

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

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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.	Has your State centralised , in a public facility, information concerning the child's origins and the adoption of the child? <input type="checkbox"/> Yes. Please specify where the information is centralised: Please insert text here <input checked="" type="checkbox"/> No. Please specify where the information is stored: The information concerning the child's origins and the adoption of the child are sorted in a court which issued the decision on adoption and in the registration office.
2.	Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)? <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 <input checked="" type="checkbox"/> No.

1.1.2. Search for origins

3.	Is there a specialised programme or section in the Central Authority which deals with the
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	<p>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: After coming of age the person who was adopted can reach the information on adoption from the court which issued the decision on adoption and from the registration office. It should be noted that in general the scope of information depends on the type of the adoption.</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 type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (e.g., government, private companies, NGOs); 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? It depends on the reason why is the information incomplete or non-existent. In general the scope of information concerning the child's origins is very narrow.</p>
7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices. As for the article 304 of The Code of Criminal Procedure anyone who has knowledge that an offence prosecuted ex officio was committed has a citizen's duty to notify thereof the public prosecutor or the Police. Public and local government institutions that, in connection with their activity, learn of the perpetration of an offence prosecuted ex officio, immediately report the same to the public prosecutor or the Police and, until the arrival of the authority appointed to prosecute offences or the issue by this authority of an appropriate order, undertake actions necessary to prevent the loss of traces and evidence.</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].

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); No data available</p> <p>(b) how many were not successful and what were the reasons. No data available</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 checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them: The challenge is the right of the child to know the origin and the other hand the secret of adoption. It seems that the polish Act on Civil Records gives the rational balance between these two values.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" 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>In general it is no possible for the birth family to receive the information concerning the adoption of their child.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p>
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² Post-adoption services may be provided to adoptees, birth families and adoptive families.

³ C&R No 18 of the 2015 SC:

	<p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: <i>One of the tasks of adoption centers in Poland is to support persons who adopted a child. They can reach the psychological and pedagogical support. It's free of charge.</i></p> <p><input type="checkbox"/> No. Please specify any reasons: <i>Please insert text here</i></p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families); <i>child, birth families, adoptive families</i></p> <p>(b) who provides the services (<i>e.g.</i>, social welfare administration, school, health personnel); <i>All of 64 adoption centers running in Poland</i></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); <i>They might be, but the families can also choose another one.</i></p> <p>(d) how, if there are different services, these various services are coordinated; <i>Please insert text here</i></p> <p>(e) how the post-adoption services are financed (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); <i>The organisation and running of the adoption centres is the contracted task in the field of government administration to be implemented by a voivodeship self-government, so its financed by state budget.</i></p> <p>(f) the length of time this support is available. <i>As long as they need it.</i></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. <i>Usually the proper information is on the website of adoption centres.</i></p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered: <i>The support</i></p> <p><input checked="" 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: <i>Post-adoption services are one of the tasks which are currently monitored by the relevant services. In addition in 2018 the Supreme Audit Office has prepared the complex report on adoption centres in Poland (https://www.nik.gov.pl/kontrola/P/17/044/).</i></p>

“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].

	<input type="checkbox"/> No.
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Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p> <p>The biggest challenge is to create an atmosphere of trust between adoptives and the adoption center. It is a guarantee that in a situation when they will need the support, they will not have the fear to ask the adoption center for help. The challenge is also to properly prepare the candidates for adoption so that they are aware that various difficulties may arise after adoption which may not necessarily be due to their fault. And the can't be shame to ask for help.</p>
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1.3. Post-adoption reports

Receiving States only

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

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <ul style="list-style-type: none"> - preparation of reports on time - lack of real possibility of executing them - preping the reports without the supervision of the central authority of the receiving state or adoptipn services (the repors are prepared only by adoptive parents, and they don't give the objective view of the situatuon of the child).

1.4. Adoption breakdowns

Both States of origin and receiving States

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](#)").

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

- inadequate preparation of adoptive parents
- no real support when difficulties arise;
- improper selection of parents for the child;

(b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;⁷

Adoption documentation is verified by a number of independent entities.

In 2017 Poland has strengthened the requirements on post-adoption. The Pap's before the adoption need to give the consent:

- to transfer by the adoption agency or the Central Authority to the Catholic Adoption Center in Warsaw, as a center authorized to conduct international adoption procedures, reports from post-adoption interviews with photographs of the child once a year, for a period of three years and once every three years, until the child reaches the age of majority,
- to contact with the child by distance communication tools like telephone, skype, e-mail- by the staff of the Catholic Adoption Center Warsaw or by the staff of the Polish central authority,
- to visits to the place of residence of the child, carried out by the Polish consular services or other persons authorized by the Central Authority for a period of 6 months from the date of adoption.

(c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;

It's same as for domestic adoption.

(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:

As it was mentioned above.

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

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>(f) how many cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date; Polish central authority has information on about 6 of these kind cases.</p> <p>(g) how many of these cases included a new placement (e.g., foster care, new adoption) for the child; All of them.</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); Polish central authority has information only about those which were done under the 1993 Adoption Convention.</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. Please insert text here</p>
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Receiving States only

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

States of origin only

25.	Is your State's Central Authority (or other competent authority) informed or involved /
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⁹ C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<p>consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p style="padding-left: 20px;">In general yes, but because there is no an obligation to inform the central authority of the state of origin so unfortunately we are not sure if we are informed in all those cases. Usually we receive the information from the central authority, or from the adoption agency, when we receive the post- adoption report.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p style="padding-left: 20px;">In general yes, but sometimes the information is giving to us post- factum.</p> <p><input type="checkbox"/> No.</p>
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1.5. Other post-adoption matters

States of origin only

26.	<p>Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality:</p> <p style="padding-left: 20px;">Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p style="padding-left: 20px;">But they may receive the polish nationality on general rules.</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:</p> <p style="padding-left: 20px;">Polish central authority has no data on that. The cases of nationality are the competence of The Ministry of Internal Affairs and Administration.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption.</p> <p style="padding-left: 20px;">The development of a Guide to Good Practice on post-adoption is really needed. Standardization of the rules will facilitate the cooperation.</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p style="padding-left: 20px;">(a) the type of illicit practices which were discovered;</p> <p style="padding-left: 40px;">Please insert text here</p> <p style="padding-left: 20px;">(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);</p>
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	<p>Please insert text here</p> <p>(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention;</p> <p>Please insert text here</p> <p>(d) how your State handled these situations;</p> <p>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.</p> <p>The entire adoption procedure is closely monitored, and its proceeded by independent entities. In addition in 2019 the new law against illegal adoptions come into force. The amendment to the Penal Code means that "single" illegal adoptions will not go unpunished either. Both the mother and the person accepting the child will be punished. The new provision stipulates that whoever gives up or adopts a child for adoption without appropriate legal proceedings (e.g. by false identification of paternity) may be imprisoned for up to 5 years.</p> <p>The same punishment will threaten a person who conceals from a court that he gave a child for money or other benefit. If he hides it - he will be imprisoned for 5 years. If it is not concealed - the court will decide whether there has been a transaction that excludes the possibility of adoption or only insignificant gratification. The idea is not to suppress adoption in cases where the mother accepts a small present from future adoptive parents, e.g. diapers or baby's milk.</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;</p> <p>Please insert text here</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>Please insert text here</p> <p>(c) the grounds upon which this may be done;</p> <p>Please insert text here</p> <p>(d) whether there is an age limit for the annulment of an adoption;</p> <p>Please insert text here</p> <p>(e) the procedure involved;</p> <p>Please insert text here</p> <p>(f) the number of intercountry adoptions which are on average annulled per year.</p> <p>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;</p> <p>Please insert text here</p> <p>(b) who can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>Please insert text here</p> <p>(c) the grounds upon which this is done;</p>

	<p>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 procedure is very similar to non- relative intercountry adoptions. But in polish legal system intra-familial adoptions has in general the priority in other types of adoption, even if it’s the intercountry adoption. A child may be qualified for adoption in connection with a change of previous child’s place of residence within the territory of the Republic of Poland to a place of residence in another country, after exhausting all opportunities to find a candidate for adoption of such a child within the territory of the country, unless there is a</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].

	<p>family relationship or kinship between the adopting persons and the child to be adopted or when the adopting persons have already adopted a sister or brother of the child to be adopted.</p> <p>There is similar rule pointed in the Polish The Family and Guardianship Code. It stipulates that the adoption resulting in the adoptee changing his/her current place of residence in the Republic of Poland to reside in another state, can take place if this is the only way to ensure the adoptee has an appropriate substitute family environment. It will not apply if there is a relationship of consanguinity or affinity between the adopter and the adoptee, or if the adopter already has already adopted a brother or sister of the adoptee.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: 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 type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input checked="" type="checkbox"/> Other. Please explain your response: It depends on the type of the adoption. In general it affects the child and his or her mother and father, but also the other members of the family. But at the request of the adopter, and with the consent of those whose consent is needed for adoption, the guardianship court rules that the effects of adoption will rely purely on the creation of a relationship between the adopter and the adoptee. However, in this case the effects of adoption extend to the descendants of the adoptee. It is called the "incomplete adoption".</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</p>

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

	<p>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:</p> <p style="color: blue;">We recognize the problem of time. The procedures of intercountry relative adoptions should be provided more quickly and should be treated as priority.</p> <p><input type="checkbox"/> No.</p>
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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> <p style="color: blue;">As it was mentioned above, in polish legal system intra-familial adoptions has in general the priority in other types of adoption, even if it's the intercountry adoption. A child may be qualified for adoption in connection with a change of previous child's place of residence within the territory of the Republic of Poland to a place of residence in another country, after exhausting all opportunities to find a candidate for adoption of such a child within the territory of the country, unless there is a family relationship or kinship between the adopting persons and the child to be adopted or when the adopting persons have already adopted a sister or brother of the child to be adopted.</p> <p style="color: blue;">There is similar rule pointed in the Polish The Family and Guardianship Code. It stipulates that the adoption resulting in the adoptee changing his/her current place of residence in the Republic of Poland to reside in another state, can take place if this is the only way to ensure the adoptee has an appropriate substitute family environment. It will not apply if there is a relationship of consanguinity or affinity between the adopter and the adoptee, or if the adopter already has already adopted a brother or sister of the adoptee.</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input checked="" type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p style="color: blue;">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:</p> <p style="color: blue;">For example the related foster families.</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:</p> <p style="color: blue;">Please insert text here</p>

3.2. Stepparent adoptions

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

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>Have no date on that.</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions: We recognize the problem of time. The procedures of intercountry relative adoptions should be provided more quickly and should be treated as priority.</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges: Please insert text here</p>

3.3. Intrafamily adoptions and circumvention of immigration lawsBoth States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to circumvent immigration laws?</p> <p><input type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

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

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State? We haven't faced the situation like that yet. But if we had we would inform the state of mothers's residence (if we had the information on that), just to try to place the child in the foster care in that country. The state of habitual residence is the state where the child is when the application for adoption is submitted to the court.</p> <p>(b) how was the child's habitual residence determined? Which factors were considered? We take into consideration the necessity to prepare the report on the child. The state where the child is has the widest information on that child.</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? It depends on the individual situation. We haven't faced the situation like that yet</p> <p>(d) what challenges did your State face in dealing with such situation(s)?</p>
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	<p>We haven't faced the situation like that yet</p> <p>(e) if your State was the State where the child was born, was contact sought with the State of habitual residence of the mother? Was there any cooperation between the concerned States?</p> <p>We haven't faced the situation like that yet</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: All factors need to be taken into consideration. As the central authority the most important for us is the best interest of the child.</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? All ambiguous situations which we have faced were determined in cooperation with other central authorities and the Permanent Bureau in Hague</p> <p>(b) would determine the child's habitual residence not to be in their State? All ambiguous situations which we have faced were determined in cooperation with other central authorities and the Permanent Bureau in Hague</p>

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

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

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</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:</p>

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

	<p>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 type="checkbox"/> No.</p>
53.	<p>(a) Please specify any challenges your State encounters with simple adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: Please insert text here</p>

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts exist in your State?¹⁵</p> <p><input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts: Open adoption is a form of adoption in which the biological and adoptive families have access to varying of each other's and have an option of contact. As for the polish law parents may indicate adoptive persons in a guardianship court only when they relatives. The spouse of one of the parents may also be indicated. But even in these situations in general the adoption procedures are provided in adoption centers. In all cases the final orders are issued by the court. In addition the cases under the Hague Convention there are the central authority and the Catholic Adoption Centre involved. The Catholic Adoption Centre is the adoption center which is authorized to conduct the intercountry procedures.</p>
55.	<p>Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: As it was mentioned above the group of persons who may be designated as candidates for adoption was limited only to the relatives and spouse of the parent.</p> <p><input type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the</p>

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

	<p>2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: There are general rules on contacts between the candidates and child (see point 66).</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? Please insert text here</p> <p>(b) Does your State have a specific approach depending on the profile of these children? <input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
58.	<p>Does your State provide professional support or services to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: There are general rules on support or services to birth families or adoptive families and adoptees.</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of contact between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: 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

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].

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>According to the article 111 of the Polish Family and Guardianship Code if parental authority cannot be performed permanently, or if the parents abuse their parental authority or seriously neglect their obligations towards the child, the guardianship court may deprive the parents of their parental authority. The deprivation of parental authority may be ordered in relation to one of the parents. The court can deprive parents of their parental authority if, despite aid provided, the reasons for applying Article 109 § 2 point 5 remain, and in particular where the parents are permanently not interested in the child.</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 <u>still</u> required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: According to the article 119 of the Polish Family and Guardianship Code the adoptee's parents must consent to the adoption, unless they have been deprived of parental authority or are unknown, or there are significant obstacles to reaching an agreement with them. The guardianship court may, in special circumstances, rule on adoption despite the lack of consent from parents with limited legal capacity, if the refusal to consent to adoption is manifestly contrary to the welfare of the child.</p> <p>(b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>The family support system operating in Poland is based on the subsidiarity principle. His premise is, above all, to accompany and supply the family with specific tools and lasting skills. This system therefore gives families the chance to improve their situation primarily through their own decisions and actions.</p> <p>This system is created, among others, by family assistants, day support centers and supporting families. The Family may also receive the various financial and non-financial benefits.</p> <p>The guardianship court issues the relevant orders only when the child's welfare is endangered. The guardianship court may, in particular:</p> <ul style="list-style-type: none"> - oblige the parents and a minor to behave in a certain way, in particular to work with a family assistant, to perform other forms of family work, refer the minor to a day care facility specified in the provisions on family support and the foster care system, or refer the parents to a facility or specialist providing family therapy, counselling or other appropriate assistance for the family, while at the same time indicating how to monitor the compliance with the order issued; - determine what actions cannot be made by the parents without the permission of the

court, or subject the parents to other restrictions, as those applicable to a guardian;

- subject the exercise of parental responsibility to the permanent supervision of a court-appointed custodian;
- refer the minor to an organisation or institution for vocational training, or another facility conducting partial supervision over children;
- order that the minor be placed in foster care, placed in a family-run foster care centre or in institutional foster care, or to temporarily entrust the role of foster family to a spouse or a person who does not fulfil the conditions concerning foster family with regard to the necessary training provided for in the provisions on family support and foster care, or order that the minor be placed in a care and treatment institution, in a nursing and care facility or in a medical-rehabilitation facility.

If despite aid provided, the reasons for applying the above mentioned orders, continue to exist, and in particular where the parents are permanently not interested in the child the court can deprive the parents of their parental responsibility.

- (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).

According to Article 578 of Code of Civil Procedure the court shall forward a judgment on termination of parental responsibility to a competent adoption centre which keeps a regional database of children awaiting adoption, within seven days of the judgment becoming final and non-revisable.

After that, the proper adoption centre provides the procedure on qualify the child for domestic adoption, draw up a document confirming the child's qualification for domestic adoption and begins the search for a candidate for child adoption.

Failure to find a candidate for child adoption in whole Poland within 55 days causes that the proper adoption centre shall submit the child's qualification documentation to the adoption centre which maintains the central databank.

The adoption centre which maintains the central databank shall qualify the child for intercountry adoption and draw up a document confirming the child's qualification for intercountry adoption. When qualifying the child for intercountry adoption, the adoption centre which maintains the central databank may seek the advice of the minister competent for family matters.

Later the adoption centre which maintains the central databank shall deliver the qualification documentation and the document confirming the child's qualification for intercountry adoption to the adoption centre authorised to cooperate with central authorities of other countries or with organisations or adoption centres licensed by governments of other countries, in order to find an adoption family for the child outside the territory of the Republic of Poland.

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

	<input type="checkbox"/> No.
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Both States of origin and receiving States

64.	<p>What is the profile of children for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>Most of children which are qualified for adoption are the children whose parents were deprived of their parental authority.</p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions:</p> <p style="padding-left: 20px;">Please insert text here</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p style="padding-left: 20px;">The clear procedures of adoption gives the guarantee that the status of the child is legal.</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 20px;">An adoption centre shall make it possible to get in touch with a child and make available information about it to candidates for adoption of a child after a candidate has completed a child adoption training (when it's necessary) and after a positive qualification opinion has been granted and after a child has been qualified for adoption, unless the adoption takes place between family members.</p> <p style="padding-left: 20px;">Where a candidate for child adoption resides outside the borders of the Republic of Poland, the adoption centre authorised to cooperate with central authorities of other countries or with organisations or adoption centres licensed by governments of other countries, shall:</p> <p style="padding-left: 20px;">1) after the child's qualification for adoption by the adoption centre which maintains the central databank, submit the information about the child to the proxies of organisations or adoption centres licensed by governments of other countries;</p> <p style="padding-left: 20px;">2) upon the consent of the central authority granted in accordance with Article 17 of the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, make it possible for candidates qualified by the above-mentioned entities to contact the child, unless the adoption takes place between family members.</p> <p><input type="checkbox"/> No. Please specify:</p> <p style="padding-left: 20px;">(a) in which circumstances such contact is permitted;</p> <p style="padding-left: 40px;">Please insert text here</p> <p style="padding-left: 20px;">(b) the experience of your State with regard to such contact.</p> <p style="padding-left: 40px;">Please insert text here</p>
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7.2. Summer camps / hosting programmes

In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event (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: 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> <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>

¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<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>
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7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: There are general rules on voluntourists in foster care in Poland,</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</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>application was submitted;</p> <p>Please insert text here</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt;</p> <p>Please insert text here</p> <p>(c) what the profile of these children was;</p> <p>Please insert text here</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected;</p> <p>Please insert text here</p> <p>(e) your State's experience with such adoptions.</p> <p>Please insert text here</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 (<i>e.g.</i>, 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>i.e.</i>, 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>i.e.</i>, excluding stepparent adoptions);²⁰</p> <p>Please insert text here</p> <p>(b) stepparent adoptions;</p> <p>Please insert text here</p> <p>(c) simple adoptions;</p> <p>Please insert text here</p> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and</p> <p>Please insert text here</p> <p>(e) non-consensual adoptions.</p> <p>Please insert text here</p>
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10. OTHER MATTERS

²⁰ For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

74.	Please specify any other comments your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention. Please insert text here
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