

The Ministry for Children and Family Affairs (hereinafter referred to as – the Ministry) which is the Central Authority for the realization of the Hague Convention of 29 May 1993 on Protection of Children and Co –Operation in Respect of Intercountry Adoption (hereinafter referred to as - the Convention) in the Republic of Latvia.

A. EXPLANATIONS AND QUESTIONS

1. (a) **Latvia is a State of origin of the adoptable children.**
(b) **Not applicable.**
2. (a) (i) **By adapting point e) of the article 9 of the Convention, we have come to an agreement with the Central Authorities of Contracting States of the Convention, to which children from Latvia are adopted, that once a year two years after approval of adoption in the court, reports about child's living conditions in the adoptive family and mutual relationships between adopters and adoptee should be submitted in the Ministry.**
(b) **We would like to suggest supplementing the Guide to Good Practice on Implementation of the Convention with chapters about procedure of accreditation as well as about reports after adoption of the child.**
(c) **There have not been problems with the implementation of the Convention in Latvia.**
(d) **Not applicable.**
3. (a) **Adoptable children have had affiliation to the Republic of Latvia (citizen or non-citizen).**
(b) **Not applicable.**
(c) **The Ministry has faced cases, when children are adopted by families from foreign countries in which a child has spent holidays. Most often in such way are adopted children who are over 10 years old.**
4. (a) **In Latvia there are four forms of extra-familial care for children, who do not have parental care – adoption, guardianship, foster family and institutional care.**
(b) **In accordance with the article 40 of the regulations No.111 of the Cabinet of Ministers of 11 March 2003 "The Procedure of Adoption" (hereinafter referred to as – the Regulations) the adoption of a child to foreign countries shall be allowed if it is impossible to ensure upbringing and care of the child in a family in Latvia, and an orphans' (parish) court (hereinafter referred to as – orphans' court), which has taken a decision on placing the child in an institution of upbringing, has made a decision on it. Orphans' court is an independent guardian institution established by municipality who take decisions to secure observance of children rights and interests if parents cannot do it by themselves.**
(c) **According to the legal acts of Latvia, a child is adoptable if he is an orphan, a foundling or if parents have given their consent to the adoption. Consent is not necessary if parents have been deprived of the rights of parental authority.**

- (d) Article 7 of the Regulations provides that the consent to adoption shall be expressed in orphans' court of a domicile. Parents can also express their consent at a notary.
 - (e) The mentioned consent form of adoption is not used in Latvia, there has been elaborated our own form.
 - (f) Refugee children have not been adopted until now in Latvia, therefore the recommendation is not suitable.
 - (g) Article 45 of the Regulations provides that the Ministry appraises the eligibility to the normative acts the submitted documents of foreign adopters. Only if the documents conform to normative acts, the information on adoptable children is issued to the adopters.
 - (h) Not applicable.
 - (i) Not applicable.
 - (j) In accordance with article 39 of the Regulations orphans' court of a domicile of an adopter shall regularly ascertain care and supervision of a child in a family two years after adoption has been approved. In regard to foreign adoptions see point 2 (a) (i).
5. (a) All functions which are performed by the Central Authority of a State of origin of the adoptable child.
- (b) Two persons who have higher education deal with foreign adoption in the Ministry.
- (c) The Ministry offers training and courses to the new staff. Trips of exchange of experience are made to other Contracting States, which, in common with Latvia, are States of origin of the adoptable children for the purpose of the Convention.
- (d) There is not such experience.
- (e) There have not been such problems.
6. (1) Article 3 of the Law "Hague Convention on Protection of Children and Co-operation in Respect of Intercountry adoption" provides that according to article 13 of the Convention, functions mentioned in articles 11 and 12 of the Convention in the Republic of Latvia are performed by orphans' courts. As accredited bodies in Latvia function only foreign institutions whose action in Latvia are allowed by the Ministry. The Ministry delivers accreditation for foreign organization operation in Latvia not till then, when the foreign competent institution under whose control is action of the organization has issued it. Till now there have been problems only with Israel whose national legal acts provide that to receive an accreditation letter from competent institution of Israel, in the beginning it is necessary to get accreditation from the country where the activities in the scope of adoption are planned. Accreditation for operation in Latvia can be recalled if the Ministry has established violation of the legal acts.

Regarding that the procedure of accreditation is not particularly regulated in the Convention, we consider that it would be necessary

to include in the Guide to Good Practice a chapter about experience of other countries in the process of accreditation.

7.
 - (a) There have not been such problems.
 - (b) There have not been such problems.
 - (c) Not applicable.
 - (d) There have not been such problems.
 - (e) There is not such problem.
 - (f) There have not been such problems.
 - (g) There have not been such problems.
 - (h) There have not been such problems.
 - (2) No. The Ministry is the only, which can furnish information to foreign adopters about children who can be adopted to foreign countries.
 - (3) There is not such problem.
 - (4) Not applicable.
 - (5) Identical recommendation must be accepted in Special Commission of the Convention.
 - (6) Not applicable.
8.
 - (a) There have not been such problems.
 - (b) There have not been such problems.
9.
 - (1) Courts do not apply the certificate mentioned in article 23 of the Convention, because the Central Authority issues it only when the verdict of the court has come into force.
 - (2) There have not been such problems.
 - (3) There is not such information.
 - (4) There have not been such circumstances.
10. According to the legal acts of the Republic of Latvia procedure of adoption is gratis. The Ministry as a Central Authority furnishes without payment information and support to foreign adopters thereby making easier the procedure of adoption. Thus the foreign adoptive family must take into consideration only the expenses which are connected with travelling, stay in Latvia and translation.

The Ministry is the only institution, which can furnish information about adoptable children to foreign adopters. Thereby other institutions, which are involved in the process of adoption, cannot influence that the adoption would be processed more quickly.

11. (1) The Criminal Law provides responsibility of officials for offences which have done essential damage for persons' rights and interests (bribery, exceeding of official authority, mismanagement of authority, idleness of state official), providing in sanction the maximal penalty – deprivation of liberty for a term till 12 years with confiscation of property. At the same time the Ministry has elaborated changes in the Criminal Law, providing responsibility to parents or guardians for giving consent for child adoption in covetous intents, to persons for requiring consent to adoption from parents or guardians if it has been given in covetous intents, as well as for mediation in mentioned actions. The mentioned draft law is submitted for reviewing in the parliament (Saeima).
- (2) There have not been such cases.
- (3) There have not been such problems.
- (4) See point 10.
- (5) See point 10 and 11 (1).
- (6) There has not been such experience.
12. There are no comments.
13. The Ministry, in accordance with article 16 of the Convention, furnishes information about children with special needs, who can be adopted to foreign countries, to the Central Authorities and accredited bodies of the Contracting States if at the Ministry's disposal is not information about adopters who would be ready to adopt such children.
14. In accordance with article 45 part 6 of the Protection of the Rights of the Child Law a child who is under extra-familial care may be placed in a family or child institution in a foreign state for a period with the consent of the orphans' court if this placement is co-ordinated with the institution for the protection of the rights of the child of the relevant state, while observing the procedures prescribed in such state. By adapting the mentioned norm of the rights, children usually spend their holidays in foreign families, however Latvia do not apply in practice permanent care of child in foreign families.
15. There is not such experience.
16. See point 2 (a) (i).
17. Regarding the fact that the number of adoptable children (especially teenagers) exceeds the number of adopters, Latvia does not restrict the number of countries to cooperate with.

B. SUGGESTIONS FOR THE SEPTEMBER SPECIAL COMMISSION

18. There is not such experience.
19. The Ministry supports formation of similar working groups for the Convention.
20. It would be necessary for Special Commission to discuss questions that concern problems of accreditation, supervision after adoption and

exchange of reports about children, as well as to analyse practice of the Central Authorities of Contracting States.

ANNEX 1 - ORGANIGRAM

Introduction and explanation

In response to the recommendation of the Special Commission of 2000¹ the Permanent Bureau has prepared a model form designed to provide information on which entity in each State performs each function outlined in the Convention.² The form is applicable to both States of Origin and Receiving States, and also includes space for the reporting and updating of names and contact information for the Central Authorities, Public Authorities, Courts, Accredited Bodies and Approved Persons in each State.

With reference to the recommendation of the Special Commission of 2000, it was not possible in the time available to develop a simple form that would show the interaction of the competent authorities and bodies in each State. Any additional information could be provided by States in a separate document.

We would welcome comments on the form and its ease of use, and any suggested changes or additions. It is thought that the exercise of preparing answers to the form may be the best way to test its value and may highlight any need for revision. Therefore, we would like, if possible, to receive completed forms from States prior to 14 June 2005. If your State has already sent the information requested in Section C, please send only revisions as necessary.

¹ N.B. A Special Commission on the Convention was held from 28 November-1 December 2000 on the Practical Operation of the Convention. The report of this meeting, *Report and Conclusions of the Special Commission on the Practical Operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*, was published in English and French and is available on the Hague Conference website at: < <http://hcch.e-vision.nl/upload/scrpt33e2000.pdf> >.

² See Report of the Special Commission of 2000, page 41, paragraphs 1 and 2.

ORGANISATION AND RESPONSIBILITY UNDER THE
1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION

Country: _____

Please check the box(es) that indicate which body performs the stated function. States which are solely States of origin should complete only section A; States which are solely receiving States should complete only section B; States which act as both States of origin and receiving States should complete sections A and B. All States are requested to ensure that the Permanent Bureau has the information requested in Section C and to provide updated information where changes are needed.

- (CAN) Central Authority National
 (CAR) Central Authority Regional
 (PA) Public Authority
 (CT) Court or Tribunal
 (ABN) Accredited Body National
 (ABF) Accredited Body Foreign
 (APN) Approved Person National
 (APF) Approved Person Foreign
 (IAE) Independent Accrediting Entity appointed by Central Authority

The Ministry for Children and Family Affairs of the Republic of Latvia adds two more categories:

(OPC) Orphans' or Parish Courts (orphans' court or parish court which are independent guardian institutions established by municipalities who take decisions to secure observance of children rights and interests if parents cannot do it by themselves)

(NA) Not applicable

Section A: States of origin

<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
4 a)	Establishes that the child is adoptable	✓ CAN ☐ CAR ☐ PA ☐ CT
4 b)	Determines that possibilities for placement of the child within the State of origin have been considered	✓ CAN ☐ CAR ☐ PA ☐ CT ✓ OPC
4 b)	Determines that intercountry adoption is in the child's best interests	✓ CAN ☐ CAR ☐ PA ☐ CT ✓ OPC
4 c); 16(1) c)	Ensures that all involved parties have been counselled; consent has been obtained; consent was freely given; and was only given after birth of child	☐ CAN ☐ CAR ☐ PA ☐ CT ✓ OPC
4 d)	Ensures that child has been counselled and consulted when appropriate	☐ CAN ☐ CAR ☐ PA ☐ CT ✓ OPC
8	Takes all appropriate steps to prevent improper financial gain	✓ CAN ☐ CAR ✓ PA ☐ CT

Article	Action	Responsible Party
9 a); 30	Preserves adoption records and information; Ensures availability of information to child when appropriate	☒ CAN ☐ CAR ☒ PA ☐ CT ☐ ABN ☐ ABF
9 b)	Facilitates, follows and expedites proceedings with a view to obtaining the adoption	☒ CAN ☐ CAR ☒ PA ☐ CT ☐ ABN ☐ ABF ☒ OPC
9 c)	Promotes the development of adoption counselling and post adoption services	☒ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☒ OPC
9 d)	Provides Central Authorities with general evaluation reports about experiences with intercountry adoption	☒ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF
9 e)	Replies, in so far as it is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation	☒ CAN ☐ CAR ☒ PA ☐ CT ☐ ABN ☐ ABF ☒ OPC
10; 11	Accredits bodies and ensures that accredited bodies meet the requirements of the Convention and the State	☒ CAN ☐ CAR ☐ PA ☐ CT ☐ IAE
12	Authorises foreign accredited bodies to act in the State	☒ CAN ☐ CAR ☐ PA ☐ CT
16(1) a)	Prepares report on the child	☒ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF
16(1) a); 22(5)	Supervises preparation of report by approved persons	☐ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☒ NA
16(1) b)-d)	Determines, after giving due consideration to the child's circumstances and ensuring that consents have been properly obtained, that the envisaged placement is in the best interests of the child	☐ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF ☒ OPC
16(2)	Transmits reports and documentation to receiving State	☒ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF
17 a)	Ensures that the prospective adoptive parent(s) agree to the placement	☒ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF
17 c)	Agrees that the adoption may proceed	☒ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF
18	Takes all necessary steps to obtain permission for the child to leave the State of origin	☐ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF ☒ OPC
19(2)	Ensures that the transfer of the child takes place in secure and appropriate	☒ CAN ☐ CAR ☐ PA ☐ CT

	circumstances	☐ ABN ☐ ABF ☐ APN ☐ APF
<i>Article</i>	<i>Action</i>	<i>Responsible Party</i>
19(3)	Returns reports if transfer of the child does not take place	✓ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF
20	Provides information on the progress of the adoption to the Central Authority of the receiving State	✓ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF
21	Consults with Central Authority or other body in receiving State in the event the placement fails and a new placement is necessary	✓ CAN ☐ CAR ☐ PA ☐ CT ☐ ABN ☐ ABF ☐ APN ☐ APF
23	Certifies that the adoption has been made in accordance with the Convention (if the adoption is completed in State of origin)	✓ CAN ☐ CAR ☐ PA ☐ CT
24	Retains authority to refuse adoption if manifestly contrary to the public policy of the State	☐ CAN ☐ CAR ☐ PA ✓ CT
29	Ensures that no contact takes place between the prospective adoptive parent(s) and the child's parents or any other person who has care of the child until the requirements of Articles 4 a) and 5 a) have been met in accordance with the law of the State	☐ CAN ☐ CAR ☐ PA ✓ CT ✓ OPC
32	Ensures that no one derives improper financial gain, and that service providers do not receive remuneration which is unreasonably high in relation to services rendered	☐ CAN ☐ CAR ✓ PA ☐ CT

Section C: Identification of responsible parties

Please provide the names and contact information for all applicable entities noted below. Separate sheets may be attached as necessary.

Central Authority

Ministry for Children and Family Affairs

Address: Basteja Boulevard 14, RIGA, LV-1050, Latvia

Tel.: +(371) 735 6497

Fax: +(371) 735 6464

E-mail: pasts@bm.gov.lv

Website: www.bm.gov.lv

Persons to contact:

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Head of the Adoption Division of the Department of Children's Rights Protection

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Fax: Livija.Liepina@bm.gov.lv

Ms. Laura KORNETE

Oldest Referent of the Adoption Division of the Department of Children's Rights Protection

Tel.: +(371) 735 6480

Fax: Laura.Kornete@bm.gov.lv

Courts and Tribunals

Region of Riga Courts

Nr.	Title	Address	Telephone	Fax	Website
1	Riga District Court	Riga, Aiviekstes Street 5, LV - 1003	+(371) 7812255	+(371) 7812260	www.tiesas.lv
2	Kurzeme District Court of Riga	Riga, Daugavgrivas Street 58, LV - 1007	+(371) 7467881	+(371) 7467198	www.tiesas.lv
3	Riga Latgale Suburb Court	Riga, Lomonosova Street 10, LV - 1019	+(371) 7365757	-	www.tiesas.lv
4	Riga Vidzeme Suburb Court	Riga, Abrenes Street 3, LV - 1003	+(371) 7077222	+(371) 7077203	www.tiesas.lv
5	Riga Central District Court	Riga, Abrenes Street 3, LV - 1003	+(371) 7077253	+(371) 7077244	www.tiesas.lv
6	Riga Zemgale Suburb Court	Riga, Balozu Street 14, LV - 1007	+(371) 7611262	+(371) 7613013	www.tiesas.lv
7	Ziemeļi District Court of Riga	Riga, Pumpura 1, LV - 1371	+(371) 7331943	+(371) 7331943	www.tiesas.lv

8	Court of Sigulda	Sigulda, Sveices Street 27, LV - 2150	+(371) 7971905	+(371) 7972547	www.tiesas.lv
9	Court of Jurmala	Majori, Tirgonu Street 21, LV - 2015	+(371) 7764182	+(371) 7764182	www.jurmala.lv
10	Ogre District Court	Ogre, Brivibas Street 6, LV - 5001	+(371) 5022107	-	www.tiesas.lv

Region of Latgale`s Courts

Nr.	Title	Address	Telephone	Fax	www
1	Balvi District Court	Balvi, Berzpils Street 7a, LV - 4500	+(371) 4507077	-	www.tiesas.lv
2	Court of Daugavpils	Daugavpils, 18. Novembra Street 37, LV - 5401	+(371) 5407730	+(371) 5407759	www.tiesas.lv
3	Kraslava District Court	Kraslava, Lacplesa 19, LV - 5601	+(371) 5623562	-	www.tiesas.lv
4	Ludza District Court	Ludza, Rupniecibas Street 3, LV - 5700	+(371) 5723542	+(371) 5723542	www.tiesas.lv
5	Preili District Court	Preili, Talsu Street 2, LV - 5301	5322350	-	www.tiesas.lv
6	Court of Rezekne	Rezekne, Darza Street 24, LV - 4600	+(371) 4623041	+(371) 4624591	www.tiesas.lv

Region of Zemgale`s Courts

Nr.	Title	Address	Telephone	Fax	www
1	Aizkraukle District Court	Aizkraukle, Spidolas 4, LV - 5101	+(371) 5124941	+(371) 5124941	www.tiesas.lv
2	Bauska District Court	Bauska, Zala Street 12, LV - 3901	+(371) 3923302	+(371) 3923302	www.tiesas.lv
3	Dobeles District Court	Dobele, Uzvaras Street 2, LV - 3701	+(371) 3722573	-	www.tiesas.lv
4	Jekabpils District Court	Jekabpils, Brivibas Street 126, LV - 5201	+(371) 5231152	-	www.tiesas.lv
5	Court of Jelgava	Jelgava, Dambja Street 12, LV - 3001	+(371) 3025525	+(371) 3027831	www.tiesas.lv
6	Tukums District Court	Tukums, Pils Street 16, LV - 3100	+(371) 3124725	-	www.tiesas.lv

Region of Kurzeme`s Courts

Nr.	Title	Address	Telephone	Fax	www
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1	Kuldiga District court	Kuldiga, Kalna Street 25, LV - 3300	+(371) 3341179	+(371) 3322403	http://www.kuldiga.lv/tiesa
2	Court of Liepaja	Liepaja, Republikas Street 14/Talsu Street 5, LV - 3401	+(371) 3401800	-	www.tiesa.lv
3	Saldus District Court	Saldus, Liela Street 14, LV - 3800	+(371) 3822343	+(371) 3822052	www.tiesa.lv
4	Talsu District Court	Talsi, K.Milenbaha Street 2, LV - 3201	+(371) 3222702	-	www.tiesa.lv
5	Court of Ventspils	Ventspils, Katrinass Street 14, LV - 3600	+(371) 3622364	+(371) 3622464	www.tiesa.lv

Region of Vidzeme`s courts

Nr.	Title	Address	Telephone	Fax	www
1	Aluksne District Court	Aluksne, Rupniecibas 8, LV - 4301	+(371) 4324347	+(371) 4324347	www.tiesa.lv
2	Cesis District Courts	Cesis, Raunas Street 14, LV - 4100	+(371) 4122855	+(371) 4122855	http://www.free-webs.com/tiesa-cesis/
3	Gulbene District Court	Gulbene, Abelu Street 6, LV - 4401	+(371) 4472872	+(371) 4472872	www.tiesa.lv
4	Limbazi District Court	Limbazi, Cesu Street 18, LV - 4001	+(371) 4070564	+(371) 4070564	www.tiesa.lv
5	Madona District Court	Madona, Avotu Street 8, LV - 4801	+(371) 4821474	+(371) 4821474	www.tiesa.lv
6	Valka District Court	Valka, Rigas Street 2, LV - 4701	+(371) 4722432	-	www.tiesa.lv
7	Valmiera District Court	Valmiera, Gara Street 5, LV - 4200	+(371) 4224495	+(371) 4224495	www.tiesa.lv

ANNEX 2 – STATISTICS

The number of adopted children

Year:	2000	2001	2002	2003
In Latvia	39	46	30	15
Abroad	63	110	130	62
Total	102	156	160	77