

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:	REPUBLIC OF SLOVENIA
Information for follow-up purposes	
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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: Information about adoptions are centralised in the Civil Register. Documentation about adoptions under the HCCH 1993 Adoption Convention are centralised at the Central Authority.</p> <p><input type="checkbox"/> No. Please specify where the information is stored: 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: 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 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 search for the origins always takes place through the competent social work center (as public authority) - the Central Authority makes a contact with the competent social work center with the request to make a contact with the person/persons (origin/origins of an adoptee) and to inform him or her with the search. The whole process takes place with a maximum discretion and sensitivity, with professional support.</p>
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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:</p> <p>The preparation and counselling of the PAPs include topics related to the right of the adopted children to know about their origins and the circumstances of their adoption. Respect for the birth family is fundamental for the child emotional well-being and identity. If adopted person searches for assistance in searching for her/his origins, social work centre and Central Authority provide professional guidance and support in so far as is permitted by the law.</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 (<i>e.g.</i>, 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>In cases of adoptions that have been made abroad (not under the HCCH 1993 Adoption Convention) and the adopted person has incomplete information, we try to contact through diplomatic channels the competent authorities of the country of origin and obtain the contacts of the authorities where the adoption was carried out or where the documentation should be kept. In the past, we have not had many such interventions, but the fact is that the response to such requests in the countries of origin is not satisfactory.</p>
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>In such case prosecuting authorities should be immediately informed.</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; N/A</p> <p>(b) how many were not successful and what were the reasons.</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].

	N/A
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 checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them: There are cases where the confidentiality of the identity of the birth parents prevents the adoptee to track his/her origins.</p> <p><input 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: After the decision on adoption is final the adopted person shall have no right to access the personal data of their biological parents entered in the civil register and other personal databases; similarly, biological parents shall have no right to access personal data of the child that they put up for adoption. Access to such data shall be possible only on the basis of written consent of the person to whom these data refer. A child over fifteen may consent on their own behalf if they are capable of understanding its meaning and consequences; otherwise consent shall be given by the child's representative. Consent shall be obtained by a social work centre on the motion of the adopted child or the biological parents. An adopted person or their legal representative may request from a social work centre data on the health status of the biological parents within the scope and under the conditions provided by law. In such cases the social work centre shall obtain data from health institutions and shall send them in anonymised form to the adopted person or their legal representative.</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>After the decision on adoption is final, biological parents shall have no right to access personal data of the child that they put up for adoption. Access to such data shall be possible only on the basis of written consent of the person to whom these data refer. A child over fifteen may consent on their own behalf if they are capable of understanding its meaning and consequences; otherwise consent shall be given by the child's representative. Consent shall be obtained by a social work centre on the motion of the biological parents.</p> <p>We do not have a specific programme/database to handle such requests, in such cases we work case by case.</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 type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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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 type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: In our state are no specialised post-adoption services, all necessary or required assistance is provided by social work centers or our Ministry as Central Authority. Social work centres (as public authorities) always offer further support and assistance during any period of life to the adoptees, adoptive families and to the birth families. Each situation is treated individually.</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); N/A</p> <p>(b) who provides the services (e.g., social welfare administration, school, health personnel); 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); N/A</p> <p>(d) how, if there are different services, these various services are coordinated; N/A</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); N/A</p> <p>(f) the length of time this support is available. N/A</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>The entry point is the social work centre. During preparation to the adoption all involved parties are informed that they can expect support and assistance by the social work centre in any period of their lives.</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>

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>As mentioned before social work centres always offer further support and assistance during any period of life also to the adoptees.</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: 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> <p>As mentioned there are no specialised post-adoption services. All necessary or required assistance is provided by social work centers or our Ministry as Central Authority. After completed adoption every child is treated the same as a biological and is offered the same services regarding his/her needs.</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 checked="" type="checkbox"/> Yes. Please explain your response: The Professional guidelines in the field of adoption, which are intended for experts of social work centers, includes also aspects of adoptions from abroad, including information on post-adoption report requirements.</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: Please insert text here</p>
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Both States of origin and receiving States

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: Please insert text here</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>

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](#)").

We do not detect any problems in this area. The competent social work centre of the adoptive family monitors and prepares adoption reports in accordance with the requirements of the State of origin.

1.4. Adoption breakdowns

Both States of origin and receiving States

22. If your State has had any experience regarding **intercountry adoptions which have broken down**, please specify:⁵
- (a) what have been the main **causes** of the breakdowns;⁶
 Divergences between expectations and the ability to establish an appropriate relationship between the PAPs and the child, according to the personal characteristics and specifics of the child.
- (b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;⁷
 The social work centre decided on the best measure for the child in the specific situation.
- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;
 Counselling, family therapy, psychologists.
- (d) whether your State has developed any good practices to ensure that **Recommendation No 19**⁸ of the 2015 Special Commission is implemented:
- Yes. Please specify any good practices developed in this regard:
 Please insert text here
- No. Please specify any reasons:
 Please insert text here
- (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
- (f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;
 According to our information - 2 cases, both with non Convention countries.
- (g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;
 Both - new adoption.

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>(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);</p> <p>a) None.</p> <p>b) Two cases (two children).</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.</p> <p>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 checked="" type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: All intercountry adoption breakdowns happened with non Convention countries. Necessary assistance was provided by social work centers.</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> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</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."

	<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>
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1.5. Other post-adoption matters

States of origin only

26.	<p>Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</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 nationality of their State of origin?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled: Please insert text here</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 Guide to Good Practice on post-adoption.</p> <p>We would support the development of a Guide to Good Practice on post-adoption, because it would make a quality contribution to the post-adoption aspects.</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the type of illicit practices which were discovered; Please insert text here</p> <p>(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure); Please insert text here</p> <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>
	Please specify any good practices of your State to prevent and address illicit practices.

30.	Focus on good preparation of PAPs and support them during all the adoption process, good communication with the States of origin.
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; The court.</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Proceedings for the annulment of adoption shall be initiated upon the petition of one of the biological parents, the adopted child who has reached the age of fifteen if the child is capable of understanding the meaning and legal consequences of their acts, the adoptive parent, or the social work centre.</p> <p>(c) the grounds upon which this may be done; Adoption shall be invalid if the conditions referred to in paragraphs 212, 213, 214, 215, 216, 217 or 218 of the Family Code are not fulfilled.</p> <p>(d) whether there is an age limit for the annulment of an adoption; No.</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. We have never had such case.</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> <p>(f) the number of 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.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 checked="" type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p> <p style="color: blue;">The courts have jurisdiction to decide in all adoption proceedings; the Central Authority shall carry out its tasks in accordance with the provisions of the Convention.</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 type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p style="color: blue;">Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p style="color: blue;">In-family adoptions fall within the scope of the HCCH 1993 Adoption Convention and the procedure should be respected.</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p style="color: blue;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:¹²</p> <p style="color: blue;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</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].

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

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> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response: Please insert text here</p>
38.	<p>Has your State encountered cases of breakdown 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: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not 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: Please insert text here</p> <p><input type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³ Please insert text here</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (<i>e.g.</i>, 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: Please insert text here</p> <p><input type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which other child protection measures are applied to protect children within the extended family: Please insert text here</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: Please insert text here</p>

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

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 checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</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>We have not encountered such a situation yet.</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges: Please insert text here</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: 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.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <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? Please insert text here</p> <p>(b) how was the child's habitual residence determined? Which factors were considered? Please insert text here</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? Please insert text here</p> <p>(d) what challenges did your State face in dealing with such situation(s)? Please insert text here</p>
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	<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> <p>Please insert text here</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 type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>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?</p> <p>N/A</p>
51.	<p>If your State permits both full and simple adoption, are simple adoptions encouraged / promoted?</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: In our State is permitted only full adoption.</p>

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

52.	<p>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)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
53.	<p>(a) Please specify any challenges your State encounters with simple adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: Please insert text here</p>

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts exist in your State?¹⁵</p> <p><input checked="" 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: Our legislation doesn't define the term "open adoption" or "openness in adoption". Irrespective that our legislation doesn't define the term "open adoption", in practice openness in adoption is promoted. The Professional guidance in the field of adoption, intended for experts at social work centers, includes issues regarding openness in adoption. In practice, this means that during the preparation of the PAPs, experts at social work center special attention pay to the issues concerning the child's right to know about their origin and the circumstances of their adoption. After adoption the experts at social work centre supports the family in communicating with the family members about the adoption.</p> <p><input type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts:</p>
55.	<p>Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: In practice in recent years a lot of attention is focused on openness in adoption - the awarness that children have right to know about their origin. Respect to the birth family is fundamental for child well-being and identity. This awareness is present not only among professionals but also among adoptive parents.</p> <p><input type="checkbox"/> No.</p>

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

56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: We have few intercountry adoption, adopted children are still relatively young and until now we didn't have such searching on the field of intercountry adoption. We informed experts at social work centers and adoptive parents with the procedure of searching for the biological roots for children adopted from Czech Republic, prepared by Czech Central Authority in July 2019.</p>
57.	<p>(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? N/A</p> <p>(b) Does your State have a specific approach depending on the profile of these children? <input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
58.	<p>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)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Experts at social work centers would provide professional support to adoptees and to adoptive families - depending on the specific situation.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</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 contact 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 challenges your State encounters regarding open adoptions: We do not have enough experience so far.</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: We do not have enough experience so far.</p>

¹⁶ 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].

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>Please insert text here</p>
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the consent of the birth parents who have lost their parental responsibility is <u>still</u> required?</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> <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. Please insert text here</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). Please insert text here</p> <p><input 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: 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>
	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions:</p>

65.	<p>Please insert text here</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p>Please insert text here</p>
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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 style="padding-left: 20px;">There is no specific rules in national law, but Article 29 of the HCCH 1993 Adoption Convention is directly applicable.</p> <p><input type="checkbox"/> No. Please specify:</p> <p style="padding-left: 20px;">(a) in which circumstances such contact is permitted;</p> <p style="padding-left: 40px;">Please insert text here</p> <p style="padding-left: 20px;">(b) the experience of your State with regard to such contact.</p> <p style="padding-left: 40px;">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.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p style="padding-left: 20px;">(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 60px;">Please insert text here</p> <p style="padding-left: 40px;"><input type="checkbox"/> No.</p> <p style="padding-left: 20px;">(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:</p> <p style="padding-left: 60px;">Please insert text here</p>
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¹⁷ 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"/> 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)?</p> <p>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;</p> <p>Please insert text here</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;</p> <p>Please insert text here</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;</p> <p>Please insert text here</p> <p>(d) how the children are prepared for such programmes;</p> <p>Please insert text here</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted;</p> <p>Please insert text here</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes;</p> <p>Please insert text here</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;</p> <p>Please insert text here</p> <p>(h) who finances such programmes;</p> <p>Please insert text here</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits).</p> <p>Please insert text here</p>

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>
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	<input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused: Please insert text here <input checked="" type="checkbox"/> No.
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <input type="checkbox"/> Yes. Please explain your response: Please insert text here <input checked="" type="checkbox"/> No. Please explain your response: According to national legislation, every applicant has to be first assessed and declared as eligible and suitable to adopt; the social work centre grant them the status of candidate adopter and enter them in the central database of candidate adopters. This rules shall also apply to adoption proceedings carried out in another country. If that procedure is not respected, there is no guarantee that an adoption can be carried out.

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>",¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted; Please insert text here</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt; Please insert text here</p> <p>(c) what the profile of these children was; Please insert text here</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected; Please insert text here</p> <p>(e) your State's experience with such adoptions. Please insert text here</p>
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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 (<i>e.g.</i> , blockchain to facilitate transmission and access to data)?
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¹⁸ "*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.

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

	<input checked="" type="checkbox"/> Yes. Please specify (a) what the experiences of your State are in this regard (<i>i.e.</i> , benefits and challenges) and (b) how your State take into account data protection in this context: <p style="color: blue;">New technologies, as Skype, E-mail and Internet, are very usefull tools, but there are also risks. E-mail is used for daily communication (fast and efficent way), Internet is a source of various information. Internet as a source of a variable information could also facilitate illegal practices on the field of adoptions. The challenge we would like to express is associated with social media, where adopted persons and/or birth families can make unsolicited contact without appropriate counselling and support.</p>
	<input type="checkbox"/> 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>i.e.</i> , excluding stepparent adoptions); ²⁰ 0 (b) stepparent adoptions; 0 (c) simple adoptions; 0 (d) open adoptions or adoptions that involve a certain degree of openness ; and No statistics (e) non-consensual adoptions. No statistics
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10. OTHER MATTERS

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