

**Fifth Meeting of the Special Commission on the practical operation of the
 1993 Adoption Convention – May / June 2021**

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	Prel. Doc. 3 of February 2020
Title	Questionnaire on the practical operation of the 1993 Adoption Convention	
Author	Permanent Bureau	
Agenda item	N/A	
Mandate(s)	C&R No 32 of the 2019 meeting of CGAP C&R No 32 of the 2018 meeting of CGAP Article 42 of the 1993 Adoption Convention Article 6 of the HCCH Statute	
Objective	To obtain information on the practical operation of the 1993 Adoption Convention from States Parties to the Convention	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/> For Action <input checked="" type="checkbox"/>	
Annexes	N/A	
Related documents	Prel. Doc. 2 of December 2019 for the attention of the Special Commission of 2021 – Analysis of the responses to the 2019 Questionnaire on possible topics and format for the Fifth Meeting of the Special Commission on the practical operation of the 1993 Adoption Convention Country Profiles Prel. Doc. No 2 of October 2014 for the attention of the Special Commission of 2015 – Questionnaire No 2 on the practical operation of the 1993 Adoption Convention	

Objectives and Scope of the Questionnaire

1. This Questionnaire has been prepared for the purposes of the upcoming Fifth Meeting of the Special Commission on the practical operation of the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (hereinafter, “HCCH 1993 Adoption Convention”, “1993 Adoption Convention” or simply “the Convention”) scheduled tentatively for May / June 2021. It seeks to elicit information from States on their current practices and challenges they may face / have faced on aspects of the implementation and operation of the Convention. It complements information already provided by States in their [Country Profiles](#).
2. This Questionnaire is addressed primarily to Contracting Parties to the HCCH 1993 Adoption Convention. Non-Contracting Parties (whether Members of the HCCH or not) should not feel bound to respond to the Questionnaire but may provide responses or other comments should they so wish.
3. The Questionnaire covers topics identified by States in their responses to the [2019 Questionnaire](#) on possible topics for the Fifth Meeting of the Special Commission on the practical operation of the 1993 Adoption Convention.

Instructions for Questionnaire completion

4. The Questionnaire is being sent to Central Authorities designated under the HCCH 1993 Adoption Convention, as well as to National and Contact Organs of Members of the HCCH. Central Authorities are asked to coordinate, as appropriate, between themselves and with other competent authorities. For Contracting Parties to the Convention, the designated Central Authorities are ultimately responsible for submitting the completed questionnaire to the Permanent Bureau (PB).
5. Please note that each question specifies whether the question is addressed to States of origin, receiving States or to both. If your State is both a State of origin and a receiving State, please respond from both perspectives and identify to which your response refers, if necessary. If a question is not applicable in your State, please respond “N/A”.
6. In order to allow the PB to extract parts of the Questionnaire for compilation and analysis of the responses, you are kindly requested to use **this Word Version** of the document, and **not to return a PDF version** of the completed Questionnaire.
7. You are kindly requested to send your completed Questionnaire to the PB by e-mail to <secretariat@hcch.net> **no later than Friday 29 May 2020, 5.00 p.m. CEST** with the following indication in the subject line of the e-mail:

“2021 Adoption Special Commission – Questionnaire Response – [name of State]”.
8. The PB intends, except where expressly asked not to do so, to place all replies to this Questionnaire on the HCCH website (<www.hcch.net>). Please therefore clearly identify any responses which **should not** be made visible on the website.
9. If information provided in response to your State’s [Country Profile](#) for the HCCH 1993 Adoption Convention assists with your answer to any question herein, please cross-refer to the relevant response in the Country Profile.
10. Please address any questions you may have on this Questionnaire to <secretariat@hcch.net>. Thank you for your cooperation as the PB prepares for the next meeting of the Special Commission in 2021.

Name of State:	Brazil
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 type="checkbox"/> Yes. Please specify where the information is centralised: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify where the information is stored: In Brazil, data concerning the child's origins is not centralised in a public facility. Each State Court of Justice is responsible for storing the information related to the adoptions they have performed.</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 checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: Since 2018 the Brazilian Central Authority is coordinating the State's efforts in response to requests for the origins of an adoptee.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled:</p>
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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>Regarding counselling and preparation, during the last Annual Meeting between the Brazilian Central Authority and the Accredited Bodies for Intercountry Adoption, it was recommended the inclusion and approach of the search of origins issues in the counselling and preparation courses offered for the prospective adoptive parents. The Accredited Bodies are responsible for the intermediation of 99% of the intercountry adoptions in Brazil. Regarding the professional support issue cited on the Recommendation nº 21, it is worth mentioning the fact that the Brazilian law in force provides that the adoptee has the right to know its biological origin, as well as to have unrestricted access to the case in which the measure was applied and its eventual incidents, after completing 18 (eighteen) years of age, and that the access to the adoption case may be granted to the adoptee under 18 years old, at their request, provided with legal and psychological assistance.</p> <p>Moreover, the Council of Brazilian Central Authorities has approved Resolution nº 19/2019, on October 2019, related to the proceedings of search of origins which recommends the state-level central authorities to supply professional support in first meetings between the adoptee and the biological family.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (e.g., government, private companies, NGOs); Not applicable</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; Not applicable</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; Not applicable</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. Not applicable</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>Resolution nº 19/2019, recently approved by the Council of Brazilian Central Authorities, provides that in the event that it is not possible to find the adoption files and background information, the competent authority shall issue a certificate declaring of the non-existence of information or exhaustion of efforts to locate the physical records of the judicial proceedings of adoption/termination of the rights of the biological parents. Besides, in cases where it is found that it was not possible to locate the file due to irregularities or illegalities, the competent authorities shall submit a request to the investigative bodies, including criminal and child protection agencies, for appropriate investigation and prosecution measures.</p>

¹ [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	In those cases, the reasons for non-compliance with the request, totally or partially, are forwarded to the applicant, including all measures taken and documents provided by the competent authorities.
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>Resolution nº 19/2019 provides that in cases where it is found that it was not possible to locate the file due to irregularities or illegalities, the competent authorities - at the State level where the adoption took place - shall submit a request to the investigative bodies, including criminal and child protection agencies, for appropriate investigation and prosecution measures.</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);</p> <p>From November 2018 to December 2019, the Brazilian Central Authority received 33 requests of search of origins:</p> <ul style="list-style-type: none"> - in 11 cases the adoptee was granted information about the localization of his/her birth family. In two of these cases, the adoptee was able to have access to the information by making use of private searches/investigations; - in 8 cases the adoptee was granted the documents related to his/her adoption; - in 5 cases the adoptee received information about the localization of his birth family and also received the documents of his adoption; - 22 of 33 cases received in the above period are still open awaiting the receipt of documents of the adoption, information on the localization of the biological family, or both. <p>From January 2020 to April 2020, the Brazilian Central Authority received 32 requests of search of origins, with no final results until now.</p> <p>(b) how many were not successful and what were the reasons.</p> <ul style="list-style-type: none"> - in 2 requests of search of origins received, the case was considered concluded without any result. The reasons were related to lack of information about the biological genitors and unavailability adoption papers/documents.
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:</p> <p>In Brazil, the adoptee has, by law, the right to have access to the identity of genitors and to the adoption papers. However, the information related to the genitor's current location is not guaranteed by law. Moreover, Brazilian law guarantees the birth mother the right of birth secrecy.</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>

Procedures for processing requests from the birth family are not foreseen in the Brazilian legislation in force. There are no specific programme or database to handle such requests.

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> <p style="padding-left: 20px;">Resolution nº 19/2019, attached to this file and available on the Brazilian Central Authority website: https://www.justica.gov.br/sua-protecao/cooperacao-internacional/adocao-internacional/conselho-das-autoridades-centrais-brasileiras</p> <p><input type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p style="padding-left: 20px;">The Brazilian legislation in force requires that Accredited Bodies produce a post-adoption report every 6 months, sending it to the Brazilian competent authority pursuant Article 23 of Hague Convention of 1993, together with a copy to the Brazilian Central Authority, for the minimum period of 2 (two) years. The submission of the report is maintained until the Accredited Bodies forwards the authenticated copies of the Civil Registry, establishing citizenship of the receiving State for the adoptee. The Brazilian Courts and the Brazilian Central Authority also require that the Central Authority of the Receiving State send the aforementioned documents when the adoption was not intermediated by Accredited Bodies.</p> <p style="padding-left: 20px;">Besides, the Council of the Brazilian Central Authorities approved a template of Post-Adoption Report, which was recently revised by the Brazilian Central Authority to ensure the receipt of important and critical information about the post-adoption period.</p> <p style="padding-left: 20px;">When Brazil is the Receiving State, the Brazilian Central Authorities in the state-level are responsible for supplying the post-adoption reports, which are elaborated by the multidisciplinary team from the State Court of Justice of the municipality where the adoptive family lives. In fact, Brazil hasn't gathered, so far, relevant experience as a Receiving State. In this sense, the Brazilian Central Authorities carry out the follow up of the post-adoptions according to what is required by the State of origin of the child, whenever possible.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p style="padding-left: 20px;">Please insert text here</p>
14.	If your State provides specialised post-adoption services, please specify:

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>(a) the type of services provided and to whom they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families); Not applicable</p> <p>(b) who provides the services (<i>e.g.</i>, social welfare administration, school, health personnel); Not applicable</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); Not applicable</p> <p>(d) how, if there are different services, these various services are coordinated; Not applicable</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); Not applicable</p> <p>(f) the length of time this support is available. Not applicable</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. Not applicable</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: Regarding post-adoption services, when Brazil is the State of origin, we can mention the new proceedings regarding search of origins. Recently, the Council of the Brazilian Central Authorities approved Resolution nº 19/2019 in order to establish clear and common procedures among the State-level Central Authorities to guarantee the right of origin provided for in the Brazilian Law in force.</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p>
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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](#)").

	No relevant experience. Brazil has not played, traditionally, the role of Receiving State.
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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 checked="" type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: No relevant experience, because Brazil is not, traditionally, a Receiving State. In general, PAPs are informed about post adoption services during all steps of adoption, since they engage in training, what happens before being considered suitable to ask for an adoption.</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>- The Council of the Brazilian Central Authorities approved a template of Post-Adoption Report, which was recently revised by the Brazilian Central Authority to ensure the receipt of important and critical information about the post-adoption period. The Accredited Bodies which intermediate most of adoptions in Brazil, are asked to send the post-adoptions reports according to the template approved every 6 months from the date of adoption, for the minimum period of 2 years.</p> <p>- The Brazilian Central Authority has established an efficient control system for receiving and analyzing post-adoption reports from Accredited Bodies, which can be sanctioned for failing to send those reports and/or any other requested documents.</p> <p>- Receiving post-adoption reports and other documents due from Bodies that were disqualified or those that have ceased to operate in the country has been a challenge.</p>

1.4. Adoption breakdowns

Both States of origin and receiving States

22.	<p>If your State has had any experience regarding intercountry adoptions which have broken down, please specify:⁵</p> <p>(a) what have been the main causes of the breakdowns;⁶</p>
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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](#).

- Children reported to as having critical psychological trauma;
- Children reported with psychiatric illnesses;
- Non-adaptability of children with the family.

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

Cooperation with the Central Authority of the Receiving State to ensure the receipt of information on how the situation was handled, to guarantee that the best interest and well-being of the child is being considered (Eg.: if the child was placed in a new family or in a shelter, within the Receiving State territory).

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

As Brazil mostly plays the role of State of Origin, actions are limited to follow-ups: the receipt of post-adoption documents and contact with the Central Authority of the Receiving State if necessary.

As a Receiving State, we do not have experienced breakdowns of intercountry adoptions so far.

(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:

- Preparatory courses for PAPs offered by accredited bodies in the Receiving State;
- Cohabitation stage in the country of origin (Brazil) accompanied by psychosocial teams of the State Courts of Justice;
- Post-adoption follow-up for the minimum period of 2 years.

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;

In one of the cases reported, the breakdown occurred just after the sentence of adoption and before the family left the country, because the children (2) did not want to stay with the adoptive parents, so they were sheltered in a Brazilian family again.

(f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

Two (2) cases of breakdown have been reported, one related to the adoption of one child and the other related to the adoption of 2 children. As mentioned above, in one of the cases, the breakdown occurred before the children left the country, who were sheltered again in Brazil.

In the other case, the child was already in the Receiving State and was sheltered in a foster care in that country.

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>(g) how many of these cases included a new placement (<i>e.g.</i>, foster care, new adoption) for the child; <i>The two cases included a new placement for the children involved.</i></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>i.e.</i>, prior to the entry into force of the Convention in your State or with non-State Party); <i>- Between 2015 and the present date: two cases under the 1993 Adoption Convention.</i> <i>- No statistics are available for cases outside the Convention or since the Convention was in force (From 1999 to 2015).</i></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. <i>Brazil is not a signatory country of the 1996 Child Protection Convention. However, it cooperates "de facto" with the Central Authority of the Receiving State to handle situations of breakdowns in intercountry adoption or even extra-conventional cases related to child protection.</i></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: <i>Although the Brazilian experience as a Receiving State is not very representative, considering the institutional apparatus Brazil has for post-adoption follow-up, in the case of a breakdown, the Brazilian Central Authority would be involved by the state-level Central Authority if necessary.</i></p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: <i>Please insert text here</i></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: <i>Yes, in the case an adoption breaks down, the Brazilian Central Authority would contact the Central Authority of the child's State of origin.</i></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: <i>Please insert text here</i></p> <p><input type="checkbox"/> No.</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."

States of origin only

25.	<p>Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: In cases of breakdowns of adoption in which the Central Authority of Brazil was informed, Brazil followed the child's situation, demanding information from the Central Authority of the Receiving State.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>
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1.5. Other post-adoption mattersStates 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 checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality: The adoptees from Brazil retain their nationality. In the case of male adoptees, in order to guarantee the regularity of documents, they need to present themselves to the Brazilian Consulate in the Receiving State, when they complete the age of 18, for military enlistment abroad.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled: When the Brazilian Central Authority was informed that the adoptee has found some difficult to retain the Brazilian nationality, due to demands regarding the military enlistment abroad, the case was forwarded to the Ministry of International Affairs for monitoring and solving it.</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>The Brazilian Central Authority strongly supports the development of a post-adoption Guide to Good Practices, as we believe that it would be a good reference and a way to harmonize post-adoptive follow-up practices among the signatory countries of the 1993 Hague Convention.</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 checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the type of illicit practices which were discovered; <i>Attempt to carry out domestic adoption by forging habitual residence in Brazil.</i></p> <p>(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure); <i>During the adoption procedure.</i></p> <p>(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention; <i>Attempt to carry out the adoption outside the scope of the 1993 Adoption Convention, circumventing the treaty.</i></p> <p>(d) how your State handled these situations; <i>Cooperation with contracting states and cooperation with the Brazilian judiciary authority involved in the case.</i></p> <p><input type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices.</p> <p>- Regular bi-annual meetings of the Council of the Brazilian Central Authorities, composed by the Brazilian Central Authority, 27 state-level Central Authorities, the Ministry of International Affairs and the Federal Police to harmonize understandings, forms, practices and policy about intercountry adoption;</p> <p>- Maintenance of a spirit of cooperation with other contracting States.</p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so; <i>The judicial authority.</i></p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); <i>Public Prosecutor's Office and any offended party</i></p> <p>(c) the grounds upon which this may be done; <i>Illegalities reported during the procedures of adoption; coercion; among others.</i></p> <p>(d) whether there is an age limit for the annulment of an adoption; <i>Not applicable.</i></p> <p>(e) the procedure involved; <i>Judicial decision.</i></p> <p>(f) the number of intercountry adoptions which are on average annulled per year. <i>Since 2015, the Brazilian Central Authority has no records of revoked intercountry adoptions.</i></p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so;</p>

- (b) **who** can request the revocation (e.g., adoptee, adoptive parents, birth parents);
- (c) the **grounds** upon which this is done;
- (d) whether there is an **age limit** for the revocation of the adoption;
- (e) the **procedure** involved;
- (f) the **number of** intercountry adoptions which are on average revoked per year.

No.

3. INTRAFAMILY ADOPTIONS

In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.¹⁰

3.1. General questions for intrafamily adoptions (i.e., relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The Central Authority.</p> <p><input type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p> <p style="color: blue;">Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p style="color: blue;">In-family adoptions fall within the scope of the Convention.</p> <p><input type="checkbox"/> No. Please specify any reasons:</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].

	Please insert text here
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 type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³</p> <p>In domestic adoptive procedures, intrafamily adoptions are prioritized in comparison to a non-intrafamily adoptions. Although the subsidiarity principle is applied to intercountry adoptions, we can consider the prioritization of intrafamily adoption to be valid to</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](#).

	<p>intercountry procedures as well. According to the Brazilian legislation in force (Law nº 8069/1990, art. 39, parágrafo 1), adoption is an exceptional and irrevocable measure, which should only be considered when all other possibilities and means for keeping the child or adolescent in their natural or extended family are exhausted. Besides, the law provides that PAPs with the Brazilian nationality have priority in comparison to other PAPs in intercountry adoptions.</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 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: Guardianship and custody/tutelage.</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: Not applicable.</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: The Brazilian Central Authority has no records of stepparent intercountry adoptions so far.</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>The Brazilian Central Authority has no records of stepparent intercountry adoptions so far.</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions: The Brazilian Central Authority has no records of stepparent intercountry adoptions so far.</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges: The Brazilian Central Authority has no records of stepparent intercountry adoptions so far.</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 checked="" type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations:</p>
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Frequently the Brazilian Central Authority is asked, by adoptive parents, to issue the Certificate of Conformity to domestic adoptions that took place in Brazil but, just after the adoption was granted, the child has had its habitual residence changed to other State-Party - more frequently, the United States of America. The Brazilian Central Authority does not issue, and strongly encourage the State-level Central Authorities to not issue any Hague Certificated (continuity or conformity) to adoptions that did not follow all steps and formalities envisaged by the treaty.

No.

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? Brazil was the State of birth of the child (State B)</p> <p>(b) how was the child's habitual residence determined? Which factors were considered? Brazil was determined as being the child's habitual residence because the mother gave birth and delivered the newborn child for adoption in Brazil.</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? Domestic adoption.</p> <p>(d) what challenges did your State face in dealing with such situation(s)? Theoretically, Brazil could face some challenges related to termination the other parent parental rights - if the father, on that case, was known and living abroad (State A or another State).</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? In the case considered, there was no detected need, so far, for cooperation with the State of habitual residence of the mother.</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: If the Brazilian authorities consider the situation to be a case of human trafficking, it would contact the Central Authority of the mother's habitual residence, but this was not the case, once the child had to be sheltered before adoption, and the need to be registered in a National System of Adoption reduces the risks of human trafficking (eg. the risk of forgery an adoption is reduced).</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? If applicable to the practical situation, it would initiate an intercountry adoption procedure.</p> <p>(b) would determine the child's habitual residence not to be in their State? If applicable to the practical situation, it would initiate a domestic adoption procedure.</p>
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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: Since the Federal Constitution of 1988, and specially after the publication of the Child and Adolescent Statute (Law nº 8069/1990), simple adoptions are not carried out or accepted in Brazil. The present legislation in force only recognizes full adoptions. The reason for these changes is to guarantee the best interest of the child, based on the understanding that full adoption guarantees the same rights of the biological child to the adoptive child.</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? Not applicable.</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 checked="" type="checkbox"/> No. Please explain your response: Not applicable.</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: Not applicable.</p>

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

	(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: Not applicable.
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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: The instrument of open adoption does not exist in Brazil.</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 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: In Brazil, only full adoption is permitted, in which the biological parent’s right are considered fully terminated. Besides, the maintenance of links between the biological family and the adoptee does not seem to be encouraged by Brazilian law, as with the full adoption of a child or adolescent, the biological links are terminated.</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? Not applicable.</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: Not applicable.</p> <p><input checked="" type="checkbox"/> No.</p>

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

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].

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: Not applicable.</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Not applicable.</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: Not applicable.</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: Not applicable.</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: Not applicable.</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 Brazilian Civil Code provides that a parent can lose his or her parental responsibility when: i) punish the child or adolescent immoderately; ii) abandon the child or adolescent; iii) perform acts contrary to morals and good customs; iv) repeatedly incur abuse of authority and lack of inherent duties.</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: Once parental responsibility is terminated by a judicial decision, the biological parents do not have a voice related to the adoption of the child.</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.

Yes, the principle of subsidiarity fully is respected. In Brazil, adoption is an exceptional and irrevocable measure. Before determining if a child is adoptable, it is necessary to exhaust some possibilities, such as: search for the child's birth family, not only parents but also other relatives that may desire to have the parental responsibility (extended family); keep the child in contact with his/her biological family, unless there is some risk for him/her; keep the child in a substitute family or in a domestic institution - in Brazil - in order to give time for the parents to reorganize their lives; provide psychological support and monitoring in order to reach the family reunification, whenever possible and advisable. Thus, by law, Brazilian authorities must take all measures to promote family reunification before deciding that a child is adoptable. Moreover, when a child is considered adoptable he/she is NOT automatically available for intercountry adoption. The adoption system must search for a family which habitually resides in Brazil in order to place this child in a domestic family. After all that, only when it is really unlikely to proceed a national/domestic adoption, the competent State Court may authorize a child to be available for an intercountry adoption. Specialized State Courts are the only authorities which can determine that an intercountry adoption is in a child's best interests.

(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).

A lawsuit to terminate the parents power/parental responsibility shall be presented by the Public Prosecutor's Office. After due process and the exhaustion of all judicial remedies available to the biological parents, the judicial authority issues the decision on the termination of parental rights. Only after this decision is "res judicata" the child and be adopted.

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?

No specific profile of children.

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

As the Brazilian Civil Procedural system includes a high number of appeals and motions, parental rights termination's lawsuit may take some years to reach "res judicata" decisions.

(b) Please specify any **good practices** of your State regarding non-consensual adoptions, including those for overcoming any challenges:
[No good practice to report.](#)

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;">Unless we are dealing with intra-family adoptions, Brazilian law in force prohibits contact between child and the PAPs before: a) the competent State Court properly examines and concludes on the impossibility of placement of the adoptée into a national substitute family, within its jurisdiction; b) that Court has defined that the child or adolescent is available for intercountry adoption and informed the registration of the State-level Central Authority; 16 c) the State-level Central Authority has certified the applicants as eligible and suited to adopt.</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted; Please insert text here</p> <p>(b) the experience of your State with regard to such contact. Please insert text here</p>
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7.2. Summer camps / hosting programmes

In this Questionnaire, the “summer camps” practice is when adoptable children and PAPs attend an event (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 checked="" 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 checked="" 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; Not applicable</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; Not applicable</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; Not applicable</p> <p>(d) how the children are prepared for such programmes; Not applicable</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; Not applicable</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; Not applicable</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; Not applicable</p> <p>(h) who finances such programmes; Not applicable</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). Not applicable</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>Brazil had to handle the above situation in at least two recent cases. In both cases, the State of origin of the child was Peru. After some time working as volunteers in that country, 2 families (habitually resident in Brazil) presented a request to the Brazilian Central Authority asking for the adoption of children they have met abroad. The Brazilian Central Authority engaged in intensive dialogue with the Peruvian Central Authority in order to discuss the possibility of cooperating to perform those intercountry adoptions.</p> <p>In both cases the Peruvian Central Authority informed us that the children who the Brazilian PAPs were willing to adopt were not eligible for adoption. Besides, Peru showed surprise for the documents and information presented by the PAPs related to the children, as they were considered confidential. In one of the cases, the PAPs were already in a process of analysis of eligibility - in Brazil - to adopt, without a final decision issued by the Brazilian authority. In the other case, the PAPs were only in the stage of consultation.</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 type="checkbox"/> Yes. Please explain your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>As informed above, the Brazilian Central Authority has experienced the situation where voluntourists tried to commence a process of intercountry adoption only twice. In both cases, the information to which the Brazilian Authority had access to did not show, "prima facie", any irregularity related to the activity of the voluntourists.</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 (e.g., as part of a foster care placement, kinship care, "niño puesto",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>Not applicable</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt;</p> <p>Not applicable</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>Not applicable</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected;</p> <p>Not applicable</p> <p>(e) your State's experience with such adoptions.</p> <p>Not applicable</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 checked="" 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>The Brazilian Central Authority is capable and engaged in receiving all documents and communication from other State-Parties to the 1993 Hague Convention only in electronic format - no hard copies needed, in most of the cases. Recently the electronic communication has been also expanded for all communication between the Brazilian Central Authority and the 27 State-level Central Authorities.</p> <p><input 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>Total: 16 children adopted</p> <p>2016: 1 child adopted</p> <p>2017: 7 children adopted</p> <p>2018: 3 children adopted</p> <p>2019: 3 children adopted</p> <p>2020: 2 children adopted</p> <p>(b) stepparent adoptions;</p> <p>0</p> <p>(c) simple adoptions;</p> <p>NOT APPLICABLE</p> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and</p> <p>NOT APPLICABLE</p> <p>(e) non-consensual adoptions.</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](#).

	Not applicable
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10. OTHER MATTERS

- | | |
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| 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>Although the 1993 Hague Convention counts with 101 States-Parties, Brazil is facing some challenges in trying to establish bilateral effective international cooperation, as a Requesting State, with some countries from the Latin-American and Asian regions. Most of the contact attempts sent by the Brazilian Central Authority to those countries have been, so far, remained unanswered. We would also like to encourage the States-Parties to keep their Contact Information available at the HCCH's website and, finally, we would like to kindly ask the Secretariat/PB of the HCCH to monitor the States-Parties that have not made their contact details public at the HCCH's website.</p> <p>Brazil would also like to inform that we are very interested in receiving technical assistance from Receiving States, in order the build capacity of our country to became also a Receiving State. There is an increasing demanda from PAPs habitually resident in Brazil for the performance of intercountry adoptions abroad.</p> |
|-----|--|