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Information for follow-up purposes	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	<p>Has your State centralised, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: Please insert text here</p> <p><input type="checkbox"/> No. Please specify where the information is stored: Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

1.1.2. Search for origins

3.	<p>Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee?</p> <p><input type="checkbox"/> Yes. Please provide its name and explain the services provided: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify how the search for the origins is handled: State of Origin and Receiving State, if other CA is involved: The search of origins is consensualized between both Central Authorities, if possible, and the local adoption teams of the adoptee, birth family and, if applicable, adoptive parents. Various situations may occur, but the Portuguese CA will always contact the local adoption services responsible for the adoption and work closely with them. The adoptee (by himself, if over 18, or with his parents, if younger) is encouraged to pose the question and his wish. The adoption services will then analyse how to best comply with his needs, taking into consideration both his right to know his origins, and the importance of transmitting information in such a way as to best allow him to understand and cope with it. If the adoptee is over 18 he can consult his file. Professional support is provided. The adoptee (or the adoptive parents) will contact his adoption services, who, in turn, will contact their CA and the CA will contact our CA.</p>
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	<p>If no other CA is involved, the Portuguese CA will act as mediator between the adoptee and the adoption services able to provide such information, in case the search of origins goes being the information kept by this CA.</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:</p> <p>Receiving State: the training for adoptive parents includes extensive training regarding the importance of the personal history of the child, of open and non judgmental communication, and the importance of the search of origins and the correspondence need for support (by the PAPs, first and foremost, and by professionals with specific training). The right of the adoptee to search for the originis is guaranteed directly by the Portuguese legislation. The adoption services must save the information for 50 years and are obliged to support the adoptee during his search. Any contact with the biological family should be mediated by the adoption services legally auhtorized. The adoption services will provide support to the adoptee older than 16 years of age (if PAPs consent in the Search), and to adoptees older than 18.</p> <p>State of Origin: A Book of Life is made during the preparation for the child to be adopted. The child is encouraged to share what he/she wishes with the PAPs, during the transition phase, and the Book is to be available to the child, with due consideration to the age.</p> <p>During the first part of the transition, the team of the Central Authority and the local adoption team will expressly address these subjects with the PAPs.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs); Please insert text here</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; Please insert text here</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; Please insert text here</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. Please insert text here</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>The local adoption team responsible for the adoption project of the child will contact the local services that may have access to the information necessary to provide the answers needed. Cooperation with Central Services if encouraged whenever necessary.</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].

7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>N/A</p>
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful (e.g., the adoptee found his birth family); Please insert text here</p> <p>(b) how many were not successful and what were the reasons. Please insert text here</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: When an adoption service is faced with a search of origins, it must adapt the support to the following: a) Age of the adoptee; b) Questions of the adoptee and family. The adoption services should provide the information necessary to answer the questions raised, according to the age of the adoptee. If contact with the birth family is intended, the service will mediate, and is not encouraged to provide identification without contacting the birth family first (in order to both prepare the birth family, and to support the adoptee). In case the birth family has requested confidentiality of their identity, this confidentiality is not openable to the adoptee, who maintains the right to know his origins, but the Court of Law may be consulted and the adoption service should support both parties intensively.</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>The adoption services will not provide any information to birth families. The confidentiality of the adoption is mandatory by law.</p> <p>However, if the birth family so wishes, they may write a letter or otherwise record a message that the adoption service will save in the adoption file, in case the adoptee decides to search for his origins.</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:</p>
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The Article 6th of Law n.º 143/2015, of September 8th (Legal Regime of Adoption Process, in Portuguese, RJPA) determines that adoption services (CA included) must preserve information for 50 years. It also states that all entities, public or private, including the Public Ministry, that have knowledge of information regarding the origins are obliged to provide it to the adoption service, upon request. The same law determines that adoption services provide specific support during the process of the search of origins.

In 2018 the National Adoption Council developed a Manual for the Intervention in the Adoption of children for the adoption teams. In the Manual there is a chapter about the search for origins procedures suitable for domestic and intercountry adoption.

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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>Article 60th of the Legal Regime of the Adoption Process determines that the adoption services must provide specialized professional intervention in case post-adoption support is required by the adoptive parents or adoptee (counseling and support regarding challenges of adoptive parenting and filiation). Post adoption is provided until the adoptee reaches 18 years of age, or, if request before that date, until 21.</p> <p>Specialized services may be requested externally to the adoption teams, if necessary (for example, partnerships with Universities).</p> <p><input type="checkbox"/> No. Please specify any reasons: 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 (e.g., child and adult adoptees, birth families, adoptive families);</p> <p>Post adoption is provided to the adoptee (child or young person) until the adoptee reaches 18 years of age, or, if request before that date, until 21 and to the adoptive family.</p> <p>The birth family has no contact with the adoption teams. All the support is provided by the local social services, who may refer the family to specialized psychological support.</p> <p>(b) who provides the services (e.g., social welfare administration, school, health personnel);</p> <p>Adoption services (social welfare administration, public), composed by psychologists, social workers and legal advisers.</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>The adoption team is composed by two subteams: subteam of the PAPs (responsible for the training and selection of the PAPs) and subteam of the children (responsible for the characterization of the children determined adoptable by a Court of Law, and for the</p>

² Post-adoption services may be provided to adoptees, birth families and adoptive families.

³ C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<p>adoption project). In case of post adoption, both teams will work in cooperation (one member of each subteam).</p> <p>(d) how, if there are different services, these various services are coordinated; In Intercountry adoption, the Portuguese CA will coordinate the intervention of the adoption team of origin, and the CA of the Receiving State (if no CA exists, the adoption team/post adoption service/professionals of the receiving state).</p> <p>(e) how the post-adoption services are financed (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); The post-adoption services provide by the adoption local teams are free (public service provide by the Estate). The specialized services, for instance psychological or psychiatric intervention, are, generally, private.</p> <p>(f) the length of time this support is available. The support is available until the adoptee turns 18 or, if requested before that date, until the age of 21.</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. This information is provided in the Law, during the training, repeated during the transition and again during the pre adoption phase.</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered: The working group responsible for drafting the Legal Regime for the Adoption Process requested and included input from the services, entities and organizations working in these (child protection, children's rights, adoption).</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 checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Research is being carried out by the Universities.</p> <p>https://www.researchgate.net/publication/333024178_Perspetivas_de_profissionais_e_familias_adotivas_sobre_a_criacao_de_servicos_de_pos-adocao_em_Portugal</p> <p><input 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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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](#)").

State of Origin: intercountry adoption of children habitually resident in Portugal has a majority of children with special adoptive needs (either because of age, health, adoption with large groups of siblings, or an association of these factors).

a) Challenges: the Receiving State may be more used to adoptions of younger children, and, therefore, it could be difficult to provide specialized support at a short notice. Considering that children are transferred to the Receiving State during the probatory phase (pre adoption phase), the Portuguese CA remains involved, as well as the local Portuguese adoption team, until the adoption is determined by a Court of Law of the country of destination.

b) Good Practices: Portuguese adoption services and CA are requested to identify, beforehand, the services that the adoptive family may need, considering the specific characteristics of the child and of the PAPs. Presently, the CA is developing the concept of contractualizing these aspects with the PAPs and the CA/accredited body of the Receiving State, in writing, as part of the acceptance of the Child Referral. Also a good practice has been the highly positive and strong cooperation between CAs and accredited bodies in case of more complex challenges faced by the adoptive family.

1.3. Post-adoption reports

Receiving States only

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: Yes, the PAPs are informed during the application phase. Should they not agree, the application will not be accepted.</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: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>Receiving State: Portugal provides post-adoption reports, with no challenges reported.</p> <p>State of Origin: Portugal does not require post adoption reports. However, the child is transferred to the Receiving State during pre adoption (probatory phase), and may remain in that phase for 1, 2 or more years (depending on the legislation of the Receiving State), during which Portugal will receive reports every 3 months.</p>

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
- State of Origin: the child is transferred to the Receiving State during pre adoption (probatory phase), and may remain in that phase for 1, 2 or more years (depending on the legislation of the Receiving State). 4 breakdowns have happened in this phase, related to either depression of the PAPs (or of one of the PAPs), unreal expectations from the PAPs regarding the capabilities required or the common behaviour of an adopted child of a certain age (for example, pre teenagers or teenagers). Portugal didn't have any breakdowns in adoptions.
- (b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;⁷
- In the first case, the child remained in the Receiving State, to be adopted, by agreement between the Portuguese CA, the accredited body and the Courts of Law of both States. In the remaining 3 cases, the children came back to Portugal after cooperation between both CAs and accredited body. The cooperation between both countries is being reorganized in order to prevent future breakdowns.
- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;
- State of Origin: the Portuguese CA will actively cooperate with the CA and accredited body of the Receiving State, either in the form of meetings to discuss strategy and share necessary information and as mediator between the adoption services of the Receiving State and local Portuguese adoption services (of with the professional teams of the Homes where the children lived, namely the primary caretakers or birth family also placed in Homes in Portugal).
- (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:
- The specific and mandatory training for PAPs has been further implemented for Portuguese residing PAPs, and is under implementation for PAPs of Receiving States (in a reduced and child specific form).
- 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;
- No breakdown has occurred after the adoption has been decided.
- Considering the probatory phase:

⁵ If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

⁶ If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

⁷ If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

⁸ C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

	<p>a) 1 child was placed in an foster family in the Receiving State, a family who wished to adopt the child, and remained in the Receiving State by agreement between all intervenients;</p> <p>b) 3 children came back to Portugal by consensual decision of both CAs, since they were children with special adoptive needs and no adoptive families were found in the Receiving State at the time. The characteristics of the Homes and the waiting list for foster families were also considered.</p> <p>(f) how many cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;</p> <p>No breakdowns have occurred after the adoption has been decided. However, 3 interruptions occurred during the probatory phase in the Receiving State, since 2015.</p> <p>(g) how many of these cases included a new placement (e.g., foster care, new adoption) for the child;</p> <p>None.</p> <p>(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);</p> <p>No breakdowns have occurred after the adoption has been decided. 3 interruptions occurred during the probatory phase under the Hague Convention of 1993.</p> <p>(i) in line with Recommendation No 20⁹ of the 2015 Special Commission, whether your State has applied the 1996 Child Protection Convention to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.</p> <p>N/A</p>
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Receiving States only

23.	<p>Is your State's Central Authority informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>Should any intercountry adoption be interrupted, Portugal expects to be informed immediately. In case the return to Portugal is considered in the best interest of the child, the Hague Convention of 1996 will apply, but the Portuguese CA may cooperate in order to enable specialized adoption services.</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption:</p> <p>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 checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p>If the breakdown is brought to the knowledge of the Portuguese CA, we will contact the CA of the State of Origin.</p>

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."

	<input type="checkbox"/> No. (b) before determining a new placement for the child? <input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: If the breakdown is brought to the knowledge of the Portuguese CA, we will contact the CA of the State of Origin <input type="checkbox"/> No.
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States of origin only

25.	Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State: (a) if an adoption breaks down? <input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: This situation never happened, but, in abstract, the Portuguese CA would expect to be contacted and to provide all cooperation necessary. <input type="checkbox"/> No. (b) before determining a new placement for the child? <input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: This situation never happened, but, in abstract, the Portuguese CA would expect to be contacted and to provide all cooperation necessary. <input type="checkbox"/> No.
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1.5. Other post-adoption matters

States of origin only

26.	Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage? <input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality: N/A <input type="checkbox"/> No. Please explain your response: Please insert text here
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Both States of origin and receiving States

27.	Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin? <input type="checkbox"/> Yes. Please specify the situations and how they were handled: Please insert text here <input checked="" type="checkbox"/> No.
28.	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. Portugal would support the development of such a Guide, since we consider this a highly important matter with specific needs, which, if properly addressed and supported, may maintain the adoptive family emotionally healthy.

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>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices. The legislation is very strict. Should any illicit practice be discovered, a criminal investigation will follow.</p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so; Please insert text here</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 checked="" 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>
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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: 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: The Manual of the Adoption Procedure contains detailed procedures for both psychological and social interviews and assessments.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>

¹⁰ See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

¹¹ C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:¹² Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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 checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: An intercountry adoption occurred between Portugal and China. China does not cooperate with Portugal in intercountry adoption, but, upon request, the Chinese CA cooperated very positively.</p> <p><input type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³</p>
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¹² If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

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

	A specific assessment will be carried out in order to determine the best interest of the child. Considering that the Portuguese legislation defends that the possibility of a child being cared for by his/hers own family should be prioritized over other solutions.
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which other child protection measures are applied to protect children within the extended family: Child Protection Measure of Support of Other Family Member (other than the parents); Regulation of Parental Responsibilities (entrusted to extended family members); Civil Sponsorship (lifetime parental regulation of responsibilities, with maintenance of legal ties with birth family and, whenever suitable for the child, maintenance of contact).</p> <p>(b) if your State is a Party to the 1996 Child Protection Convention, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States: Yes, we do apply the 1996 Child Protection Convention for this purpose.</p>

3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>Never occurred.</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:</p>
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	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State? Please insert text here</p> <p>(b) how was the child's habitual residence determined? Which factors were considered? Please insert text here</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a domestic adoption or an intercountry adoption? Please insert text here</p> <p>(d) what challenges did your State face in dealing with such situation(s)? Please insert text here</p> <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? Please insert text here</p>
47.	<p>If there is a risk that the situation described above involves a case of human trafficking, would this be considered by your State when determining the child's habitual residence?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: Should this situation occur, the competent authorities of the country of origin of the mother would be contacted in order to reach the biological family.</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? This would be determined by consense between the competent authorities and polices.</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: Simples adoptions are no longer possible in Portugal.</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?</p> <p>State of Origin: N/A.</p> <p>Receiving State: it does not depend in the profile of the child, but solely in the legislation of the State of Origin.</p>
51.	<p>If your State permits both full and simple adoption, are simple adoptions encouraged / promoted?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's consent to convert a simple adoption into a full adoption 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: Receiving State: Simple intercountry adoptions determined by the Court of Law of the State of Origin may be recognized by the Portuguese Central Authority fo Intercountry Adoption, but the nature of the adoption can only be changed by a Court of Law.</p> <p>(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: Please insert text here</p>

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts exist in your State?¹⁵</p> <p><input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State:</p>
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¹⁴ See [Guide to Good Practice No 1](#), Glossary.

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

	<p>Open adoption is not accepted according to the Portuguese Law.</p> <p>Openness in adoption, considering the open communication about the adoption and the adoptive specificities, between adoptive parents and child, and also with the social network of support, school, etc, is encouraged.</p> <p><input type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts: Please insert text here</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 type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: Article 60th of the Legal Regime of the Adoption Process determines that the adoption services must provide specialized professional intervention in case post-adoption support is required by the adoptive parents or adoptee (counseling and support regarding challenges of adoptive parenting and filiation). Post adoption is provided until the adoptee reaches 18 years of age, or, if request before that date, until 21. Specialized services may be requested externally to the adoption teams, if necessary (for example, partnerships with Universities).</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? N/A</p> <p>(b) Does your State have a specific approach depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</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 type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here</p>

¹⁶ C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	<input type="checkbox"/> No. Please explain your response: Please insert text here
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> <input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here
	<input type="checkbox"/> No.
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: Please insert text here</p>

6. NON-CONSENSUAL ADOPTIONS

In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility?</p> <p>The inhibition of the exercise of the parental rights must be determined by a Court of Law, after a child protection procedure involving the assessment of multi disciplinary teams. This decision is only made if the Court of Law considers that it is no longer possible to expect that the birth family will be able to provide care and love to the child (for example, in case of abandonment, abuse, severe neglect).</p>
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 still 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: If no parental consent for the adoption was given before the Court determined that the child should be entrusted with the purpose of future adoption, the Court of Law will take the place of the birth parents.</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 (<i>e.g.</i>, long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>The Principle of Subsidiarity is mandatory by Law. The Portuguese Law also determines that child protection measures that assures that the child remains in the natural</p>

environment are priority. The child protection measures are categorized by order or priority, as follows:

- a) Support by the Parents;
- b) Support by Other Family Members;
- c) Trust to a Suitable Person (natural environment, but non kinship);
- d) Support for Life Autonomy;
- e) Foster Family;
- f) Residential Care;
- g) Trust to a person selected for adoption, foster family or residential care in view of future adoption.

- (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).

The parental rights may only be inhibited after the complete judicial child protection procedure. This procedure will start, in general, in the Child Protection Comitees, which will endeavour to support the birth family to enhance it's parental skills in order to stop the risk or danger that they place the child in (or are no able to prevent). Should the Comitees not succeed, they will inform the Family Court of Law and request it's intervention. The only entity with competence to determine that a child should be adoptable, is the Court of Law. Before this decision is made, the birth parents are requested to intervene, duly represented by a lawyer (if they can't afford one, the State will provide). They are required contest or confirm their version of the facts and to suggest evidence (testimony or other) during the trial, and again, in the end, during the final trial hearing, may state their declarations. If the Court rules against their will, the birth parents may appeal to the Appeal Court, and, after that, to the Supreme Court.

No. Please explain your response:

Please insert text here

Receiving States only

63. 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?

Yes. Please specify what actions, if any, your State has taken to deal with these situations:

Please insert text here

No.

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?

State of Origin: Non consensual adoptions are the vast majority of adoptions, either intercountry, or domestic, since in Portugal birth parent's previous consent for adoption is rare. On the other hand, the Portuguese legislation defends that the right of a child to have a loving and caring family prevails over the right of the birth parents to maintain the legal bond with a child they can't care for (can't or won't), and, therefore, a child may become legally adoptable at the age of 12, for example. A child can be adopted until the age of 15.

(a) Please specify any **challenges** your State encounters with non-consensual adoptions:

65. The Appeals to the higher Courts may suspend the life of the child, sometimes up to 2 or 3 years, thus harming the child and it's future.
- (b) Please specify any **good practices** of your State regarding non-consensual adoptions, including those for overcoming any challenges:
- The child protection judicial proceedings and the adoption procedures are urgent, and are not suspended during any judicial vacation.

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="color: blue;">Any contact between PAP and child prior to the matching is forbidden by law. The exception exists for adoptions by a person who already had a structuring emotional relationship with the child of great meaning and reference for the healthy and harmonious development of the child (Article 3rd, f), of the Legal Regime for the Adoption Process).</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted;</p> <p style="color: blue;">Please insert text here</p> <p>(b) the experience of your State with regard to such contact.</p> <p style="color: blue;">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 (usually a camp) 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 psychological well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(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:</p> <p style="color: blue;">Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p>
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¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p><input type="checkbox"/> 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)? 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; Please insert text here</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; Please insert text here</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; Please insert text here</p> <p>(d) how the children are prepared for such programmes; Please insert text here</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; Please insert text here</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; Please insert text here</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; Please insert text here</p> <p>(h) who finances such programmes; Please insert text here</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). Please insert text here</p>

7.3. Voluntourism

In this Questionnaire, “voluntourism” refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children’s institution. In these situations, some

volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused:</p> <p>Receiving State: Portuguese resident PAPs have travelled abroad and, while voluntaries, adopted a child in that State of Origin, according to the laws applicable i that country. Since these cases occur withing countries that are not parties to the 1993 Hague Convention, the adoption must then be confirmed (or not confirmed) by the Portuguese Central Auhtority for Intercountry Adoption, after analysing the procedures of the specific case.</p> <p><input 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 checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>Volunteers in Homes should not interact with adoptable children, unless in case of special adoptive needs.</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</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>",¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted;</p> <p>It will depend on the case. in case of stepparent adoption, informal care, structural emotional relationships with the child, the declaration of intention of adoption may occur before the chiod is determined adoptable by a Court of Law. In this case, the suitability of an adoption msut the studied by and adoption team, considering every aspect and it's impact in the life of the child.</p> <p>In the case of structural emotional relationships, the adoptability Court decision may occur before the intention to adopt.</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt;</p> <p>It will depend on the situation. In the case of informal care, stepparent adoption and structural emotional relationships, the PAPs may be declared elegible and suitable after asn assessment by the adotpion team, following their manifestation of intention to adopt a specific child, and, if positive, the Court of Law will decide if the child should be adopted.</p> <p>(c) what the profile of these children was;</p>
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¹⁸ "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

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

	<p>All profiles applicable.</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected;</p> <p>The Portuguese legislation is stricter than the 1993 Hague Convention, and, therefore, all adoptions comply with the CH safeguards and procedures.</p> <p>(e) your State's experience with such adoptions.</p> <p>Positive experience, mostly.</p>
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8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to integrate new technologies into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> 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:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (i.e., excluding stepparent adoptions);²⁰</p> <p>1</p> <p>(b) stepparent adoptions;</p> <p>0</p> <p>(c) simple adoptions;</p> <p>N/A</p> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and</p> <p>N/A</p> <p>(e) non-consensual adoptions.</p> <p>Data not available</p>
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10. OTHER MATTERS

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