	

³ “National accredited bodies” in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (“GGP No 2”), available on the [Adoption Section](#) of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

⁵ *Ibid.*, Chapter 3.4.

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> .	
6.2 Monitoring of national accredited bodies⁶	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11(c).</i>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁷	
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?	
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input 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 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.

⁶ *Ibid.*, Chapter 7.4.

⁷ In relation to authorisation of accredited bodies, *ibid.*, Chapter 4.2.

<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁸</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <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>	
e) For how long is authorisation granted?	
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff ⁹ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	

8. Approved (non-accredited) persons (Art. 22(2))¹⁰	
Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?	<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:

⁸ In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

⁹ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, *ibid.*, Chapters 6.3 and 6.4.

¹⁰ *Ibid.*, Chapter 13.

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 Adoption Convention, available on the [Adoption Section](#) of the HCCH website.

If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹¹

☒ No

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 18 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:

☒ No – the definition used in the State(s) of origin is determinative.

12. The nationality of children who are adopted intercountry¹²

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

¹¹ *Ibid.*, Chapter 13.2.2.5.

¹² Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](#) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

	<p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i>, 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.</p> <p><input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin):</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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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 limits are applied. <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 adoption ¹³ (Art. 5(a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><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></p>	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <ul style="list-style-type: none"> <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 of common living

¹³ *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 Adoption Convention: see further Art. 2 of the Convention.

	<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): <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: <input checked="" type="checkbox"/> Minimum age requirements: 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 maximum <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: <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 assessment¹⁴	
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.	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:

¹⁴ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1 (*op. cit.* note 12), Chapter 7.4.3 and Question 17 below.

	<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. 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>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</p> <p>Methods/Techniques:</p> <ul style="list-style-type: none"> 1 - Psychosocial interview - Observation of interactions - Genogram - Ecomap <p>Participants:</p> <ul style="list-style-type: none"> - Individual - Couple <p>Professionals:</p> <ul style="list-style-type: none"> - Psychologist - Social Service Professional <p>Phase 2</p> <p>Methods/Techniques:</p> <ul style="list-style-type: none"> - Psychological interview - Administration of psychological tests
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	<ul style="list-style-type: none"> - Administration of information collection technique (optional) - Observation of interactions <p>Participants:</p> <ul style="list-style-type: none"> - Individual - Couple <p>Professionals:</p> <ul style="list-style-type: none"> - Psychologist. <p>Phase 3</p> <p>Methods/Techniques:</p> <ul style="list-style-type: none"> - Psychosocial interview at home - Observation at home <p>Intervenients:</p> <ul style="list-style-type: none"> - Individual - Couple <p>Professionals:</p> <ul style="list-style-type: none"> - 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?	<p>The social security organisation (example, ISS I.P.) of the habitual residence of the PAP(s), based on the assessment of the adoption team, will decide if they are eligible and suitable to undertake an intercountry adoption, if necessary in cooperation with the Portuguese Central Authority (ACAI). If so, a certificate will be issued, and the files will be sent to the Portuguese Central Authority. The ACAI will then analyse the application and, if everything is in agreement with the requirements of the Receiving State, will transmit the application.</p> <p>The adoption application selection certificate is valid for 3 years and can be renewed for successive identical periods at the express request of the applicant, before it expires.</p>
15. Preparation and counselling of PAPs (Art. 5(b))	
a) In your State, are courses provided to prepare PAPs for intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify the following: <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

	<ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> - 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). - Training C 1: <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. - Training 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. - Training C3: <ul style="list-style-type: none"> - 1. General aspects of educational practices;- 2. Educational practices in
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	<p>face of specific problematic situations of adoptive parenting;</p> <ul style="list-style-type: none"> - - 3. Demands, requirements, satisfactions, resources and strategies specific to "special adoptions" (children with disabilities, older, with chronic diseases and of international adoption). - Training 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. - Training 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 - Whether there are specific courses for PAPs wishing to adopt a child with special needs: No, but the course will be adapted to answer specif needs of adoption - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: No, but the course will be adapted to answer specif needs of adoption <p><input type="checkbox"/> No</p>
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<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)? Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>The local adoption team will provide counselling, at different stages of the adoption procedure, as necessary.</p>
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>c) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>To the local adoption team of their area of residence.</p>
<p>d) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁵</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, in case of joint applications</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 informing of the capability to perform parental responsibilities is mandatory.</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of</p>

¹⁵ 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.

	<p>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>
e) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure? ¹⁶	<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>
f) Are any <i>additional</i> documents required if PAPs apply through an accredited body?	<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 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>

Please tick all which apply.

17. The report on the PAPs (Arts 5(a) and 15(1))

a) Which body(ies) / expert(s) prepare the report on the PAPs?	The local adoption team will prepare the report, based in the assessment made (social and psychological) and on the documentation provided (by medical practioners and other bodies of the State, e.g. the Ministry of Finance and the Ministry of Justice, the Parish Council, the Civil Registry).
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Please include all those involved with the preparation of any of the documents which are included within such a report.

¹⁶ See GGP No 1 (*op. cit.* note 12), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

b) Is a “standard form” used for the report on the PAPs in your State?	<input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: kindly find in attachment (ADO 27 and ADO 28) <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:
c) For how long is the report on the PAPs valid in your State?	3 years
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?	The local adoption team of the residence of the PAPs. The renewal includes psychosocial interviews and a home visit, or other interventions considered necessary.

18. Transmission of the PAPs’ file to the State of origin	
a) Who sends the finalised application file of the PAPs to the State of origin?	The Central Authority for Intercountry Adoption
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>The local adoption team will assist the PAPs in compiling the file, and will then transfer the process to the Central Authority</p> <input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16(c) above).

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 responsible for the PAP's adoption project and - The procedure which is followed (<i>e.g.</i>, the report on the child is transmitted

	<p>first 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> <p><u>Go to Question 19.2 b)</u></p> <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> <p><u>Go to Question 19.2 c)</u></p>
<p>b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?</p>	<ol style="list-style-type: none"> 1. The referral must be in the Portuguese 2. compliance with legal requirements (age, for example) 3. the PAPs must have capabilities/competences to answer the child's specific needs.
<p>c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?</p>	<p><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 the PAP's have a few days. This period is suspended if additional information elements are considered necessary and, as it is an intercountry 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.</p> <p><input type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.</p>

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
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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 origin ¹⁷	
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

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 consular service must contact the Central Authority for Intercountry Adoption and request an opinion on the regularity of the adoption before they can issue a Visa for adoption purposes.
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 (if not Schengen space)
c) Which of the documents listed in response to Question 22(b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	Visa

¹⁷ See GGP No 1 (*op. cit.* note 12), Chapter 7.4.10.

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 Inter-country Adoption of the arrival of the child, as well as the local adoption team.
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23. Final adoption decision and the Article 23 certificate	
<p>a) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the final adoption decision; and</p> <p>(ii) Issues the certificate under Article 23?</p> <p><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.</i></p> <p><i>The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under "Authorities"), available on the Adoption Section of the HCCH website.</i></p>	<p>(i) The Portuguese Court of Law</p> <p>(ii) The Central Authority for Inter-country Adoption</p>
<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p><i>See GGP No 1 – Annex 7.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate.</p> <p><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></p>	<p>The Central Authority will issue Article 23 after receiving copy of the final adoption decree by the Portuguese Court, and send it to the Central Authority of the Country of Origin. A copy is given to the PAPs.</p>
<p>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?</p>	<p>The Central Authority.</p>

PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<p>24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</p>

<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “<i>intra-family</i> intercountry adoption” in your State.</p> <p>Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a “relative” of those PAPs.</p>	<p>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 6th degree of kinship in the collateral line (family members who descend from the same member).</p>
<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption 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></p>	<p><input checked="" type="checkbox"/> Yes – go to Question 25</p> <p><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</p> <p><input type="checkbox"/> No – go to Question 24 c)</p>
<p>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:</p> <p>(i) The counselling and preparations which PAPs must undergo in your State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION¹⁸

25. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 18 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 18 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>

¹⁸

According to the 1993 Adoption 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 (*op. cit.* note 12), Chapter 8.8.8.

<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 Adoption 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 Adoption 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 before 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>Central Authority</p>
<p>b) For how long is the information concerning the child’s origins preserved?</p>	<p>50 years permanently</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> <ul style="list-style-type: none"> (i) the adoptee and / or his / her representative(s); (ii) the adoptive parent(s); (iii) the birth family; and / or (iv) any other person(s)? 	<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</p>

<p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the 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>clarified by the local adoption team, per request of the PAPs.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria: <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 (<i>e.g.</i>, 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 by 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 (<i>e.g.</i>, 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 (<i>e.g.</i>, medical information, information about the child's development, schooling): There is no specific form for post-adoption reporting, but the adoption teams may use the model form for pre-adoption reports, adapting to the specific needs.</p> <p>If the State of Origin does not require post-adoption reports, the PAPs may still request post-adoption support as follows:</p>

	<p>This follow-up, which by nature is exempt from any evaluative phase (because intended as support), is subjected 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 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>
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	The Central Authority for Intercountry Adoption is responsible or assessing that the requirements of the country of origin are met.

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 (e.g., 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. If it's not included in requirements of the State of Origin, 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>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION¹⁹

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

¹⁹ See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH 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*.

29. The costs ²⁰ 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: Adoption services are free of charge, if provided by public entities. <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 and the Portuguese Central Authority supervises the whole process. <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)? <i>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</i>	<input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: It is free <input type="checkbox"/> No

30. Contributions, co-operation projects and donations²¹

²⁰ See the definition of “costs” provided in the harmonised Terminology, *ibid.*

²¹ See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note (*op. cit.* note 19).

<p>a) Does your State permit contributions²² 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:

²² See further the harmonised Terminology, *supra*, note 19, 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.

	<p>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure:</p> <p><input checked="" type="checkbox"/> No</p>
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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 and criminal charges may apply.

PART XI: ILLICIT PRACTICES²³

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. ²⁴	The case must be reported to the Criminal Court of Law or the police services (for criminal procedure) and to the Central Authority (for assessment of cooperation, support and prevention).

33. The abduction, sale of and traffic in children	
<p>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.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	The Legal Regime of the Adoption Process (Law n.º 143/2015, of September 8 th) applying to all persons and bodies involved in the intercountry adoption.
b) Please explain how your State monitors respect for the above laws.	The compliance with the above legislation is monitored by the police services. Should news of illicit practices be reported or perceived by

²³ "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 [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >).

²⁴ *Ibid.*

	the Central Authority, it should take the appropriate measures to address the situation.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	Criminal charges may apply (including imprisonment, if determined by the Criminal Court of Law).

34. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><i>N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</i></p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted - please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted.</p>

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Adoption Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State²⁵ 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.</p> <p><input type="checkbox"/> No</p>
<p>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?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State²⁶ 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.</p> <p><input type="checkbox"/> No</p>

²⁵ According to the 1993 Adoption 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 (*op. cit.* note 12), Chapter 8.4.

²⁶ According to the 1993 Adoption 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 (*op. cit.* note 12), Chapter 8.4.

<p>c) If a State of origin treats an adoption by PAPs habitually resident in your State as a <i>domestic</i> adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Adoption Convention, how does your State deal with this situation?</p> <p><i>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 Convention). They then seek to bring the child back to your State.</i></p>	<p>The adoption would have to be reviewed by the Appeal Court of Lisbon (Tribunal da Relação de Lisboa) or by the Central Authority in order to be able to produce effects in the Portuguese legal system. The competence will be decided according to the evidences provided in the case and it may be denied, if illicit practices occur.</p>
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PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁷

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	Brasil, Cabo Verde, Chile, Colômbia, Gana, Índia, Mexico, Senegal, Thailand
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	The criteria used is the common interest to cooperate and consensus on principles applied in 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 Adoption Convention are complied with in these cases. ²⁸	<p>All intercountry adoption must be mediated by the Portuguese Central Authority, with compliance to the principles of the Convention, with special focus on prevalence of family support, subsidiarity of adoption and intercountry adoption, informed consent, adoptability determination .</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p>
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁰</p> <p><input checked="" type="checkbox"/> No</p>

²⁷ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

²⁸ See GGP No 1 (*op. cit.* note 12), 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 *Ibid.*

conclusion of a formal agreement ²⁹ with that State of origin)?	
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²⁹ See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

EVALUATION REPORT

Evaluation Report Joint application

1. PROCESS

Process No. as registered in the Database

2. IDENTIFICATION DATA

Element 1: Name/Date of Birth/Marital Status/Address Postal Code City Tel./Mob. E-mail/
Educational Qualifications Profession

Element 2: Name/Date of Birth/Marital Status/Address Postal Code City Tel./Mob. E-mail/
Educational Qualifications Profession

Elements 1 and 2: Date of marriage / de facto union (civil union)

3. EVALUATION PROCESS

Date of formalization of the application

Number and dates of the evaluation sessions

Date of the training session A

Date of the training session B

Methodology (identification of subjects to be assessed, techniques used, psychological test administered and data consulted)

4. EVALUATION DATA

4.1. Behavior during the evaluation and training (posture during the evaluation and training sessions, interaction with the evaluators and interaction between the elements of the couple)

4.2. Characteristics of the desired child (age group, sex, race, health situation, receptivity to siblings, receptivity to the background); eventually attach a final file on the desired child profile

4.3. Motivation to adopt (reason, decision making, family journey until the formulation of the request, formulation of the request, experience of the situation, nature of the request, reaction of families and friends)

4.4. Family history, functioning and composition (family, school and professional path, genogram, patterns, customs, educational models and most important life events)

4.4.1. Genogram (see Annex 1)

4.5. Behavioral, social, emotional and health functioning (personality, physical and mental health, description of the results of the psychological test administered, social and emotional relationships)

4.6. Characteristics of the family system (history of the couple's relationship, self and hetero representation and perception, functioning of the couple, communication, mutual assistance, conflict resolution relations with the extended family)

4.7. Social network (relations with the outside world, formal and informal support networks, interests, leisure and ecomap)

4.7.1. Ecomap

4.8. Expectations about the adoption / understanding of their role as adopters (changes in family functioning, disclosure, acceptance / understanding of the child's history, fears about adoption)

4.9. Socio-economic and housing situation (living conditions, economic conditions, socio-educational facilities, health facilities)

4.10. Capacities of the candidates (capacities evidenced in the evaluation and training, relationship between the capacities and the needs of the child in a situation of adoptability)

4.11. Other elements of interest

5. TECHNICAL ADVICE / CONCLUSION

Favorable or protective factors

Unfavorable or risk factors

[Use following paragraph if the opinion is favorable]

According to the data collected and analyzed, the opinion is favorable to the national / international adoption (insert what best suits) of (insert number) child(ren), resident(s) in (insert address), in the range age from (insert age) to (insert age) years, with / without (insert the one that best suits) minor / serious health problems (insert the one that best suits).

[Use next paragraph if the opinion is unfavorable]

According to the data collected and analyzed, the opinion is unfavorable to national / international adoption (insert the one that best suits), reasoned (insert justification).

Responsible

Date

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EVALUATION REPORT

Single Application

1. PROCESS

Process Nº. as registered in Database

2. IDENTIFICATION DATA

Name/Date of Birth/Marital Status/Address Postal Code City Tel./Tlm. E-mail Qualifications
Profession

3. EVALUATION PROCESS

Date of formalization of the application

Number and dates of the evaluation sessions

Date of the training session A

Date of the training session B

Methodology (identification of the subjects subject to evaluation, techniques used, psychological test administered and data consulted)

4. EVALUATION DATA

4.1. Behavior during assessment and training (posture during assessment and training sessions, interaction with evaluators)

4.2. Characteristics of the desired child (age group, sex, race, health situation, receptivity to siblings, receptivity to the background); eventually attach a final file on the desired child profile

4.3. Motivation to adopt (reason, decision making, family journey to the formulation of the request, formulation of the request, experience of the situation, nature of the request, reaction of families and friends)

4.4. Family history, functioning and composition (family, school and professional path, genogram, patterns, customs, educational models and most important life events)

4.4.1. Genogram

4.5. Behavioral, social, emotional and health functioning (personality, physical and mental health, description of the results of the psychological test administered, social and emotional relationships)

4.6. Characteristics of the family system (relationship and communication with the family)

4.7. Social network (external relations, formal and informal support networks, interests, leisure time and ecomap) Ecomap

4.8. Expectations about the adoption / understanding of their role as adopter (changes in family functioning, disclosure, acceptance / understanding of the child's history, fears about adoption)

4.9. Socio-economic and housing situation (living conditions, economic conditions, socio-educational facilities, health facilities)

4.10. Capacities of the candidate (capacities evidenced in the evaluation and training, relationship between the capacities and the needs of the child in a situation of adoptability)

4.11. Other elements of interest

5. TECHNICAL ADVICE / CONCLUSION

Favorable or protective factors

Unfavorable or risk factors

[Use following paragraph if the opinion is favorable]

According to the data collected and analyzed, the opinion is favorable to the national / international adoption (insert what best suits) of (insert number) child(ren), resident(s) in (insert address), in the range age from (insert age) to (insert age) years, with / without (insert the one that best suits) minor / serious health problems (insert the one that best suits).

[Use next paragraph if the opinion is unfavorable]

According to the data collected and analyzed, the opinion is unfavorable to national / international adoption (insert the one that best suits), reasoned (insert justification).

Responsible

Date