

<b>Name of State:</b>	Montenegro
<b>Information for follow-up purposes</b>	
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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 <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input type="checkbox"/> Yes. Please specify where the information is centralised: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify where the information is stored: In the competent centers for social work.</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (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: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

#### 1.1.2. Search for origins

3.	<p>Is there a <b>specialised programme</b> or <b>section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input type="checkbox"/> Yes. Please provide its name and explain the services provided: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify how the search for the origins is handled: The competent centers for social work perform a search at the request of the adoptee.</p>
4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21</b><sup>1</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p>

<sup>1</sup> ["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].

	<p>The practice is to provide professional support in accordance with Recommendation No.21.</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 <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (e.g., government, private companies, NGOs); Please insert text here</p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity; Please insert text here</p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available; Please insert text here</p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general. Please insert text here</p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations? Support is provided in accordance with the available information.</p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices. We have never had negative experiences.</p>
8.	<p>If <b>statistics</b> 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 <b>successful</b>; Please insert text here</p> <p>(b) how many were <b>not successful</b> and what were the reasons. Please insert text here</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality of the identity of the birth parents</b>?</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 <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: A distinction is made between these two types of information.</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 <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests? So far, there have been no requests from birth families to obtain information on the adoption of their child.</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:  <a href="#">Our good practice is to preserve the information, as well as to never abuse it, and to fulfill the requests for the search of origin, in accordance with the available information.</a></p> <p><input type="checkbox"/> No.</p>
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### 1.2. Post-adoption services<sup>2</sup>

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18</b><sup>3</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">No, because adoption, according to our law, establishes the relationship that exists between biological parents and children</a></p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p> <p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (e.g., child and adult adoptees, birth families, adoptive families);  <a href="#">Please insert text here</a></p> <p>(b) <b>who</b> provides the services (e.g., social welfare administration, school, health personnel);  <a href="#">Please insert text here</a></p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);  <a href="#">Please insert text here</a></p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;  <a href="#">Please insert text here</a></p> <p>(e) how the post-adoption services are <b>financed</b> (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);  <a href="#">Please insert text here</a></p> <p>(f) the <b>length of time</b> this support is available.  <a href="#">Please insert text here</a></p>

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

<sup>3</sup> 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].

15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services.</p> <p><a href="#">In the competent centers for social work they can get counseling services, same as all birth families</a></p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered: <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
17.	<p>Has <b>research</b> 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: <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>

Receiving States only

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

Receiving States only

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

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to</b> 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: <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
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<sup>4</sup> 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](#)").

21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p><a href="#">We have excellent cooperation with Sweden, which submits reports on children to us every six months, for a period of three years after the adoption of the child.</a></p>
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#### 1.4. Adoption breakdowns

##### Both States of origin and receiving States

22.	<p>If your State has had any experience regarding <b>intercountry adoptions which have broken down</b>, please specify:<sup>5</sup></p> <p>(a) what have been the main <b>causes</b> of the breakdowns;<sup>6</sup></p> <p><a href="#">We have never had a case of breakdowns.</a></p> <p>(b) how your State <b>has addressed</b> these situations and whether your State has any good practices to share in this regard;<sup>7</sup></p> <p><a href="#">Please insert text here</a></p> <p>(c) what <b>support</b> is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;</p> <p><a href="#">Please insert text here</a></p> <p>(d) whether your State has developed any good practices to ensure that <b>Recommendation No 19</b><sup>8</sup> of the 2015 Special Commission is implemented:</p> <p><input type="checkbox"/> Yes. Please specify any good practices developed in this regard:</p> <p><a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p><a href="#">Please insert text here</a></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 <b>return</b> to the State of origin, and if so, what the situations were and how they were handled;</p> <p><a href="#">Please insert text here</a></p> <p>(f) <b>how many</b> cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;</p> <p><a href="#">Please insert text here</a></p> <p>(g) how many of these cases included a <b>new placement</b> (e.g., foster care, new adoption) for the child;</p> <p><a href="#">Please insert text here</a></p>
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<sup>5</sup> 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.

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

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

<sup>8</sup> 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>(h) how many cases of breakdowns were intercountry adoptions done (a) under the <b>1993 Adoption Convention</b> ; 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);</p> <p><a href="#">Please insert text here</a></p> <p>(i) in line with <b>Recommendation No 20<sup>9</sup></b> of the 2015 Special Commission, whether your State has applied the <b>1996 Child Protection Convention</b> to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.</p> <p><a href="#">Please insert text here</a></p>
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Receiving States only

23.	<p>Is your State's <b>Central Authority</b> informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: <a href="#">We have never had a case of breakdowns.</a></p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: <a href="#">Please insert text here</a></p>
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: <a href="#">Please insert text here</a></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: <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's <b>Central Authority</b> (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> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: <a href="#">We have never had a case of breakdowns.</a></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:</p>
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<sup>9</sup> 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."

	<p style="text-align: center; color: blue;">Please insert text here</p> <p><input type="checkbox"/> No.</p>
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### 1.5. Other post-adoption matters

#### States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality:  <span style="color: blue;">Please insert text here</span></p> <p><input type="checkbox"/> No. Please explain your response:  <span style="color: blue;">We have never had cases like this and we did not provide for that in the law.</span></p>
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#### Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:  <span style="color: blue;">Please insert text here</span></p> <p><input checked="" type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p><span style="color: blue;">Please insert text here</span></p>

## 2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

#### Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>type</b> of illicit practices which were discovered;  <span style="color: blue;">Please insert text here</span></p> <p>(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);  <span style="color: blue;">Please insert text here</span></p> <p>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention;  <span style="color: blue;">Please insert text here</span></p> <p>(d) how your State <b>handled</b> these situations;  <span style="color: blue;">Please insert text here</span></p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.</p> <p><span style="color: blue;">All adoption procedures for which, according to our law, the centers for social work are competent are controlled by the Ministry of Labor and Social Welfare.</span></p>

31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so; Please insert text here</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the <b>grounds</b> upon which this may be done; Please insert text here</p> <p>(d) whether there is an <b>age limit</b> for the annulment of an adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has the jurisdiction to do so; Please insert text here</p> <p>(b) <b>who</b> can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the <b>grounds</b> upon which this is done; Please insert text here</p> <p>(d) whether there is an <b>age limit</b> for the revocation of the adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average revoked per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

### 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.<sup>10</sup>*

<sup>10</sup> 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.



### 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 <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input type="checkbox"/> The <b>Central Authority</b>.</p> <p><input type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority:  <a href="#">Centers for social work are institutions that are responsible for conducting the adoption procedure.</a></p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">Recommendation 32 is fully implemented in practice</a></p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p>
35.	<p>Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:<sup>12</sup>  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
37.	<p>In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> 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> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input checked="" type="checkbox"/> Other. Please explain your response:</p>

<sup>11</sup> 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].

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

	It also affects other family members, because adoption establishes the relationship that exists between birth parents and children, therefore relationship applies to all other relatives.
38.	<p>Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions?</p> <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:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate?</p> <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:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>

#### States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup>  <a href="#">Please insert text here</a></p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> 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> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family:  <a href="#">Foster care that can be and is most often within a kinship family, and if that is not possible, the child is placed in a non-kinship foster family.</a></p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:  <a href="#">WE HAVE NOT HAD THESE CASES IN PRACTICE</a></p>

### 3.2. Stepparent adoptions

#### Both States of origin and receiving States

42.	Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?
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<sup>13</sup> If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

	<input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No. Please specify any reasons: Please insert text here
43.	What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates? We have not had these cases so far, and if we do have them in the future, we would apply the 1993 Adoption Convention.
44.	(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions: Please insert text here (b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges: There were no such cases

### 3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	Has your State encountered situations where intrafamily adoptions were sought / used to <b>circumvent</b> immigration laws? <input type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations: Please insert text here <input checked="" type="checkbox"/> No.
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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: (a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State? Our State was the State of habitual residence of the mother (State A) (b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered? Habitual residence is determined in accordance with the laws of the country in which the child was born (c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b> ? As an intercountry adoption (d) what <b>challenges</b> did your State face in dealing with such situation(s)? There have been no such situations in practice (e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States?
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	Contact with the mother's State of habitual residence was requested.
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: It would be taken into account when determining the child's habitual residence</p> <p><input type="checkbox"/> No. Please explain your response: We would certainly contact the competent authorities of the country in which the child was born and determine the form of child protection in accordance with their and our laws.</p>
48.	<p>Which <b>actions</b> 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 <b>their</b> State? We would assess the overall situation and take action in accordance with the best interests of the child</p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State? Our State would take care of the child</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.<sup>14</sup>*

49.	<p>Has your State <b>changed its legislation, rules or practices</b> 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: The law abolished simple adoption. The questions below are not applicable.</p> <p><input type="checkbox"/> No.</p>
50.	<p>What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p>
51.	<p>If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b>?</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>

<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.

52.	<p>Has your State faced any problems regarding seeking the birth mother / family's <b>consent to a conversion</b> in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
53.	<p>(a) Please specify any <b>challenges</b> your State encounters with simple adoptions:  <a href="#">Please insert text here</a></p> <p>(b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges:  <a href="#">Please insert text here</a></p>

## 5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <p><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:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts:  <a href="#">There are no listed terms</a></p>
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">In all actions, the best interests of the child shall be considered and his or her views shall be taken into account.</a></p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p>

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

<sup>16</sup> C&R No 31 of the 2015 SC:

"The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child's best interests should guide the nature of this contact, considering his or her wishes" [emphasis added].

57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children?  <input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input type="checkbox"/> No.</p>
58.	<p>Does your State provide professional <b>support or services</b> 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)?</p> <p><input type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: No contact with the birth family after adoption is practiced.</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions: Please insert text here</p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges: Please insert text here</p>

## 6. NON-SENSUAL 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 <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p>A parent can lose parental rights if abusing them or grossly neglecting parental duties. Abuse of rights exists especially if the parent physically, sexually or emotionally abuses the child; exploits a child by forcing him to work excessively, or to work on jobs that endanger the morals, health or education of the child, or on jobs that are prohibited by law; encourages the child to commit criminal offenses; develop bad habits and tendencies, etc. Gross neglect of duty exists especially if the parent: abandons the child or does not care at all about the basic living needs of the child with whom he/she lives; avoids supporting the child or maintaining personal relations with the child with whom he/she does not live, i.e. prevents the maintenance of personal relations between the child and the parent with whom the child does not live; if</p>
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	he/she intentionally and unjustifiably avoids creating conditions for living together with a child who is in a social and child protection institution.
62.	<p>Does your State <b>permit</b> 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 <b>consent</b> of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 40px;">If there is an assessment that adoption is in the best interests of the child.</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p style="padding-left: 40px;">Please insert text here</p> <p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (<i>e.g.</i>, long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p style="padding-left: 40px;">Please insert text here</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (<i>e.g.</i>: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p style="padding-left: 40px;">Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p style="padding-left: 40px;">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 <b>contested</b> 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> <p style="padding-left: 40px;">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 <b>profile of children</b> 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 style="padding-left: 40px;">There must always be parental consent for adoption or the parents are deprived of parental rights.</p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions:</p> <p style="padding-left: 40px;">Please insert text here</p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p style="padding-left: 40px;">If there is no parental consent for the adoption of the child, the procedure of deprivation of parental rights is initiated and after that the adoption procedure is initiated.</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 <b>contact</b> between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted;  <a href="#">Please insert text here</a></p> <p>(b) the <b>experience</b> of your State with regard to such contact.  <a href="#">Please insert text here</a></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.	<p>Is your State involved in summer camps / hosting programmes for children?<sup>17</sup></p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the <b>safeguards</b> of the <b>1993 Adoption Convention</b> 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)?  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
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<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).



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 <b>declared adoptable before</b> they can be part of such programmes;  <a href="#">Please insert text here</a></p> <p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes;  <a href="#">Please insert text here</a></p> <p>(c) how the PAPs and children are <b>selected</b> to participate in such programmes, and whether a selection is made in cooperation with the other State;  <a href="#">Please insert text here</a></p> <p>(d) how the children are <b>prepared</b> for such programmes;  <a href="#">Please insert text here</a></p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted;  <a href="#">Please insert text here</a></p> <p>(f) whether there have been situations where the adoption <b>broke down</b> after the child was adopted following participation in such programmes;  <a href="#">Please insert text here</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 <b>return</b> to the State of origin before the adoption procedure can be initiated;  <a href="#">Please insert text here</a></p> <p>(h) who <b>finances</b> such programmes;  <a href="#">Please insert text here</a></p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>).  <a href="#">Please insert text here</a></p>
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### 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 <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> 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 <b>difficulties</b> these situations may have caused:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p>

	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>N/A</p>
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#### 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>”,<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup></p> <p>(a) whether the child had already <b>been declared adoptable</b> before the PAPs’ adoption application was submitted;  <i>The child cannot be adopted before PAPs' application submitted</i></p> <p>(b) at what stage in the process the PAPs were <b>declared eligible and suitable</b> to adopt;  <i>They may be declared eligible after a complete assessment and preparation procedure</i></p> <p>(c) what the <b>profile</b> of these children was;  <i>These are children who are permanently without parental care</i></p> <p>(d) what was done to ensure that the <b>safeguards and procedures</b> of the 1993 Adoption Convention had been respected;  <i>The safeguards and procedures of the 1993 Adoption Convention are fully respected;</i></p> <p>(e) your State's <b>experience</b> with such adoptions.  <i>The experiences are positive</i></p>
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#### 8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (<i>e.g.</i>, blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (<i>i.e.</i>, benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context:  <i>Please insert text here</i></p> <p><input checked="" type="checkbox"/> No.</p>
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#### 9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p>
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<sup>18</sup> “*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.

<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

	<p>(a) <b>relative</b> adoptions (<i>i.e.</i>, excluding stepparent adoptions);<sup>20</sup>  <a href="#">No stated adoptions</a></p> <p>(b) <b>stepparent</b> adoptions;  <a href="#">No stated adoptions</a></p> <p>(c) <b>simple</b> adoptions;  <a href="#">No stated adoptions</a></p> <p>(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b>; and  <a href="#">No stated adoptions</a></p> <p>(e) <b>non-consensual</b> adoptions.  <a href="#">No stated adoptions</a></p>
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## 10. OTHER MATTERS

74.	<p>Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.  <a href="#">Please insert text here</a></p>
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<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).