

Recommended Model Forms for use under the 1993 Adoption Convention



Article 23 Certificate

Recommended Model Form No 10

Certificate of conformity following
the conversion of a simple adoption to
a full adoption (Arts 23 & 27)

Receiving States only

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ARTICLE 27 OF THE 1993 ADOPTION CONVENTION

Article 27

- (1) *Where an adoption granted in the State of origin does not have the effect of terminating a pre-existing legal parent-child relationship, it may, in the receiving State which recognises the adoption under the Convention, be converted into an adoption having such an effect -*
- a) *if the law of the receiving State so permits; and*
 - b) *if the consents referred to in Article 4, sub-paragraphs (c) and (d), have been or are given for the purpose of such an adoption.*
- (2) *Article 23 applies to the decision converting the adoption.*

EXPLANATORY SECTION¹

1. What has been included in this Recommended Model Form?

This Form includes information about what needs to be included in the new Certificate of Conformity of an adoption when a simple adoption has been converted into a full adoption in the receiving State.

2. When should the Certificate of Conformity be issued?

The Certificate of Conformity should only be used in cases where a simple adoption made under the 1993 Adoption Convention has been converted into a full adoption in a receiving State.

¹ This Certificate of Conformity is to be completed in the receiving State only, to be issued after the conversion of a simple adoption to a full adoption in the receiving State in accordance with Art. 27 of the 1993 Adoption Convention.

A **simple adoption** is an adoption which does NOT sever the legal ties between the child and their biological parents or legal guardian(s).

A **full adoption** is an adoption which severs the legal ties between the child and their biological parents or legal guardian(s). For further information, see 1993 Adoption Convention and [Guide to Good Practice No 1](#), Chapter 8.8.8.

Competent authorities of the relevant Contracting State should ensure that this form is preserved (see Arts 9(a), 30 and 31 of the Convention).

3. Is the use of this Model Form compulsory?

No, it is only a recommended Model Form, which may need to be adapted by each State.

RECOMMENDED MODEL FORM

Certificate of conformity following the conversion of a simple adoption to a full adoption (Arts 23 & 27)

Receiving States only

A. AUTHORITY PROVIDING THE CERTIFICATION IN THE RECEIVING STATE

Receiving State	Name _____
Authority / body providing the certification	Name: _____ Address: _____
Official completing the form	Name: _____ Title: _____ Contact details: _____

B. THE CHILD

1. Full name at birth: _____
2. Current full name: _____
3. Date of birth: _____
4. Place of birth: _____
5. Gender: _____
6. Address: _____
7. Date of arrival of the child in the receiving State: _____

C. THE ADOPTIVE FAMILY

Full name(s) of adoptive parents: _____

D. THE SIMPLE ADOPTION GRANTED IN THE STATE OF ORIGIN

Note: Please attach a copy of the simple adoption decision to this certificate.

1. Competent authority which granted the **simple adoption decision**: _____
2. Date of the **simple adoption decision**: _____
3. **Birth parents** of the child at the time of the simple adoption (with whom a legal tie has been retained until the full adoption): _____

E. GENERAL VERIFICATIONS TO CONVERT A SIMPLE ADOPTION INTO A FULL ADOPTION

- The simple adoption was granted in the State of origin.
- The simple adoption did not have the effect of terminating a pre-existing legal relationship between the child and their mother and father (Arts 26(1)(c) and 27(1)).
- The simple adoption was automatically recognised by the receiving State under the 1993 Adoption Convention (Art. 27(1)).
- The law of the receiving State permits the conversion of the simple adoption to a full adoption (Art. 27(1)(a)).¹

¹ The receiving State shall apply its own law to decide whether or not it should take place.

F. CONSENTS TO CONVERT A SIMPLE ADOPTION INTO A FULL ADOPTION

The following consents have been or are given for the purpose of a full adoption:²

- Consent of the **persons, institutions and authorities** whose consent is necessary for adoption (Art. 4(c)). Please attach the relevant statement of consent for a full adoption or for the conversion into a full adoption.
- Consent of the **child**, where required by law. Please attach the relevant statement of consent for a full adoption or for the conversion into a full adoption.
- The persons (including the child, if their consent is required by law), institutions and authorities whose consent is necessary for adoption have been duly counselled and informed of the effects of a full adoption and of their consent (Arts 4(c) and (d)).

G. FULL ADOPTION

Note: please attach the decision on the conversion of the simple to full adoption to this certificate.

1. Name of the competent authority which converted the simple adoption into a **full adoption decision**: _____
2. Date of the **full adoption conversion decision**: _____

H. CERTIFICATION

Name: _____

Title: _____

Authority: _____

² See Art. 27(1)(b) of the 1993 Adoption Convention, which requires that the "consents referred to in Article 4, subparagraphs (c) and (d), have been or are given for the purpose of such an adoption." The relevant competent authorities are encouraged to use an adapted version of the recommended model form on consent (*i.e.*, statement of consent to the adoption; statement of consent of the child to the adoption).

I hereby certify that the conversion of the simple to full adoption for _____ (*child's full name*) has been done in conformity with Article 27 of the 1993 Adoption Convention.

I hereby certify that the adoption was made in accordance with the 1993 Adoption Convention.

Done at _____ on _____
City, State Date

Signature / Seal: _____

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