

Recommended Model Forms for use under the 1993 Adoption Convention

Article 17 Agreement



Recommended Model Form No 8B (RS)

Agreement that the adoption may proceed
(Art. 17(c))

Receiving State (RS)

Recommended Model Form No 8B (RS)

Agreement that the adoption may proceed (Art. 17(c))

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ARTICLE 17 OF THE 1993 ADOPTION CONVENTION

Article 17(c)

Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if - [...]

c) the Central Authorities of both States have agreed that the adoption may proceed; [...]

EXPLANATORY SECTION

1. What has been included in this Recommended Model Form?

This Form includes information about which authority issues the agreement that the adoption may proceed; the verifications that have been made; the agreement of the prospective adoptive parents; the approval of the decision of entrustment if applicable, and the agreement of both authorities that the adoption may proceed.

2. When should this agreement be issued?

This agreement should be given before the State of origin decides to entrust a child to prospective adoptive parents. Therefore, it should be done before the prospective adoptive parents travel to the State of origin to meet the child.

Competent authorities of the relevant Contracting State should ensure that this form is preserved (see Arts. 9(a), 30 and 31 of the Convention).

3. Is the use of this Model Form compulsory?

No, it is only a recommended Model Form which may need to be adapted by each State.

RECOMMENDED MODEL FORM

Agreement that the adoption may proceed (Art. 17(c))

Receiving State

TIMING OF THE AGREEMENT¹

The agreement under Article 17(c) of the 1993 Adoption Convention may be first provided by the State of origin, or first by the receiving State. In this particular adoption, please specify what is the situation:

- State of origin first: The State of origin sends **first** the Article 17(c) agreement to the receiving State with the proposed match. After the reception of the Article 17(c) agreement of the State of origin, then the receiving State provides its agreement.

OR

- receiving State first: The receiving State sends **first** its Article 17(c) agreement to the State of origin with a notice that the match has been accepted. After the reception of the Article 17(c) agreement of the receiving State, then the State of origin provides its agreement.

1. AUTHORITY

The undersigned _____

Address: _____

- Central Authority
- Public Authority (acting under the authority of the Central Authority)
- Adoption Accredited Body (acting under the authority of the Central Authority)
- of _____ (*name of the State*)

¹ The timing as to when this form is issued, and of the agreement by the Central Authorities of both the receiving State and the State of origin that the adoption can proceed, in conformity with Art. 17(c) of the 1993 Adoption Convention, may follow different patterns according to domestic practice, so long as all the requirements for agreement under the Convention have been met.

2. IDENTITY OF THE CHILD AND THE PROSPECTIVE ADOPTIVE PARENT(S)

a. Identity of the child

Family name: _____

Given name(s): _____

Gender: _____

Date of birth: _____

Place of birth: _____

State of habitual residence at the time of the adoption: _____

Address: _____

Nationality: _____

b. Identity of the prospective adoptive parent(s)

Family name of the prospective adoptive parent: _____

Given name(s): _____

Gender: _____

Date of birth: _____

Place of birth: _____

State of habitual residence at the time of the adoption: _____

Address: _____

Other contact details: _____

Nationality: _____

If the child is to be adopted by a couple:

Family name of the second prospective adoptive parent: _____

Given name(s): _____

Gender: _____

Date of birth: _____

Place of birth: _____

State of habitual residence at the time of the adoption: _____

Address: _____

Other contact details: _____

Nationality: _____

3. VERIFICATIONS OF THE ADOPTION PROCEDURE

- The **habitual residence** of the child and the habitual residence of the prospective adoptive parents have been verified (see Section 2, above)
- The **prospective adoptive parents** are **eligible** and **suited** to adopt (Arts 5(a)&(b), 15(1) and 17(d))
- The **report** on the **prospective adoptive parents**,² including the home study conducted by the appropriate social welfare authorities, contains the information required by the Convention, is complete and up to date, and was transmitted to the State of origin (Art. 15(2))
- The **prospective adoptive parents** were properly **counselled** (Art. 4(c)(1))
- The **report** on the **child** contains the information required by the Convention, and was transmitted to the receiving State by the State of origin (Art. 16)
- The **child** is or will be authorised to **enter** and **reside** permanently in the receiving State (Art. 17(d))
- No illicit practices** in the adoption process have been identified at the stage of giving this agreement, based on the review of the information and documentation collected to complete the adoption
- The receiving State **respected** the procedures and fundamental principles of the **Convention**, and
- The receiving State has been informed by the State of origin that the envisaged placement is in the **best interests of the child**

4. AGREEMENT OF THE PROSPECTIVE ADOPTIVE PARENTS

- The **prospective adoptive parents** agree to the adoption

5. APPROVAL OF THE DECISION OF ENTRUSTMENT

Check one of the three options:

- The Central Authority of the State of origin requires that the Central Authority of the receiving State approves the decision to entrust the child

² It is recommended to use the Recommended Model Form on the Report on the prospective adoptive parents.

- The Central Authority of the receiving State **has approved the decision to entrust** the child to the prospective adoptive parents (Art. 17(b))

OR

- The law of the receiving State requires that the Central Authority of the receiving State approves the decision to entrust the child
- The Central Authority of the receiving State **has approved the decision to entrust** the child to the prospective adoptive parents (Art. 17(b))

OR

- Neither the Central Authority of the State of origin nor the law of the receiving State require the Central Authority of the receiving State to approve the decision to entrust the child

6. AGREEMENT THAT THE ADOPTION MAY PROCEED

- Agrees** that the adoption may proceed (Art. 17(c))

7. COMMENTS

Please add any relevant comments: _____

8. SIGNATURE / SEAL

Name: _____

Title: _____

Authority: _____

Done at _____ on _____

City, State

Date

Signature / Seal: _____

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