

### Short questionnaire

Therefore, States are respectfully requested to provide responses to the following questions which relate to the recognition in one State of a domestic adoption granted in another State:

<b>Name of State:</b>	Sweden
<b><u>Information for follow-up purposes</u></b>	
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#### A. RECOGNITION IN YOUR STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN OTHER STATES

##### *The law and procedure in your State*

1. Please briefly outline the **law** (legislation or other rules) in your State concerning the recognition of a domestic adoption granted previously in another State.

An adoption order made in a foreign state shall apply in Sweden if the applicant or the applicants were citizens of or were domiciled in the foreign state when the order was made and, in a case where the adoptive child was a Swedish citizen or was domiciled in Sweden, the adoption has been approved by the government or an authority appointed by the government. The government or an authority appointed by the government may in other cases also decide that an adoption order made in another state shall apply in Sweden. (Section 3 of the Act (1971:796) on International Legal Relations Concerning Adoption).

Rules concerning the nordic countries Denmark, Finland, Island and Norway are found in the Ordinance (1931:429) on Certain International Legal Relations Concerning Marriage, Adoption and Guardianship.

In particular, please specify whether your State applies different rules to the recognition of domestic adoptions made in certain States or regions and, if so, why.

The same rules apply regardless of where the adoption order was made, except in relation to Denmark, Finland, Island and Norway in which cases Ordinance (1931:429) on Certain International Legal Relations Concerning Marriage, Adoption and Guardianship applies.

2. Please briefly outline the **procedure** which must be followed in your State by persons seeking the recognition of a domestic adoption granted previously in another State.

If an adoption is automatically valid in Sweden no procedure is needed, except if a foreign state has made a decision on adoption and the adoptive child is a Swedish citizen or domiciled in Sweden. In this case the Family Law and Parental Support Authority (MFoF) shall, upon application, consider the approval in accordance with Section 3, first paragraph, of the Act (1971:796) on International Legal Relations Concerning Adoption.

MFoF may in other cases also decide that an adoption order made in another state shall apply in Sweden. (Section 3 of the Act (1971:796) on International Legal Relations Concerning Adoption)

The authority's decisions may be appealed against to the government according to the Ordinance (1976:834) on Examination of Foreign Decisions on Adoption.

In particular, please specify what legal or administrative steps are required for recognition.

If an adoption is not automatically valid in Sweden (see regulations under section nr 1 above) an application can be made to the Family Law and Parental Support Authority

(MFoF). The adoption must be approved by the authority in order for the adoption to be recognized.

3. What is the competent authority in your State for such matters?

Family Law and Parental Support Authority (MFoF) - earlier the Swedish Intercountry adoptions authority (MIA)

**Cases which have arisen in your State**

4. Has your State been asked to recognise domestic adoptions granted previously in other States? If so:

- (a) How many such cases have arisen in the past year?

One case.

Past three years?

Four cases.

- (b) In such cases, why was recognition of the domestic adoption sought?

The child that was adopted domestically in another state was a Swedish citizen.

- (c) What type of document was presented for recognition?

Adoption orders were presented for recognition.

- (d) Was recognition permitted?

Yes

- (e) In cases where recognition was refused, what were the reasons?

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In particular, have there been any cases in which recognition was refused by your State on the basis that jurisdiction had been inappropriately assumed by the foreign authority?

No

- (f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

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- (g) Has there been any cross-border co-operation / communication between your State and any State(s) which granted the adoption(s) in these cases?

There has not been any need for cross-border co-operation.

5. In your State's experience, do (some or many) families with an adopted child move to your State without having the child's adoption formally recognised in your State?

Yes, as in many cases an adoption order made in another state is automatically valid in Sweden, however under certain conditions, as noted under section nr 1 above.

Does this create any problems for the family?

Not when the law is followed.

## B. RECOGNITION IN ANOTHER STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN YOUR STATE

### *The law and procedure in your State*

6. In relation to the granting of domestic adoptions in your State:

- (a) Are any special rules or procedures followed when a case involving a domestic adoption has an international element (e.g., it involves a foreign national child and / or foreign national prospective adoptive parents, despite the fact that they are all habitually resident in your State)?

These adoptions are handled in the Swedish courts as all other domestic adoptions in Sweden.

- (b) What type of document is issued for domestic adoptions granted in your State?

When a domestic adoption decision is made the decision is documented and no other certificates are issued.

7. Are there any special rules or procedures which are followed when your State is made aware that another State has been requested to recognise a domestic adoption originating from your State?

MFoF has not been informed of cases of this kind.

### *Cases which have arisen involving your State*

8. Are you aware of situations in which recognition has been sought in other States of domestic adoptions granted in your State?

No. MFoF has not been informed of situations like the ones mentioned.

If so:

- (a) How many such cases have arisen in the past year of which you are aware?

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Past three years?

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- (b) Which competent authorities were addressed in your State? And in the other State(s)?

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- (c) In such cases, why was recognition of the domestic adoption sought?

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- (d) Was recognition permitted by the other State(s)?

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- (e) In cases where recognition was refused, what were the reasons?

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Have you ever had a case where the grounds upon which your State assumed jurisdiction to grant the domestic adoption were challenged by the foreign State?

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- (f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

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- (g) Has there been any cross-border co-operation / communication between your State and any State(s) being asked to recognise the adoption in these cases?

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### **C. PRACTICAL PROBLEMS REQUIRING ACTION**

9. In light of the information you have provided in both sections above, overall, are there, in your State's experience, practical problems in this area that need resolving at the international level?

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