

Recommended Model Forms for use under the 1993 Adoption Convention

Introduction



This publication compiles all the Recommended Model Forms for use under the *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption* (1993 Adoption Convention) following the approval by the Council on General Affairs and Policy (CGAP) of the HCCH in March 2023 and the recommendation by the Special Commission on the Practical Operation of the 1993 Adoption Convention in 2022 (SC).¹

1. It includes the following Recommended Model Forms:²

Birth Family:

- Recommended Model Form No 1: Statement of consent of the legal parents or the legal representative of the child to the adoption (Art. 4(c))

Child:

- Recommended Model Form No 2: Report on the child (Art. 16)
- Recommended Model Form No 3: Medical report on the child (Art. 16)
- Recommended Model Form No 4: Report concerning the psychological and social circumstances of the small child (Art. 16)
- Recommended Model Form No 5: Statement of consent of the child to the intercountry adoption (Art. 4 (d))
- Recommended Model Form No 6: Post-adoption report on the child

Prospective Adoptive Parents:

- Recommended Model Form No 7: Report on the prospective adoptive parents

Article 17 Agreement:

- Recommended Model Form No 8A (SO): Agreement that the adoption may proceed (Art. 17(c))
- Recommended Model Form No 8B (RS): Agreement that the adoption may proceed (Art. 17(c))

¹ Conclusions & Decisions (C&D) of CGAP (2023), para. 24 and Conclusions & Recommendations (C&R) of the SC on the Practical Operation of the 1993 Adoption Convention (2022), C&R No 20.

The importance of developing Model Forms to simplify and facilitate compliance with the 1993 Adoption Convention has been acknowledged since the beginning of negotiations and at all the meetings of the Special Commission on the practical operation of the 1993 Adoption Convention, see G. Parra-Aranguren, "Explanatory Report to the HCCH 1993 Adoption Convention", in HCCH, *Proceedings of the Seventeenth Session (1993)*, Tome II, *Adoption – co-operation*, The Hague, SDU, 1994, pp. 539-651, para. 610; "Report of the Special Commission on the Implementation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption (17-21 October 1994)", drawn up by the Permanent Bureau, in HCCH, *Proceedings of the Eighteenth Session (1996)*, Tome I, *Miscellaneous matters*, The Hague, SDU, 1999, pp. 277-315, para. 15; C&R Nos 5 and 19 of the Special Commission (SC) meeting held in 2000; C&R Nos 6, 7 and 18 of the 2005 SC meeting; C&R No 27 of the 2010 SC meeting; C&R Nos 15-17, and 36 of the 2015 SC meeting; C&R Nos 19, 20 and 36 of the 2022 SC meeting.

² Recommended Model Forms Nos 1, 3, 4 and 9 were already approved in the past and are included in HCCH, *Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention*, Bristol, Family Law (Jordan Publishing Limited), 2008 (*Guide to Good Practice No 1*), Annex 7. In this new publication the format and the terminology of these Forms have been updated to ensure consistency and coherence across all Model Forms.

Article 23 Certificate:

- Recommended Model Form No 9: Certificate of conformity of intercountry adoption with the 1993 Adoption Convention (Art. 23)
 - Recommended Model Form No 10: Certificate of conformity following the conversion of a simple adoption to a full adoption (Arts 23 & 27)
2. The aim of the Recommended Model Forms is to create more consistency among the content of the reports and forms and for ease of reference for Contracting Parties. In particular, Model Forms may provide an example or guidance for new Contracting Parties, as well as for Contracting Parties that wish to revise or improve their current forms. The SC recognised in 2022 that Model Forms assist in standardising processes.³
 3. However, the fact that the 1993 Adoption Convention has been in force since 1995, that it has over 100 Contracting Parties, that many of them have already developed their own forms to assist them in the implementation of the Convention and that some Contracting Parties have reported that it may be too challenging to agree on a uniform format, needs to be taken into consideration. Therefore, it must be emphasised that the **Model Forms are simply recommended and not compulsory** and that Contracting Parties may continue using their own forms, in particular where they are more detailed and allow for a more complete assessment of the situation.
 4. The SC recognised in 2022 that "although the Model Forms are only recommended and not compulsory, the SC strongly encouraged all Contracting Parties to make use of them when consistent with the procedures and legislations of the State".⁴

³ C&R of the SC on the Practical Operation of the 1993 Adoption Convention (2022), C&R No 20.

⁴ *Ibid.*

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