

ADOPTION

Prel. Doc. No 5
Doc. prélim. No 5

May / mai 2015

(E)



DRAFT MODEL FORMS FOR INTERCOUNTRY ADOPTION

drawn up by the Permanent Bureau

* * *

PROJETS DE FORMULAIRES MODÈLES RELATIFS À L'ADOPTION INTERNATIONALE

établi par le Bureau Permanent

*Preliminary Document No 5 of May 2015
for the attention of the Special Commission of June 2015
on the practical operation of the Hague Convention of 29 May 1993
on Protection of Children and Co-operation in Respect of Intercountry Adoption*

*Document préliminaire No 5 de mai 2015 à l'attention
de la Commission spéciale de juin 2015 sur le fonctionnement pratique de la
Convention de La Haye du 29 mai 1993 sur la protection des enfants
et la coopération en matière d'adoption internationale*

Churchillplein 6b, 2517 JW The Hague - La Haye | The Netherlands - Pays-Bas
☎ +31 (70) 363 3303 📠 +31 (70) 360 4867 | secretariat@hcch.net | www.hcch.net

Asia Pacific Regional Office - Bureau régional Asie-Pacifique | S.A.R. of Hong Kong - R.A.S. de Hong Kong | ☎ +852 2858 9912
Latin American Regional Office - Bureau régional Amérique latine | Buenos Aires | Argentina - Argentine | ☎ +54 (11) 4310 8372

I. INTRODUCTION

1. In 2005, the second meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention recommended "that the Permanent Bureau, in consultation with Contracting States and non-governmental organisations, develop a model form for the consent of the child (Article 4(d)(3)) as well as model forms or protocols regarding the operation of Articles 15 and 16 of the Convention".¹ In addition, it recommended that receiving States "encourage compliance with post-adoption reporting requirements of States of origin; a model form might be developed for this purpose."²

2. In preparation for the upcoming Special Commission meeting, the Permanent Bureau of the Hague Conference requested that Contracting States send to it any forms currently in use in the State in relation to these issues.³ On the basis of the forms provided, as well as existing good practice guidance, the Permanent Bureau has prepared a *first draft* of the following model forms:

- (1) Article 4(d)(3) - the Consent of the Child to his / her Intercountry Adoption;
- (2) Article 15 - the Report on the Prospective Adoptive Parents;
- (3) Article 16 - the Report on the Child;⁴ and
- (4) Post-Adoption Reports.

These draft model forms are attached at **Annexes 1 to 4** of this Preliminary Document.

3. It must be emphasised that these are tentative first drafts only prepared by the Permanent Bureau simply to provide a basis for discussion at this Special Commission meeting, in particular in relation to whether their development should be continued and, if so, in what manner (see further **Section II** below).

II. ISSUES FOR CONSIDERATION AT THE SPECIAL COMMISSION MEETING

4. As outlined in Fact Sheet No 1 on "*The People at the Heart of the Adoption*",⁵ the 2015 Special Commission meeting may wish to consider the following questions in relation to these draft model forms:

- a. Is there still a need for model forms on these particular issues - *i.e.*, Arts 4(d)(3), 15 and 16 and post-adoption reports - today?
- b. Are there other topics regarding which model forms should be developed?

For example, some States have suggested Articles 17(c) (the agreement of Central Authorities to the intercountry adoption proceeding) and 27 (*i.e.*, the certificate of conformity which should be prepared following the conversion of an intercountry adoption from a "simple" to a "full" adoption) as other areas which would benefit from model forms.

¹ Conclusions and Recommendations of the Special Commission on the Practical Operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (2005), Recommendation No 7.

² *Ibid.*, Recommendation No 18.

³ "Circular regarding preparations for the fourth meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention" (L.C. ON No 24(13)).

⁴ If the development of this Model Form is continued, the inter-relationship between it and the "Model form Medical Report on the Child" and its supplement (*i.e.*, Annex 7-6 to 7-13 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*, Family Law (Jordan Publishing Ltd), 2008 (hereinafter, "Guide to Good Practice No 1"), available on the website of the Hague Conference < www.hcch.net > in the specialised "Intercountry Adoption Section") needs to be discussed.

⁵ See Fact Sheet No. 1 on "The People at the Heart of the Adoption" (May 2015), prepared for the 2015 Special Commission meeting, at pp. 7 to 8. This document, along with all documentation prepared for the meeting, is available on the website of the Hague Conference < www.hcch.net > in the specialised "Intercountry Adoption Section", under "Special Commissions".

- c. If so, are there certain model forms which should be given priority such that they are developed with more urgency?
- d. To ensure coherence and consistency between all recommended model forms, if work continues to develop new model forms, should certain of the existing model forms (*i.e.*, the “Statement of Consent to the Adoption”⁶ and the “Medical Report on the Child” and its supplement⁷) be updated?
- e. If it is considered that work should continue to develop these model forms, what is the most effective procedure for this?

One possibility would be for written comments to be provided on the current first drafts during a fixed time-period. The Permanent Bureau could then evaluate the comments and determine whether it would be useful to establish a group of experts to work further on the development of the model forms.

- f. Lastly, how can it be ensured that any model forms developed (as well as the existing model forms) are used in practice by Contracting States in future?⁸ *I.e.*, how can the use of model forms be promoted effectively?

⁶ Annex 7-2 of the Guide to Good Practice No 1. This form might need to be updated to ensure consistency with any new model form developed concerning the consent of the child.

⁷ Annex 7-6 to 7-13 of the Guide to Good Practice No 1. This form might need to be updated to ensure consistency with any new model form developed concerning the Report on the Child (Art. 16).

⁸ See Fact Sheet No. 1 on “The People at the Heart of the Adoption” (*ibid.*) in which it was noted (at notes 118 and 119) that more than half of the States of origin which responded to the 2014 Country Profile reported that they do not use the “Recommended model form statement of consent to the adoption” (*i.e.*, Annex 7-2 of the Guide to Good Practice No 1). However, other States of origin reported using the recommended model form or another standard form (see the responses to question 12(c) of the 2014 Country Profile for States of origin). About a third of States of origin reported using the “Model form Medical Report on the Child” and its supplement (*i.e.*, Annex 7-6 of the Guide to Good Practice No 1).

ANNEXES

ANNEX 1

**DRAFT RECOMMENDED MODEL FORM
STATEMENT OF CONSENT OF THE CHILD
TO THE INTERCOUNTRY ADOPTION**

**DRAFT RECOMMENDED MODEL FORM
STATEMENT OF CONSENT OF THE CHILD
TO THE INTERCOUNTRY ADOPTION¹**

(Art. 4(d)(3) of the 1993 Hague Intercountry Adoption Convention)

A. STATEMENT OF CONSENT OF THE CHILD TO THE INTERCOUNTRY ADOPTION

Instructions for the child:

- Complete any empty spaces in the "About me" section (section 1 below) or, if it has been completed for you, read and check the information carefully.
- Read² each sentence in sections 2 to 7 below carefully and then tick the box to show that you have read and understood it.
- Sign this document only if you understand and agree with each sentence.
- You have the right to receive counselling and any information you need to understand what (1) this document and (2) an adoption means for you.
- You do not have to sign this document and no-one should force, threaten or in any way pressure you into signing it.
- You may receive a copy of this document.

1. ABOUT ME³

My name is _____ (full name of child).

I am: male
 female

I was born on _____ (date) of _____ (month) _____ (year) in _____ (place of birth).

My current address is: _____

2. MY ADOPTION AND MY ADOPTIVE PARENTS

I know that _____ (full name of prospective adoptive parent(s))⁴ is / are asking to adopt me.

I agree to being adopted by them.

I understand that being adopted means that my adoptive parent(s) will become my legal parent(s) and for all legal purposes I will be considered to be his / her / their child.

¹ To be used where the consent of the child to the intercountry adoption is required by national law.

² Note to official attesting the consent: if the child is illiterate, this Statement (*i.e.*, Part A of the model form) should be read aloud clearly to the child and, if the child is in agreement with the Statement, the child should place his / her "mark" (*e.g.*, thumbprint) at the end of the Statement instead of his / her signature.

³ Note to official attesting the consent: this section may be completed by you or the child, as appropriate in light of the child's age and degree of maturity. The information provided in this section should be the same as the information in the child's current identity document.

⁴ To be completed by the relevant official attesting the consent.

3. MY BIOLOGICAL PARENTS OR CURRENT LEGAL GUARDIAN(S)

Note to official(s) attesting the consent

- If the child is consenting to a FULL adoption (i.e., an adoption which severs the legal ties between the child and his / her biological parents or current legal guardian(s)), whether this full adoption is to be made in the State of origin or in the receiving State, the child should tick the first box.
- If the child is consenting to a SIMPLE adoption only (i.e., an adoption which does NOT sever the legal ties between the child and his / her biological parents or current legal guardian(s)), he / she should tick the second box.
- For further information, see [Articles 26 and 27 of the 1993 Hague Intercountry Adoption Convention](#) and the [Guide to Good Practice No 1](#)⁵ at Chapter 8.8.8.

For a "Full Adoption":

I agree to an adoption which ends the legal relationship between my biological parent(s) / legal guardian(s) (name(s))⁶ and me. I understand this means that for all legal purposes they will no longer be my parents / guardian(s).

OR

For a "Simple Adoption":

I agree to an adoption which does NOT end the legal relationship between my biological parent(s) / guardian(s) (name(s))⁷ and me. I understand this means that for all legal purposes they will remain my parents / guardian, in addition to my adoptive parents becoming my legal parents.

4. AFTER THE ADOPTION

I understand that after the adoption I will live with (full name of prospective adoptive parent(s))⁸ in his / her / their home in (city, country).⁹

I agree that my name after the adoption will be (full legal name after adoption).¹⁰

5. THE INFORMATION I HAVE RECEIVED

I have spoken with a:

- psychologist
- lawyer
- government official
- other - please write who it was here:

about this adoption.

⁵ The Hague Conference on Private International Law, *Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention*, Family Law (Jordan Publishing Ltd), 2008 (hereinafter, "Guide to Good Practice No 1"), available on the website of the Hague Conference < www.hcch.net > in the specialised "Intercountry Adoption Section".

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

This person:

- explained what an adoption is and what it will mean for me;
- explained what it means for me to sign this document; and
- told me that I may change my mind about the adoption until (*date*) and that after that date I will not be able to change my mind anymore.

6. MY CONSENT

I have not received or been promised any money, gift(s) or anything else in return for agreeing to this adoption.

I have not been threatened, forced or in any way pressured into agreeing to this adoption.

7. COPY OF THIS DOCUMENT

I have received a copy of this document.

I declare that I have fully understood the above statements and I agree to this adoption.

Done at

City, Country

on

Date

Signature of child:

B. DECLARATION OF WITNESS(ES) (where required by national law)**I. If the witness was also in charge of counselling the child about the adoption and duly informing him / her of the effects of the adoption and his / her consent**¹¹

I (full name) of (full address) hereby declare and certify that:

1. I am:

- A licensed psychologist
- A member of the Bar of
- A (title of government official)
- Other (please specify)

2. I am not acting for any other person in this adoption case and have no known connection with any other party in this case.

3. I have seen the following document(s) to satisfy myself as to the identity of the child providing his / her consent to this adoption:

4. I have explained to (child's full name) :

- The nature and effect of adoption under the law of ;
- The nature and effect of his / her consent to the adoption;
- The circumstances under which the consent may be withdrawn before it becomes irrevocable; and
- The date upon which his / her consent will become irrevocable.

I am satisfied that (child's full name) understands this information.

5. I am satisfied that (child's full name) :

- Has received appropriate and sufficient counselling and information about this adoption, in accordance with national law; and
- Has had ample opportunity to read (or have read to him / her) and ask questions about the "Statement of Consent" (Part A above) and any accompanying information.

6. I am not aware of:

- Any mental, emotional or physical unfitness of (child's full name) to give consent.
- Any attempt to threaten, induce or otherwise influence the child into providing his / her consent to this adoption.

7. On (date) at (city, country), I witnessed (child's full name) read and sign the "Statement of Consent" (Part A above) and thereby give his / her consent to this adoption.

Done at on

City, Country

Date

Signature of witness:

II. For any other witness(es)

¹¹ See Art. 4(d)(1).

I (full name) **of** (full address) **hereby declare and certify that:**

1. I have no known connection with any party in this case.
2. I have seen the following document(s) to satisfy myself as to the identity of the child providing his / her consent to this adoption:
3. I am not aware of:
 - Any mental, emotional or physical unfitness of (child's full name) to give consent.
 - Any attempt to threaten, induce or otherwise influence the child into providing his / her consent to this adoption.
4. **On** (date) **at** (city, country), **I witnessed** (child's full name) **read and sign the "Statement of Consent" (Part A above) and thereby give his / her consent to this adoption.**

Done at

City, Country

on

Date

Signature of witness:

DRAFT

C. CERTIFICATION OF THE AUTHORITY / PERSON AUTHORISED TO ATTEST THE CONSENT

Name:

Title:

1. I hereby certify that *(child's full name)* **appeared before me on this date and read¹² and signed¹³ the "Statement of Consent" document (Part A above) in my presence.**
2. I hereby certify that the witness(es) named above appeared before me on this date, witnessed the signature¹⁴ of the child and signed the "Declaration of Witness(es)" document (Part B above) in my presence. *(If not applicable, please delete.)*

Done at

on

City, Country

Date

Signature / Seal:

¹² Or had read to him / her (if the child is illiterate) – amend as appropriate.

¹³ Or placed his / her mark (if the child is illiterate) – amend as appropriate.

¹⁴ Or mark (if the child is illiterate) – amend as appropriate.

ANNEX 2

**DRAFT RECOMMENDED MODEL FORM
REPORT ON THE CHILD**

**DRAFT RECOMMENDED MODEL FORM
REPORT ON THE CHILD¹**

(Art. 16 of the 1993 Hague Intercountry Adoption Convention)

Date of the report	
Authority / body issuing the report	Name: Address:
Author of the report	Name: Function:
<p>Sources of information upon which this report is based: <i>e.g.</i>, interviews, counselling sessions, reports of professionals. For each:</p> <ul style="list-style-type: none"> • List the date(s) on which they took place • Identify the persons present • Attach any professional reports where possible (see Section J below). <p>Please also identify any <i>other</i> persons interviewed for the purposes of this report.</p>	

A. THE IDENTITY OF THE CHILD²

1. Full name at birth:
2. Date of birth:
3. Place of birth:
4. Gender: male female
5. Ethnicity:
6. Religion (if applicable):
7. Current address:
8. Chronology of child's placement history (beginning with the child's current place of residence):

From (date)	To (date)	Name and location of the alternative care placement (<i>e.g.</i> ,	Name of the primary care-giver during this placement and	Authority / body / person authorising the placement

¹ This model form concerns the report on the adoptable child necessary for his / her intercountry adoption (see Art. 16 of the 1993 Hague Convention). It complements any report on the child drafted previously or at the time of his / her placement in alternative care.

² If any of this information is unknown because the child was found, please write "unknown" and provide as much detail as possible in Section B below.

		extended family, foster care, institution)	relationship of this person to the child	

9. Details of the birth family if available and not confidential:

Note: Article 16(2) of the 1993 Hague Convention recalls that care must be taken not to reveal the identity of the child's birth mother or father in the information sent to the receiving State if, in the State of origin, these identities may not be disclosed.

Please therefore complete (a) to (e) below providing as much information about each family member as national law permits (e.g., full name, date of birth or age, place of residence, nationality, occupation).

- a. Mother:
- b. Father:
- c. Siblings:
 - Number of siblings:
 - Sex(es):
 - Any other information which can be provided:
 - Please give further details if one or more sibling(s) has / have been adopted domestically or internationally previously or are currently being considered for adoption:
- d. Grandparent(s):
- e. Other family member(s):
 - Relationship with the child:
 - Other information which can be provided:

B. THE CHILD'S LEGAL STATUS

1. Does the child have a birth certificate?

- Yes – please attach it to this report.
- No – please explain why not:
- Please specify the additional steps which must be undertaken for a birth certificate to be issued to this child:
 - Who is responsible for this procedure:
 - Please specify whether this has any impact on the child's ability to be adopted:

2. Does the child have the nationality of the State in which he / she is currently living?

- Yes – please attach a copy of the child's passport to this report.
- No – please explain why not:
- Please specify the additional steps which must be undertaken for the child to acquire this nationality:
 - Who is responsible for this procedure:
 - Please specify whether this has any impact on the child's ability to be adopted:

3. The circumstances which led to the child being declared adoptable

a. Was the child found?

- Yes
 No - go to question 3(b)

If yes, please provide the following information:

- The place where the child was found:
- The date on which the child was found:
- The approximate age of the child when found:
- The name(s) and address(es) of the person(s) who found the child and / or reported the child abandoned:
- The circumstances surrounding the finding of the child:
- The activities that have been undertaken in order to try to find the child's birth family (*in the free text field which follows each answer, please provide as much detail as possible*):
 - Interviews with neighbours, local people etc.
 - Television announcements
 - Radio announcements
 - Newspaper advertisements
 - Picture posters
 - Announcements at public meetings
 - Other. *Please specify:*
- The period during which these activities were undertaken:
- If no activity has been undertaken, please explain why:

b. Was the child entrusted for adoption by his / her birth family (i.e., birth parents or members of the extended family) or legal guardian(s)?

- Yes
 No - go to question 3(c)

If yes, please complete the following information:

- Name(s) and address(es) of the person(s) who entrusted the child:
- Circumstances surrounding the entrustment of the child:
- Activities that have been undertaken to try to prevent the permanent relinquishment of the child (*in the free text field which follows each answer, please provide as much detail as possible*):
 - Home visits:
 - Counselling sessions:
 - Social and psychological support:
 - Economic support:
 - Other. *Please specify:*

If the person who entrusted the child was under 18 years old at the time, please specify any particular measure taken to assist this minor:

c. Were the parental rights and responsibilities of the child's birth parents / legal guardian(s) removed by a court or other competent public authority?

- Yes
 No - go to question 3(d)

If yes, please complete the following information:

- Name and address of the court / public authority which issued the decision:
- Date of the final decision:
- If possible (*i.e.*, not confidential), please briefly describe the reasons for the decision:
- Please specify whether the birth parents / other legal guardian(s) agreed with this decision:

d. Neither (a), (b) nor (c) above apply.

- Please explain:

4. Name and address of the current legal guardian(s) of the child:

Please specify the relationship of this person / authority to the child:

5. Adoptability of the child³

a. The following consents (as applicable) to the child's intercountry adoption have been obtained in accordance with Article 4 of the 1993 Hague Convention:⁴

Note: Article 16(2) of the 1993 Hague Convention requires that the Central Authority of the State of origin also transmit to the Central Authority of the receiving State proof that the necessary consent(s) have been obtained.

- i. Consent(s) of the birth family (birth parents and / or members of the extended family, if applicable)
 - Yes. Please provide any details possible:
 - No. Any comment:
- ii. Consent(s) of any legal guardian(s) of the child:
 - Yes. Please provide any details possible:
 - No. Any comment:
- iii. Consent(s) of any relevant public authority / body or other person (e.g. Mayor, Chief of village)
 - Yes. Please provide any details possible:
 - No. Any comment:
- iv. Consent of the child:

³ See further the *Hague Conference on Private International Law, Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention*, Family Law (Jordan Publishing Ltd), 2008 (hereinafter, "Guide to Good Practice No 1") at Chapter 7.2.1, available on the website of the Hague Conference < www.hcch.net > in the specialised "Intercountry Adoption Section".

⁴ *Ibid.* at Chapter 2.2.3. In this regard, see the recommended model form "Statement of consent to the adoption" at Annex 7-2 of the Guide to Good Practice No 1.

- Yes. Please provide any details possible:
 No. Any comment:

v. Other:

- Yes. Please provide any details possible:
 No. Any comment:

b. The child's psycho-social adoptability⁵

- Name and address of the authority responsible for ensuring that the child is psycho-socially adoptable:
- Please briefly explain the process that has been undertaken to ensure that the child is psycho-socially adoptable:

c. Decision concerning the child's adoptability

- Date of the decision by the competent authority concerning the adoptability of the child:
- Name and address of the competent authority:
 - Administrative authority:
 - Judicial authority:
- If no particular document has been issued to declare the adoptability of the child, please explain the process that has been undertaken to ensure that the child is adoptable:

C. THE CHILD'S MEDICAL HISTORY, HEALTH AND DEVELOPMENT – please provide a separate Medical Report on the child (e.g., complete the Model Form "Medical Report on the Child" and its supplement⁶ or similar)

D. THE CHILD'S SPECIAL NEEDS

You may wish to cross-refer to the Medical Report on the Child (see Section C above) in this section.

1. Does the child have any special needs?

- Yes – please provide a detailed description and explanation, including how these needs have arisen and been identified:
- Medical - physical:
 - Medical psychiatric or psychological:
 - Behavioural / social:
 - Educational (e.g., learning disabilities):
 - Other (please specify):
- No. Please comment:

⁵ *Ibid.*

⁶ Available on the Hague Conference website at < www.hcch.net > under "Intercountry Adoption Section" and "Recommended Model Forms". Also available at Annex 7 of Guide to Good Practice No 1.

2. What is the current treatment plan to address the child's special needs and what progress has been made thus far?
3. Has the child received any special support regarding his / her special needs?
4. Is any additional support required which has not yet been provided?

E. THE CHILD'S FAMILY HISTORY

1. Please provide general information on the social, cultural and family background of the child (e.g., values and traditions of the family, any cultural practices).
2. Have there been any reports of neglect or abuse in the family?
3. What efforts have been made to reintegrate the child into his / her family and why did these efforts not succeed?
4. What efforts have been made to place the child in his / her extended family and why did these efforts not succeed?
5. Since the child has been in an alternative care placement (if applicable), what visits have the biological family made to the child and what type of relationship has been maintained?

F. THE CHILD'S CURRENT ENVIRONMENT

1. Type of placement:
 - Please describe the child's current placement:
 - Please provide details about the child's adjustment to his / her current place of residence:
2. Type of schooling (if applicable):
 - Date schooling started:
 - Overall performance, milestones achieved (including any significant grades achieved):
 - Strengths and weaknesses:

3. Activities (e.g. physical activities / sport, cultural activities, social activities, games / toys):
4. Favourite and least preferred activities:
5. Relationship with care providers / teachers:
6. Relationships with peers and friends:
7. Names of the children and adults with whom the child has developed strong relationships:
8. Any behavioural or social issues:

G. VIEWS CONCERNING THE CHILD'S INTERCOUNTRY ADOPTION

1. Reasons for the relevant competent authority determining that intercountry adoption is in this child's best interests (please include an explanation as to why *domestic* adoption was not considered a suitable option for this child):
2. Views of the birth family and / or other current care-giver(s) regarding the proposed intercountry adoption of the child:
3. The child's views and / or perception concerning the proposed intercountry adoption:
 - What does the intercountry adoption represent for him / her?
 - How did the child react to the proposed intercountry adoption?
 - How did he / she react to being separated from his / her siblings (if applicable)?
 - Does the child fully understand the consequences of an intercountry adoption?

H. PREPARATION OF THE CHILD FOR INTERCOUNTRY ADOPTION

1. Name of the person in charge of the child's preparation for intercountry adoption:
2. Please explain the process which has been undertaken to prepare the child for the intercountry adoption:
3. Has the child received counselling?
 - Yes – please provide details:
 - No – please explain why not:

I. ADDITIONAL COMMENTS / RECOMMENDATIONS

Any other comments / recommendations:

J. CHECKLIST OF DOCUMENTS TO ATTACH TO THIS REPORT (as applicable)

Where possible, please attach the following documents to this report:

- The child's birth certificate
- A copy of the child's passport
- Proof of any required consent(s) to the child's adoption
- The declaration of adoptability of the child
- The Medical Report on the child (*i.e.*, the completed "Medical Report on the Child"⁷ and its supplement, or similar)
- Any other professional reports concerning the child (*e.g.*, psychological reports, school or educational reports)
- Photographs of the child

If disclosure of the following documents is permitted by national law (*i.e.*, if the following documents are not confidential), please also attach:

- Any decision of an authority removing the rights / responsibilities of the birth parents and / or legal guardian(s)
- Any Guardianship Order(s) relating to the child
- Any Placement Order(s) relating to the child

⁷ See note 6 above.

ANNEX 3

**DRAFT RECOMMENDED MODEL FORM
REPORT ON THE PROSPECTIVE ADOPTIVE PARENTS**

**DRAFT RECOMMENDED MODEL FORM
REPORT ON THE PROSPECTIVE ADOPTIVE PARENTS¹**

(Art. 15 of the 1993 Hague Intercountry Adoption Convention)

Date of the report	
Authority / body issuing the report	Name: Address:
Author of the report	Name: Function:
Sources of information upon which this report is based: <i>e.g.</i> , individual / joint interviews, home visits, reports of professionals. For each: <ul style="list-style-type: none"> • List the date(s) on which they took place • Identify the persons present • Attach the reports of professionals, where possible (see Section J below) Please also identify any <i>other</i> persons interviewed for the purposes of this report.	

A. THE IDENTITY OF THE PROSPECTIVE ADOPTIVE PARENTS²

	Prospective adoptive parent (1)	Prospective adoptive parent (2)
1. General information		
Full name		
Date of birth		
Place of birth		
Gender		
Nationality(ies)		
Native language		
Any other languages (indicate level)		
Religion (if applicable)		
Highest level of education		
Current employment	Occupation:	Occupation:

¹ In general, this model form refers to the prospective adoptive parents in the plural form for ease of reference. However, it is also possible to complete the form for a single prospective adoptive parent.

² Please note that Sections A to H of this Model Form follow the order set out in Article 15(1) of the 1993 Hague Convention concerning the issues which should be addressed in the report on the prospective adoptive parents.

	Employer: Employment status (<i>e.g.</i> , full-time, part-time): Start date of this job:	Employer: Employment status (<i>e.g.</i> , full-time, part-time): Start date of this job:
2. Contact information		
Address		
Telephone number(s)		
E-mail address(es)		
Any other contact information (<i>e.g.</i> , Skype name(s))		
3. Civil status of the prospective adoptive parents		
Please indicate the civil status of the prospective adoptive parent(s).	<input type="checkbox"/> Married – please provide the date of the marriage: <input type="checkbox"/> Other legally registered partnership - please provide the date of civil registration: <input type="checkbox"/> <i>De facto</i> relationship (<i>i.e.</i> , <u>not</u> legally registered) - please specify when the relationship commenced and when cohabitation commenced: <input type="checkbox"/> Single:	
Has / have the prospective adoptive parent(s) been married previously? If so, please specify for how long and include the year of the divorce.	<input type="checkbox"/> Yes: <input type="checkbox"/> No	<input type="checkbox"/> Yes: <input type="checkbox"/> No
4. Other person(s) living with the prospective adoptive parents		
Do any children currently live with the prospective adoptive parents?	<input type="checkbox"/> Yes – please specify their: <ul style="list-style-type: none"> - Full name(s): - Date(s) of birth: - Nationality(ies): - Whether they are biological, step-children or adopted children (including date of adoption decision and State of origin, where relevant): - Whether they are living full-time or part-time with the prospective adoptive parents: <input type="checkbox"/> No	
Do any other persons currently live with the prospective adoptive parents?	<input type="checkbox"/> Yes – please specify their: <ul style="list-style-type: none"> - Full name(s): - Date(s) of birth: - Nationality(ies): 	

	<ul style="list-style-type: none"> - Relationship with prospective adoptive parent(s): - Reason for living with the prospective adoptive parent(s): - Whether they are living full-time or part-time with the prospective adoptive parents: <input type="checkbox"/> No	
Does either prospective adoptive parent have biological children who are not living with them <u>at all</u> (<i>i.e.</i> , not even part-time)?	<input type="checkbox"/> Yes - please explain why: <input type="checkbox"/> No.	<input type="checkbox"/> Yes - please explain why: <input type="checkbox"/> No.

B. THE DETERMINATION OF THE PROSPECTIVE ADOPTIVE PARENTS' ELIGIBILITY AND SUITABILITY TO ADOPT (ART. 5(a))

1. Which authority / body / person has determined that the prospective adoptive parents are "eligible and suited" to adopt?

Name of authority / body / person (if person, include title / function):

Date of determination:

Note: please attach any decision / certificate / declaration of eligibility and suitability to adopt which the competent authority / body / person has issued (see Section J below)

2. For how long is this determination valid?

- Indefinitely, but certain documents upon which it is based are subject to periodic updating (*e.g.*, the home study report is updated periodically) – *please specify:*
- For a finite period – *please specify the period:*
- Other – *please specify:*

3. Is this determination of eligibility and suitability to adopt for all profiles of children from all States of origin (*i.e.*, a general determination) or is it limited to certain profiles of children and / or certain States of origin only?

Note: Section H below requests information regarding the characteristics of the children for whom these prospective adoptive parents are suited to care. This question relates only to whether the determination of eligibility and suitability to adopt is limited in any way.

- It is a general determination for all profiles of children from all States of origin:
- It is a limited determination for specific profiles of children and / or specific States of origin only – *please specify:*
- Other – *please specify:*

4. Please describe (a) the process which has been undertaken in order to reach this determination, as well as (b) the sources of information which have been relied upon:

- a. Process undertaken:
- b. Sources of information relied upon - *please provide as much detail as possible and / or attach this information to this Report if possible (see section J below):*

- Interviews with prospective adoptive parents:
- Interviews with any child(ren) in the family home:
- Interviews with significant other persons:
- Medical reports on the prospective adoptive parents:
- Psycho-social assessments of the prospective adoptive parents:

- Criminal / child protection / other background checks of the prospective adoptive parents:
- Family profile / life story of the prospective adoptive parents:
- References:
- Application form of prospective adoptive parents:
- Other – *please specify:*

- 5. Please add any other comment concerning the determination of the prospective adoptive parents' eligibility and suitability to adopt:

C. THE PROSPECTIVE ADOPTIVE PARENTS' BACKGROUND, INCLUDING FAMILY HISTORY

Note: if a "Home Study Report" or similar is attached to this report and covers all the issues set out below, you may simply refer to it and proceed to Section D below.

	Prospective adoptive parent (1)	Prospective adoptive parent (2)
Please list any other significant members of each prospective adoptive parent's family – e.g., parents, siblings, aunts, uncles, cousins.		
Describe the quality of the relationships of each prospective adoptive parent with these other family members.		

<p>Describe each prospective adoptive parent's general experience of childhood.</p> <p>Please include any history of violence or addiction within the family or social network and any trauma suffered.</p>		
<p>Does either prospective adoptive parent have any specific religious, ethnic or cultural practices?</p>		
<p>What are the social activities of each prospective adoptive parent (e.g., hobbies, interests)?</p>		
<p>What are their professional backgrounds (if applicable) and future ambitions concerning their careers?</p>		
<p>Do the prospective adoptive parents have any history of:</p> <ul style="list-style-type: none"> - Being abusive (whether physically or psychologically); or - Addiction? 		
<p>Do you have any other comment concerning the prospective adoptive parents' background?</p>		

D. THE MEDICAL HISTORY AND CURRENT HEALTH OF THE PROSPECTIVE ADOPTIVE PARENTS

Note: if a full Medical and / or Psychological Report in relation to each prospective adoptive parent is attached to this report and covers all the issues set out below, you may simply refer to it and proceed to Section E below.

	Prospective adoptive parent (1)	Prospective adoptive parent (2)
Please provide a brief <u>medical history</u> for each prospective adoptive parent.		
Describe the <u>current physical health</u> of each prospective adoptive parent, including: <ul style="list-style-type: none"> - whether they are currently suffering from any illness; and / or - any physical disability; and - any treatment currently being received 		
Describe the <u>current psychiatric and psychological health</u> of each prospective adoptive parent, including: <ul style="list-style-type: none"> - any current diagnoses (e.g., personality disorder, mental illness); and / or - any treatment currently being received 		
Are there any hereditary diseases or congenital abnormalities in the prospective adoptive parents' families?		
Is either prospective adoptive parent infertile?		

Do you have any other comment concerning the prospective adoptive parents' medical history or current health?		
---	--	--

E. THE SOCIAL ENVIRONMENT OF THE PROSPECTIVE ADOPTIVE PARENTS

Note: if a "Home Study Report" or similar is attached to this report **and covers all the issues set out below**, you may simply refer to it and proceed to Section F below.

	Prospective adoptive parent (1)	Prospective adoptive parent (2)
<p>Please briefly describe the financial resources of the prospective adoptive parents.</p> <p>Please include their:</p> <ul style="list-style-type: none"> - Income - Assets (e.g., savings, properties) - Any debts. 		
<p>What is the work schedule of each prospective adoptive parent?</p> <p>Please specify working hours, days off per year etc.</p>		
<p>Please describe the home of the prospective adoptive parents.</p>		
<p>Please describe the prospective adoptive parents' neighbourhood (e.g., rural or urban, schools available, medical care facilities, security).</p>		

What is the opinion of relatives and friends concerning the proposed adoption?	
--	--

F. THE PROSPECTIVE ADOPTIVE PARENTS' REASONS FOR INTERCOUNTRY ADOPTION AND THEIR INTERCOUNTRY ADOPTION PLAN

Note: if a "Home Study Report" or similar is attached to this report **and covers all the issues set out below**, you may simply refer to it and proceed to Section G below.

Prospective adoptive parents (1) and (2)	
1. Motivation to intercountry adopt	
Please provide a brief description of the prospective adoptive parents' reasons for wishing to adopt a child, particularly <i>intercountry</i> .	
2. The counselling and preparation undertaken	
Have the prospective adoptive parents had any counselling in relation to the adoption?	
<p>Have the prospective adoptive parents participated in any training course(s) to prepare for adoption, particularly <i>intercountry</i>?</p> <p>If so, please specify whether:</p> <ul style="list-style-type: none"> - The course(s) were general or specific to certain profiles of children or States of origin; and / or - Whether one or both prospective adoptive parents participated in them. 	

3. The plan for post-adoption	
<p>What is the plan for the family adjustment following the adoption (e.g., registration in day-care or school, daily routine)?</p> <p>Is someone other than the prospective adoptive parents expected to be a regular care-giver?</p>	
<p>Please describe where it is envisaged that any adopted child will live within the home – <i>i.e.</i>, will the adopted child have his / her own room or share with siblings? <i>Etc.</i></p>	
<p>What post-adoption services have been identified to support these prospective adoptive parents?</p>	
<p>What is the prospective adoptive parents' attitude towards communicating the fact of the adoption and his / her origins to the child?</p>	
<p>What is the prospective adoptive parents' attitude towards the possibility of the child maintaining links with his / her biological family?</p>	
<p>If the prospective adoptive parent is single, what is his / her attitude towards communicating to the child the reason for the absence of a father or mother?</p>	

For an INTRA-FAMILY / RELATIVE ADOPTION, please specify:

	Prospective adoptive parent (1)	Prospective adoptive parent (2)
1. Description of relationship		
What is the relationship between the child(ren) and the prospective adoptive parents (<i>e.g.</i> , aunt / niece, grandparent / grandchild)?		
What kind of relationship do the prospective adoptive parents already have with the child(ren) (<i>e.g.</i> , length and nature of time spent together)?		
2. Motivation to adopt the particular child		
Provide a brief description of the prospective adoptive parents' reasons for wishing to adopt the child(ren).		
What successes and challenges have already been encountered in establishing a parent-child relationship with the child(ren)?		

G. THE ABILITY OF THE PROSPECTIVE ADOPTIVE PARENTS TO UNDERTAKE AN INTERCOUNTRY ADOPTION

Note: if a "Home Study Report" or similar is attached to this report and covers all the issues set out below, you may simply refer to it and proceed to Section H below.

	Prospective adoptive parent (1)	Prospective adoptive parent (2)
1. The personalities of the prospective adoptive parents		
Provide a brief description of the personality of each prospective adoptive parent		
What is their outlook on life and what are their key values?		
What is their capacity to cope with (1) change and (2) stress within the family?		
How have they coped with infertility (if applicable)?		
Describe the relationship between the prospective adoptive parents.		
Describe the relationship between the prospective adoptive parents and any existing children (if applicable).		
2. The parenting skills of the prospective adoptive parents		
Provide a brief description of any previous parenting experience of either prospective adoptive parent.		

<p>What is each prospective adoptive parent's understanding of children's needs and development?</p>		
<p>What is each prospective adoptive parent's vision of his / her role as a mother or father?</p>		
<p>What is each prospective adoptive parent's vision of <i>his / her partner's role</i> as a mother or father?</p>		
<p>What is each prospective adoptive parent's approach to:</p> <ul style="list-style-type: none"> - Discipline; and - Education? 		
<p>What is each prospective adoptive parent's expectation regarding raising an adopted child?</p> <p>Do they appreciate the different needs an adopted child may have from a biological child?</p>		
<p>How prepared are the prospective adoptive parents to deal with any issues that may arise after the adoption (<i>e.g.</i>, adjustment issues, post-traumatic stress, issues concerning ethnicity / race)?</p>		
<p>Do the prospective adoptive parents have a support network of persons?</p>		

H. THE CHARACTERISTICS OF THE CHILDREN FOR WHOM THESE PROSPECTIVE ADOPTIVE PARENTS WOULD BE QUALIFIED TO CARE

In light of all the information provided above, please describe, in as much detail as possible, the characteristics or profile of children for whom these prospective adoptive parents would be qualified to care.

Please provide reasons for your recommendation and please include an explanation of the following:

- a. Whether the prospective adoptive parents are suited to adopt children from any State of origin;

And

- b. Whether the prospective adoptive parents are suited to adopt children with special medical or other needs? If so, please provide as much detail as possible concerning the particular type of special needs children for whom these prospective adoptive parents would be suited to care.

I. ADDITIONAL COMMENTS / RECOMMENDATIONS

Any additional comments or recommendations:

J. CHECKLIST OF DOCUMENTS TO ATTACH (as applicable)

Where possible, please attach the following documents to this report:

- Application form of prospective adoptive parents
- Copy of birth certificates of prospective adoptive parents
- Copy of any marriage certificate / civil registration of relationship
- Divorce certificate(s) (if applicable)
- Copy of passports of prospective adoptive parents
- Any decision / certificate / declaration of the prospective adoptive parents' eligibility and suitability to adopt which has been issued by the competent authority / body / person
- Any "Home Study Report" (or similar) on the prospective adoptive parents
- Any Medical Report(s) on the prospective adoptive parent(s)
- Any Psycho-social Assessment / Report on the prospective adoptive parents
- Criminal / child protection / other background checks on the prospective adoptive parents
- Proof of financial means of the prospective adoptive parents
- Attendance certificates for training / preparation / counselling courses
- Contract with an adoption accredited body (if applicable)
- Photographs of the prospective adoptive parents
- Family profile / life story of the prospective adoptive parents
- Any references

ANNEX 4

**DRAFT RECOMMENDED MODEL FORM
POST-ADOPTION REPORT ON THE CHILD**

**DRAFT RECOMMENDED MODEL FORM
POST-ADOPTION REPORT ON THE CHILD¹**

Date of the report	
Authority / body issuing the report	Name: Address:
Author of the report	Name: Function:
Sources of information upon which this report is based: <i>e.g.</i> , individual / joint interviews, home visits, reports of professionals. For each: <ul style="list-style-type: none"> • List the date(s) on which they took place • Identify the persons present • Attach the reports of professionals, where possible (see Section J below) Please also identify any <i>other</i> persons interviewed for the purposes of this report.	
Is this an initial (<i>i.e.</i> , first) post-adoption report in respect of this child or a follow-up post adoption report?	<input type="checkbox"/> An initial post-adoption report <input type="checkbox"/> A follow-up post-adoption report – <i>please provide the date(s) of any previous post-adoption reports and clearly identify in the body of this report any changes which have taken place since the last post-adoption report:</i> .

A. THE IDENTITY OF THE CHILD

1. Full name at birth:
2. Current full name:
3. Date of birth:
4. Place of birth:
5. Gender: male female
6. Child's residence prior to the adoption:
7. Accredited body or approved persons involved in the child's adoption:
 - a. In the State of origin:
 - b. In the receiving State:

¹ This model form can be used for any post-adoption reports required *after an adoption decision has been made*, as well as for follow-up reports on children that have been entrusted to prospective adoptive parents for the purpose of an adoption that *will be made later* in the State of origin or in the receiving State (*i.e.*, where a "probationary period" is being undertaken). In the latter case, appropriate modifications to the model form will have to be made.

8. Competent authority which issued the adoption decision:
9. Date of the adoption decision:
10. Date of arrival of the child in the receiving State:
11. Details of the adoptive family if not confidential:

Note: care must be taken not to reveal the identity of the child's adoptive family in the information sent to the State of origin if, in the receiving State, these identities may not be disclosed. Please therefore complete the section below providing as much information as national law permits.

Full name(s):

Age(s):

Current occupation(s):

Name(s) and age(s) of the other children of the family (if applicable):

B. THE CHILD'S CURRENT LEGAL STATUS

1. Is the child still placed with the family with which he / she was originally placed in the receiving State?
- Yes
- No. Please specify:
- Why the child was relinquished by the original adoptive family or removed from the care of this family:
 - The legal basis for any relinquishment or removal, including the name of the competent authority(ies) that issued any decision(s) and the date(s) of any decision(s):
 - The current placement and the current legal status of the child:
 - Any plans for any future placement of the child:
2. The nationality of the adopted child
- a. Does the child still have the nationality of the State of origin?
- Yes. Any comment:
- No. Any comment:
- b. Has the child acquired the nationality of one or both of the adoptive parents?
- Yes. Please specify the nationality acquired and the date on which the child acquired it:
- No. Please explain why not:
- c. Has the child acquired another nationality?
- Yes. Please specify which nationality and the date on which it was acquired:
- No.

C. THE CHILD'S HEALTH

1. What was the child's age at the time of the adoption and what is his / her current age?
2. What was the child's height and weight at the time of the adoption and what is his / her current height and weight?
3. Please list the vaccinations the child has received, including the date on which each was received.
4. Has the child suffered any of the following:
 - b. Illnesses – *please specify*:
 - c. Infections – *please specify*:
 - d. Hospitalisation – *please specify*:
5. What is the child's diet, including feeding and eating habits? Does the child have any food allergies?
6. What are the child's sleep and napping patterns (if applicable)?
7. Was the child's health status at the time of the adoption consistent with the status as described in the "Report on the Child" transmitted pursuant to Article 16 of the 1993 Hague Convention?
 - Yes
 - No. Please indicate which health issues have been detected since the adoption which were not described in the report:
8. Please describe the child's current health status and any ongoing treatment:

D. THE CHILD'S DEVELOPMENT

1. What are the current observations of the child's:
 - a. Cognitive and verbal development:
 - b. Emotional and social development:
 - c. Physical development and motor skills:
2. What developmental milestones has the child attained?
3. What developmental delays does the child currently have and what is the plan of action to address them?

4. How has the child's ability to self-care developed? *I.e.*, is the child able to dress, feed and keep him / herself clean?
5. What is the personality, temperament and general behaviour of the child at the current time?

E. THE CHILD'S SPECIAL NEEDS

Note: if the child has no special needs, you may proceed to Section F below.

1. Were the child's special needs, as known today, described accurately in the "Report on the Child" transmitted prior to the adoption pursuant to Article 16 of the 1993 Hague Convention?
 - Yes
 - No. Please indicate which special needs have been detected since the adoption which were not described in the report:
2. What was the original treatment plan regarding these special needs and has this plan been successfully implemented? If so, what progress has been made?
3. What is the current treatment plan to address the child's special needs?
4. What post-adoption support has been received by the family regarding the child's special needs?
5. What has the effect of these special needs been on the adoptive family?

F. THE CHILD'S FAMILY ADJUSTMENT

1. What are the bonding and attachment observations between the adoptive parents, other children in the adoptive family, the extended family and the adopted child? Please assess each relationship separately.
2. What are the positive aspects of the child's current relationships with his / her adoptive family?

3. What issues and challenges have been encountered by:
 - a. The child - in adjusting to the new family environment:
And
 - b. The adoptive family - in caring for the child (*e.g.*, adjustment to new parenting responsibilities, influence of adoption on parent's relationship, effects on other children in the adoptive family)?
4. What methods have been used, and what support has been received, to cope with any difficulties? Please include the use of any external resources (*e.g.* social workers, therapists, psychologists)?
5. What education and disciplinary methods have been used in caring for the child (including family values and traditions)?
6. What are the living conditions in the home (*e.g.*, does the child have his / her own room, is there space for play or study)?
7. What is the family dynamic in the home (*e.g.*, are both adoptive parents active in parenting, what are their respective roles, what is the time distribution)?
8. How is childcare arranged by the adoptive family (*e.g.*, are baby-sitters used, or are there family members who help)?
9. Has the child been accepted by, and has he / she integrated into, the extended adoptive family?
10. Has the child been integrated into the broader social environment of the adoptive family (*e.g.*, friends of the adoptive family, other adoptive families and support groups)?
11. Have there been any significant changes in the family since the child was adopted (*e.g.*, changes in marital status, residence, employment, persons living in the home, illness)?
12. What is the current perception of the adoptive parents regarding the adoption?

G. THE CHILD'S SOCIAL ADJUSTMENT

1. Is the child currently in day-care or schooling? Please specify.
2. What date did he / she start in this day-care / school?
3. What is his / her overall performance and what milestones has he / she achieved?
4. What are his / her current strengths and weaknesses at day-care / school?
5. What are his / her favourite and least favourite subjects / activities in day-care / school?
6. What are the child's current linguistic skills and has he / she acquired a new language?
7. Does he / she require any special assistance / tutoring (e.g., language classes)?
8. What extra-curricular activities does he / she enjoy (e.g., physical activities / sport, cultural activities, social activities, games / toys)? Please specify, including his / her favourite and least favourite extra-curricular activities.
9. What is the quality of his / her relationships with any day-care providers or teachers?
10. What is the quality of his / her relationships with peers and friends?
11. Does he / she have any behavioural or social issues?

H. THE CHILD'S ORIGINS

1. What has been done since the adoption, and what is currently being done, to inform the child about his / her origins, history, the adoption procedure and generally to help the child cope with the adoption (*e.g.* talking to the child, showing photos from the child's life before adoption, maintaining a life book)?

2. What has been done since the adoption, and what is currently being done, to help the child manage his / her memories concerning the pre-adoption period?

3. Has anything been done since the adoption to maintain the child's connection with his / her culture of origin (*e.g.*, language, religion, food)?

4. Have any challenges been encountered since the adoption concerning the child's origins and the adoption (including racial or ethnic discrimination)?

5. Does the child have any contact with his / her birth family?
 - Yes - please specify the type of contact (*e.g.*, letter, telephone, skype, in-person), the frequency of the contact, how it is progressing and any positive consequences, as well as challenges, which have arisen:
 - No. Any comment:

I. ADDITIONAL COMMENTS / RECOMMENDATIONS

Are there any other comments or recommendations?

J. CHECKLIST OF DOCUMENTS TO ATTACH TO THIS REPORT (as applicable)

Where possible, you may wish to attach the following documents to this report:

- Recent photographs of the child
- Any updating medical and / or psychological reports
- Any updating educational reports (*e.g.*, school reports, copies of certificates)