

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

Name of State:	Uruguay
<u>Information for follow-up purposes</u>	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	<p>Has your State centralised, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised:</p> <p>La información con respecto a la familia de origen de los niños, niñas y adolescentes que han sido integrados a familias adoptivas es centralizada por el Departamento de Adopciones. El Departamento cuenta con un archivo donde se encuentran los datos de la familia y los procesos que transcurrieron previo a la adopción. Esta información no es de acceso público sino que se brinda, a través del equipo técnico, al interesado. Uruguay realiza un trabajo importante en términos de la transmisión del origen a los niños, niñas y adolescentes integrados. El trabajo tiene como marco la Ley 19092 Art. 160, "(Conocimiento de la condición de adoptado).- Todo adoptado o adoptada tiene derecho a conocer su condición de tal, a la más temprana edad, dentro de lo que sea aconsejado a los padres según el caso concreto" atiende exclusivamente situaciones donde haya mediado un proceso judicial de adopción. Aquellas situaciones que no estén comprendidas en el mismo son derivadas a los organismos correspondientes.</p> <p><input type="checkbox"/> No. Please specify where the information is stored:</p> <p>Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

1.1.2. Search for origins

3.	<p>Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided:</p>
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	<p>El Departamento cuenta desde el 2009, por indicacion del marco legislativo que regula la adopcion, con un Area especializada en la busqueda de Origenes. La misma cuenta con un equipo tecnico para realizar la busqueda de informacion y sostener a los interesados durante el proceso, asimismo como en la coordinacion de los primeros encuentros. La gestion del area se realiza a traves de la normativa vigente, el marco es establecido en elCodigo del Niño y el Adolescente, la ley de acceso a la informacion -Ley 18381- y la ley de proteccion de datos personales y accion de abeas data -18331- asimismo como la ley de archivo 18220. Este marco establece el acceso a la informacion de acuerdo a quien realiza la busqueda.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled: Please insert text here</p>
4.	<p>Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: Los equipos de las distintas areas trabajan con los postulantes la importancia de la transmision del origen desde la entrevista informativa con los interesados en comenzar el proceso, en distintas instancias de taller y los procesos de valoracion e integracion. Asimismo, una vez que el niño/a se integra a la familia adoptiva, el equipo continua el abordaje a traves del area de seguimiento.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (e.g., government, private companies, NGOs); N/A</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; N/A</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; N/A</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. N/A</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations?</p> <p>Cuando la informacion con respecto al origen se encuentra incompleta se realizan coordinaciones interinstitucionales, contando con varios convenios a estos efectos (Intendencia de Montevideo, Identificacion Civil) a fin de obtener datos que contribuyan a obtener informacion util para el interesado. En los casos en los que no se encuentre informacion documental, se realiza el sosten emocional y se recomiendan otras acciones</p>

¹ [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	posibles a cargo del interesado de forma de reconstruir su historia a través del relato de su familia.
7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>En caso de detectarse prácticas realizadas por fuera de la normativa vigente se orienta al interesado en la búsqueda del origen a través de los relatos de su familia adoptiva u otros vínculos cercanos.</p>
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful;</p> <p>Las solicitudes de búsqueda de origen realizadas desde 2014 a mayo 2020 ascienden a 516. El departamento se encuentra trabajando con 186 de estas solicitudes y ha logrado responder satisfactoriamente a 160 de ellas.</p> <p>(b) how many were not successful and what were the reasons.</p> <p>No se ha logrado responder a 152 solicitudes de búsqueda de origen y en 18 casos las respuestas no han sido satisfactorias, en ambos casos se ha debido a la falta de información documental al respecto del proceso de adopción. En Uruguay los procedimientos han sufrido modificaciones y las acciones implicadas en el resguardo de la documentación referida a los orígenes no siempre ha sido conservada. Esto ha implicado dificultades en las búsquedas.</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: En Uruguay se realiza la preservación de la información acerca de la identidad de las personas que han sido adoptadas.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the birth family to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>Siempre que los interesados en conocer la información sea la familia de origen, el área de búsqueda de orígenes mediará tanto en la información como en el encuentro previo con el hijo/a adoptado. En caso que este último sea menor de 18 años, el contacto se realiza a través de sus responsables adultos.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p>
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Uruguay ha reglamentado la organizacion y el archivo de la informacion de la personas residentes en general y en particular de los niños, niñas y adolescentes con los que trabaja. En este sentido cuenta con un Archivo de Historias de Vida donde se encuentra la documentacion correspondiente a los niños con los que trabaja el Instituto.

No.

1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>El Instituto ha desarrollado dentro del Departamento de Adopciones un dispositivo de seguimiento en cumplimiento con lo que establece la normativa vigente. Se realiza un acompañamiento de las familias de al menos un año luego de la integracion del niño/a a su familia adoptiva.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (e.g., child and adult adoptees, birth families, adoptive families);</p> <p>El equipo tecnico a cargo del seguimiento de las familias que han integrado niños, niñas y adoelscentes en calidad de hijo/a adoptivo, cuenta con el seguimiento del proceso realizado pos integracion enfocado en el bienestar del niño/a integrado y las habilidades y capacidades a desplegar por los adultos para lograr dar respuesta al mismo. Se trabaja en este sentido tanto con niños/as como con los adultos.</p> <p>(b) who provides the services (e.g., social welfare administration, school, health personnel);</p> <p>N/A</p> <p>(c) whether the professionals involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);</p> <p>En en Departamento hay un area encargada de la valoracion de los postulantes y otra a cargo del seguimiento y acompañamiento de los niños/as integrados y los adultos.</p> <p>(d) how, if there are different services, these various services are coordinated;</p> <p>Se realizan instancias de coordinacion entre las areas de modo de definir criterios de funcionamiento comunes a todo el Departamento y en los distintos procesos desarrollados. En aquellos casos que lo ametiten, las areas evaluan en conjunto la estrategia a desplegar para cada caso.</p> <p>(e) how the post-adoption services are financed (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);</p>

² Post-adoption services may be provided to adoptees, birth families and adoptive families.

³ C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<p>N/A</p> <p>(f) the length of time this support is available.</p> <p>Please insert text here</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services.</p> <p>A traves del Departamento se trabaja en la contencion y acompañamiento de los niños y las familias adoptivas, sin embargo, no se realiza en forma sistematica el trabajo con todas las familias de origen. En caso que la familia se encuentre trabajando con algun otro dispositivo en territorio, ese equipo de profesionales acompaña la familia de origen.</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered:</p> <p>Las personas que han sido adoptadas tienen derecho al acceso a la informacion de su expediente en dependencias del Instituto donde pueden acceder a documentacion referida a su historia de vida.</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p>
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1.3. Post-adoption reports

Receiving States only

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:</p>
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Both States of origin and receiving States

⁴ If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>En Uruguay los informes de pos-adopcion son realizados por el area de segimiento durante el año en el que se realiza el abordaje con la familai adoptiva. Una vez realizada la integracion y en caso de que el Juez actuante en el proceso asi lo requiera, estos informes podrian ser remitidos al mismo.</p>

1.4. Adoption breakdowns

Both States of origin and receiving States

22.	<p>If your State has had any experience regarding intercountry adoptions which have broken down, please specify:⁵</p> <p>(a) what have been the main causes of the breakdowns;⁶ Please insert text here</p> <p>(b) how your State has addressed these situations and whether your State has any good practices to share in this regard;⁷ Please insert text here</p> <p>(c) what support is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions; Please insert text here</p> <p>(d) whether your State has developed any good practices to ensure that Recommendation No 19⁸ of the 2015 Special Commission is implemented:</p> <p><input type="checkbox"/> Yes. Please specify any good practices developed in this regard: Please insert text here</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p> <p>(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to return to the State of origin, and if so, what the situations were and how they were handled; Please insert text here</p>
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⁵ If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

⁶ If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

⁷ If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

⁸ C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

	<p>(f) how many cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date; Please insert text here</p> <p>(g) how many of these cases included a new placement (<i>e.g.</i>, foster care, new adoption) for the child; Please insert text here</p> <p>(h) how many cases of breakdowns were intercountry adoptions done (a) under the 1993 Adoption Convention ; and (b) outside of the Convention (<i>i.e.</i>, prior to the entry into force of the Convention in your State or with non-State Party); Please insert text here</p> <p>(i) in line with Recommendation No 20⁹ of the 2015 Special Commission, whether your State has applied the 1996 Child Protection Convention to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain. Please insert text here</p>
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Receiving States only

23.	<p>Is your State's Central Authority informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: Please insert text here</p>
24.	<p>Do your State's authorities consult with the Central Authority of the child's State of origin:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p>
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⁹ C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<input type="checkbox"/> Yes. Please describe the type of cooperation: <p style="text-align: center; color: blue;">Please insert text here</p> <input type="checkbox"/> No. (b) before determining a new placement for the child? <input type="checkbox"/> Yes. Please describe the type of cooperation: <p style="text-align: center; color: blue;">Please insert text here</p> <input type="checkbox"/> No.
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1.5. Other post-adoption matters

States of origin only

26.	Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage? <input type="checkbox"/> Yes. Please specify the conditions to regain nationality: <p style="text-align: center; color: blue;">Please insert text here</p> <input type="checkbox"/> No. Please explain your response: <p style="text-align: center; color: blue;">Please insert text here</p>
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Both States of origin and receiving States

27.	Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin? <input type="checkbox"/> Yes. Please specify the situations and how they were handled: <p style="text-align: center; color: blue;">Please insert text here</p> <input checked="" type="checkbox"/> No.
28.	Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption. <p style="color: blue;">Todos los servicios de pos integracion que brinden garantias al proceso y sobre todo realicen el foco en el bienestar del niño/a adoptado debieran tener un amplio desarrollo y difusion en todos los paises donde se realicen estos procesos. En este entendido, la Guia debiera contener aspectos que contribuyan a las estrategias para el abordaje de las complejidades propias de la construccion de su nueva identidad, garantizando el respeto y la transmision del origen, asimismo como guiar las practicas de aquellas situaciones donde la familia de origen ha conservado el vinculo con el niño, niña o adolescente adoptado.</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	Have illicit practices in intercountry adoption been discovered since 2015 in your State? <input type="checkbox"/> Yes. Please specify: (a) the type of illicit practices which were discovered; <p style="text-align: center; color: blue;">Please insert text here</p> (b) when the illicit practices were discovered (<i>i.e.</i> , during or after the adoption procedure); <p style="text-align: center; color: blue;">Please insert text here</p>
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	<p>(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention; Please insert text here</p> <p>(d) how your State handled these situations; Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices.</p> <p>La normativa vigente en el Uruguay ha reglado la forma en que se realizan los procesos de adopcion y centralizado tanto los procesos nacionales como los internacionales a traves de la intervencion del Instituto como Autoridad Central. Los procedimientos son ampliamente conocidos por todos los actores involucrados.</p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so; La adopcion puede revocarse a traves de los Jueces de Familia que autorizaron la adopcion, siendo resuletos en consideracion del interes superior del niño, niña o adolescente y es considerado un procedimiento extraordinario.</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the grounds upon which this may be done; Please insert text here</p> <p>(d) whether there is an age limit for the annulment of an adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p> <p>(f) the number of intercountry adoptions which are on average annulled per year. Please insert text here</p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so; Please insert text here</p> <p>(b) who can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the grounds upon which this is done; Please insert text here</p> <p>(d) whether there is an age limit for the revocation of the adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p>

(f) the **number of** intercountry adoptions which are on average revoked per year.

Please insert text here

No.

3. INTRAFAMILY ADOPTIONS

In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.¹⁰

3.1. General questions for intrafamily adoptions (*i.e.*, relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The Central Authority.</p> <p><input type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p> <p>Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Para todos los procesos de adopcion de privilegia el interes superior del niño, evaluando las posibilidades de integrarse a una familia adoptiva de la lista de postulantes asimismo como a su familia extensa.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Para este tipo de procesos se realiza una adaptacion del proceso realizado habitualmente conserando el vinculo preexistente y las estrategias se evaluan en cada caso.</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p>

¹⁰ See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

¹¹ C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

	<input type="checkbox"/> Yes. Please specify the situations and how they were handled: ¹² <p style="text-align: center;">Please insert text here</p> <input checked="" type="checkbox"/> No.
37.	<p>In your State, does the termination of the pre-existing legal relationship affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <input type="checkbox"/> It only affects the child and his or her mother and father. <input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family. <input type="checkbox"/> Other. Please explain your response: <p style="text-align: center;">Please insert text here</p>
38.	<p>Has your State encountered cases of breakdown in intrafamily intercountry adoptions?</p> <input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: <p style="text-align: center;">Please insert text here</p> <input checked="" type="checkbox"/> No.
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p> <input type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: <p style="text-align: center;">Please insert text here</p> <input checked="" type="checkbox"/> No.

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures: ¹³ <p style="text-align: center;">En los casos donde algun referente de la familia de origen podria hacerse cargo del cuidado, se propone realizar el tramite de tenencia. En todos los casos se considerara si el vinculo entre el niño/a es signitativo, aun cuando el adulto se encuentra rediendo en un pais dieferente al del niño.</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (e.g., kinship care, foster care) that your State applies to protect children within the extended family?</p> <input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response: <p style="text-align: center;">Please insert text here</p> <input checked="" type="checkbox"/> Other child protection measures are applied. Please specify:

¹² If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

¹³ If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

	<p>(a) which other child protection measures are applied to protect children within the extended family:</p> <p style="color: blue;">En el Uruguay, usualmente, cuando el niña, niño o adoelscente esta a cargo de algun referente de su familia de origen con capacidad de cuidado, se realiza un tramite de tenencia.</p> <p>(b) if your State is a Party to the 1996 Child Protection Convention, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p style="color: blue;">Please insert text here</p>
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3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p style="color: blue;">Uruguay no ha tenido casos de este tipo de pocedimientos.</p>
43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p style="color: blue;">N/A</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions:</p> <p style="color: blue;">N/A</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <p style="color: blue;">N/A</p>

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to circumvent immigration laws?</p> <p><input type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations:</p> <p style="color: blue;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).

Both States of origin and receiving States

46.	If your State has been involved in situation(s) similar to the above-described scenario:
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	<p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State?</p> <p>(b) how was the child's habitual residence determined? Which factors were considered?</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a domestic adoption or an intercountry adoption?</p> <p>(d) what challenges did your State face in dealing with such situation(s)?</p> <p>(e) if your State was the State where the child was born, was contact sought with the State of habitual residence of the mother? Was there any cooperation between the concerned States?</p>
47.	<p>If there is a risk that the situation described above involves a case of human trafficking, would this be considered by your State when determining the child's habitual residence?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
48.	<p>Which actions would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in their State? Please insert text here</p> <p>(b) would determine the child's habitual residence not to be in their State? Please insert text here</p>

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.¹⁴

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: A partir de la Ley 19092, la unica figura juridica es la adopcion plena.</p> <p><input type="checkbox"/> No.</p>
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¹⁴ See [Guide to Good Practice No 1](#), Glossary.

50.	What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? N/A
51.	If your State permits both full and simple adoption, are simple adoptions encouraged / promoted ? <input type="checkbox"/> Yes. Please explain your response: Please insert text here <input checked="" type="checkbox"/> No. Please explain your response: En Uruguay no se realizan procesos de adopcion simple.
52.	Has your State faced any problems regarding seeking the birth mother / family's consent to a conversion in the State of origin (Art. 27 of the Convention)? <input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: Please insert text here <input checked="" type="checkbox"/> No.
53.	(a) Please specify any challenges your State encounters with simple adoptions: N/A (b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: N/A

5.2. Open adoptions / openness in adoption

54.	Does the terms "open adoption", "openness in adoption" or similar concepts exist in your State? ¹⁵ <input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Please insert text here <input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts: En nuestro pais no se utiliza este regimen de adopciones. Sin embargo, cuando se identifica un vinculo significativo se favorece la mantencion del mismo con la familia de origen.
55.	Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption? <input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: En el año 2013 se realizo una reforma de la ley que rige los proceso de adopcion donde se incluye el vinculo del niño adoptado con su familia de origen posteriormente a la integracion con la familia adoptiva. <input type="checkbox"/> No.

¹⁵ If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

56.	<input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here <input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here
57.	(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Se consideran procesos de adopcion internacional para aquellos niños que no logran ser integrados por familias que integran el registro unico de asirantes en Uruguay. En general se trata de grupos de hermanos numerosos, niños, niñas o adolescentes con situaciones de salud fisica o psiquica compleja o que por su edad no logran una respuesta. (b) Does your State have a specific approach depending on the profile of these children? <input checked="" type="checkbox"/> Yes. Please specify these different approaches: Las estrategias de integracion responden a los perfiles y requerimientos de cada niño/a. <input type="checkbox"/> No.
58.	Does your State provide professional support or services to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)? <input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: El Departamento brinda acompañamiento y asesoramiento en los procesos de vinculacion de familia de origen, asimismo, tiene un area especifica que trabaja en la busqueda de origenes de personas que han sido adoptadas y sus familiares. <input type="checkbox"/> No. Please explain your response: Please insert text here
59.	Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of contact between them after the adoption? <input checked="" type="checkbox"/> Yes. Please specify what action was taken in response: El equipo del Departamento acompaña las estrategias de encuentro intentando mediar entre las familias. <input type="checkbox"/> No.
60.	(a) Please specify any other challenges your State encounters regarding open adoptions: Si bien se esta trabajando en esta linea, los postulantes a la adopcion y las familias que integran niños/as presentan resistencias al vinculo. (b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: Uno de los desafios que tiene el Departamento es lograr la autonomia del vinuclo entre familia de origen y familia adoptiva ya que el equipo acompaña el proceso de forma prolongada.

6. NON-CONSENSUAL ADOPTIONS

In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have lost parental responsibility but nonetheless disagree with the adoption. It does not intend to cover adoption where

consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility?</p> <p>Cuando se observa una ruptura o grave deterioro de los vinculos afectivos, cuando su situacion de vida expone la situacion emocional, fisicam mental o espiritual de los hijos, se constatan practicas de crianza que vulneran los derechos del niño/a.</p>
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the consent of the birth parents who have lost their parental responsibility is still required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Una vez que los padres biologicos pierden la patria potestad el Estado asume la tutela del niño/a designada por el Juez actuante.</p> <p>(b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>La adopcion es una medida de excepcion en nuestro pais, en esta linea tambien lo es la adopcion internacional, la cual se considera cuando los niños/as por distintas condiciones (ya mencioandas) no han tenido respuesta por familias en el territorio. Asimismo, si la familia de origen presenta practicas que vulneran los derechos de niños/as, el Estado a traves de sus diferentes politicas de proteccion debe garantizar los derechos de los niños/as asi como abordar la problemática familiar favoreciendo la permanencia de los mismos en su familia de origen. En caso de no poder ser asi, se brindan alternativas de cuidado institucional.</p> <p>(c) what is the procedure applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p>La solicitud de la condicion de adoptabilidad se solicita ante el Juzgado y el Juez competente decreta una medida provisoria de integracion del niño/a una familia adoptiva y solicita informes ampliatorios a fin de rectificar o ratificar esta medida primaria. Si se ratifica, la familia adoptiva debe inicar una nueva instancia judicial en la que la familia de origen sera nuevamente convocada para presentar sus descargos.</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Please insert text here</p>

Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin contested a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations:</p>
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	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the profile of children for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>N/A</p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions:</p> <p>N/A</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p>N/A</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>En Uruguay el enlace entre los niños/as con condicion de adoptabilidad y los padres adoptivos se lleva a cabo una vez que la integracion esta definida. El equipo presenta una historia a los adultos en la que se exponen aspectos importantes de la vida del niño/a, algunas de sus características y una vez que la familia acepta la historia se realiza la integración. Este es un mecanismo que tiene por objetivo proteger la identidad de los niños/as.</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted;</p> <p>Please insert text here</p> <p>(b) the experience of your State with regard to such contact.</p> <p>Please insert text here</p>
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7.2. Summer camps / hosting programmes

In this Questionnaire, the “summer camps” practice is when adoptable children and PAPs attend an event in the PAPs’ State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.

“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and medical well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	Is your State involved in summer camps / hosting programmes for children? ¹⁶
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¹⁶ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the safeguards of the 1993 Adoption Convention have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)? Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been declared adoptable before they can be part of such programmes; N/A</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; N/A</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; N/A</p> <p>(d) how the children are prepared for such programmes; N/A</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; N/A</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; N/A</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; N/A</p> <p>(h) who finances such programmes; N/A</p>

(i) what is the **experience** of your State with these practices (*i.e.*, **challenges** and any potential **benefits**).

N/A

7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response: N/A</p> <p><input type="checkbox"/> No. Please explain your response: N/A</p>

7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",¹⁷ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁸</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted; En Uruguay los niños/as siempre deben ser tener la condicion de adoptabilidad para considerarse su integracion a una familia del registro unico de aspirantes a la adopcion.</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt; El proceso de valoracion de idoneidad se realiza en todos los casos para cualquier postulante a la adopcion. El mismo consta de entrevistas con un equipo tecnico que determinara las capacidades de cuidado de los postulantes. Cuando el niño/a ya esta integrado en una alternativa de cuidado familiar por una modadlidad de familia amiga, se incluye en la valoracion, la calidad del vinculo establecido con esa familia asimismo como las posibilidades de respuesta del registro unico de aspirantes.</p> <p>(c) what the profile of these children was;</p>
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¹⁷ "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

¹⁸ Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

En Uruguay se apuesta a la desinstitutionalizacion de los niños/as y en esta linea se han desarrollado modalidades de cuidado familiar de manera de garantizar sus derechos a vivir en un contexto familiar. Estas modalidades albergan a niños/as de varias edades y con distintos perfiles.

- (d) what was done to ensure that the **safeguards and procedures** of the 1993 Adoption Convention had been respected;

En nuestro pais se han realizado modificaciones en la legislacion (Codigo del Niño y el Adolescente año 2004, ley 18590 "Ley de adopcion" 2009, Ley 19092 que incorpora reglamentacion del vinculo de familia de origen e iguala los derechos de padres adoptivos a padres biologicos) que tiende a garantizar los derechos de niños, niñas y adoelscentes en el marco del cumplimiento de los convenios internacionales firmados en relacion al tema.

- (e) your State's **experience** with such adoptions.

En Uruguay, los procesos de adopcion por las familias que han sido una respuesta a las modalidades de acogimiento familiar son situaciones extraordinarias. Se promueve siempre que los niños/as sean integrados a familias que han realizado el proceso de valoracion y forman parte del registro unico de aspirantes.

8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72. Has your State changed its practices recently to **integrate new technologies** into work processes (*e.g.*, blockchain to facilitate transmission and access to data)?
- Yes. Please specify (a) what the **experiences** of your State are in this regard (*i.e.*, benefits and challenges) and (b) how your State take into account **data protection** in this context:
- El Instituto ha destinado recursos en el desarrollo de nuevas tecnologias que den cuenta de los procesos que realizan los niños, niñas y adolescentes atendidos en las distitnas modalidades y en los distintos proyectos y servicios. Se esta desarrollando software que den cuenta de la atencion que brinda el Instituto, asimismo, se ha desarrollado tambien un programa que da cuenta de los datos de atencion a nivel pais.
- No.

9. STATISTICS

Both States of origin and receiving States

73. Please specify the **number** of intercountry adoptions per year (between 2015 and the present date) involving your State that are:
- (a) **relative** adoptions (*i.e.*, excluding stepparent adoptions);¹⁹
- 0
- (b) **stepparent** adoptions;
- 0
- (c) **simple** adoptions;
- N/A
- (d) **open** adoptions or adoptions that involve a certain **degree of openness**; and

¹⁹ For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

	<p>N/A</p> <p>(e) non-consensual adoptions.</p> <p>N/A</p>
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10. OTHER MATTERS

74.	<p>Please specify any other comments your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>Si bien en Uruguay se han realizado muy pocos proceso de adopcion internacional, se reciben muchas consultas de postulantes interesados. Seria deseable que se brinde un sitio web o alguna alternativa similar para establecer el contacto con las autoridades centrales de cada pais de modo de facilitar las consultas y futura cooperacion. Asimismo, en nuestro pais no hay presencia diplomatica de todos los paises firmantes del convenio, esto ha implicado una dificultad en las coordinaciones. Podria generarse algun mecanismo o incluso convenios entre pasises firmantes para realizar la traingulacion que es propuesta en el Convenio. Otra de las dificultades que podrian ser atendidas en este marco, son aquellas que responden a las difiuctades idiomaticas.</p>
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