

NAME OF THE COUNTRY OR ORGANIZATION:

Republic of Turkey

Prime Ministry, General Directorate of Social Services and Child Protection

A. EXPLANATIONS AND QUESTIONS**1. Definition**

(a) During international adoption procedures, both the files of the receiver country and source country are scrutinized by our General Directorate.

2. Model Applications

(a) The formalities related with the child in the country where the family domiciles sometimes may be taking a long time during the stage of having the child settled so as to be adopted by the family. In the event where the child wished to be adopted is in a needy status and particularly contained within the baby group, the child may be being obliged to spend this period which he/she needs mutual relationship most under the care of the institution.

(c) In some of the countries being also a party to the Agreement, particularly when the situation was notified to the government where the family domiciles during purposing a child, in the events of absence of the professional element dealing with the file due to being on vacation, until her/his returning from the vacation the formalities related with the family to whom the child shall be settled have been failing to be finalized. During this process the child awaits at the institution. Due to unavailability of children in adequate number whose situation is suitable for being adopted, a great deal of our families has been forced to wait in line for a long time. As our families are included in line as of their application dates, it hasn't been able to be possible to change the sequencing of applicants in line since it would result in lost of the right of the families being especially in upper age limit.

3. Questions concerning the Scope

(c) In our country, the children can go abroad only for the purpose of being adopted. Pursuant to our Civil Code, especially existence of the stipulation provided specifying that the minor is to be having been cared and trained for a period of one year prior to be adopted by the one who adopts a child, he/she is let stay and monitored by a family under a one year-provisional care agreement prior to completion of legal procedures of adoption. Yet some countries have been carrying out acceptance of the child to the country whose legal adoption formalities were not accomplished.

4. General Principles for Child Protection

(a) Service types rendered to the needy kids;

- In kind-Cash Aid: The primary policy of our General Directorate is that the care of the child is ensured by its original family. These are the assistances provided by the state as per child of the family who could not afford the care of its children due to absolute economical inadequacies. The families who are covered by this aid, granted from the budget of our General Directorate are being monitored periodically by the social service specialists of our Institution.
- Protective Family Care: In cases where the care of the child could not be provided, is the care of the child ensured within a family environment which could supersede its original parent providing its existence. The wage has been paid to the families for the children beside the protective family in consideration of age, education and handicap state of child. Furthermore the expenditures of the children living with a protective family regarding health, training, clothing, stationary... etc. are being met from the budget appropriated to our General Directorate by Government. The follow

ups of the children staying with a protective family have been performed by the social service specialists of our Institution and due attention has been paid to the continuity of the communication the kid has with its original family as well.

- Adoption: Our children caused to get use of this service are divided in 3 major groups:

First group: These are the children who are abandoned generally soon after the birth by their families and delivered to our Institution due to failure of reaching its family during the investigation carried out by the security forces. The children contained in this group have been formed by the kids generally born from non-marriage companionships.

Second group: These are the children who are decided to be caused to get use of adoption service with a judge followed by the consent of its parents pursuant to Article-309 of the Civil Code.

Third group: Pursuant to Articles-311/312 of the Civil Code, to expedite the process of getting use of the service of being adopted, the judge has been capable of taking decision not to ask for the consent of the parents who did not fulfill their pains-taking obligation against the minor and who are incapable of making distinction its parents or have not been looked for by its family for a long time.

- Institutional Care: It is a kind of childcare intended, as a final remedy in cases where the care of the child beside a family was impossible. Due care has been being demonstrated for a sustainable and sound communication with its original family within the period the child has stayed in the institution.

(b) Our General Directorate has provincial social services directorates in our 81 cities (in all cities). In the event of failure to cause anyone of our kids who is in the status of needy protection to get use of the adoption

service within its own provincial boundaries, the situation has been in urgently notified to our General Directorate. The list of families awaiting in line to have a child, send periodically by the provincial social services directorate is available at our General Directorate. Therefore countrywide scanning has been able to be performed. As many families domiciling in our country are awaiting in line for adoption, it has been able to be possible to effect necessary orientation within short period.

(c) Prior to taking decision whether or not a child is suitable for being adopted with the kid's family and close environment negotiations and environmental investigations are executed by the social service specialists and necessary documents are collected. A file is drawn up together with a social investigation report so as to be presented to the court judge in case of reaching a concrete conclusion that the child does not have any chance to live with its original family. The judge decides whether or not a child could be adopted by a family.

(d) The adoption procedures have been carried out by our highly trained and skilled social service specialist of our General Directorate within the frame of relevant legislation. In the event that the child has a family during comprehensive negotiations conducted, the child has been being kept informed should the family and the kid's age be suitable. Pursuant the Civil Code; the consent can be granted by the parents 6 weeks later than the birth of baby. The consent granted can be withdrawn within this period. However in the event of post-withdrawal consent or non-use of the withdrawal period, the initial consent granted becomes final. In the event of failure to find the family of the child, upon request of our Institution, the judge is able to take a decision that said child could get use of service of being adopted. In such cases within a 5 year period followed by completion of the case of adoption, the original family has the right to come along and establish a lawsuit.

(e) As our General Directorate has not been assigned as the central authority yet it does not have any information regarding forms required to be use either.

(f) The topic of refugee child is rarely run across in our Country and up to now there happened no application to our General Directorate with a request of adopting a child contained in this group.

(g) The files of families applying to our General Directorate for an adoption; are being drawn up as being based on the negotiations and detailed environmental investigations and the documents carried out by our social service specialists within the frame of our Adoption Regulation of our General Directorate (Adoption Booklet) prepared within the Civil Code and International Conventions.

(h) The parents who decided to have a inter-states adoption; are communicated comprehensively regarding the legislation procedures and adoption service. The family has the knowledge that it could always call the relevant social service specialist so as to obtain response against its questions which might arise during the process.

(i) The family applying for adoption is informed regarding the fact that child settlement operation could not be accomplished without obtaining necessary permission related with acceptance of child of the country and written undertaking regarding submission of the reports to be prepared after performance of post family-settlement follow ups of the child required.

(j) Even after adoption the families are informed that they could always acquire consultancy service from our professional elements (social service

specialist, psychologist, pediatrics) by applying our provincial social services directorates.

5. Central Authorities

(a) As our General Directorate has not been empowered as the central authority yet. The adoption formalities as of year 1994, have been carried out within the scope of Section IV. However the unique distinction was that the files of the applications submitted prior to September 2004 when the Agreement took effect used to be prepared without identification of the suitable child. Therefore these families are still awaiting in line and child is being proposed when it becomes their turn.

(b) As our General Directorate has not been appointed as the Central Authority there does not exist organizational staff posts employed particularly on this subject. 3 social service specialist (who completed their four-year social study license) employed at our General Directorate, Chief of Family and Child Services Department has been executing abroad adoption procedures as well as those in-country adoptions also. In the event of necessity for execution of correspondence in English language they are referred to EU Chief of Foreign Relations Department to get their translation. In operations related with file preparation, monitoring and legal process the social service specialist employed at provincial social services directorates function.

(c) Although not being very frequent, our General Directorate has been organizing from time to time social service specialist-oriented in-service training programs regarding adoption. However the social service specialist working functioning at provincial directorate also deal with other matters and there doesn't any arrangement regarding personnel attendance.

(d) As there does not exist any competency invested to our General Directorate yet, this question remains irresponsible.

(e) The adoption formalities have been carried out by our General Directorate via International Social Services (ISS). Because any document containing the communication information of central authorities empowered is not found at our General Directorate. However there have been cases when connection with some central authorities could be set up through family files.

6. Accreditation

Organs Accredited

There doesn't exist any data transmitted to our General Directorate regarding availability of any decision taken by our Country regarding this matter.

7. Procedural Ways

1) (h) When the child settlement turn of the family takes place the land of the process related with the child in the country where the family resides (average 4 months) has been becoming one of the substantial issues lived by our General Directorate.

2) In the event where Turkish Republic is source country, pursuant our relevant laws the applications are required to be submitted to our General Directorate. Even if the families apply at our provincial social services directorates, they can still send their applications to our General Directorate. Also the post-settlement-monitoring reports are being sent again to our General Directorate.

3) In the event of realization of adoption beyond knowledge of our General Directorate from time to time some problems are being able to be

faced. In our country amendments has been made to Civil Code in year 2002 and comprehensive alterations has been provided in adoption procedures. The Adoption Draft Regulation provided by the Law within this scope has been prepared by our General Directorate and the studies are still ongoing. In the event of taking effect of the regulation as is, all adoption procedures shall be invested to our Institution. However adoption judgments are being obtainable by some courts. In such a case due to being exposed to any issue after acceptance of the child by the country where the family resides, our General Directorate is being involved during any stage of the case file.

4) In relation with the breakage of the settlement in the Receiver State, our General Directorate has not come across with any case file up to now. The action steps in non-occurrence of any issue have been put in order in Article 21 of the Agreement.

5) As our General Directorate has not been assigned as the central authority yet we could not have access to comprehensive data.

6) Regarding this matter there doesn't exist any event reached at our General Directorate.

8) Private International Law on Issues

(1) Yet the path of adoption beyond knowledge of our Institution is legally free in our country (in which the arrangements regarding closure of this path is contained also has not been legalized yet). In such cases pursuant to the Turkish Civil Code the provision necessitating investigation of the relevant parties is being executed by the judge. In the event where the candidate parents who would have a child is in abroad, some cases where the information concerning the child to be adopted are not requested from abroad bureaus are being reflected to our General Directorate.

(2) Our General Directorate has no knowledge about this matter.

9. Recognition and Impacts

(1) As our General Directorate has not been assigned as the central authority yet, there doesn't any document reached to us on this matter.

(2) It's beyond our knowledge.

(3) It's beyond our knowledge.

(4) There doesn't exist any data on this matter at our General Directorate.

10. Payment of Logic Charges and Fees

(1) Due to being a public institution, our General Directorate does not take any fees in relation with the operations concerning the adoption files. And YTL 30 being a symbolic charge is being paid to the court as case file establishment fee on adoption lawsuit. This information is found in the notice submitted to the family during the stage of application.

(2) No

(3) It has been considered that it would not be in harmony with Articles 32/1-2 of the Agreement to ask for an obligatory payment under the title of contribution share in this manner from the families who would adopt a child.

(4) Our General Directorate have been told by the families that some countries have been demanding a great amount of wage (even in such amount which would cause the families to spend all of their savings at a higher ratio) for the preparation of the adoption files and reports to be prepared during monitory.

(5) The staff dealing with these files does not receive any different wage due to rendering a public service in dimension of our General Directorate and courts.

(6) As the adoption formalities have been handled within the scope of public service country-wide, there exist no difference in respect to wage on the basis of city.

(7) As no charge is collected in this sense, it doesn't become a topic to be talked about in its contribution to do financial sources.

(8) No

(9) We have also information based on the hearings obtained again from the families regarding the countries where the families had gave up from an adoption due to requested astronomic fees for the preparation of adoption files.

11. Unfair Financial Profit

(1) Due to being a public servant the personnel working at the courts and our General Directorate, they do not function being subject to special salary because of execution of this duty.

(2) No

(3) No

(4) No

(5) As the entire adoption operations have been carried out by the social service specialist pursuant to relevant legislation at our General Directorate, these endeavors are being handled within the scope of professional criteria.

(6) No

12. Relative Adoptions

Due to being a specific matter, the relative adoptions yield practice of a file-specific evaluation different from other adoptions. However it has not been possible to implement the condition specifying impossibility of adoption within his/her home country. Of course practice of contractual procedures for these events as well would be suitable for the great advantage of the child.

13. The Child Possessing Specific Need

Settlement of the children in this group has not been possible beside a family in our country. In connection with the contractual principles these children are caused to get use of international adoption service.

14. Other Configuration of Beyond Border Child Care

(2)

(3)

15. Avoiding From Agreement

We have no information

16. Additional Securities and Bilateral Agreement

Our General Directorate do not any initiative on this matter.

17. Number and Borders of the Cooperation-compatible States

Including also the countries not contained within the scope of the agreement, the adoption operations have been carried out with all countries taking action within the scope of our relevant legislation.

B. PROPOSALS FOR SEPTEMBER SPECIAL COMMISSION

18. Up to now a special meeting regarding adoption involving participants from other countries has not been organized by our General Directorate.

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20. As there does not exist any data concerning the documents on the agenda of the meetings held in past at our General Directorate, no proposal could be introduced.

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