

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: Germany

PROFILE UPDATED ON: June 2020

PART I: CENTRAL AUTHORITY

1. Contact details²

Name of office:	Federal Central Office for International Adoption in the Federal Office of Justice
Acronyms used:	BZAA (Abbreviation of the German title of the German Central Authority)
Address:	Adenauerallee 99-103, 53113 Bonn, Germany
Telephone:	+49-228 99 410 5415
Fax:	+49-228 99 410 5402
E-mail:	auslandsadoption@bfj.bund.de
Website:	www.bundesjustizamt.de/auslandsadoption
Contact person(s) and direct contact details (please indicate language(s) of communication):	Dr. Ramser German/English contact details as above

If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.

Germany has designated 12 Regional Central Authorities (Regional Youth Welfare Offices) according to Art. 6 (2) of the Convention in the "Länder".

The Regional Central Authorities are, contrary to the Federal Central Authority, competent to mediate adoptions. They can cooperate with prospective adoptive parents (PAPs) residing in their territorial area of responsibility. They do also supervise the accredited adoption bodies having their registered office in their territorial area of responsibility. The contact details can be found on the website of the Hague Conference under "authorities/Central Authorities".

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.



The functions of a Central Authority may also be performed by accredited adoption bodies in Germany authorised to mediate adoptions from Contracting States (Article 22 (1) of the Convention). The competence of the accredited bodies is not limited to a certain territory, they may cooperate with PAPs from all over the country. The contact details of these accredited bodies can also be found on the website of the Hague Conference under "authorities/accredited bodies".

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	1 March 2002
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>1. Adoption Convention Implementation Statute (AdÜbAG), entry into force 1 January 2002, to be found under http://www.gesetze-im-internet.de/ad_bag/</p> <p>2. Adoption Placement Act (AdVermiG), entry into force 1 January 2002, to be found under http://www.gesetze-im-internet.de/advermig_1976/</p> <p>3. Act on the Effects of the Adoption (AdWirkG), entry into force 1 January 2002, to be found under http://www.gesetze-im-internet.de/adwirkg/</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify): Memorandum of administrative arrangements with Vietnam</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input checked="" type="checkbox"/> Other (please specify): European Convention on the adoption of children (revised) of 2008</p> <p><input type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Federal Central Authority helps to coordinate the work of the authorities and accredited bodies mediating adoptions in Germany. It supports their cooperation with authorities and bodies in other Contracting States, if necessary. It also provides and spreads information about intercountry</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<p>adoptions among private and public addressees. In court procedures regarding the recognition of a foreign adoption decision in Germany it gives a legal opinion to the court.</p> <p>The Regional Central Authorities in the "Länder" are competent to facilitate adoptions from other Contracting States (as well as from non-Contracting States). They are, apart from that, responsible for the accreditation of adoption bodies and their supervision.</p> <p>Private accredited adoption bodies are not called "Central Authorities", but may perform the functions of a Central Authority according to Art. 22 (1) of the 1993 Convention.</p>
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>In an intercountry adoption procedure the first contact partner is usually (except for private/independent adoptions) an adoption service provider (accredited body or public authority competent to facilitate adoptions). The adoption provider usually offers a "full service" for the whole process. The "home study" can be done by this body or authority, but is, in many cases, is actually conducted in cooperation with the local youth welfare office. When it comes to the immigration of a child who needs a visa, in advance the local immigration office has to approve the granting of the required visa for whose final issuance the German embassy or consulate in the State of origin is competent. In case a child has acquired the German citizenship by the adoption, the German embassy or consulate might issue a German passport. In case an adoption decision is not made in the State of origin but in Germany, the decision is made by a local family court.</p> <p>In case the adoption decision was made abroad one of the only 24 regionally competent German family courts can be asked to issue an order regarding the recognition and the effects of the decision in Germany. Family courts are also responsible for converting "simple" adoptions into "full" adoptions.</p>

6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <u>go to Question 8</u></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶</p>	<p>8 adoption bodies, number not limited</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>The national accredited adoption bodies offer a "full service" in intercountry adoption procedures from receiving an application to the immigration of a child and post-adoption services. They can be assisted,</p>

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 et seq.

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

	<p>for example by local youth offices (for the home study) or experts helping with the preparation of prospective adoptive parents. They do cooperate with all public or competent authorities involved in an adoption procedure named in question 5.</p> <p>In adoption procedures with Contracting States the accredited bodies may perform the functions of a Central Authority according to Art. 22 (1) of the 1993 Convention.</p>
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	The Regional Central Authorities
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	<p>The adoption body applies for an accreditation at the competent Regional Central Authority. The German law states in detail which documents and evidences proving that the requirements for obtaining an accreditation are fulfilled must be part of the application.</p> <p>The most important criteria for an accreditation are:</p> <ul style="list-style-type: none"> - at least two persons working in the adoption body suitable to facilitate adoptions (criteria: personality, professional education and professional experience) - non-profit organisation - functional and financial situation suggest that the body will be able to fulfil its tasks properly
c) For how long is accreditation granted in your State?	Accreditations are not limited in time.
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	As accreditations are not limited in time, they do not have to be renewed. An accreditation can, however, be revoked/withdrawn in case that the requirements are not fulfilled.
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	The Regional Central Authorities
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	Accredited adoption bodies must inform the Regional Central Authorities about significant changes (<i>e.g.</i> change of personnel, termination of their accreditation in State of Origin) immediately.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

	They have to send a detailed report about their work (including i.a. number of adoptions completed, breakdown of incurred expenses for an adoption procedure in the average, annual financial statement) to the Regional Central Authority every year. Apart from that, the Regional Central Authorities must be given access to all documents and evidences proving that the requirements for holding an accreditation are fulfilled. The personnel of the Regional Central Authority is, for the purpose of monitoring, allowed to enter the office of an accredited body.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	According to the law, an accreditation can be revoked in case it comes to light that the requirements for granting the accreditation had not been fulfilled. An accreditation can be withdrawn in case these requirements are no longer met.
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): withdrawal of accreditation <input type="checkbox"/> No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁸

7.1 The authorisation procedure

a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	The Regional Central Authorities
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input checked="" type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	An adoption body that would like to mediate intercountry adoptions must apply, apart from the general accreditation, for a special authorisation to mediate intercountry adoptions from a specific State of Origin. The application has to contain specific evidences, for example an evidence for authorisation to work in the

⁸ In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

⁹ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

<p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	<p>State of Origin, an evidence of cooperation partners in the State of Origin, a description of the adoption procedure and an estimate of costs. Authorisation can not be granted in case of oughtweighting concerns regarding the cooperation with a State of Origin (e.g. competent authorities in a Contracting State not yet designated, no accreditation of the accredited body in the State of Origin). All Regional Central Authorities and the Federal Central Authority have to be heard in the process of granting authorisation for mediating intercountry adoptions.</p>
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<p>e) For how long is authorisation granted?</p>	<p>Authorisation can be limited to one year in some cases stated in the law (missing evidences that have to be filed subsequently) and also on the basis of general administrative law, which is done in practice, e.g to monitor whether facilitation of adoptions in a new partner State are conducted according to the principles of the Convention. Unlimited validity of an authorisation should be avoided when it is granted for the first time. General regulations for the validity do not exist, but also automatic extension of an authorisation should be avoided.</p>
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>The renewal will be granted if the previously missing documents have been presented and/or after assessing that the conditions for issuing the authorization are still fulfilled.</p>

7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States

<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>The legal rules are the same as for the monitoring of accredited adoption bodies in general.</p>
<p>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>The legal rules are the same as for the revocation/withdrawal of accreditations.</p>

8. Approved (non-accredited) persons (Art. 22(2))¹¹

<p>Is the involvement of approved (non-accredited) persons permitted in</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of</p>
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¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 13.

<p>intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	<p>approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>
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PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4 a))

<p>Does your State have its own criteria concerning the adoptability of a child (<i>e.g.</i>, maximum age) which must be applied <i>in addition</i> to the requirements of the State of origin?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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10. The best interests of the child and subsidiarity (Art. 4 b))

<p>Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (<i>i.e.</i>, proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: . States of origin should declare that they have considered whether a child could be raised by his or her birth family or extended family. It should be apparent that family members were searched for. If it is not possible or practicable that the child is raised in his/her biological family other forms of permanent family care in the country of origin should have been considered also. The State of origin should declare that working towards national solutions was not effective.</p> <p>In cases of relative adoptions particular attention is paid to the principle of subsidiarity.</p> <p><input type="checkbox"/> No</p>
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11. Children with special needs

<p>Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?</p>	<p><input type="checkbox"/> Yes – please provide the definition used in your State:</p> <p><input checked="" type="checkbox"/> No – the definition used in the State(s) of origin is determinative.</p>
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¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

12. The nationality of children who are adopted intercountry¹³

<p>Do children who are adopted intercountry to your State acquire the nationality of your State?</p>	<p><input type="checkbox"/> Yes, always. Please specify:</p> <p>(i) At what stage nationality is acquired by the child: ; and</p> <p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i>, the making of the final adoption decision):</p> <p><input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the prospective adoptive parents ("PAPs"), whether the child loses his / her nationality of the State of origin): A child acquires the German citizenship in case</p> <ul style="list-style-type: none"> - the adoption decision is recognised in Germany; - the adoptive parent or one of the adoptive parents is/are German citizen(s); - the child is not older than 18 years at the time the application for adoption was put in and - the effects of the adoption are equivalent ("gleichwertig") to those of an adoption under German law. <p>In case the last criteria is not fulfilled, an adoption can be (under certain circumstances) converted into an full adoption according to German law (Art. 27)</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

13. Limits on the acceptance of files

<p>a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: Germany does not limit the number of applications accepted, but limits set up for the number of applications received by the States of origin are accepted and respected, so that indirectly, limits exist.</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?</p>	<p><input type="checkbox"/> Yes, please specify whether any limits are applied:</p> <p><input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

¹³ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, "GGP No 1"), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption¹⁴ (Art. 5 a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples:</p> <p><input checked="" type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: if the couple is living in a solidified partnership in a joint household. As a rule, a solidified cohabitation shall be deemed to exist if the persons 1. for at least four years, or 2. as parents of a child who has a relationship with the child live together in a marriage-like manner.</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men: also single men in legally registered partnership (but not together with their partner)</p> <p><input checked="" type="checkbox"/> Single women: also single women in legally registered partnership (but not together with their partner)</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements:</p> <p>- single adopters: 25 years or 21 years in case the child of the spouse is adopted</p> <p>- married adopters: one partner 25 years, the other 21 years</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input type="checkbox"/> Difference in years required between the PAPs and the child:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p>

¹⁴ *I.e.*, this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

	<input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): The child to be adopted shall be the youngest in the family (no legal requirement but recommendation) <input checked="" type="checkbox"/> Other (please specify): PAPs have to be legally capable to adopt and have to proof special suitability for intercountry adoption <input type="checkbox"/> No
14.2 Suitability assessment¹⁵	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	Regional Central Authority or accredited adoption body (often in cooperation with a local youth welfare office)
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	The procedure includes several meetings/conversations with the applicants, at least one home visit and preparation courses.
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	Regional Central Authority or accredited adoption body

¹⁵ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

15. Preparation and counselling of PAPs (Art. 5 b))

<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: Yes, there is no legal obligation, but in practice preparation courses are part of the evaluation of the suitability of the PAPs - At what stage of the adoption procedure they are offered: every stage (before application is sent to State of Origin, while waiting for a child proposal, after an adoption) - Who provides the courses: Cooperation of regional and local youth welfare offices and accredited adoption bodies, partly assisted by external professionals - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): depending on the content, but mostly in groups - Whether they are provided "in person" or electronically: in person - How many hours the courses last: differs, no binding legal rules - The content of the courses: e.g. handling of unwanted childlessness, reflections of motivation to adopt, legal framework for adoption, situation of children in need of adoption, situation of biological parents, special needs, the differences in between biological and social paternity, understanding of general principles of adoption like "the best interest of the child" or the search for the best suitable parents for the child. - Whether there are specific courses for PAPs wishing to adopt a child with special needs: yes - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: partly <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i>, meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>Many Regional Central Authorities and accredited bodies offer meetings with other adoptive parents before and after an adoption, often on the occasion of celebrations. Meeting other adoptive parents is, however, usually not required to be found suitable to adopt. Most Regional Central Authorities and accredited bodies suggest PAPs to deal with the language and culture of the State of origin they want to adopt from before an adoption takes place. It is part of the "whole picture" in the process of evaluation if applicants are really open towards a child's cultural background, but there is no defined level of preparation in this sense</p>

	<p>required. The preparation offered in this sense is provided partly by some Regional Central Authorities and accredited bodies. The intensity differs however, so that PAPs are also called to manifest self-responsibility. Some accredited bodies offer guided travels to the States of origin for families/adoptees following an intercountry adoption.</p>
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>For adoptions from Contracting States, PAPs have to apply to the Regional Central Authority competent for their place of residence or to any German accredited body authorised to facilitate adoptions from this State of Origin. For adoptions from Non-Contracting States this procedure is recommended, as otherwise PAPs risk that the adoption that was not facilitated by a Central Authority or accredited body is not recognised in Germany.</p>

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain In practice, quiet often all of the documents named above are required because the States of Origin ask for them.</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure):</p> <p><input checked="" type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure: In Convention cases the PAPs can also choose the assistance of a Regional Central Authority. In adoptions cases from Non-Contracting States, the participation of a German accredited body or Regional Central Authority is not compulsory. However, in the latter case, the foreign adoption's recognition in Germany might be questionable.</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to</p>

¹⁶ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

¹⁷ See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

	<p>act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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17. The report on the PAPs (Arts 5 a) and 15(1))

<p>a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>Regional Central Authority, accredited adoption body or local youth welfare office</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: By law, the report must include information about the identity of the applicants, their personal and family circumstances, their state of health, their social environment and their motivation to adopt a child. The report has to result in a statement about the legal capacity and the suitability of the applicants to adopt a child and include a description of the characteristics of a child that the applicants are suitable to care for.</p> <p>There is no "standard form" that has to be used, but a model that can be used as guidance (annex 1 to the recommendations for adoption facilitation of the Federal Association of the Regional Youth Welfare Offices: page 36 under http://www.bagljae.de/downloads/120_empfehlungen-zur-adoptionsvermittlung_2014.pdf)</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>There is no legal limit. But, as most reports on the PAPs include a statement concerning the age of the child the PAPs are suitable to care for, it is self-evident that the validity of the report cannot be unlimited. The report also is renewed in cases there are changes in the PAP's living-conditions.</p>
<p>d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?</p>	<p>The report is renewed in case changes occur or the State of origin asks for an update by the same Regional Central Authorities/accredited bodies that have written the report. The procedure depends on what information has to be renewed (e.g. new psychological evaluations, new evidences of income).</p>

18. Transmission of the PAPs' file to the State of origin	
a) Who sends the finalised application file of the PAPs to the State of origin?	Regional Central Authority or accredited adoption body, if necessary (e.g. asked for by the State of origin) the Federal Central Authority can forward the application.
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	the competent Regional Central Authority <input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))	
19.1 Receipt of the report on the child (Art. 16(2))	
Which authority / body in your State receives the report on the child from the State of origin?	Regional Central Authority or accredited adoption body
19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): Regional Central Authority or accredited adoption body officially mediating the intercountry adoption case; the competent local youth welfare office shall be heard and - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): Yes, the report is first transmitted to the competent authority. Only when it is accepted, PAPs are informed about the matching. <p style="text-align: center;"><u>Go to Question 19.2 b)</u></p> <input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin: <p style="text-align: center;"><u>Go to Question 19.2 c)</u></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The authority has to examine whether the adoption of the proposed child by the PAPs it was matched with is in the best interest of the child. It has to be made sure that the child's profile and the applicant's profile match and that it is likely that the family can handle the upbringing of the child until his/her maturity. In case the adoption decision will be made abroad, the authority also examines the

	<p>legal requirements for a recognition in Germany (e.g. the documents of the child regarding his/her identity, the existence of the consents of the parents/other representatives and the respect of the principle of subsidiarity.)</p> <p>In case the adoption order is to be issued in Germany the authority has to examine whether the legal requirements are met.</p>
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: <input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): Yes, the matching is discussed in detail with the PAPs by the Regional Central Authority or the accredited adoption body. PAPs do receive counselling / advise to be able to decide on whether they want to accept the match or not. They have sufficient time to receive expert counseling on different aspects i.e. medical advise if needed and can, if they wish, also discuss the proposal with the competent local youth welfare office. <input type="checkbox"/> No

20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	Regional Central Authority or accredited adoption body
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR <input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR <input checked="" type="checkbox"/> Other (please specify): Both options apply (mostly the second case). Most States of origin wait for our notice that the match has been accepted, so that the continuation of the procedure begins with our declaration.

21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input checked="" type="checkbox"/> Yes, please specify the additional requirements / restrictions: PAPs have to travel to the State of origin to meet the child prior to the adoption. This is also the case if the State of origin does not request this. <input checked="" type="checkbox"/> No
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¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: In general no. An escort has only be allowed in a few exceptional cases (e.g. after the earthquake in Haiti) <input checked="" type="checkbox"/> No
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22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	When the competent authority and the PAPs have accepted the matching, the Regional Central Authority or the accredited adoption body involved ask for a prior approval of immigration ("Vorabzustimmung") of the competent foreigners' registration office ("Ausländerbehörde"). When the adoption procedure in the State of origin is finalised (adoption decision or decision that the child is allowed to travel to Germany in order to finalise the adoption here) PAPs have to apply for a visa or passport (depending on whether the child has acquired the German citizenship with his/her adoption by operation of German Law or not) at the German consulate or embassy in the State of origin.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	A child enters either with a visa (foreign citizenship) or a passport (German citizenship).
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	Visa and passports are issued by the German consulates or embassies in the States of origin.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	The competent Regional Central Authority is, if it does not facilitate the adoption itself, informed by the accredited body involved about the arrival. The Regional Central Authority or accredited body do notify the finalisation of an adoption procedure to the Federal Central Authority.

23. Final adoption decision and the Article 23 certificate	
<p>a) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the final adoption decision; and</p> <p>(ii) Issues the certificate under Article 23?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>(i) a family court</p> <p>(ii) the competent Regional Central Authority</p>

<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p><i>See GGP No 1 – Annex 7.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.,</i> how long does it take to issue the certificate? Is a copy of the certificate always given to the PAs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>There are no legal requirements for the procedure. In practice, an Article 23 certificate is issued immediately after an adoption decree has been pronounced by a German family court. A copy of the certificate is always given to the parents as well as to the Central Authority in the State of origin.</p>

d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The Regional Central Authority or accredited adoption body involved should receive a copy.
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an " <i>intra-family intercountry adoption</i> " in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	An adoption will be classified as "intra-family-adoption" in case the adopted child is in a legal relationship with the PAPs. There is no limit in the degree of relationship necessary for a classification as "intra-family-adoption". The procedure is the same as for the adoption of any child anyway.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? <i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – go to Question 25 <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25 <input type="checkbox"/> No – go to Question 24 c)
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

25. Simple and full adoption	
a) Is "full" adoption permitted in your State? <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances only – please specify: <input type="checkbox"/> Other (please explain):

¹⁹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: In case PAPs want to convert a simple into a full adoption they have to file a request for conversion to the competent family court. The request has to be notarially certified. A conversion can only be granted in case</p> <ul style="list-style-type: none"> - it is found that this is in the best interest of the child; - the necessary consents for a full adoption have been given and - no prevailing interests of the spouse or child(ren) of the adoptive parent(s) exist. <p>The local youth welfare office and the competent Regional Central Authority have to be heard regarding these requirements.</p> <p>The procedure is optional, but most PAPs whose child has been adopted by way of a "simple" adoption file a request for conversion.</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p>This is examined by the competent German family court. The competent Regional Central Authority and the competent local youth welfare office have to be heard in the procedure. In case the necessary consents have not been given, the content of the consents given is unclear or the awareness of the consents' effects is doubtful, the court usually asks the Regional Central Authority or accredited body which has undertaken the adoption to care for obtaining the necessary consents from the persons concerned.</p>
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input checked="" type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information</p>	<p>The Regional Central Authority or accredited adoption body involved in the procedure.</p>

concerning the child's origins, as required by Article 30?	
b) For how long is the information concerning the child's origins preserved?	100 years counted from the date of birth of the adoptee.
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s); (ii) the adoptive parent(s); (iii) the birth family; and / or (iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: The legal representative of the adoptee and the adoptee him-/herself from the age of 16 years on have access to the file as far as the content pertains to the origin or personal history of the adoptee or in case any other legitimate interest exists. No access can be granted in case predominant interests of a person concerned are opposed. <input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: Adoptive parents have access when they are the legal representatives of the adoptee. For the requirements see above. <input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The birth family can receive information in case the adoptee and his/her legal representatives agree. The birth family are not allowed to have direct access to the adoption file. <input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: see (iii) <input type="checkbox"/> No</p>
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input checked="" type="checkbox"/> Yes – please specify: Access is granted with guidance and support by a qualified adoption professional. <input type="checkbox"/> No
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<input checked="" type="checkbox"/> Yes – please specify: Counselling, tracing of family members as well as guided contacts are offered. <input type="checkbox"/> No

27. Post-adoption reports

a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	Post adoption reports are written by the accredited adoption body, often in cooperation with the competent local youth welfare office. Those last-mentioned also provide follow-up reports when a Regional Central Authority has undertaken the adoption. The Regional Central Authority surveys the reports and amends them, if necessary. The reports are sent to the State of origin by the accredited
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	adoption body or the regional Central Authority involved in the process. Some States of origin allow the submission of reports through local youth welfare offices or parents.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy): <input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child’s development, schooling): The form and content of the report depend on the requirements of the State of origin.
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	The accredited bodies and Regional Central Authorities (the latter in cooperation with the competent local youth welfare office) responsible for the writing of the reports do respect and fulfill these requirements as far as possible.

28. Post-adoption services and support (Art. 9 c)

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>Most Regional Central Authorities and accredited adoption bodies offer a variety of post-adoption services, often in cooperation with each other or the local youth welfare offices. Examples are celebrations/meetings to help adoptive families to exchange their experiences, organised travels to States of origin as well as counselling and support in cases of problems that occur (health issues, educational questions). In case the Regional Central Authority or accredited body can not help with certain issues they try to refer to specialists (e.g. medecins, psychologists).</p>
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section of the Hague Conference website](#).

29. The costs²¹ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: Costs are regulated only partly. For public authorities undertaking intercountry adoptions (on the one hand Regional Central Authorities and on the other hand local youth welfare office in case they have an authorisation to place children internationally) the law states how much they can charge for the process of evaluating PAPs (1200 EUR) and for mediating an international adoption procedure (800 EUR excluding the evaluation of PAPs). PAPs have to additionally cover the costs for the procurement of documents, translations and experts.</p> <p>[§§ 5, 6 of the following law, no translation available: http://www.gesetze-im-internet.de/advermistankov/BJNR126600005.html].</p> <p>For private adoption bodies the law only states that they have to work on a non-profit basis.</p> <p>[§ 4 (1) Adoption Placement Act (AdVermiG)].</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The monitoring is part of the general monitoring of accredited adoption bodies.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body:</p> <p><input checked="" type="checkbox"/> Directly by the PAPs: The costs that occur for the service of the accredited body or Regional Central Authority in Germany are paid by the PAPs themselves, of course.</p> <p><input checked="" type="checkbox"/> Other (please explain): or through the Regional Central Authority that is facilitating the adoption</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p>	<p><input checked="" type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>

²⁰ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²¹ See the definition of "costs" provided in the harmonised Terminology, *ibid*.

<p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	
<p>e) Which body / authority in your State receives the payments?</p>	<p>The accredited adoption body or Regional Central Authority. If the home study report was issued by the local youth welfare office this authority receives the fees.</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: Websites of the accredited adoption bodies or upon request.</p> <p><input type="checkbox"/> No</p>

30. Contributions, co-operation projects and donations²²

<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: Contributions should only be permitted if they are prevailing conditions set by the State of origin to undertake adoptions from this State. E.g. a State of origin allows adoptions only under the condition a contract/memorandum is concluded with a competent body in the State of origin. These contracts usually include a certain amount of contributions to be paid annually. An amount paid case-by-case (in relation to a specific adoption procedure) should be avoided. - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): accredited adoption bodies - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: Compromising the integrity of the adoption process must lead - as a last consequence - to the withdrawal of the authorisation to facilitate adoptions. <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input checked="" type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: There is no legal framework to this special issue. Projects have to improve the child protection system in the State of origin (e.g. projects in social services and raising awareness for specific topics). - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): accredited adoption bodies - Whether such projects are mandatory according to the law of your State: no - Whether such projects are monitored by an authority / body in your State: The monitoring can be part of the general monitoring of adoption bodies in respect of costs and payments. Supervision is, apart from that, left to

²² See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

²³ See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	<p>the competence of the authorities in the States of origin.</p> <ul style="list-style-type: none"> - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: Cooperation projects and intercountry adoptions must be strictly separated. <p><input type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (e.g., to orphanages, other institutions and / or birth families): - What donations are intended to be used for: - Who is permitted to pay donations (e.g., only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input checked="" type="checkbox"/> No</p>

31. Improper financial or other gain (Arts 8 and 32)	
<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>The prosecuting authorities, Regional Central Authorities and tax authorities</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>Regional Central Authorities must respect the anti-corruption rules in force. Accredited adoption bodies are monitored by the Regional Central Authorities.</p> <p>The civil law states that in case PAPs have participated in an illegal or immoral adoption procedure, if they have charged third parties with such procedure or paid for it, a judge can deny to issue an adoption order.</p> <p>The penal law states that in cases of improper enrichment in context with an adoption the criminal offence of child trafficking is fulfilled and can be punished.</p>
<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>Depending on who / which authority is breaching the rules: Staff in the Regional Central Authorities can be removed, the accreditation/authorisation of an accredited body can be withdrawn, an ongoing adoption procedure can be interrupted / stopped.</p> <p>In German law child trafficking is punished with imprisonment up to 10 years or a fine.</p>

PART XI: ILLICIT PRACTICES²⁴

32. Response to illicit practices in general	
<p>Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.²⁵</p>	<p>This depends on the practice:</p> <p>If the PAPs/the child (or another competent authority/person) applied for an official recognition of the foreign adoption decision, the competent German Family Court asks the Federal Central Authority for a legal opinion. In the described circumstances the Federal Central Authority would say that the adoption involving illite parctices is contrary to the German public policy and could not be recognised. The German Family Court has to decide finally under consideration of this negative legal opion.</p> <p>In the same time, in cooperation with consulates/embassies and the competent authorities for child protection in the State of residence of the child the Central Authority will try to reach an agreement about where the child can live there in case the adoption cannot be recognised. It will be discussed if the adoption decision can / has to be be revoked.</p> <p>In case an adoption decision has not yet been pronounced the Central Authority will try to stop illicit practices (and possibly the adoption) by cooperation with all authorities and bodies involved in all States concerned (e.g. information of embassies to not issue a visa) and, if necessary, try to help find a solution for the future of the child.</p>

33. The abduction, sale of and traffic in children	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<ul style="list-style-type: none"> - Sec. 236 Penal Code (birth parents, persons responsible for the child, PAPs, foster parents, persons facilitating adoptions): - Sec. 1741 para. 1 2nd sentence of the Civil Code: PAPs - Sec. 5, 6 Adoption Placement Act
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>Thorough handling of adoption facilitation by Regional Central Authorities and accredited bodies; thorough work of other authorities involved in international adoptions; information of administrative authorities or</p>

²⁴ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁵ *Ibid.*

	<p>courts about violation of regulations in order to be examined and sanctioned.</p> <p>Usually the German Federal Central Authority is informed as soon as illicit practices in context of intercountry adoption come to light. The Federal Central Authority is in contact with the German Federal Criminal Police Office.</p>
<p>c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)</p>	<ul style="list-style-type: none"> - imprisonment (Sec. 243 Penal Code) - fine (Sec. 236 Penal Code, Sec. 14 Adoption Placement Act) - withdrawal of accreditation (Sec. 4 para. 3 Adoption Placement Act) - refusal of visa / passport for a child - refusal of adoption order - refusal of recognition and conversion of foreign adoption decision - removal of child from PAPs or adoptive parents (42 Social Book (SGB VIII), Sec. 1666 Civil Code) - limitation of legal rights of PAPs or adoptive parents (§ 1666 Civil Code) and implementing of guardianship

34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

Private adoptions are permitted – please explain how this term is defined in your State: according to GGP 1

Independent adoptions are permitted - please explain how this term is defined in your State: according to GGP 1

Private and independent adoptions are not forbidden by law. For adoptions from Contracting States, it is however mandatory to involve a Central Authority or accredited body in an adoption procedure. The law does not provide that public or private adoption authorities hand out reports on the suitability of PAPs. Therefore, in practice, PAPs can not ask for such report independently of an adoption procedure mediated by such authority.

Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)

a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.

Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The adoption would be treated as an intercountry adoption and follow the same rules as for German applicants/other persons with foreign nationalities living in Germany.

No

b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.

Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The adoption would be treated as a domestic adoption and follow the same rules as for German applicants. Applications can be filed at the public adoption offices in the local or regional youth welfare offices or at accredited adoption bodies undertaking domestic adoptions. Under consideration of German International Private Law foreign adoption law may be applicable to the adoption.

No

²⁶ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

²⁷ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

<p>c) If a State of origin treats an adoption by PAPs habitually resident in your State as a <i>domestic</i> adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?</p> <p><i>Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.</i></p>	<p>In case an adoption decision has not yet been made and the rules of the Convention can still be applied because relevant steps like the matching have not yet been finalised, the competent authorities in Germany can, on a case-by-case-basis, still step into the process.</p> <p>In case the adoption has already been finalised in the State of origin the competent authorities (if the case may be the German Family Court) will evaluate if it can be recognised in Germany although the rules of the Convention have not been followed. If the adoption decision is not recognised (the main cause for a non-recognition is a breach of fundamental principles of the German law which includes the principles of the Convention) the child cannot enter Germany as far as a border with passport/visa control has to be passed. In other cases a child can enter Germany (e.g. from another European State) but does not have a secure legal status. Solutions have to be found on a case-by-case-basis taking into account the best interest of the child.</p>
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PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>There is no limitation. The accredited adoption agencies are authorised to cooperate with specific States only (these are listed at the website of the Hague Conference under "Germany - accredited bodies").</p> <p>The Regional Central Authorities can, in theory, cooperate with every State, provided that this State's laws and authorities allow to facilitate an adoption according to the standards of the Hague Convention.</p>
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>Germany partners with Contracting States as well as with non-Contracting States. The selection depends on the laws and authorities existing in a State. The legal situation and the functioning of the authorities must allow to mediate an adoption according to the standards of the 1993 Convention. The bodies in the State of origin by which an adoption is undertaken must hold an authorisation for intercountry adoptions according to the law of the State of origin..</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the</p>	<p>The adoption procedure is as far as possible adapted to a procedure according to the Convention. If the standards can not be met (e.g. there is no authority that is able and</p>

²⁸ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

<p>1993 Convention are complied with in these cases.²⁹</p>	<p>willing to write a sufficient report on the child), no adoption placement from this State will take place.</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting</i> States to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement³⁰ with that State of origin)?</p>	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³¹</p> <p><input checked="" type="checkbox"/> No</p>

²⁹ See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³¹ *Ibid.*