

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

Name of State:	Uruguay – Non-official translation by the Embassy of Uruguay in the Netherlands
<u>Information for follow-up purposes</u>	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	<p>Has your State centralised, in a public facility, information concerning the child’s origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised:</p> <p style="padding-left: 20px;">Information regarding the birth family of adoptees is centralized by the Adoption Department. The Department has a file that contains the family's data, as well as information regarding the processes that took place prior to the adoption. This information is not of public access but is provided to the interested party, through the technical team. Uruguay carries out important work in terms of the transmission of their origin to adoptees. This work is regulated by Law 19092 Art. 160, "(Knowledge of the status of adopted) .- All adoptees have the right to know their status as such, at the earliest age, within what is advised to the parents according to the specific case" This article exclusively addresses situations in which a judicial adoption process had place. Other situations are referred to the relevant organizations.</p> <p><input type="checkbox"/> No. Please specify where the information is stored:</p> <p style="padding-left: 20px;">Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response:</p> <p style="padding-left: 20px;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

1.1.2. Search for origins

3.	<p>Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided:</p> <p style="padding-left: 20px;">The Adoption Department has -as indicated by the legislative framework that regulates adoption- an area that specializes in the search for the origins of adoptees, since 2009. It</p>
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	<p>has a technical team that seeks information and supports the interested parties during the process, and also gives support during the coordination of the first meetings. The legal framework is established in the Code of Children and Adolescents, the law on the right to have access to public information -Law 18381-, and the law of protection of personal data and habeas data -18331- (as the archive law, No. 18220). This framework establishes access to information according to who performs the search.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled: Please insert text here</p>
4.	<p>Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: The teams from the different areas work with the applicants on the importance of the transmission of the origin to the adoptees since the informative interview, as well as in different workshops, and in the assessment and integration processes. Likewise, once the child is integrated into the adoptive family, the team continues the approach through the follow-up area.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (e.g., government, private companies, NGOs); N/A</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; N/A</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; N/A</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. N/A</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations?</p> <p>When the information regarding the origin is incomplete, inter-institutional coordination is carried out, in order to obtain data that contributes to obtaining useful information for the interested party, counting on several agreements for this purpose (Municipality of Montevideo, National Directorate of Civil Identification, among others). In the cases in which no documentary information is found, emotional support is given, and other possible actions are recommended to the interested party, in order to reconstruct his/her story through the story of his/her family.</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>

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].

	In case of detecting practices carried out outside the current regulations, the interested party is oriented in the search of his/her origin through the stories of his/her adoptive family, or other close contacts.
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful;</p> <p>There where 516 requests to search for origins from 2014 to May 2020. The department is working with 186 of these requests and has managed to respond properly to 160 of them.</p> <p>(b) how many were not successful and what were the reasons.</p> <p>It has not been possible to answer 152 requests, and in 18 cases the answers have not been satisfactory, in both cases this is the result of lack of documentary information regarding the adoption process. In Uruguay, the procedures have undergone modifications, and the actions directed to safeguarding the documentation about adoptees' origins have not always been preserved. This has led to difficulties in searches.</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: In Uruguay, the information about the identity of the people who have been adopted is preserved.</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>Provided that the interested party in knowing the information is the birth family, the area of search for origins will act as a mediator, both regarding the information, and the possible meetings with the adopted child. If the adoptee is under 18 years of age, the contact is made through the responsible adult.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Uruguay has regulated the filing and organization of the information regarding its residents in general and, in particular, of the children and teenagers with whom the Institute works. In this sense, there is an Archive of Life Stories where documentation regarding the children can be found.</p> <p><input 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 checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>The Institute has developed a monitoring device within the Adoption Department in compliance with current regulations. An accompaniment of the families is carried out for at least one year after the integration of the child to their adoptive family.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families);</p> <p>The technical team -in charge of monitoring adoptive families- follows up the post-integration process, focused on the well-being of the integrated child and the skills and capacities to be deployed by adults to respond to it. We work with both children and adults.</p> <p>(b) who provides the services (<i>e.g.</i>, social welfare administration, school, health personnel);</p> <p>N/A</p> <p>(c) whether the professionals involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);</p> <p>In the Department, there is an area in charge of assessing applicants, and another in charge of monitoring and accompanying integrated children and adults.</p> <p>(d) how, if there are different services, these various services are coordinated;</p> <p>Coordination instances are carried out between the different areas, in order to define the operating criteria of the entire Department, and in its different processes. When necessary, the areas jointly evaluate the strategy to be deployed for each case.</p> <p>(e) how the post-adoption services are financed (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);</p> <p>N/A</p> <p>(f) the length of time this support is available.</p> <p>Please insert text here</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services.</p> <p>The Department supports and accompany the children and adoptive families; however, the work with all birth families is not carried out in a systematic way. In case the family is working with another device in the territory, this team of professionals accompanies the birth family.</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].

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: People who have been adopted have the right to access the information in their file at the Institute's offices, where they can access to the documentation related to their life history.</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>
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1.3. Post-adoption reports

Receiving States only

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

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>In Uruguay, post-adoption reports are made by the follow-up area, during the year in which the area approaches the adoptive family. Once the integration has finished, and in case the Judge acting in the process so requires, these reports could be sent to the Judge.</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](#)").

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
Please insert text here
- (b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;⁷
Please insert text here
- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;
Please insert text here
- (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;
Please insert text here
- (g) how many of these cases included a **new placement** (*e.g.*, foster care, new adoption) for the child;
Please insert text here
- (h) how many cases of breakdowns were intercountry adoptions done (a) under the **1993 Adoption Convention** ; and (b) outside of the Convention (*i.e.*, prior to the entry into force of the Convention in your State or with non-State Party);
Please insert text here

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."

- (i) in line with **Recommendation No 20**⁹ of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

Please insert text here

Receiving States only

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

States of origin only

25.	<p>Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <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>
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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."

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>All post-integration services, that provide guarantees to the process and focus on the welfare of the adopted child, should be widely developed and circulated in all countries where these processes are carried out. In this understanding, the Guide should contain aspects that contribute to the strategies for dealing with the complexities of the construction of their new identity, guaranteeing respect and the transmission of origin, as well as guiding the practices of those situations where the birth family has preserved the bond with the adopted child or teenager.</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>
	<p>Please specify any good practices of your State to prevent and address illicit practices.</p>

30.	The regulations in force in Uruguay have regulated the way in which adoption processes are carried out, and centralized both national and international processes through the intervention of the Institute as the Central Authority. The procedures are widely known to all the actors involved.
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 adoption can be revoked through the Family Judges who authorized the adoption, considering the best interests of the child or teenager, and is considered an extraordinary procedure.</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the grounds upon which this may be done; Please insert text here</p> <p>(d) whether there is an age limit for the annulment of an adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p> <p>(f) the number of intercountry adoptions which are on average annulled per year. Please insert text here</p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so; Please insert text here</p> <p>(b) who can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the grounds upon which this is done; Please insert text here</p> <p>(d) whether there is an age limit for the revocation of the adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p> <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 type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p> <p>Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>In all adoption processes, the best interests of the child are prioritized, evaluating the possibilities of the child joining an adoptive family from the list of applicants, as well as joining their extended family.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>For this type of process, an adaptation of the process usually carried out is carried out, considering the pre-existing link, and the strategies are evaluated in each case.</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:¹²</p> <p>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:

- recalled that in-family adoptions **fall within the scope** of the Convention;
- recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- 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 checked="" 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 checked="" type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³ In cases where a relative of the birth family could take care of the child, it is proposed to carry out the custody process. In all cases, it will be considered whether the bond with the child is significant, even when the adult resides in a different country.</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (e.g., kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> Other child protection measures are applied. Please specify: (a) which other child protection measures are applied to protect children within the extended family: In Uruguay, usually, when the child or teenager is being taken care of by a relative of his/her birth family, who has the capacity to take care of the child, a custody process is initiated.</p>

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

	<p>(b) if your State is a Party to the 1996 Child Protection Convention, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p>Please insert text here</p>
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3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Uruguay has not had any cases of this type of procedure.</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>N/A</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions: N/A</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges: N/A</p>

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

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

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

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

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: As of the approval of Law 19092, the only legal figure is full adoption.</p> <p><input 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? N/A</p>

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

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: Simple adoption processes are not carried out in Uruguay.</p>
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: N/A</p> <p>(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: N/A</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 type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts: In our country, this adoption regime is not used. However, when a significant bond with the birth family is identified, its preservation is encouraged.</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 2013, the law that regulates the adoption process was modified, and included the bond of the adopted child with his birth family, after the integration with the adoptive family.</p> <p><input type="checkbox"/> No.</p>
56.	<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:</p>

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

	Please insert text here
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?</p> <p>International adoption processes are considered for those children who fail to be integrated by families registered in the single registry of applicants for adoption in Uruguay. In general, these are groups of large number of siblings, boys, girls or teenagers with complex physical or psychological health situations or who, due to their age, do not achieve being integrated.</p> <p>(b) Does your State have a specific approach depending on the profile of these children?</p> <p><input checked="" type="checkbox"/> Yes. Please specify these different approaches: The integration strategies respond to the profiles and requirements of each child.</p> <p><input 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: The Department provides support and advice in the processes of bonding with the birth family, and also has a specific area that works in the search for the origins of people who have been adopted and their families.</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 checked="" type="checkbox"/> Yes. Please specify what action was taken in response: The Department team follows the meeting strategies, trying to mediate between the families.</p> <p><input type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: Although we strive for it -contact between families-, applicants for adoption and adoptees families are reluctant to maintain the bond.</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: One of the challenges that the Department is facing, is to achieve the autonomy of the bond between the birth family and the adoptive family, since the team follows the process for a long time.</p>

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.	What are the circumstances in your State in which a parent can lose his or her parental responsibility?
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	When a rupture or serious deterioration of affective bonds is observed, when their life situation exposes the emotional, physical, mental or spiritual situation of the children; and when parenting practices violate the rights of the child.
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the consent of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Once the biological parents lose parental authority, the State assumes the guardianship of the child, -through the decision of the acting Judge-.</p> <p>(b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>Adoption is an exceptional measure in our country, as well as international adoption, which is considered when children, due to different conditions (already mentioned), have not received a response from families in our territory. Likewise, if the birth families presents practices that violate the rights of children, the State, through its different protection policies, must guarantee the rights of children, as well as address the family problems, favoring their permanence in the birth family. If this cannot be the case, institutional care alternatives are provided.</p> <p>(c) what is the procedure applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p>The request for the condition of adoptability is filed before the Court, and the competent Judge orders, as a provisional measure, the integration of the child into an adoptive family, and also requests supplementary reports in order to rectify or ratify this primary measure. If it is ratified, the adoptive family must initiate a new judicial instance in which the birth family will be called up again to present their discharges.</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Please insert text here</p>

Receiving States only

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

64.	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?
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	N/A
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions: N/A</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges: N/A</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: In Uruguay, the link between children with a condition of adoptability and the adoptive parents takes place once the integration is defined. The team presents a story to the adults, in which important aspects of the child's life are explained, some of his/her characteristics, and once the family accepts the story, the integration process is carried out. This is a mechanism that aims to protect the identity of children.</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted; Please insert text here</p> <p>(b) the experience of your State with regard to such contact. 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?¹⁶</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No.</p>
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¹⁶ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the safeguards of the 1993 Adoption Convention have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?</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; N/A</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; N/A</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; N/A</p> <p>(d) how the children are prepared for such programmes; N/A</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; N/A</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; N/A</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; N/A</p> <p>(h) who finances such programmes; N/A</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). N/A</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> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response: N/A</p> <p><input type="checkbox"/> No. Please explain your response: N/A</p>

7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",¹⁷ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁸</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted; In Uruguay, children must always have the condition of adoptability to be considered for their integration into a family from the single registry of applicants for adoption.</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt; The suitability assessment process is carried out in all cases for any applicant for adoption. It consists of interviews with a technical team that will determine the applicants' care capabilities. When the child is already integrated into a care alternative of "friend family" type, the quality of the bond established with that family is included in the assessment, as well as the response possibilities of the single registry of applicants for adoption.</p> <p>(c) what the profile of these children was; Uruguay is committed to the deinstitutionalization of children, so family care modalities have been developed in order to guarantee the children's rights to live in a family context. These modalities accommodate children of various ages and with different profiles.</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected; In our country modifications have been made in the legislation (Code of the Child and Adolescent year 2004, Law 18590 "Adoption Law" 2009, Law 19092 that incorporates</p>
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¹⁷ "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

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

regulation of the bond with the birth family, and equates the rights of adoptive parents to biological parents), which tends to guarantee the rights of children and adolescents within the framework of compliance with the international agreements signed in relation to the subject.

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

In Uruguay, adoption processes by foster care families are extraordinary situations. It is always promoted that children are integrated into families that have undergone the assessment process and are part of the single registry of applicants.

8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72. Has your State changed its practices recently to **integrate new technologies** into work processes (e.g., blockchain to facilitate transmission and access to data)?

Yes. Please specify (a) what the **experiences** of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account **data protection** in this context:

The Institute has allocated resources in the development of new technologies that registers the processes carried out by the children and teenagers cared for in the different modalities and in the different projects and services.

Software is being developed to account for the care provided by the Institute. Likewise, a program has also been developed to account for the care data at the country level.

No.

9. STATISTICS

Both States of origin and receiving States

73. Please specify the **number** of intercountry adoptions per year (between 2015 and the present date) involving your State that are:

(a) **relative** adoptions (i.e., excluding stepparent adoptions);¹⁹

0

(b) **stepparent** adoptions;

0

(c) **simple** adoptions;

N/A

(d) **open** adoptions or adoptions that involve a certain **degree of openness**; and

N/A

(e) **non-consensual** adoptions.

N/A

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.

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

Although very few international adoption processes have been carried out in Uruguay, many inquiries are received from interested applicants. It would be desirable to provide a website or some similar alternative to establish contact with the central authorities of each country in order to facilitate consultations and future cooperation. Likewise, in our country there is no diplomatic presence of all the signatory countries of the agreement, this has implied a difficulty in coordination. Some mechanism or even agreements between signatory countries could be generated to carry out the transaction that is proposed in the Agreement. Another of the difficulties that could be addressed in this framework are those that respond to language difficulties.