

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

STATE OF ORIGIN

COUNTRY NAME: Czech Republic

PROFILE UPDATED ON: 27-05-2020

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Úřad pro mezinárodněprávní ochranu dětí (Office for International Legal Protection of Children)
Acronyms used:	UMPOD
Address:	Šilingrovo nam. 3/4, 602 00 Brno, Czech Republic
Telephone:	+420542215522
Fax:	+420542212836
E-mail:	podatelna@umpod.cz
Website:	www.umpod.cz
Contact person(s) and direct contact details (please indicate language(s) of communication):	Mr. Zdeněk Kapitán, Director, zdenek.kapitan@umpod.cz Ms. Markéta Novaková, Deputy Director marketa.novakova@umpod.cz both - English, German
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	01-06-2000
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Civil Code (zákon č. 89/2012 Sb.)</p> <p>Act on Special Court Proceedings (zákon č. 292/20013 Sb.)</p> <p>Act on the Social and Legal Protection of Children (zákon č. 359/1999 Sb.)</p> <p>Act on International Private Law (zákon č. 91/2012 Sb.)</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Czech Central Authority:</p> <p>1) Co-operates with other Central Authorities to protect children, exchanges information(including data and statistics), keep others informed and updated of any changes, and works to prevent improper financial or other gain in connection with intercountry adoption.</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<p>2) Receives an adoption application from the Central Authority of a State of Origin.</p> <p>3) Provides an Article 17 certificate to the Receiving State</p> <p>4) Provides an Article 20 certificate to the Receiving State</p> <p>5) Responds to inquiries and provides data when required.</p> <p>6) Accompany PAPs during the interaction with a child. Provides legal and psychological support.</p> <p>7) Receives post adoption reports</p> <p>8) Receives biological root search inquiries</p>
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>COURT - If there is no consent of the biological parents to the adoption the court shall decide that the consent of the biological parents to the adoption is not necessary. The biological parents can give consent to the adoption at the court. The court informs the biological parents of the consequences of their consent to the adoption and of the substance of the adoption.</p> <p>MUNICIPAL COURT in Brno - grants preadoptive care to PAPs</p> <p>LOCAL SOCIAL SERVICES - information about biological family, often have role of the guardian of the child, search adoptive parents or foster parents in the Czech Republic (principle of subsidiarity)</p> <p>REGIONAL SOCIAL SERVICES - Search adoptive parents or foster parents in the Czech Republic (principle of subsidiarity), send child's dossier to UMPOD</p>

6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 7</p>
<p>b) Please indicate the number of national accredited bodies in your State,</p>	

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 *et seq.*

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

including whether this number is limited and, if so, on what basis. ⁶	
c) Please briefly describe the role of national accredited bodies in your State.	
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No
7. Authorised foreign accredited bodies⁸ (Art. 12)	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State? N.B. <i>the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – go to Question 8

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

⁸ "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *supra*, note 4, Chapter 4.2.

b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number. ⁹	
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	
<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<input type="checkbox"/> Yes: <ul style="list-style-type: none"> <input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): OR <input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: OR <input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: OR <input type="checkbox"/> Other (please specify): T <input type="checkbox"/> No
7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ¹⁰ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	
c) For how long is authorisation granted?	
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹¹	<input type="checkbox"/> Yes <input type="checkbox"/> No – <u>go to Question 8</u>
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	

⁹ See GGP No 2, *supra*, note 4, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

¹⁰ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.

c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (i.e., withdrawn).	
e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation): <input type="checkbox"/> No

8. Approved (non-accredited) persons (Art. 22(2))¹²	
<p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹³</p>	<input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State: <input checked="" type="checkbox"/> No
<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p>	<input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State: <input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).	Age from 1 to 18 (usually from 2 to 6), more male than female, groups of siblings, light health or mental problems, often drug or alcohol abuse of biological parents

¹² See GGP No 2, *supra*, note 4, Chapter 13.

¹³ See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

10. The adoptability of a child (Art. 4 a))	
a) Which authority is responsible for establishing that a child is adoptable?	If there is no consent of the biological parents the court can decide that the child is adoptable.
b) Which criteria are applied to determine whether a child is adoptable?	- consent of the biological parents, or - if there is no consent of the biological parents to the adoption the court shall decide that the consent of the biological parents to the adoption is not necessary
c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (<i>e.g.</i> , search for the child's birth family). <i>N.B.</i> the issue of consent is dealt with at Question 12 below.	The local social authorities have to work with biological family and saturate it. Also search for the relatives of the child who would be able to look after the child. If this is not successful court decide that child is adoptable.

11. The best interests of the child and subsidiarity (Art. 4 b))	
a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (<i>e.g.</i> , through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	Local and Regional authorities try to find an adoptive or foster family within the whole country and the time period of 6 months. Then the dossier of the child is registered at the Central Authority and the CA tries to find a family within the list of applicants from abroad. Local and Regional authorities continue with their search until the child is matched.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	The regional authority and the Central Authority.
c) Please briefly explain how that decision is reached (<i>e.g.</i> , whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	See letter a) Principle of the best interest

12. Counselling and consents (Art. 4 c) and d))	
a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where: (i) Both parents are known; (ii) One parent is unknown or deceased; (iii) Both parents are unknown or deceased; (iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i> , the	(i) Both biological parents. Before the biological mother or father agree with the adoption of the child they are informed of the consequences by the court or on the basis of the court proceedings that there is not need of their consent. Then consent of appointed guardian is requested. Parents are involved in the proceedings and informed about the consequences. (ii) Known parent or a parent who is alive. (iii) Guardian appointed to a child by a court. (iv) Guardian appointed to a child by a court.

<p>rights and responsibilities which attach to being a parent).</p> <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<p>If the father is listed in the birth certificate he has the same parental responsibility as the mother. The mother can give consent to adoption only 6 weeks after birth of the child; the father can give the consent immediately after birth of the child. The consent to adoption is required also if the parent has not full legal capacity and is older than 16 (e.g. has not reached the age of majority). Parent younger than 16 cannot give consent to adoption and a court cannot decide that consent of a parent is not required.</p> <p>Child younger than 12 has always guardian ad litem who gives consent to adoption on behalf of a child. Child older than 12 gives personal consent to the court.</p>
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.¹⁴</p>	<p>(i) Local social authorities</p> <p>(ii) The consent to adoption must be given to the court; the court informs the biological parents on the consequences of the consent and on the substance of the adoption. Local Social Services usually work with family prior giving a consent.</p>
<p>c) Does your State use the model form "<i>Statement of consent to the adoption</i>" developed by the Permanent Bureau of the Hague Conference?</p> <p><i>The model form is available on the Intercountry Adoption section of the Hague Conference website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose:</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4 d) 2).</i></p>	<p>If the child is at least 12 years old his/her personal consent to adoption at the court is required. If the child is younger than 12, his/her guardian will give consent to adoption. In this case the child should be heard by the court if it is possible considering his/her age and maturity.</p>
<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p>	<p>see letter d)</p>

¹⁴ See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Convention.

See Art. 4 d) 1).	
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13. Children with special needs	
a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".	Children with more serious health or mental problems, groups of siblings, children over 6 years, HIV positive child, Hepatitis positive child
b) What, if any, procedures does your State use to expedite the adoption of children with special needs?	If there are not any PAPs in our evidence, we send anonymous basic information about a child to our cooperating partners abroad with request to search PAPs.

14. The preparation of children for intercountry adoption	
Is there a special procedure in your State to prepare a child for an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please provide details (<i>e.g.</i> , the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): Before the meeting with PAPs the child is prepared by the staff of the facility or temporary foster parents where he/she is placed with help of CA <input type="checkbox"/> No

15. The nationality of children who are adopted intercountry¹⁵	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i> , the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State): <input type="checkbox"/> No, the child will never retain this nationality

PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

16. Limits on the acceptance of files	
Does your State place any limit on the number of PAPs' files which are accepted from receiving States? ¹⁶	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No

¹⁵ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, "GGP No 1"), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

¹⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁷	
<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples:</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men:</p> <p><input checked="" type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Minimum age requirements:</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: Adequate difference (similar as it is possible for biological parents)</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

18. Preparation and counselling of PAPs (Art. 5 b))	
<p>Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i>?</p>	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: Preparation under the requirements of receiving state.</p> <p><input type="checkbox"/> No</p>

¹⁷ I.e., this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Convention.

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	Central Authority - UMPOD
b) Please indicate which documents must be submitted with an application: <i>Please tick all which apply.</i>	<input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input checked="" type="checkbox"/> Copies of the PAPs' birth certificates <input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Medical report on health condition of the PAPs – not older than six months, prepared by the general practitioner (family doctor or the relevant GP) <input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Proof of no criminal record <input checked="" type="checkbox"/> Other(s): please explain Psychological report– not older than one year, prepared by a psychologist, including examination focusing on detection of any potential psychopathology Consent of the applicants with the inspections of the child conducted at the times stipulated by the Central Authority Photographic documentation Questionnaires
c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure? ¹⁸	<input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies. ¹⁹ Please also specify at which stage(s) of the

¹⁸ See GGP No 1, *supra*, note 15, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

¹⁹ See the definitions provided at notes 4 and 8 above.

	<p>procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): Either accredited body (or Central Authority of receiving state) are involved in preparation of home study and all documentation of PAPs, for submission of then file to our Country, arranging of the meeting of the PAPs with a child, post-adoption reports</p> <p><input type="checkbox"/> No</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (i.e., a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Please specify the language(s) in which any documents must be submitted:</p>	Czech
<p>f) Do any of the required documents need to be legalised or apostilled?</p>	<p><input checked="" type="checkbox"/> Yes, please specify which documents: Public documents if there are not any other legal exceptions.</p> <p><input type="checkbox"/> No – go to Question 20</p>
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Hague Apostille Convention)?</p> <p><i>This information is available on the Status Table for the Hague Apostille Convention (see the Apostille Section of the Hague Conference website).</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: 16-03-1999</p> <p><input type="checkbox"/> No</p>

20. The report on the child (Art. 16(1) a))

<p>a) Who is responsible for preparing the report on the child?</p>	Local and Regional social authority
<p>b) Is a “standard form” used for the report on the child?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the</p>

	documentation which should be attached to it:
c) Does your State use the "Model Form – Medical Report on the Child" and the "Supplement to the general medical report on the child"? <i>See GGP No 1 – Annex 7, available here.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	1 year
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</i>	The report must be updated once a year and/or after any important change or circumstances

22. Matching of the child and the PAPs (Art. 16(1) d) and (2))	
22.1 The authorities and the matching procedure	
a) Who is responsible for the matching of the child and the PAPs in your State?	The Central Authority under the recommendation of the UMPOD Advisory Board
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	The Advisory Board meets usually each month and recommends the most suitable PAPs suggested by CA. The Advisory Board is a multidisciplinary body which consists of independent experts who are not employed at the Central Authority (except for one person)
c) What methodology is used for the matching in your State?	
d) Is any preference given to PAPs who have a close connection with your State (<i>e.g.</i> , nationals of your State who have emigrated to a receiving State)?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	The Central Authority
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	The biological parents are not party to the placement proceedings and they do not have any access to the documentation. The court usually decides on confidentiality of placement.
22.2 Acceptance of the match	
a) Does your State require that the matching be approved by the relevant	<input type="checkbox"/> Yes, please provide details of the required procedure:

authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	As soon as possible, max. 60 days - can be prolonged on request in some cases
c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?	None - the PAPs stay in the register of PAPs and they can be matched to another child later. Central Authority requires explanation of refusal.
22.3 Information following acceptance of the match	
Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (<i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)?	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: Central Authority <input type="checkbox"/> No

23. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	Central Authority
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; OR <input type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; OR <input checked="" type="checkbox"/> Other (please specify): After the receiving State accept the match and PAPs meet the child and apply to the court for preadoptive care.

24. Travel of the PAPs to your State²⁰	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: After accepting the match the PAPs travel to our country in order to meet the child and to apply for placement to the court. - How many trips are required to complete the intercountry adoption procedure: one - How long the PAPs need to stay for each trip: usually 6-8 weeks - Any other conditions: whole family should be present during the interaction with a child (also children of PAPs). <input type="checkbox"/> No
b) Does your State permit an escort to be used to take the child to the adoptive	<input type="checkbox"/> Yes, please specify in which circumstances:

²⁰ See GGP No 1, *supra*, note 15, Chapter 7.4.10.

parents in the receiving State in any circumstances?	<input checked="" type="checkbox"/> No
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25. Entrustment of the child to the PAPs (Art. 17)

<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>At first, the PAPs always come to the Central Authority where they are acquainted with the issues of interaction (meeting) with the child and subsequent steps by the relevant legal counsel of the CA. The psychologist of the CA will conduct an introductory interview with the PAPs. The CA shall provide the PAPs with the assistance when drafting the court application seeking to have the custody of the child granted to the PAPs. This is followed by the first visit to the facility or temporary foster parents and meeting of the PAPs with the child, which always takes place in the presence of an interpreter and the psychologist of the CA, together with the expert staff of the facility or temporary foster parents. The psychologist of the CA shall produce a detailed report on the commencement of the interaction. In the presence of the interpreter, the psychologist of the CA shall visit the PAPs together with the child again typically after 5 to 14 days in order to assess whether it is possible to proceed to subsequent administrative steps. The proceedings on granting the custody of the child to the PAPs shall follow the applicable Czech legal regulations at the Municipal Court in Brno.</p>
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26. Transfer of the child to the receiving State (Arts 5 c) and 18)

a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (e.g., passport, visa, exit permit)?	Birth Certificate of the Child, Passport, Medical Insurance Card, Vaccination Card, Release Medical Report on the Child (if the child was placed in facility), Court decision on custody (preadoptive care) of PAPs
b) Which of the documents listed in response to Question 26 a) above does your State issue? Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.	All documents are provided by the Central Authority or facility where the child was placed
c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No

27. Final adoption decision and the Article 23 certificate	
<p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>	<p><input type="checkbox"/> In our State – go to Question 27 c)</p> <p><input checked="" type="checkbox"/> In the receiving State – go to Question 27 b)</p>
<p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>	<p>(i) After the period of 6 months from the placement of the child in the receiving state and after submission of 3 reports the persons who were awarded pre-adoption care of the child may submit an application to the CA seeking a decision on consent with the intercountry adoption of the child</p> <p>(ii) The registry office and local and regional social authority (CA resend copy of the document to them)</p> <p>Go to Question 28</p>
<p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Convention?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</p> <p>The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>(i)</p> <p>(ii)</p>
<p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7, available here.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</p>	

28. Duration of the intercountry adoption procedure	
<p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the</p>	<p>(i) Approx 2 - 3 months</p> <p>(ii) Approx 3 months</p> <p>(iii)</p>

<p>PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “<i>intra-family intercountry adoption</i>” in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a “relative” of those PAPs.</p>	<p>Adoption between the blood relatives. Adoption between relatives in direct line (ancestors and descendants) is not allowed by the Czech law; there is only possible adoption between relatives in side line.</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p>N.B. <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – go to Question 30</p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . Go to Question 30</p> <p><input type="checkbox"/> No – go to Question 29 c)</p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION²¹

30. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>

²¹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 15, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 31</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a "simple" adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family's consent(s)²² to a "full" adoption where this is in the child's best interests (<i>i.e.</i>, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family²³ to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>	

PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>The Central Authority and than the National Archive</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>30 years at the Central Authority and then at the National Archive without any limit</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: from age of 12 <input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: <input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p>

²² Or other person(s) whose consent to the adoption is required under Art. 4 c) and d) of the 1993 Convention.

²³ *Ibid.*

See Art. 9 a) and c) and Art. 30.	
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input checked="" type="checkbox"/> Yes – please specify: Psychological and legal assistance of the Central Authority <input type="checkbox"/> No
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<input checked="" type="checkbox"/> Yes – please specify: Psychological and legal assistance of the Central Authority <input type="checkbox"/> No

32. Post-adoption reports	
a) Is there a model form which is used by your State for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy): <input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (e.g., medical information, information about the child's development, schooling): The social report on the child shall include information about child's development, relationships with parents and other member of family, friends etc., medical report, (pre)school report and a photograph of the child jointly with other family members. There is recommended form which can be used.
b) What are the requirements of your State in relation to post-adoption reports? Please indicate: (i) How frequently such reports should be submitted (e.g., every year, every two years); (ii) For how long (e.g., until the child is a certain age); (iii) The language in which the report must be submitted; (iv) Who should write the reports; and (v) Any other requirements.	(i) After 1, 3, 6, 12, 24 months for the removal of the child, and afterwards according to the child's age at the child's age of 7, 11, 14, 18 years. (ii) Until the child is 18 years old. (iii) Czech (iv) authorised social worker of the receiving state (v)
c) What, if any, are the consequences in your State if post-adoption reports are either: (i) Not submitted at all; or (ii) Submitted, but not in accordance with your requirements?	(i) It can have consequences on the cooperation with the accredited body or even with the receiving State. (ii) The Czech CA gives the recommendation on improvement of the reports.
d) What does your State do with post-adoption reports? (i.e., to what use are they put?)	postadoption help to the family

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁴

States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.

33. The costs²⁵ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: <input checked="" type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: <input checked="" type="checkbox"/> No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves? <i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.</i>	<input type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input checked="" type="checkbox"/> Other (please explain): There are not any costs.
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? <i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i>	<input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain): There are no costs paid to the Czech CA or public bodies. Costs of the PAPs (interpreter, travel expenses, accommodation etc.) are paid directly to the provider of the service.
e) Which body / authority in your State receives the payments?	None
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)? N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).	<input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: Through the accredited body or the CA of the Receiving State. <input type="checkbox"/> No

²⁴ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²⁵ See the definition of "costs" provided in the Terminology, *ibid*.

34. Contributions, co-operation projects and donations²⁶	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁷ to your State if it wishes to engage in intercountry adoption in your State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • What type of contribution is required: • Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): • How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input checked="" type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> • What type of co-operation projects are permitted: • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): • Whether such projects are monitored by an authority / body in your State: • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input type="checkbox"/> No</p>
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are permitted to be paid:

²⁶ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 24.

²⁷ See further the Terminology, *supra*, note 24, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	<ul style="list-style-type: none"> How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: The donation can be the matter between the donator and the donee and the CA has no right to influence it or to be informed. <input type="checkbox"/> No
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35. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Central Authority
b) What measures have been taken in your State to prevent improper financial or other gain?	Information of all subjects involved
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	CA informs Policie

PART XI: ILLICIT PRACTICES²⁸

36. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁹	Sanctions under the Criminal Cod

37. The abduction, sale of and traffic in children	
a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State's intercountry adoption programmes. Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	The Criminal Code (zákon č. 40/2009 Sb. Trestní zákoník)
b) Please explain how your State monitors respect for the above laws.	Police

²⁸ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁹ *Ibid.*

c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?	Sanctions under the Criminal Code
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38. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</p> <p>Please tick all which apply.</p>	<p><input checked="" type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State: The parents can give consent to adoption towards a specific person.</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>

PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be treated as domestic adoption.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be treated as inter-country adoption and they will have to comply with the same requirements as the Czech PAPs.</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³¹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be treated as intercountry adoption and the PAPs has to forward their file through the foreign CA or accredited body.</p> <p><input type="checkbox"/> No</p>

³⁰ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

³¹ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³²

40. Selection of partners	
a) With which receiving States does your State currently partner on intercountry adoption?	Austria, Denmark, Germany, France, Iceland, Italy, Slovenia, Spain, Sweden, USA, Lichtenstein, Netherlands.
b) How does your State determine with which receiving States it will partner? In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention. <i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i>	The CA cooperates only with Contracting States to the 1993 Convention. The opening of cooperation requires the detailed discussion between the CA and the CA of the Receiving State (or the accredited body) concerning the proceedings.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ³³	<input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement ³⁴ with that receiving State)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³⁵ <input checked="" type="checkbox"/> No

³² In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

³³ See GGP No 1, *supra*, note 15, Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

³⁴ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³⁵ *Ibid.*