

## COUNTRY PROFILE

### 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>1</sup>

#### STATE OF ORIGIN

**COUNTRY NAME:** Serbia

**PROFILE UPDATED ON:** October, 8, 2020

#### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	Ministry for Labor, Employment, Veterans and Social Issues
Acronyms used:	MLEVSI
Address:	Serbia, 11 000 Belgrade, Nemanjina 22/26
Telephone:	+381 11 3617 480
Fax:	No fax available
E-mail:	stevan.popovic@minrzs.gov.rs
Website:	https://www.minrzs.gov.rs/sr
Contact person(s) and direct contact details (please indicate language(s) of communication):	Stevan Popovic and Vukota Vlahovic, English
<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>	
No, just one CA.	

<sup>1</sup> 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.

<sup>2</sup> Please verify whether the contact details on the Hague Conference website < [www.hcch.net](http://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](mailto:secretariat@hcch.net) >.

## PART II: RELEVANT LEGISLATION

<b>2. The 1993 Hague Intercountry Adoption Convention and domestic legislation</b>	
<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 <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>April 2014.</p>
<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>Confirmatory Law on Convention on Protection of Children and Co-operation in Inter Country Adoption. Enter into the force on October 31, 2013. Link: <a href="https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2013/12/4/reg">https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2013/12/4/reg</a></p> <p>Also relevant Serbian Family Act/Law. Enter into the force on July 1, 2005. Link: <a href="http://jafbase.fr/docEstEurope/Serbie/Draft%20Family%20Law%20-%20english.pdf">http://jafbase.fr/docEstEurope/Serbie/Draft%20Family%20Law%20-%20english.pdf</a></p>

<b>3. Other international agreements on intercountry adoption<sup>3</sup></b>	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p>

<sup>3</sup> 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>See Art. 39.</p>	<input type="checkbox"/> Bilateral agreements (please specify):  <input type="checkbox"/> Non-binding memoranda of understanding (please specify):  <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
---------------------	--

### PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</p>	<p>Ministry of Labor, Employment, Veterans and Social Issues, has various roles on the field of social and family protection and particularly concerning adoptions: domestic and international. Ministry as central authority is responsible to communicate with other central authorities and accredited bodies.</p>

<b>5. Public and competent authorities</b>	
<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>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</p>	<p>Courts are engaged in solving family status of a child prior to adoptability decision. Parents are deprived of parental rights by court decision. Central responsibility for the adoption (domestic and international) is within social services. Social service is issuing adoption decree at the end of the process.</p>

<b>6. National accredited bodies<sup>4</sup></b>	
<p>a) Has your State accredited its own adoption bodies?</p> <p>See Arts 10-11.</p> <p><b>N.B.</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).<sup>5</sup></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – <b>go to Question 7</b>
<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.<sup>6</sup></p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	

<sup>4</sup> "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) 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](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>5</sup> See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

<sup>6</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.

<b>6.1 The accreditation procedure (Arts 10-11)</b>	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
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> .	
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
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 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
<b>7. Authorised foreign accredited bodies<sup>8</sup> (Art. 12)</b>	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?  <b>N.B.</b> <i>the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – <b><u>go to Question 8</u></b>
b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number. <sup>9</sup>	The present number of international accredited bodies in Serbia are five: from USA Hopscotch Adoptions; from Sweden Adoptionscentrum; from Spain Creixer Junts; from Israel Atid Haieladim and from Canada Loving Heart. Characteristics of children (children with special needs) and

<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

<sup>8</sup> "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *supra*, note 4, Chapter 4.2.

<sup>9</sup> See GGP No 2, *supra*, note 4, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

	number of children that are eligible for international adoption per year are limiting the number of countries and accredited bodies engaged in international adoptions in Serbia.
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	Accredited bodies are assisting fulfilling requirements from articles: 5; 16 and 17 of Hague Convention. Their in/country representatives are also assisting PAP's in various issues: hosting and guidance, transport and adaptation etc.
d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?  <i>Please tick any which apply.</i>	<input type="checkbox"/> Yes: <input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): <b>OR</b> <input checked="" type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: Yes. <b>OR</b> <input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: <b>OR</b> <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
<b>7.1 The authorisation procedure</b>	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	Ministry of Labor, Employment, Veterans and Social Issues, as Central Authority in the process of Inter-Country adoption.
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>10</sup>  If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	For agency wishing to operate in Serbia, Hague accreditation is mandatory. Ministry is requiring information about organization structure (organ gram), adoption statistics few years backward; information about in country representative (not with criminal record; not from social protection system). Agency recommendations (from who) is desirable. Ministry prefers cooperation with accredited bodies, agencies, employing professionals (social workers, psychologist and counselors).
c) For how long is authorisation granted?	Authorization is not granting for particular period of time. If any attempt of illicit practice is noticed, then through in-country representative, accredited body (agency), is informed who is responsible, and if it is in-country representative, or accredited body/agency itself is accountable, then it could be a reason to terminate authorization.

<sup>10</sup> In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

<p>d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>If accredited body, or agency is involved in illicit practice, cooperation might be terminated permanently. If in-country representative, or individual/individuals from agency are involved in illicit practice, without prior knowledge of the agency, then in-country representative authorization would be terminated for as long as responsible person/persons are not changed with other person/persons.</p>
--	---

## 7.2 Monitoring of authorised foreign accredited bodies

<p>a) Does your State monitor / supervise the activities of authorised foreign accredited bodies?<sup>11</sup></p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No – <b>go to Question 8</b></p>
<p>b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?</p>	
<p>c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).</p>	
<p>d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (i.e., withdrawn).</p>	
<p>e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation):   <input type="checkbox"/> No</p>

## 8. Approved (non-accredited) persons (Art. 22(2))<sup>12</sup>

<p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Intercountry Adoption Section</a> 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)).<sup>13</sup></p>	<p><input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:   <input checked="" type="checkbox"/> No</p>
--	--

<sup>11</sup> See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.

<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.

<sup>13</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>
---	--

## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).</p>	<p>In Serbia, only children that were not able to find domestic adoptive family in reasonable course of time (one year from the moment of registration), are becoming eligible for international adoption. Those are mostly children with "special needs". The scope of "special needs" varies from genetic syndromes (Down, West, or Turret syndrome), cognitive (light or moderate) delays, behavioral, (social and emotional) disorders, older children and siblings and (partly) Roma children. Children could be of any age.</p>

10. The adoptability of a child (Art. 4 a))	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>Social service. In Serbia, social services are organized on municipal level. Each municipality has it's own, or there are in few cases joint social service for usually two municipalities linked in cluster.</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>A legal criterion for adoption is that a child is without parental care. A child is considered without parental care when: parents are not alive; or their habitual residence is unknown and it is not possible to establish where it is, or where it might be; or when parents are due to illness assessed (by court) as unable to work (being dependent themselves) and deprived from work capacity; or when parents are deprived of parental rights by court decision (due to neglecting, or abuse of a child). A child is becoming eligible for adoption in cases where a known parent/parents are giving consent for adoption.</p>
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).</p>	<p>Experts from social services (multidisciplinary team consisting of: social worker, psychologist, pedagogue and jurist) and associating medical doctor (usually from primary health centre or hospital, or institution where a child might be protected) are making assessment and conclusion that child is eligible for adoption.</p>

<b>N.B.</b> the issue of consent is dealt with at Question 12 below.	Social services and police are mostly involved in searching for biological parents when their habitual residence is unknown.
--	--

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

a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	Decisions for intercountry adoption are never brought prior to applying support measures (social, financial, family protective) to rehabilitate family competences. Nevertheless, in most cases family structure is much dysfunctional that no measures are successful. There are cases where parents are determined to give consent for adoption, that no measures are applicable.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	Court has a dominant role in the process of terminating parental rights and/or in assessing parent/parents work capacity. Courts are making decision when social support measures did not brought expected results. Social services are informing court and indicting parents ex officio for neglecting, or abuse, or initiating work capacity assessment. On the basis of court decision social service is deciding about adoptability of a child.
c) Please briefly explain how that decision is reached (e.g., whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	<p>Conclusion that a child is eligible for adoption comes after the period of time when it becomes obvious biological family has no capacity to take care over the child, and/or is not accepting (or is actively rejecting) a child. International adoption becomes option when adequate domestic adoptive family is not available. Before making any conclusion, (for domestic, or international adoption), child is protected in foster family (most cases), or institution.</p> <p>Process of intercountry adoption starts with social service conclusion, that domestic adoptive family is not available, and thus a child is becoming eligible for international adoption.</p>

### 12. Counselling and consents (Art. 4 c) and d))

a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where: <ul style="list-style-type: none"> <li>(i) Both parents are known;</li> <li>(ii) One parent is unknown or deceased;</li> <li>(iii) Both parents are unknown or deceased;</li> <li>(iv) One or both parents have been deprived of his / her / their parental</li> </ul>	<ul style="list-style-type: none"> <li>(i) Both parents should give consent.</li> <li>(ii) Known parent is giving consent.</li> <li>(iii) Guardian is giving consent.</li> <li>(iv) Guardian is giving consent.</li> </ul>
---	--

<p>responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent).</p> <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.<sup>14</sup></p>	<p>(i) In cases where parent/parents do not want, or are not able to take care over the child, social services are mandatory offering counseling and financial aid (if necessary).</p> <p>(ii) If they refuse, they are giving statement in front the social service they refuse proposal. Then they are giving statement, about a child that they agree with adoption. Social service informs them to have 30 days to think over and withdraw consent for adoption. In cases where they do not withdraw consent in 30 days, it steps into force as final decision of parents.</p>
<p>c) Does your State use the model form "Statement of consent to the adoption" developed by the Permanent Bureau of the Hague Conference?</p> <p><i>The model form is available on the <a href="#">Intercountry Adoption section</a> of the Hague Conference website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose: There is no particular form of consent; only consent parent/parents are giving to a jurist in social service.</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4 d) 2).</i></p>	<p>If a child is (emotionally) mature enough, at the age of ten he/she's has a right to consent with adoption (domestic, or international), and its opinion is mandatory. If a child is not able to decide about it, or able to express opinion on own best interest, then guardian is giving such consent.</p>
<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4 d) 1).</i></p>	<p>In most cases of international adoption in Serbia, children are younger than the age of ten, or are not able to express themselves. Then guardian is deciding and giving (or not giving), consent for intercountry adoption.</p>

<sup>14</sup> See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Convention.

<b>13. Children with special needs</b>	
a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".	The scope of "special needs" varies from genetic syndromes (Down, West, or Turret syndrome), cognitive (light or moderate) delays, behavioral, (social and emotional) disorders, and children with body handicaps (missing limbs etc).
b) What, if any, procedures does your State use to expedite the adoption of children with special needs?	As Central Authority, which is also responsible for social services, foster care and institution control, Ministry is influencing their accuracy and speed of services, specially for children younger than 10 years, reminding that adoption is only permanent protective measure for children.

<b>14. The preparation of children for intercountry adoption</b>	
Is there a special procedure in your State to prepare a child for an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please provide details ( <i>e.g.</i> , the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): Preparation of children for adoption, including intercountry is mandatory. Usually it falls in the scope of social service activities, or more preciously, to the case manager scope of activity. Also, in large cities Foster Care and Adoption Centers are active. Their counselors are responsible to participate in child preparation together with foster parents. Aproximately, preparation starts few months before adoption, (usually two) intensyfing activities two weeks prior to the first contact with PAP's. <input type="checkbox"/> No

<b>15. The nationality of children who are adopted intercountry<sup>15</sup></b>	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> It depends – please specify which factors are taken into consideration ( <i>e.g.</i> , the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State): <input type="checkbox"/> No, the child will never retain this nationality

## **PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")**

<sup>15</sup> 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](http://www.hcch.net) >, at Chapter 8.4.5.

<b>16. Limits on the acceptance of files</b>	
<p>Does your State place any limit on the number of PAPS' files which are accepted from receiving States?<sup>16</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: Serbia is following principle "one child-one family". This means we are informing accredited bodies about all children that are eligible for international adoption. But, we are accepting only one family file per child. Accredited body is responsible for matching family with a child, taking into the consideration characteristics of a child and a family they are previously introduced with.</p> <p><input type="checkbox"/> No</p>

<b>17. Eligibility criteria for PAPS wishing to undertake an intercountry adoption in your State<sup>17</sup></b>	
<p>a) Do PAPS wishing to undertake an intercountry adoption in your State have to fulfil any criteria 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>	<p><input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples: Yes.</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: Yes.</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: Yes.</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men: Optional</p> <p><input checked="" type="checkbox"/> Single women: Optional</p> <p><input checked="" type="checkbox"/> Other (please specify): Step parent (father or mother).</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPS.</p>
<p>b) Are there any age requirements for PAPS wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: More than 18 years between adopters and adoptee.</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPS and the child: Not more than 45 between adopters and adoptee.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPS wishing to undertake an</p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPS wishing to adopt a child</p>

<sup>16</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.

<sup>17</sup> *I.e.*, this section refers to the eligibility criteria for PAPS who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Convention.

intercountry adoption in your State must fulfil?	<p>with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>
--	---

### 18. Preparation and counselling of PAPs (Art. 5 b))

Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i> ?	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: In all countries we are operating with (five), PAP's preparation is mandatory.</p> <p><input type="checkbox"/> No</p>
---	--

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

### 19. Applications

a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	To Central Authority: Ministry of Labor, Employment, Veterans and Social Issues.
<p>b) Please indicate which documents must be submitted with an application:</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 in the receiving State</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): When PAP's are married.</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): Report from general medical practitioner, or specialist which is curing one, or both adoptive parents.</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): Housing conditions.</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which</p>

	<p>circumstances and what type of information is required): Regular employment certificate.</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input type="checkbox"/> Other(s): please explain</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>18</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.<sup>19</sup> Please also 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 your State, for all stages of the procedure): Foreign accredited body should participate through the whole length of the process through in-country representative.</p> <p><input type="checkbox"/> No</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 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>
<p>e) Please specify the language(s) in which any documents must be submitted:</p>	<p>Original documents with translations are submitting. Translations should be made by authorized court interpreter and with apostil.</p>
<p>f) Do any of the required documents need to be legalised or apostilled?</p>	<p><input checked="" type="checkbox"/> Yes, please specify which documents: All original documents should have apostil.</p> <p><input type="checkbox"/> No – <b>go to Question 20</b></p>
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Hague Apostille Convention)?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the Hague Apostille Convention (see the <a href="#">Apostille Section</a> of the Hague Conference website).</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: In the period of former Republic of Yugoslavia it was ratified in 1973. In Republic of Serbia it is confirmed in 2004.</p> <p><input type="checkbox"/> No</p>

<sup>18</sup> See GGP No 1, *supra*, note 15, 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.

<sup>19</sup> See the definitions provided at notes 4 and 8 above.

<b>20. The report on the child (Art. 16(1) a))</b>	
a) Who is responsible for preparing the report on the child?	Social service at first place, institution where a child is, and counselor responsible to follow a child in foster care.
b) Is a "standard form" used for the report on the child?	<input type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: There is no "standardized forms", but description of child health, developmental, social, emotional, and educational statuses are mandatory for the reports.
c) Does your State use the " <i>Model Form – Medical Report on the Child</i> " and the " <i>Supplement to the general medical report on the child</i> "?  <i>See GGP No 1 – Annex 7, available <a href="#">here</a>.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>21. The report on the PAPs (Art. 15(2))</b>	
a) For how long is the report on the PAPs valid in your State?	
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it.  <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</i>	Updated report is required with details that are changed, or missing.

<b>22. Matching of the child and the PAPs (Art. 16(1) d) and (2))</b>	
<b>22.1 The authorities and the matching procedure</b>	
a) Who is responsible for the matching of the child and the PAPs in your State?	Social service.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	Social service, in charge for child protection, is actually performing matching since it knows child characteristics the best. As mentioned before, multidisciplinary teams in social service, consisting from four experts (social worker, psychologist, pedagogue and jurist) are deciding about matching.

c) What methodology is used for the matching in your State?	No particular methodology, only following the principle of the best possible match with child characteristics.
d) Is any preference given to PAPs who have a close connection with your State (e.g., nationals of your State who have emigrated to a receiving State)?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	Central Authority.
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	Social services are informed such contacts are not allowed and acceptable.

### 22.2 Acceptance of the match

a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: Not directly, but we know that in visa procedures while preparing that child might enter the recipient country, competent bodies of that (recipient) country are informed and that they are approving entrance. <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	Receiving states are not limited timely to make such decision.
c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?	In such cases particular PAP's would not be refused to proceed with other adoption, of another child who might match with better.

### 22.3 Information following acceptance of the match

Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (i.e., during the remainder of the intercountry adoption procedure and prior to entrustment)?	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: Social service is collecting and distributing such information through Central Authority. <input type="checkbox"/> No
--	---

### 23. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	Central Authority, this Ministry.
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; <b>OR</b> <input checked="" type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; <b>OR</b> <input type="checkbox"/> Other (please specify):

### 24. Travel of the PAPs to your State<sup>20</sup>

<sup>20</sup> See GGP No 1, *supra*, note 15, Chapter 7.4.10.

<p>a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?</p>	<p><input checked="" type="checkbox"/> Yes, in which case please specify:</p> <ul style="list-style-type: none"> <li>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: Process starts with PAP's arrival.</li> <li>- How many trips are required to complete the intercountry adoption procedure: One trip.</li> <li>- How long the PAPs need to stay for each trip: Approximately three to four weeks.</li> <li>- Any other conditions: No.</li> </ul> <p><input type="checkbox"/> No</p>
<p>b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?</p>	<p><input type="checkbox"/> Yes, please specify in which circumstances:</p> <p><input checked="" type="checkbox"/> No</p>

### 25. Entrustment of the child to the PAPs (Art. 17)

<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>PAP's are contacting child during the period of at least ten days, which has its final testing upon separating a child from foster family (or institution), and being with PAP's in their temporary care for a certain period of time. Social service is observing the adaptation/adjustment process and is giving two reports about the quality of contacts: at the beginning and at the end of the process. If a basic emotional contact is established, then social services are proposing to Minister to allow international adoption. The whole process: contacting between a child and PAP's, Minister final approval and adoption ceremony, requires approximately three to four weeks.</p>
---	---

### 26. Transfer of the child to the receiving State (Arts 5 c) and 18)

<p>a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (e.g., passport, visa, exit permit)?</p>	<p>On the basis of adoption decree (which social service is issuing), all other documents passport (police) and a new birth certificate (municipality) are issuing. After issuing passport (and medical check up that some countries are requiring prior to departure), child is able to leave the country with adoptive parents.</p>
<p>b) Which of the documents listed in response to Question 26 a) above does your State issue?</p> <p>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>	<p>Adoption decree (social service); new birth certificate (municipality); and passport (police).</p>
<p>c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> No</p>

completed in order for the child to be permitted to leave your State and travel to the receiving State?	
---	--

## 27. Final adoption decision and the Article 23 certificate

a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	<input checked="" type="checkbox"/> In our State – <b>go to Question 27 c)</b> <input type="checkbox"/> In the receiving State – <b>go to Question 27 b)</b>
b) Following the making of the final adoption decision in the receiving State: (i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)? (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?	(i) (ii) <b><u>Go to Question 28</u></b>
c) If the final adoption decision is made in your State, which competent authority: (i) Makes the adoption decision; and (ii) Issues the certificate under Article 23 of the 1993 Convention?  <b><i>N.B.</i></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 of a designation) should be notified to the depositary of the Convention.  The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.	(i) Social service (ii) Ministry (MLEVSI)
d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?  See GGP No 1 – Annex 7, available <a href="#">here</a> .	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e) Please briefly describe the procedure for issuing the Article 23 certificate.  <i>E.g.</i> , 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 receiving State?	After municipal social service (centre for social work, as we call it in Serbia), completes adoption ceremony, and issues adoption decree, Ministry (MLEVSI), as central authority is issuing Article 23 certificate. Copy of Article 23 certificate is delivered directly to PAP's.

## 28. Duration of the intercountry adoption procedure

Where possible, please indicate the average time which it takes to:	(i) Ten days to two weeks. (ii) At the end of the second week.
---	---

<p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	<p>(iii) At the end of the third week.</p>
---	--

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</b>	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "<i>intra-family intercountry adoption</i>" 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>Inter country "intra family" adoptions are rare in Serbia. Family Law, Article 95. covering blood relations, says: "Blood relative in straight line may not be adopted, and from among relatives in lateral line, brother or sister, or brother or sister of the same mother or father".</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p><b><i>N.B.</i></b> <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, <b>the Convention is applicable</b>, 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 – <b><u>go to Question 30</u></b></p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b><u>Go to Question 30</u></b></p> <p><input type="checkbox"/> No – <b><u>go to Question 29 c)</u></b></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 the receiving 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 ADOPTION<sup>21</sup>

### 30. Simple and full adoption

<sup>21</sup> 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 15, Chapter 8.8.8.

<p>a) Is "full" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 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 21 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 31</b></p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a "simple" adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family's consent(s)<sup>22</sup> to a "full" adoption where this is in the child's best interests (<i>i.e.</i>, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family<sup>23</sup> to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>	

## PART IX: POST-ADOPTION MATTERS

<b>31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child</b>	
<p>a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>Social service.</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>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> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: When a child is age of 15, and/or age of 18, he/she is allowed to see adoption record and to receive professional support and counseling during the process.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria:</p>

<sup>22</sup> Or other person(s) whose consent to the adoption is required under Art. 4 c) and d) of the 1993 Convention.

<sup>23</sup> *Ibid.*

<p>(iv) any other persons?</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><input checked="" type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input 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: Psycho/social support and counseling are offered to the adoptee.</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: Yes, if he/she requires it guidance and support during the contact with biological parents are offered by social service.</p> <p><input type="checkbox"/> No</p>

### 32. Post-adoption reports

<p>a) 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 in a post-adoption report (<i>e.g.</i>, medical information, information about the child's development, schooling): Accredited body, which Serbia is cooperating with, has standard forms of post placement reports, which is accepted in Serbia. Reports are including information about: health, education and important family status of a child.</p>
<p>b) What are the requirements of your State in relation to post-adoption reports?</p> <p>Please indicate:</p> <p>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</p> <p>(ii) For how long (<i>e.g.</i>, until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) At least twice a year.</p> <p>(ii) For the period of two years.</p> <p>(iii) Native language, along with translation into Serbian language.</p> <p>(iv) Accredited bodies, or other trusted professionals from recipient country.</p> <p>(v)</p> <p>(vi) No.</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p>	<p>(i) In one case (so far), we were forced to contact central Authority of particular country and to remind it on post/placement reporting obligation.</p> <p>(ii)</p>

(ii) Submitted, but not in accordance with your requirements?	(iii) Have not such experience since accredited bodies have standardized post placement reports that are approved in Serbia.
d) What does your State do with post-adoption reports? ( <i>i.e.</i> , to what use are they put?)	Reports are also delivered to social services and stored as part of adoption archive.

## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>24</sup>

**States of origin 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.**

<b>33. The costs<sup>25</sup> of intercountry adoption</b>	
a) Are the costs of intercountry adoption regulated by law in your State?	<input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed ( <i>e.g.</i> , link to a website or attach a copy). Please also briefly explain the legal framework:  <input checked="" type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:  <input checked="" 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 19 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): PAP's are paying municipal taxes for issuing new birth certificate, and police taxes for issuing a new passport. PAP's are paying that taxes themselves in municipality and police directly. There are no other coasts for adoption in Serbia.
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 checked="" type="checkbox"/> In cash: Taxes <input type="checkbox"/> Other (please explain):
e) Which body / authority in your State receives the payments?	Municipal and police administration
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption ( <i>e.g.</i> , in a brochure or on a website)?	<input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: During the first coordination meeting, Central Authority/ministry is introducing PAP's that adoption process does not have any costs within the social protection system, but have (symbolic) taxes for municipality (birth certificate) and police (passport),

<sup>24</sup> 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 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*.

<sup>25</sup> See the definition of "costs" provided in the Terminology, *ibid.*

<p><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p>which are the same as for the ordinary citizens of Serbia.</p> <p><input type="checkbox"/> No</p>
--	--

<b>34. Contributions, co-operation projects and donations<sup>26</sup></b>	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution<sup>27</sup> to your State if it wishes to engage in intercountry adoption in your 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"> <li>• What type of contribution is required:</li> <li>• Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body):</li> <li>• How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input checked="" type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> <li>• What type of co-operation projects are permitted:</li> <li>• Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies):</li> <li>• Whether such projects are monitored by an authority / body in your State:</li> <li>• How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input type="checkbox"/> No</p>
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): To orphanages.</li> </ul>

<sup>26</sup> See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 24.

<sup>27</sup> See further the Terminology, *supra*, note 24, 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><b>N.B. This is <u>not</u> recommended as a good practice:</b> see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<ul style="list-style-type: none"> <li>• What donations are used for: For equipping institution/orphanage (children equipment like toys or other for direct use of children).</li> <li>• Who is permitted to pay donations (e.g., only authorised foreign accredited bodies or also PAPs): Both if it is their wish, but it is not mandatory.</li> <li>• At what stage of the intercountry adoption procedure donations are permitted to be paid: At the end of the process.</li> <li>• How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> <li>• There are no guarantees. But, any kinds of contribution to orphanages are not influencing the final decision of social services, for they are independent and separated entities within the system.</li> </ul> <p><input type="checkbox"/> No</p>
---	--

<b>35. Improper financial or other gain (Arts 8 and 32)</b>	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	Central Authority/Ministry.
b) What measures have been taken in your State to prevent improper financial or other gain?	Information is shared about Convention provisions, values and obligations among management and staff of orphanages and social services.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Temporary or permanent lost of post/position or/and job.

## PART XI: ILLICIT PRACTICES<sup>28</sup>

<b>36. Response to illicit practices in general</b>	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>29</sup>	If any illicit practice occurs during the process of particular adoption, process is stopping instantly, and about those who are involved Central Authority is informing police (in country of origin) and Consular Section (of recipient country).

<sup>28</sup> "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](http://www.hcch.net) >).

<sup>29</sup> *Ibid.*

<b>37. The abduction, sale of and traffic in children</b>	
<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 State's 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>	In Criminal Law there are two provisions: trafficking and trafficking for the purpose of adoption.
<p>b) Please explain how your State monitors respect for the above laws.</p>	Trough Ministry of Justice, Prosecution Office and courts practice. Each state institutes are obliged to report the cases of trafficking, or children trafficking.
<p>c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?</p>	Imprisonment and lost of accreditation.

<b>38. Private and / or independent adoptions</b>	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><b>N.B.</b> "Independent" and "private" adoptions are <i>not</i> 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.</p> <p>Please tick all which apply.</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

<b>39. The scope of the 1993 Convention (Art. 2)</b>	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</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 State<sup>30</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: PAP's from foreign countries, with habitual residence in Serbia, are applying to Central Authority as foreign adopters, but are undergoing adoption procedure (assessment and preparation) in social service as domestic adopters. At the end of the process, PAP's are adopting according to procedure for foreign citizens.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they</p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p>

<sup>30</sup> 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 15, Chapter 8.4.

<p>permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p>There are no legal obstacles in case foreign PAP's wants to adopt from another country, but Serbian authorities and social services are not involved in such process.</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>31</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input checked="" type="checkbox"/> No</p>

## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>32</sup>

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>USA, Sweden, Spain, Israel and Canada.</p>
<p>b) How does your State determine with which receiving States it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the <a href="#">Status Table</a> for the 1993 Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>Serbia is not predefining which state is acceptable for intercountry adoption, or which is not. Decisions are made trough successful practice with particular countries/recipient states. Yes, Serbia is partnering only with Convention partnering states.</p>
<p>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.<sup>33</sup></p>	<p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement<sup>34</sup> with that receiving State)?</p>	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>35</sup></p> <p><input checked="" type="checkbox"/> No</p>

<sup>31</sup> 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 (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

<sup>32</sup> 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.

<sup>33</sup> See GGP No 1, *supra*, note 15, 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”.

<sup>34</sup> 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.

<sup>35</sup> *Ibid.*