

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

Name of State:	Norway
Information for follow-up purposes	
Name and title of contact person:	Bente Hoseth, Senior Adviser
Name of Authority / Office	Norwegian Directorate for Children, Youth and Family Affairs (Bufdir)
Telephone number:	+47 466 15 128
E-mail address:	bente.hoseth@bufdir.no

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 checked="" type="checkbox"/> Yes. Please specify where the information is centralised: CA/Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) <input type="checkbox"/> No. Please specify where the information is stored: Please insert text here
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 search for the origins of an adoptee? <input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: The CA keeps a centralised data based register for all national and intercountry adoptions and keeps also the original files in intercountry adoption cases. In addition, the CA processes requests from adoptees who want access to their adoption file. <input type="checkbox"/> No. Please specify how the search for the origins is handled: Please insert text here
4.	Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?

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"):

	<p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>The mandatory adoption preparation course for PAPs has recently been revised and includes topics concerning attachment, the child's biological background, identity and the life as an adoptive family. Section 38 of the 2017 Adoption Act imposes on the adoptive parents an obligation to inform the child as soon as advisable of his or her ethnic, religious, cultural and linguistic background.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (e.g., government, private companies, NGOs); N/A</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; N/A</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; N/A</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. N/A</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations?</p> <p>The CA's resources to assist in search for origins in another state is limited. The AABs give some assistance in this regard. We also refer to our answer to question no. 13 with information regarding funding of a coordinator in charge of guidance and counselling of adoptive families and assistance to adoptees in search for origins.</p>
7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>We would examine the case by first asking the AAB for information and depending on the case, also contact the CA of the State of origin in question. It is challenging if question of possible illicit practices arise many years after the adoption took place, which can make it difficult to obtain reliable information.</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;</p> <p>As mentioned i question no. 3, the CA processes requests from adoptees who want access to their adoption file. The adoptee is however not obliged to give any reasons for his/her request or to inform us whether the motivation is search for origins or not, so we do not have information or statistics as to whether a search for origins was successful of not. The CA processed 71 cases from intercountry adoptees in 2018 and 88 cases in 2019.</p> <p>(b) how many were not successful and what were the reasons. N/A</p>

“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].

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 type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: An adoptee who has reached 18 years of age has a right to access the information from his/her file in accordance with Section 39 of the Adoption Act, Section 18 of the Public Administration Act and HC Article 30. In the assessment of whether information should be disclosed or not, the Norwegian legislation is decisive. In practice - an adoptee reached 18 years will in most cases have all the information.</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>For adoptions after 1 July 2018 (when the 2017 Adoption Act entered into force), all adoptees over 18 years of age will be informed by the CA of any requests from birth family and asked if they are interested in receiving the letter. The PAPs are informed about this practice at the time of the adoption, and the adoptee will be informed in a separate letter about this practice when reached 18.</p> <p>For adoptions before 1 July 2018, requests from the birth family has up until now been kept in the child's file, and forwarded only when and if the adoptee over 18 years has asked for information from the file at any time earlier. The main reason for this practise has been that it is only the adoptee who is entitled to decide if he or she wants to receive requests from birth family or others. A change of this practise has recently been reviewed. This means that requests from birth family will be forwarded to intercountry adoptees over 18 in all cases.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Once the adoption is finalized, the AABs are obliged to transfer all documents in the child's file to the CA.</p> <p><input type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

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

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: For this year (2020) there is budgetary funding for one position assigned to work with post-adoption services, including guidance and counselling of adoptive families and assistance to adoptees in search for origins. The person will be employed in one of the AABs, with a responsibility to assist all families and adoptees, regardless of which AAB that mediated the adoption.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families); We refer to our answer to question no. 13, and will be able to give more information when we have gained some experience about the arrangement as described.</p> <p>(b) who provides the services (<i>e.g.</i>, social welfare administration, school, health personnel); One of the AABs.</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); No.</p> <p>(d) how, if there are different services, these various services are coordinated; N/A</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); Government funds.</p> <p>(f) the length of time this support is available. For the time being for the year 2020.</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services.</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered: The opinions of the AABs about the post-adoption service described in no. 13 were obtained before a decision was made.</p> <p><input type="checkbox"/> No.</p>

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].

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:</p> <p style="color: blue; margin-left: 20px;">In order to consider need for post-adoption services, the Norwegian CA/The Directorate for Children, Youth and Family Affairs (Bufdir) has ordered a reaserch project. The Norwegian Insitute of Public Health is currently carrying out this research for the CA/Bufdir, which aims to identify the connection between the PAPs health and resources and the child's health and adaption, and with purpose to identify which qualifications are associated with the best development for the child. The report will be finalized in December 2020.</p> <p><input type="checkbox"/> No.</p>
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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 style="color: blue; margin-left: 20px;">Adoptive families and their children benefit from the same social and welfare services as other families, and the services are free of charge. However, there is a call for improved post-adoption services from e.g. the AABs and adult adoptees, who claim that the ordinary healt and welfare services do not have the adequate competence and experience concerning intercountry adoptions.</p>
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1.3. Post-adoption reports

Receiving States only

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p style="color: blue; margin-left: 20px;">Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:</p> <p style="color: blue; margin-left: 20px;">General information about post-adoption reports is given in the public approval procedure, but the AABs inform the PAPs about the specific requirements of the state they want to adopt from.</p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p style="color: blue; margin-left: 20px;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</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](#)").

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>There is a requirement in the new Norwegian 2017 Adoption Act (Section 23), saying that if the State of origin demands post-adoption reports prepared or approved by a public authority, the adoption authority is responsible for these reports for maximum 3 years after the child's arrival in Norway.</p>
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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> <p>The adoption authorities do not have any legal mandate to take part in or be involved in adoption breakdowns that take place after the adoption is finalised, as the competent authority to deal with such cases is the Child Welfare Services at a local level in each municipality. Specific statistics regarding the number of adoptive children e.g. in foster homes does not exist, mainly due to confidentiality restrictions.</p> <p>(b) how your State has addressed these situations and whether your State has any good practices to share in this regard;⁷</p> <p>N/A</p> <p>(c) what support is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;</p> <p>Adopted children and their families benefit from the same social and child welfare services as all families in Norway.</p> <p>(d) whether your State has developed any good practices to ensure that Recommendation No 19⁸ of the 2015 Special Commission is implemented:</p> <p><input checked="" type="checkbox"/> Yes. Please specify any good practices developed in this regard:</p> <p>Main measures to reduce the risk of adoption breakdowns are:</p> <ul style="list-style-type: none"> - mandatory adoption preparatory courses for PAPs to ensure well prepared adoptive parents - thorough procedures for evaluation and approval of PAPs done by adoption authorities - matching of special needs children must be evaluated and recommended by The Advisory Committee for Adoption Cases (a medical doctor, a psychiatrist and a psychologist). <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</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](#).

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>(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;</p> <p>N/A</p> <p>(f) how many cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;</p> <p>N/A</p> <p>(g) how many of these cases included a new placement (e.g., foster care, new adoption) for the child;</p> <p>N/A</p> <p>(h) how many cases of breakdowns were intercountry adoptions done (a) under the 1993 Adoption Convention ; and (b) outside of the Convention (i.e., prior to the entry into force of the Convention in your State or with non-State Party);</p> <p>N/A</p> <p>(i) in line with Recommendation No 20⁹ of the 2015 Special Commission, whether your State has applied the 1996 Child Protection Convention to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.</p> <p>N/A</p>
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Receiving States only

23.	<p>Is your State's Central Authority informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: We refer to the answer to question no. 22 a). Qualifications, knowledge and experience about intercountry adoptions in the Child Welfare Services may vary.</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:</p> <p><input checked="" 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:</p> <p><input checked="" 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 type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>
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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 type="checkbox"/> Yes. Please specify the conditions to regain nationality: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption.</p> <p>We support the idea of a Guide on post-adoption, which would be a helpful tool and a good source of information in developing and improving post-adoption services.</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICESBoth States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the type of illicit practices which were discovered; Please insert text here</p> <p>(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);</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>That intercountry adoptions must take place through accredited bodies which are authorised, monitored and supervised by the CA, and that PAPs need an approval (prior consent) from the adoption authorities before adopting from abroad, contrary to private or independent adoptions.</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;</p> <p>Please insert text here</p> <p>(e) the procedure involved;</p> <p>Please insert text here</p>

(f) the **number of** intercountry adoptions which are on average revoked per year.

Please insert text here

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 type="checkbox"/> The Central Authority.</p> <p><input checked="" type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p> <p>The Eastern regional Office for Children, Youth and Family Affairs (Bufetat), which is one of the 5 regional offices subordinate to the CA, has a national responsibility for these cases. See also our answer to question no. 5 in Country Profile (updated September 2019). These are adoptions which are not mediated through an AAB, and where specialised competence is needed to handle these very few and often complex cases. These cases also involve a home study and approval (prior consent) of the PAPs, which is a regional responsibility. The CA is then appellate instance.</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>The safeguards in the 93HC and the Norwegian Adoption Act also apply for intrafamily adoptions. That is in particular the requirement that PAPs must go through the same assessment process as all other PAPs and be qualified for a prior consent for that specific child (Adoption Act Section 21). Another safeguard is that an agreement for cooperation with the competent authority in the state of origin must be established before the adoption process can start.</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 checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Section 21 of the Adoption Act: https://lovdata.no/dokument/NLE/lov/2017-06-16-48</p> <p>There are some additional requirements in regulations given pursuant to the Adoption Act and administrative procedures given by the CA/Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) in 2018. We do however not have an English version of these two documents.</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:¹²</p> <p>The vast majority of these cases concern children who are not declared adoptable at the time when the relative(s) in Norway apply for adoption. When there is a need for information about the child and if the child is in need for intercountry adoption, it often takes several months or more than a year to receive an answer from the state of origin.</p> <p><input 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:</p> <p>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:</p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard:</p> <p>Inquiries are made to other states in several cases, which however seldom result in an agreement on cooperation with the state of origin. ISS is always a good and reliable source of information, both website and e-mail answers. Sometimes the CA or other competent authority responds, and if not, contact via the embassies is an option.</p>

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

	<p>It is a challenge that answers from states of origin sometimes is received after the PAP's application has been denied, and as a result of the state of origin having been contacted directly by the PAPs in connection with their appeal.</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 type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³</p> <p>Please insert text here</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:</p> <p>Please insert text here</p> <p><input 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>Please insert text here</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>Please insert text here</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 type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p>The 93HC should be applied also in intercountry step-parent adoptions. Our experience is however limited, mainly because requirements about stable marriage/cohabitation and 5 years of upbringing of the child are not fulfilled (Adoption Act Section 13).</p>
43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>N/A</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions:</p> <p>N/A</p>

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

(b) Please specify any **good practices** of your State for stepparent intercountry adoptions, including those for overcoming any challenges:

N/A

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45. Has your State encountered situations where intrafamily adoptions were sought / used to **circumvent** immigration laws?

Yes. Please specify what the situations were and how your State addressed these situations:

These are situations where a married couple, habitually resident in Norway, adopt a child domestically in a state where one of the spouses is a national, and then apply for the adoption to be recognised in Norway. They may have adopted together or one of the spouses alone. They have not applied for prior consent in Norway and procedures in the Adoption Act or HC are not complied with. The child lives in most cases with one of the parents or relatives, sometimes under poor living conditions. Many cases from Asian and African countries. The applications for recognition most often result in denials, mainly due to difficulties in obtaining information about the legal basis for the adoption, the child's need for adoption and procedures for approval of the PAP(s).

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. If your State has been involved in situation(s) similar to the above-described scenario:

(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?

Norway was state B, where the child was born.

(b) how was the **child's habitual residence** determined? Which **factors** were considered?

See answer to (e).

(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**?

See answer to (e).

(d) what **challenges** did your State face in dealing with such situation(s)?

See answer to (e).

(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?

Our experience is very limited. In one case where the mother left Norway after birth, we contacted her state of habitual residence and the child was returned in agreement with this state.

47.	<p>If there is a risk that the situation described above involves a case of human trafficking, would this be considered by your State when determining the child’s habitual residence?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
48.	<p>Which actions would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child’s habitual residence to be in their State? Please insert text here</p> <p>(b) would determine the child’s habitual residence not to be in their State? Please insert text here</p>

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

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

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input 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? N/A</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: N/A</p> <p><input type="checkbox"/> No. Please explain your response: N/A</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family’s consent to a conversion in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: Please insert text here</p>

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

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

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms “open adoption”, “openness in adoption” or similar concepts exist in your State?¹⁵</p> <p><input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts: The identity of the adoptive and biological parents is disclosed before the adoption takes place.</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:</p>
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? N/A</p> <p>(b) Does your State have a specific approach depending on the profile of these children? <input type="checkbox"/> Yes. Please specify these different approaches:</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].

	<p>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: xxx</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: N/A</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: N/A</p>

6. NON-CONSENSUAL ADOPTIONS

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

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility? Please insert text here</p>
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input 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 type="checkbox"/> No. Please explain your response: Please insert text here</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</p>

	<p>options (<i>e.g.</i>, long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>Please insert text here</p> <p>(c) what is the procedure applicable to such non-consensual adoptions (<i>e.g.</i>: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p>Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>
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Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin contested a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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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>N/A</p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions:</p> <p>N/A</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p>N/A</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>Contact before matching is allowed only in accordance with Article 29 of the 93HC.</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted;</p> <p>Please insert text here</p> <p>(b) the experience of your State with regard to such contact.</p> <p>Please insert text here</p>
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7.2. Summer camps / hosting programmes

In this Questionnaire, the “summer camps” practice is when adoptable children and PAPs attend an event in the PAPs’ State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.

“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and medical well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	<p>Is your State involved in summer camps / hosting programmes for children?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; N/A</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; N/A</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; N/A</p> <p>(d) how the children are prepared for such programmes; N/A</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted;</p>

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

	N/A
	(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes;
	N/A
	(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated;
	N/A
	(h) who finances such programmes;
	N/A
	(i) what is the experience of your State with these practices (<i>i.e.</i> , challenges and any potential benefits).
	N/A

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>We have experienced cases where "volunteers" have applied for adoption of a child at children's institutions. Some apply from the country where they stay as "voluntourist", others apply after arrival to Norway. Most of the applications are rejected. The main reasons for this is that applications without the mediation of a Norwegian AAB has not been accepted by the State of origin, or that the applicants do not fulfil requirements in the Norwegian Adoption Act to adopt a specific child habitually resident abroad, in particular Section 21.</p> <p><input type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>The 2017 Adoption Act has a new requirement in Section 21 c) which regulates adoption of children with whom the applicant has a connection. One of the conditions for prior consent is that close contact with the child or the child's close family have been established without the intention of adoption.</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>

7.4. Adoption of children already under the care of PAPs

71.	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,
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	<p>kinship care, “<i>niño puesto</i>”,¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs’ adoption application was submitted;</p> <p style="padding-left: 20px;">In some cases yes, but most often the child is not declared adoptable when the PAP's submit the application. The child lives with the applicants (one of the spouses or both) based on guardianship or informally taken into care.</p> <p style="padding-left: 20px;">The child may be a relative or a child found by the PAPs, who are often childless.</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt;</p> <p style="padding-left: 20px;">Sometimes there is no assessment of the PAPs, or an assessment is made only in connection to a foster care placement or domestic adoption.</p> <p>(c) what the profile of these children was;</p> <p style="padding-left: 20px;">All ages, in some cases a single child, in others two or more, who may or may not be siblings.</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected;</p> <p style="padding-left: 20px;">Contact to the CA is made in order to get more information about the child's need for adoption and also information about legal requirements and procedures in that state.</p> <p>(e) your State's experience with such adoptions.</p> <p style="padding-left: 20px;">Often complex and very complicated cases, in particular to ensure that ICA is in the best interests of the child, that the PAPs are eligible and suitable to adopt this specific child and that adoption is not used to circumvent immigration laws.</p>
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8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to integrate new technologies into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the experiences of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account data protection in this context:</p> <p style="padding-left: 20px;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (i.e., excluding stepparent adoptions);²⁰</p>
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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](#).

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

We refer to Norway's 2019 Annual Adoption Statistics Form, which however does not include all categories mentioned below. Our ICA statistics include adoptions mediated by an AAB and adoptions which are not mediated by an AAB, but from CA to CA.

(b) **stepparent** adoptions;

N/A

(c) **simple** adoptions;

N/A

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

N/A

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

N/A

10. OTHER MATTERS

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