COUNTRY PROFILE

1993 ADOPTION CONVENTION

2020 VERSION

STATE OF ORIGIN

COUNTRY NAME: PORTUGAL

PROFILE UPDATED ON: MAY 2022

PART I: CENTRAL AUTHORITY

1. Contact details[1]	
Name of office:	INSTITUTO DA SEGURANÇA SOCIAL, I.P.
Acronyms used:	ACAI
Address:	Av. 5 de Outubro, 175 1069-451 Lisboa PORTUGAL
Telephone:	00351 300 511 502
Fax:	
E-mail:	autoridadecentraladocaointernacional@seg-social.pt
Website:	http://seg-social.pt/adopcao-internacional
Contact person(s) and direct contact details (please indicate language(s) of communication):	Suzana Amorim - Head of Adoption Setor Tel.: +351 300 511 502 Ana Teresa Sousa Tel.: + 351 300 511 296 Eliana Santos Tel.: + 351 300 511 314 Jacqueline Barreto Tel.: + 351 300 511 311 Teresa Coelho Tel.: + 351 300 511 283 Portuguese/English/French

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.

PART II: RELEVANT LEGISLATION

[1] Please verify whether the contact details on the "Adoption Section" of the HCCH website < www.hcch.net > under "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

Código de campo alterado

Código de campo alterado

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your State? *This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).*	1-VII-2004
b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force. *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.*	Decree-Law n.º 83/2012, of March 30 , Article 3, n.º 2, x) (determines as Central Authority for the Intercountry Adoption the Instituto da Segurança Social, I.P.) Law nº 143/2015, of 8th September, Legal Regime for the Adoption Process (entered into force in December 8th, 2015)

3. Other international agreements on intercountry adoption[2]	
Is your State party to any other international (cross-border) agreements concerning intercountry adoption? *See Art. 39.*	☒ Yes: ☐ Regional agreements (please specify): ☐ Bilateral agreements (please specify): ☒ Non-binding memoranda of understanding (please specify): Memorandum of Understanding between the Center for the International Legal Protection of Children and Youth in the Slovak Republic and the Instituto da Segurança Social, IP, and the Portuguese Central Authority for Intercountry Adoption ☐ Other (please specify): ☐ No

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)

[2] 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).

3

Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State. *See Arts 6-9 and Arts 14-21 if accredited bodies are not used.*	The Central Authority for Intercountry Adoption is the entity responsible for complying with the internationalcommitments assumed by Portugal in the context of the CH. The Central Authority is obliged to intervene in all intercountry adoption files, including those involving countries that are not parties to the Convention (intercountry adoptions decreed abroad without the due intervention of the Central Auhtority are not recognized). The Central Authority is responsible, namely, for: a) Exercising the duties of Central Authority provided for in international agreements relating to adoption to which Portugal is a party; b) Certifying the conformity of intercountry adoptions with the CH; c) Recognizing and promoting registration in the Civil Registry of foreign intercountry adoption decisions; d) Issuing a technical opinion on the regularity of a specific intercountry adoption procedure for the purpose of authorization of the child's entry into national territory; e) Outlining, in collaboration with diplomatic and consular structures, strategies for intercountry adoption based on cooperation policies for children deprived of their families; f) Preparing intercountry adoption agreements and protocols; g) Monitorizating, evaluating and providing the necessary collaboration regarding the procedures in intercountry adoption; h) Accrediting entities with headquarters in Portugal that intend to act as accreditaed bodies in intercountry adopion; i) Authorizing the action in Portugal of bodies accredited in another Contracting State; j) Monitoring, supervising and controling the performance of accredited and authorized bodies; k) Assuring the conservation of the information available regarding the origins of the intercontry adopted person, in particular as regards the personal history, including the identity of the parents;

	l) Proceeding with the collection, treatment and disclosure of statistical data related to intercountry adoption; m) Preparing and publishing an annual activity report, containing, in particular, information and conclusions on the duties referred to in the preceding paragraphs.

5. Public and competent authorities	
Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State. *See Arts 4, 5, 8, 9, 12, 22, 23 and 30.*	The adotability of a child, as well as the adoption decition is of the exclusive competence of the Courts of Law, following a strict judicial procedure

6. National accredited bodies[3]	
a) Has your State accredited its own adoption bodies? *See Arts 10-11.* ***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 HCCH (see Art. 13).*[4]	☐ Yes ☒ No – **go to Question 7**
b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.[5]	
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 *procedure* for granting accreditation and the most important accreditation *criteria*.	
c) For how long is accreditation granted in your State?	

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

[4] *Ibid.*, Chapter 3.2.1 (para. 111).

[5] *Ibid.*, Chapter 3.4.

d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be *renewed*.	
6.2 Monitoring of national accredited bodies[6]	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? *See Art. 11(c).*	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (*i.e.*, withdrawn).	
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	☐ Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of accreditation): ☐ No

7. Authorised foreign accredited bodies[7] **(Art. 12)**	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State? ***N.B.*** *the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH.*	☒ Yes ☐ No – **go to Question 8**
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.[8]	There is no legal limit to the number of accredited bodies. The criteria if the necessitty and suitability of the cooperation. Presently Portugal cooperates with 5 authorized foreign accredited bodies.
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	The authorized foreign accredited bodies play the role of mediators between the adoption services of the Receiving State, cooperating with our CA to ensure that the PAPs have

6 *Ibid.*, Chapter 7.4.

7 "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Adoption 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,*ibid.*, Chapter 4.2.

8 See GGP No 2, *ibid.*, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

	received suitable training and information regarding intercountry adoption, adoption of children with special adoptive needs, that they receive all information regarding the characteristics of the child referred and that the PAPs understand the capabilities necessary to proceed with a determined adoption (suporting the PAPs not only in making an informed decision, but also providing information regarding their professional opinion on the suitability of a specific match). During the transition period, the accredited body must be available to provide support to the PAPs. PAPs and child(ren) will travel to the Receiving State in a pre adoption phase, duly determined by the Portuguese Court of Law, after a request from the Portuguese local adoption Team (in cooperation with the CA). During this period, the accredited body must send periodic reports to the Portuguese CA, with the information gathered during their follow up. The accredited body is also responsible for ensuring that Articles 17th and 23rd are sent at the apropriate time, and that the Court Decree that determines the adoption (issued by the Court of Law of tye Receiving State) is also sent to the Portuguese CA. During any phase, the accredited body is expected to cooperate in view of the best interest of the child and PAPs.
d) Are there any requirements concerning the way foreign accredited bodies must operate in your State? *Please tick any which apply.*	☒ Yes: ☐ 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** ☐ The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: **OR** ☒ 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** ☐ Other (please specify): ☐ No

7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	The Central Auhtority for Intercountry Adoption
b) Please briefly describe the *procedure* for granting authorisation and the most important authorisation *criteria*.[9] If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	Entities that cumulatively fulfill the following requirements may apply for accreditation: - to pursue non-profit purposes - to have as their goal the protection of children; - to have a multidisciplinary team, necessarily including professionals from the field of psychology, social work and law; - to be administered by qualified persons, with respect to suitability, knowledge / experience in intercountry adoption. In addition to the objective criteria mentioned, the accreditation is also based on criteria of opportunity taking into account the number of children/PAPs applications and the existing resources. The proposing entity submits a request to the Central Authority containing the intent (areas of activity in which they intend to act on, geographic area covered, methodology; costs, expenses, among others); copy of the Statutes (if it is a private social solidarity institution) or certificate of constitutive title (if it has other legal nature); documents proving the fulfillment of the requirements described above; other documents necessary for the overall assessment of the claim. The Central Authority proceeds with the instruction of the accreditation process, giving, within a maximum period of 30 days, a fundamented decision including the weighting of the applicant's accreditation relevance, taking into account the conditions and needs for international adoption in the countries where it is proposed to work. In the accreditation decision, the countries for which the accreditation is granted must be mentioned, as well as the respective validity period. The Central Authority notifies the applicant regarding the accreditation decision and, in

[9] In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

	case of approval, requests publication in the Diário da República.
c) For how long is authorisation granted?	For the time determined in the authorization.
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be *renewed*.	The Central Authority will assess the following: a) Maintenance or improvement of the quality of the services provided; b) Maintenance of the requirements for the accreditation.
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies?[10]	☒ Yes ☐ No – **go to Question 8**
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	Central Authority for Intercountry Adoption
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).	The monitorization is done based on the presentation of documentation to confirm the maintenance of the requirements. The accredited bodies are obliged to present a yearly report of the activities of the previous year with detailed information regarding the number of files processed, and the respective revenues and expenses. They are also obliged to inform immediately the Central Authority of any irregularity or ilegal activity that may have come to their knowledge during the exercise of their activity.
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (*i.e.*, withdrawn).	An accreditation may be revoked if the accredited body; a) no longer fullfils the requirements to be accredited; b) Acts or procedures against the principles and laws applicable; c) Refusal of authorization by the country of origin intended; d)The absence of exercising the activity in the country destined in the year following the authorization.
e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	☒ Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of authorisation): withdrawal of authorization, total or partial ☐ No

[10] *Ibid.*, Chapter 7.4 and, in particular, para. 290.

8. Approved (non-accredited) persons (Art. 22(2))[11]	
a) Is the involvement of approved (non-accredited) persons *from your State* permitted in intercountry adoption procedures in your State? ***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 Adoption Convention, available on the Adoption Section of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).*[12]	☐ 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: ☒ No
b) Is the involvement of approved (non-accredited) persons *from other Contracting States* permitted in intercountry adoption procedures in your State? ***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 Adoption Convention, available on the Adoption Section of the HCCH website.*	☐ Yes. Please specify the role of these approved (non-accredited) persons in your State: ☒ 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).	Children in need of intercountry adoption would be children with Particular Adoptive Needs, a concept that refers to children who, in addition to the characteristics inherent to the child itself, are considered the nature of his/her adoptability condition and the feasibility of implementing the adoptive projet. Thus, children in need of intercountry adoption usually have one or more of the following characteristics: between 0 and 15 years old, serious health problems, disability, developmental delay, belonging to a brotherhood, belonging to a minority ethnic group.

10. The adoptability of a child (Art. 4(a))	
a) Which authority is responsible for establishing that a child is adoptable?	The Court of Law

[11] *Ibid.*, Chapter 13.
[12] *Ibid.*, Chapter 13.2.2.5.

b) Which criteria are applied to determine whether a child is adoptable?	The conditions are described in Article 1978º of the Portuguese Civil Code: With a view to its adoption, the Court may entrust the child to a couple, a singular person or an institution or foster family, when the affective links typical of parentage do not exist or are seriously disturbed, by objective verification of one of the situations following: a) If the minor is the child of unknown parents or if he is an orphan; b) If there has been prior consent for adoption; c) If the parents have abandoned the minor; d) If the parents, by action or omission, even in the event of incapacity by psychic anomaly, put in serious risk the security, health, training and education or development of the minor: e) If the parents of the minor received by an individual or an institution have revealed a manifest disinterest for the child in such a way that there is a prejudice for the quality andcontinuity of the ties of parenthood, for at least the three months which preceded the request for confidence. In checking these conditions, the court must first take into account the rights and interests of the minor. For the determination of the situation of danger or risk one must take into consideration the provisions of the Law of Protection of Children in Danger.
c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (*e.g.*, search for the child's birth family). ***N.B.*** *the issue of* consent *is dealt with at Question 12 below.*	The adoptability of a child can only be determined by a Court of Law, after a strict judicial child protection procedure in which the birth family is an essential party or after a legally presented parental consent (even the parents' consent, to be valid, must be provided before a judge who will have to certify that the parents have understood the consequences of the consent and that it is given freely and without coaction).

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 (*e.g.*, through the provision of family support services,	The Court of Law determines that a specific child (or children, if siblings) is to be adopted only after a child protection precedure with the conclusions best described in 10.b) above.

the promotion of family reunification and domestic alternative care solutions).	The Court will then notify the local adoption team of this decision. The adoption team must develop a search for suitable PAPs in domestic adoption (according to the procedures established) for two times. Only if no positive response is available, must the local adoption team refer the child for intercountry adoption, unless, in view of its special characteristics, intercountry adoption cannot be envisaged because it would not correspond to its superior interest. However, at the same time that the Central Authority will start searching for suitable PAPs in cooperation with our State partners, the local adoption team maintains the responsibility of searching for domestic PAPs every three months.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	After the procedure descibed in 11.a) above, the local adoption team and the Central Authority for Intercountry Adoption will determine if the child is to be referred for intercountry adoption.
c) Please briefly explain how that decision is reached (*e.g.*, whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	Kindly refer to the answer to question 11.a).

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.e.*, the rights and responsibilities which attach to being a parent). In each case, please remember to specify in which circumstances a *father* will have to consent to his child's adoption. Please also specify whether your answer would be different if any of	(i) both parents (ii) the living parent (iii) the legal guardian of the person that is responsible for the chil (iv) the Court of Law (v) (vi) (vii)

the known parents had not yet reached the age of majority.	
b) Please describe the procedure for: (i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and (ii) obtaining their consent(s) to an adoption.[13]	(i) Article 1982 of the Civil Code determines: Consent must unequivocally refer to adoption and must be given before the judge, who is responsible for clarifying the declarant on the meaning and consequences of his act. Consent can be provided independently of the initiation of an adoption process and there is no need to identify the prospective adoptive parent. However, the mother can only give her consent after six weeks on childbirth. Consent lapses if the child is not adopted or if he is not entrusted administratively, judicially or placed in an institution or foster care or with a family selected for adoption within three years. (ii) The consent must be given before a Court of Law and the judge must clarify the meaning and impact of such consent.
c) Does your State use the model form *"Statement of consent to the adoption"* developed by the Permanent Bureau of the HCCH? *The model form is available on the Adoption section of the HCCH website.*	☐ Yes ☒ No – please provide (or link to) any form(s) which your State uses for this purpose: The consent is presented before the Court of Law.
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. *See Art. 4(d)(2).*	During the child preparation plan for adoption, the child is heard regarding his/her wishes, according to the age and development.
e) Please briefly describe the circumstances in which a child's consent to an intercountry adoption is required in your State. Where the child's consent is required, please describe the procedure which is used to ensure that the child has been	The consent of the child to be adopted (domestically or intercountry) is mandatory after the age of 12. Bellow that age, it is mandatory to hear the child, according to the age and development.

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

counselled and duly informed of the effects of the adoption. *See Art. 4(d)(1).*	

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”.	Portugal does not use the concept "children with special needs" regarding adoption. The Concept used is Children with Particular Adoptive Needs, a concept that refers to children who, in addition to the characteristics inherent to the child itself, are considered the nature of his/her adoptability condition and the feasibility of implementing the adoptive projet. Thus, children in need of intercountry adoption usually have one or more of the following characteristics: between 0 and 15 years old, serious health problems, disability, developmental delay, belonging to a brotherhood, belonging to a minority ethnic group.
b) What, if any, procedures does your State use to expedite the adoption of children with special needs?	In Portugal, in addition to seeking to meet the deadlines set for the characterization, preparation, research of applications and presentation of adoption proposals, whenever Portuguese or foreign applications already transmitted are not identified, and is suitable for the child, the Central Authority researches foreign applications in the inverted flow modality, with foreign partner entities, in order to broaden the spectrum of eligible applications suitable to the needs of the child and, thus, to enable the project of adoptability.

14. The preparation of children for intercountry adoption	
Is there a special procedure in your State to prepare a child for an intercountry adoption?	☒ Yes, please provide details (*e.g.*, the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): According to the Portuguese law, all children with a measure of adoptability are prepared for their project, being applied to them, according to their age and capacity, the Plan of Preparation of the Child for the Adoption. With this Plan, the aim is to help the child to integrate his story, to understand his adoptability situation and to project himself into the future for a family experience. When, because no edible

	applications have been identified in Portugal, the child is referred for intercountry adoption, and after the adoption referral has been formally accepted by the prospective adoptive parents, the child's preparation aims to help him or her organize in the face of change to another country, assessing whether that is really his/her will. It is taken into account the need for the child to know as much as possible the cultural context in which he/she will be integrated, the way he/she will be able to deal with differences in relation to the country of origin, and, of course, the characteristics of the family that will adopt. The agents involved in this preparation are the adoption service responsible in the area of residence of the child and the team of the institution/foster family where he is hosted, naturally in cooperation with the Central Authority for International Adoption, regarding information about the receiving country and the family applying for adoption. The methodology applied in the child preparation refers to individual sessions in which the child is invited to think, write, draw and speak about the new challenges in his life and also past experiences. Methods can change according to development stage of each child. Typically, it is one or two sessions a week, from fifteen to sixty minutes, for one or two months. ☐ No

15. The nationality of children who are adopted intercountry[14]	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	☒ Yes, always ☐ It depends – please specify which factors are taken into consideration (*e.g.*, the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State): ☐ No, the child will never retain this nationality

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

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?[15]	☐ Yes, please specify the limit applied and the basis on which it is determined: ☒ No

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State[16]	
a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)? *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).*	☒ Yes, the following person(s) may apply in our State for an intercountry adoption: ☒ Married, heterosexual couples: 4 years of life in common ☒ Married, same-sex couples: 4 years of life in common ☒ Heterosexual couples in a legally registered partnership: 4 years of life in common ☒ Same-sex couples in a legally registered partnership: 4 years of life in common ☒ Heterosexual couples that have not legally formalised their relationship: 4 years of life in common ☒ Same-sex couples that have not legally formalised their relationship: 4 years of life in common ☒ Single men: older than 30 years of age ☒ Single women: older than 30 years of age ☐ Other (please specify): ☐ No, there are no relationship status criteria for PAPs.
b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?	☒ Yes, please specify: ☒ Minimum age requirements: 25 if joint application or adoption by stepparent and 30 if single application ☒ Maximum age requirements: Can't be older than 60 at the time the child is placed ☒ Difference in years required between the PAPs and the child: 50

[15] See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

[16] *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 Adoption Convention.

	☐ Other (please specify): ☐ No
c) Are there any *other* eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?	☐ Yes: ☐ Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): ☐ Couples must supply evidence of infertility: ☐ For persons with children already (biological or adopted), there are additional criteria (please specify): ☐ Other (please specify): ☒ No

18. Preparation and counselling of PAPs (Art. 5(b))	
Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption *in the receiving State*?	☒ Yes, please explain what kind of preparation is expected: In intercountry adoption, since national and foreign requirements are cumulative,to foreign prospective adoptive parents apply the obligation imposed on nationals to receive preparation appropriate to the nature of the adoptive project. The specific contents of this training are at the discretion of the receiving country, which evaluates, selects and prepares the PAPs. However, it is desirable the compatibility with the contents provided for national prospective adoptive parents, which are as follows: A - Concept, objectives and types of adoption; The situation of children with an adotion measure; Legal procedures for national and intercountry adoption; The adoption process. B - The model of needs/capacities; Clues for the prospective adoptive parents to consider their adoption project and clarify their claims; Impact that the child's life story has on the adult; Importance of teamwork in the entire adoption process. C - 1. Understanding children's needs related to the past and derived from the bonding process; Exploration of doubts, fears and expectations; Children's experiences and promotion of sensitivity to their needs; Concept of bonding, confidence building and emotional regulation. 2. The child's emotional needs and desirable responsiveness in the adult; Open

	communication in the family; Establishment of a safe and empathic relationship with the child; 3. General aspects of educational practices; Educational practices in the face of specific problematic situations of adoptive parenting; Demands, requirements, satisfactions, resources and strategies specific to "children with special adoptive need" (children with disabilities, older, with chronic diseases and in process of intercountry adoption). 4. The right of children to know their adoptive status, as well as the need to adapt the process of revelation/communication about adoption to the child's characteristics; General models and concrete strategies on the revelation process; Useful strategies for communicating potentially painful information; The searching for origins. 5. The child's first contacts and arrival; Specific aspects of the different stages of the adoptive family's life cycle; The changes taking place in the family system and the resources available. To the training moments that the PAPs received in their host country, it is previewed to add another one, to be taught by the Portuguese competent entities, when the candidates arrive in Portugal and prior to the first meeting with the child. The contents are the ones from the block C referred above and are adjusted to the specific needs of the child / children to be adopted. ☐ No

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
b) Please indicate which documents must be submitted with an application: *Please tick all which apply.*	☐ An application form for adoption completed by the PAPs ☒ A statement of "approval to adopt" issued by a competent authority in the receiving State ☒ A report on the PAPs including the "home study" and other personal assessments (see Art. 15) ☒ Copies of the PAPs' passports or other personal identification documents

	☒ Copies of the PAPs' birth certificates ☒ Copies of the birth certificates of any children living with the PAPs ☒ Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): marriage certificate ☒ Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): statement by a medical practitioner ☒ Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): proof that the PAPs have enough income to support and care for the child. ☒ Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): statement by the employer or other proof thereoff. ☒ Proof of no criminal record ☒ Other(s): please explain Photos of PAPs, family and home
c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?[17]	☐ Yes, please specify whether it must be a *national* accredited body, a *foreign authorised* accredited body or whether it may be either of these accredited bodies.[18] Please also specify at which stage(s) of the 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): ☒ No
d) Are any *additional* documents required if PAPs apply through an accredited body? *Please tick all which apply.*	☐ Yes ☐ 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): ☐ A contract signed by the accredited body and the PAPs: ☐ A document issued by a competent authority of the receiving State

[17] See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention.

[18] See the definitions provided at notes 3 and 7 above.

	certifying that the accredited body may undertake intercountry adoptions: ☐ Other (please specify): ☒ No
e) Please specify the language(s) in which any documents must be submitted:	The originals must be in the language of the country and all documents must be translated (and certified) to Portuguese
f) Do any of the required documents need to be legalised or apostillised?	☒ Yes, please specify which documents: only if no international/bilateral treaty exists ☐ No – **go to Question 20**
g) Is your State party to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (the Apostille Convention)? *This information is available on the Status Table for the Apostille Convention (see the Apostille Section of the HCCH website).*	☒ Yes, please specify the date of the entry into force of the Apostille Convention in your State: 06-XII-1968 ☐ No

20. The report on the child (Art. 16(1)(a))	
a) Who is responsible for preparing the report on the child?	The report is prepared by the competent Adoption Service in the child's area of residence.
b) Is a "standard form" used for the report on the child?	☒ Yes, please provide a link to the form or attach a copy: ADO 46 - Child Characterization Report (in attachment) ☐ 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 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"*? *See GGP No 1 – Annex 7, available here.*	☐ Yes ☒ No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	3 years

b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. *E.g.*, does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?	The competent authority in the State of Reception must inform that the PAPs wish to maintain their application, while the application is still valid and provide the updated reports.

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 local adoption team and the Central Authority must agree on the matching. If so, the intention to present a referral to a specific appliaction must be confirmed by the National Concil for Adoption.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	The local adoption team and the Central Authority must agree on the matching. If so, the intention to present a referral to a specific appliaction must be confirmed by the National Concil for Adoption.
c) What methodology is used for the matching in your State?	In Portugal, after a PAP national research without a viable result, there is an international PAP research. The international research begins with the applications previously submitted to Portugal. If these applications aren´t suitable for the child´s needs there is a research using the inverted flow. The matching methodology refers to the corresponding assessment between the child need´s and the PAP´s skills to effectively deal with those needs. The matching must respect the follow criteria: a) Needs related to the characteristics of the child to be adopted: • Correspondence between the child's characteristics and the preferences registered at the PAP´s application, with regard to the child's age, sex, ethnicity, health status and background; • For the adoption of a children of another ethnicity, PAP must have demonstrated the capacity to deal with prejudice and to defend the child from family and social stigma - as well as to convert physical differences into a source of pride and

	reinforcement of child self-esteem - and deal with cultural heritage. • For the adoption of siblings, PAP´s should have demonstrated the ability to overcome, detect and resolve difficult behaviors, manage conflicts simultaneously and distribute attention. b) Needs related to the child's family history and life path: PAP´s should reveal capacity to deal with problematic life history, unknown life history, long institutionalization periods and family breakdowns. c) Needs related to developmental and learning problems, behavioral or emotional problems: PAP´s should reveal capacity to stimulate cognitive and linguistic development, to deal with learning disabilities, to be sensitive and empathic and to be willing to work with health and social professionals. d) Needs resulting from health problems: PAP´s should reveal capacity to deal with medical care and health problems. Other matching criteria: a) Application date - the first to be considered are the ones trasmited first in time; b) The adjustment between the age of the child and the age of the candidates, in order to guarantee the maturity of the adopters to deal with issues of the child's age and an age difference not exceeding 50 years, as long as the PAPs can accompany the various phases of physical and cognitive-emotional development of the adopted; c) The choice of couple or singular applications with strong family / social support for the siblings adoption; d) The adopters' place of residence whenever the child's geographical distance from the place of residence of the family of origin is necessary; e) The preference for PAPs that guarantee and have conditions that allow an effective relationship between brothers/sisters, in the case of sibling separate adoption; f) The maintenance of the natural order of births and the spacing between birth and adoption of at least 12 months, in the case of adopters with children.

d) Is any preference given to PAPs who have a close connection with your State (*e.g.*, nationals of your State who have emigrated to a receiving State)?	☒ Yes, please specify: Portuguese nationals who have emigrated to a receiving State will be considered as having the same culture as the child, and, therefore, are exceptioned of the Principle of Subsidiarity. ☐ No
e) Who is responsible for notifying the receiving State of the matching?	The Central Authority for Intercountry Adoption
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	All information regarding the child shared between the Portuguese Central Authority and the Authority of the Receiving State preserves the confidentiality of the child's identity and location, until the formal Child Referral (which is sent only after the confirmation of the matching by the National Council for Adoption).
22.2 Acceptance of the match	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	☒ Yes, please provide details of the required procedure: Statement of Acceptance or Agreement that the Adoption May Proceed ☐ No
b) How much time is the receiving State given to decide whether to accept a match?	It depends on the complexity of the matching
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?	If the match refuse is within the "acceptable profile of the child/children) as described in the assessment reports of the PAPs, a new assessment must be presented before the application may be considered eligible again.
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.e.*, during the remainder of the intercountry adoption procedure and prior to entrustment)?	☒ Yes, please specify who is responsible for providing this information: after the acceptance the procedures to begin the transition period in Portugal are started, including sharing of information between PAPs and child. Any relevant changes in the status of the child must be informed clearly. ☐ No

23. Agreement under Article 17(c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	The Central Authority for Intercountry Adoption

b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	☐ Our State sends the Article 17(c) agreement to the receiving State with the proposed match; **OR** ☒ The receiving State must accept the match first and then our State will provide its Article 17(c) agreement; **OR** ☐ Other (please specify):

24. Travel of the PAPs to your State[19]	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	☒ Yes, in which case please specify: - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: The PAPs must travel after the acceptance of the matching, to initiate the transition period. - How many trips are required to complete the intercountry adoption procedure: 1 - How long the PAPs need to stay for each trip: From 4 to 6 weeks. - Any other conditions: ☐ No
b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?	☐ Yes, please specify in which circumstances: ☒ No

25. Entrustment of the child to the PAPs (Art. 17)	
After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs? 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).	For the child's preparation, please see answer to question 14. The child's first meeting with the PAPS's is scheduled in a plan called a transition plan. This procedure, which is organized for both domestic and intercountry adoptions, consists in the development of a series of moments and actions adapted to the characteristics of each child (age, development and cognition conditions, psychological situation, etc.), allowing for a gradual and supported approximation between the child and the PAPs, which translates into the evolution from the PAPs' initial visits to spend more time together, perform activities together and, finally, pass

[19] See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

	to stay with the PAPs during the night, thus starting a common family living. Throughout the transition period, the team assumes a role of supporting andmonitoring the transition process and the evolution of the relationship, acting in the background for any difficulties that may arise and promoting the conditions to be created among the child/children and the PAPs a relationship of closeness and affection. The transition period should have a duration adjusted to the needs of the case, with an average of four to six weeks for intercountry adoption. It is hoped that at the end of this period it will be possible to assess the existence of evidence favorable to the affective bond between children and the PAPs. This is the condition for the responsible team to request the competent Court to transfer the guardianship of the child/children for the PAPs, thus beginning the pre-adoption period, which will be monitored by the competent entities in the receiving country. The child's entry into the receiving country with a view to the concretization of his/her adoptive project, is one of the conditions inherent to the acceptance of the adoption referral presented by the Central Portuguese Authority to the competent entity of the receiving country.

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)?	Citizen Card (within Europe), Pre-Adoption Certificate ssued by the local adoption team, Court Decree that determines the Entrustment of the child to the PAPs, translated Birth Certificate
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
c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be	☐ Yes, please specify: ☒ No

completed in order for the child to be permitted to leave your State and travel to the receiving State?	

27. Final adoption decision and the Article 23 certificate	
a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	☐ In our State – **go to Question 27 c)** ☒ In the receiving State – **go to Question 27 b)**
b) Following the making of the final adoption decision in the receiving State: (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)? (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?	(i) Yes. The CA must receive an original or certified copy of the Court Decree that determined the adoption, and respective translation to Portuguese, an original or certifeid copy of Article 23, proof of the child's name after the adoption being completed. (ii) The Central Authority for Intercountry Adoption **Go to Question 28**
c) If the final adoption decision is made in your State, which competent authority: (i) Makes the adoption decision; and (ii) Issues the certificate under Article 23 of the 1993 Adoption Convention? ***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 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.* *The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under "Authorities"), available on the Adoption Section of the HCCH website.*	(i) The Court of Law (ii) The Central Authority for Intercountry Adoption
d) Does your State use the *"Recommended model form – Certificate of conformity of intercountry adoption"*? *See GGP No 1 – Annex 7, available here.*	☒ Yes ☐ No
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	N/A

to the Central Authority in the receiving State?	

28. Duration of the intercountry adoption procedure	
Where possible, please indicate the average time which it takes to: (i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption; (ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable; (iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: *i.e.*, if the final adoption decision is made in your State and not in the receiving State).	(i) The time will vary from 1 week to years, according to the specific needs of the child and the capabilities of the prospective adoptive parents' available, (ii) The time necessary to complete the preparation of the child (last phase, preparation for a especific PAP) and for the PAPs to make the necessary travel arrangements - usually 1 month. (iii) N/A

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")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "*intra-family* intercountry adoption" 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.	The Portuguese Civil Code determines that for legal purposes family members include all members who are ascendent or descendent of the person in question (in this case, the child), and up to the 6th degree of kinship in the colateral line (family members who descend from the same member).
b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions? ***N.B.*** *If the child and PAPs are habitually resident in* different *Contracting States to the 1993 Adoption 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.*	☒ Yes – **go to Question 30** ☐ Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . **Go to Question 30** ☐ No – **go to Question 29 c)**
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: (i) The counselling and preparations which PAPs must undergo in the receiving State;	(i) (ii) (iii) (iv)

(ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	

PART VIII: SIMPLE AND FULL ADOPTION[20]

30. Simple and full adoption	
a) Is "full" adoption permitted in your State? *See GGP No 1 at Chapter 8.8.8 and note 20 below.*	☒ Yes ☐ No ☐ In certain circumstances only – please specify: ☐ Other (please explain):
b) Is "simple" adoption permitted in your State? *See GGP No 1 at Chapter 8.8.8 and note 20 below.*	☐ Yes ☒ No – **go to Question 31** ☐ In certain circumstances only (*e.g.*, for intra-family adoptions only) – please specify: ☐ Other (please explain):
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)[21] to a "*full*" adoption where this is in the child's best interests (*i.e.*, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)? *See Art. 27(1)(b) and Art. 4 (c) and (d).*	☐ Yes – please provide details of how this is undertaken: ☐ No
d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family[22] 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?	

PART IX: POST-ADOPTION MATTERS

[20] According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.8.8.

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

[22] *Ibid.*

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?	The Central Authority and the local adoption teams.
b) For how long is the information concerning the child's origins preserved?	50 years
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: (i) the adoptee and / or his / her representative(s); (ii) the adoptive parents; (iii) the birth family; and / or (iv) any other persons? If so, are there any criteria which must be met for access to be granted (*e.g.*, 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)? *See Art. 9(a) and (c) and Art. 30.*	(i) ☒ Yes – please explain any criteria: The adoptee, if older than 16 years of age and with the agreement of the adoptive parents. If the adoptee is older than 18, the acces can be done by himself. ☐ No (ii) ☒ Yes – please explain any criteria: The information regarding the origins is provided to the PAPs at the time of the referral. Any questions/doubts will be mediated and clarified by the local adoption team, per request of the PAPs. ☐ No (iii) ☐ Yes – please explain any criteria: ☒ No (iv) ☐ Yes – please explain any criteria: ☒ No
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	☒ Yes – please specify: The local adoption teams are obliged to prepare the adoptee, the adoptive family and, if applicable, the birth family, and to mediate the access to information and contacts. ☐ No
e) Once access to such information has been provided, is any *further* assistance offered to the adoptee and / or others (*e.g.*, regarding making contact with his / her biological family, tracing extended family)?	☐ Yes – please specify: any contacts are preceeded by a preparation from the local adoption team and will be mediated. The local adoption team will coordenate the tracing of extended family. ☐ No

32. Post-adoption reports	
a) Is there a model form which is used by your State for post-adoption reports?	☐ 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): ☒ 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): Portugal does not require post-adoption reports. Since the children travel to the State of Reception in a Pre-Adoption phase, with a Temporary Guardianship Decree issued by the Portuguese Court of Law, in view of future adoption, Portugal requires pre-adoption reports. There is no specific form for pre-adoption reporting. However, it is required that the Portuguese CA is informed of the developments in the adaptation of child and PAPs to the new family routines, the evolution of the bond between them, the adaptation of the child to the extended family/social network/school/peers, health status, challenges faced (if any), other relevant information.
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) Pre-adoption reports are expected to be sent 1 months after arrival in the Receiving State, and every 3 months after that date. (ii) Pre-adoption Reports: until the adoption is determined by the Court of Law of that State. (iii) In Portuguese (iv) The competent adoption services of the Receiving State or the accredited agency. (v) N/A
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) The Pre Adoption reports are mandatory. The CA will insist until fullfilment. If definitive non submission occurs, the cooperation is reviwed. (ii) The CA will request further information.
d) What does your State do with post-adoption reports? (*i.e.*, to what use are they put?)	The Central Authority for Intercountry Adoption will analyse the information in the reports in close cooperation with the local adoption team. Should any question arise, it will be place, as well as any sugestion that may be considered

	important. The CA will then send a copy of the report (with or without comments) to the Portuguese Court of Law responsible for the Child Protection Measure that determined the adoptability.

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION[23]

States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the Adoption Section of the HCCH website.

33. The costs[24] of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	☐ 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: ☒ No
b) Does your State monitor the payment of the costs of intercountry adoption?	☒ Yes – please briefly describe how this monitoring is undertaken: Not legally allowed. ☐ 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? *See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.*	☐ Through the accredited body: ☐ Directly by the PAPs: ☒ Other (please explain): N/A
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? *See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.*	☐ Only by bank transfer: ☐ In cash: ☒ Other (please explain): N/A
e) Which body / authority in your State receives the payments?	N/A
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)?	☒ Yes – please indicate how this information may be accessed: No costs. ☐ No

[23] See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the Adoption Section of the HCCH 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*.

[24] See the definition of "costs" provided in the Terminology, *ibid*.

***N.B.** Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).*	

34. Contributions, co-operation projects and donations[25]	
a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution[26] to your State if it wishes to engage in intercountry adoption in your State? *For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.*	☐ Yes – please explain: • What type of contribution is required: • Who is responsible for paying it (*i.e.*, 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: ☒ No
b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?	☐ Yes – it is a *mandatory* requirement for authorisation to be granted to a foreign accredited body. ☐ Yes – it is *permitted* but not required. In either of the above cases, please explain: • What type of co-operation projects are permitted: • Who may undertake such projects (*i.e.*, 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: ☒ No

[25] See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra,* note 23.

[26] See further the Terminology, *supra,* note 23, 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.

c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State? ***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).*	☐ Yes – please explain: • To whom may donations may be made (*e.g.*, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (*e.g.*, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are permitted to be paid: • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: ☒ No

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 for Intercountry Adoption
b) What measures have been taken in your State to prevent improper financial or other gain?	It is not permitted by law.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Should any improper financial or other gain be suspected, the CA will immediately inform the Criminal Court of Law.

PART XI: ILLICIT PRACTICES[27]

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.[28]	Should any alleged or actual illicit practices come to the knowledge of the CA, the Criminal Court will be immediately informed.

37. The abduction, sale of and traffic in children

[27] "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 Adoption Section of the HCCH website < www.hcch.net >).

[28] *Ibid.*

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 adoptability of a child is always confirmed by a Court of Law. The Court will follow a strict child protection procedure before any decision.
b) Please explain how your State monitors respect for the above laws.	Please refer to question 37a) above.
c) If these laws are breached, what sanctions may be applied (*e.g.*, imprisonment, fine, withdrawal of accreditation)?	Criminal implications, including imprisonment.

38. Private and / or independent adoptions	
Are private and / or independent adoptions permitted in your State? ***N.B.*** *"Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.* *Please tick all which apply.*	☐ Private adoptions are permitted – please explain how this term is defined in your State: ☐ Independent adoptions are permitted – please explain how this term is defined in your State: ☒ <u>Neither</u> private nor independent adoptions are permitted

PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Adoption Convention (Art. 2)	
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? *<u>Example</u>: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.*	☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[29] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: It is considered a domestic adoption, according to the criteria of habitual residence. The procedure would be the same as for PAPs of Portuguese nationality residing habitualy in Portugal, added by a Declaration of No Objection from the competent authority of the country of nationality of the PAPs. ☐ No

[29] According to the 1993 Adoption 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 <u>same</u> Contracting State: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State? *Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.*	☒ Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: ☐ No
c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State? *Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.*	☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[30] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The Portuguese nationals residing in another Contracting State must be assessed and considerade suitable to adopt according to the laws and procedures of the State of habitual residency, and the application must be sent to the Portuguese Central Authority for Intercountry Adoption in respect if the rules of intercountry adoption. However, the Principle of Susidiarity does not apply to the PAPs. ☐ No

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION[31]

40. Selection of partners	
a) With which receiving States does your State currently partner on intercountry adoption?	Belgium, France, Germany, Italy, Malta, Spain, The Netherlands, USA
b) How does your State determine with which receiving States it will partner? In particular, please specify whether your State only partners with other *Contracting States* to the 1993 Adoption Convention. *To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).*	The criteria for determining the partnerships is the compliance with the 1993 Convention's rules and principles and the existante of suitable PAPs with parental skills to respond to the needs of the children in need of intercountry adoption.

30 According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.4.

31 In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

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c) If your State also partners with *non*-Contracting States, please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases.[32]	☐ Not applicable: our State only partners with other *Contracting* States to the 1993 Adoption 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[33] with that receiving State)?	☐ Yes – please explain the content of any agreements or other formalities:[34] ☒ No

[32] See GGP No 1 (*op. cit.* note 14), 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".

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

[34] *Ibid.*