

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: Denmark

PROFILE UPDATED ON: July 2020

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	The National Social Appeals Board, The Division of Family Affairs
Acronyms used:	
Address:	Teglholmsgade 3 2450 Copenhagen SV
Telephone:	+45 3341 1200
Fax:	+45 3341 1400
E-mail:	ast@ast.dk
Website:	www.ast.dk
Contact person(s) and direct contact details (please indicate language(s) of communication):	Danish/English
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

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

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

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>1 November 1997</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Executive order on a new Danish adoption system act no 1740 of 22 December 2015 - the executive order of adoption is most recently updated on May 1st 2019</p> <p>Executive order on the National Social Appeals Board as the complaints authority for family affairs act no 1741 of 22 December 2015</p> <p>English translation of the legislation is attached and is available at the website www.ast.dk https://ast.dk/filer/born-og-familie/adoption/lovgivning/adoptionsloven.pdf</p>

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

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The functions include the following;</p> <p>Cooperation and Dialogue with other central Authorities, accredited bodies and other actors in the field of adoption.</p> <p>The supervising and monitoring of intercountry adoption to Denmark.</p>

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

	<p>The function of the approval of DIA's - the Danish accredited body- establishment of adoption cooperation with new partners abroad.</p> <p>Re-approval of DIA's existing cooperation agreements. This procedure generally takes place once every second year.</p> <p>Approval of matching proposals and issuance of article 17 c) agreements.</p> <p>The responsibility for the mandatory pre-adoption preparation course for prospective adoptive parents.</p> <p>The Post Adoption Services</p>
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>The central authority:</p> <p>The national social appeals board, Division of Family Affairs is appointed as the Danish Central Authority according to the Hague Adoption convention</p> <p>The Joint Cpouncil/The Agency of Family Law applicants apply for approval as adoptive parents in the Agency of family law which is the secretariat for the joint Council. The Joint Council is the first instant to rule whether or not applicants can be finally approved. consists of 3 members; a lawyer, a social worker and a physician.</p> <p>The approval of matching proposals and issuing of Article 17 c) agreements. this includes the approval of expanding the applicants approval when applicable</p> <p>The National Board of Adoption:</p> <p>This consist of 10 members and is chaired by a judge. Its tasks includes;</p> <p>A rejection of approval as prospective adoptive parents may be appealed to The National Board of Adoption.</p> <p>the supervision of the Joint Councils</p> <p>Following a request from the National Social Appeals Board, the National Board of Adoption gives statemetn regarding specifik and general issues of importance to the supervision of the accredited body.</p> <p>The National Board of Adoption assesses the health information provided in some Article 17 c cases.</p>

6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – go to Question 8</p>
<p>b) Please indicate the number of national accredited bodies in your State,</p>	<p>1. The number is not limited.</p>

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

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

including whether this number is limited and, if so, on what basis. ⁶	
c) Please briefly describe the role of national accredited bodies in your State.	The Danish national accredited body is Danish International Adoption (DIA). DIA's role includes the following; Assistance in the establishment of contact between applicants residing in Denmark and children from other countries with a view to adoption, Assistance in the completion of the adoption procedure Assistance to the families in the form of post adoption service
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	It is the ministry of social affairs and the interior, who is responsible for the accreditation of national bodies in Denmark.
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	Currently any organization can submit an application for accreditation. However, besides different administrative and financial requirements, it is essential that the organization is able to cooperate within the scope of the Convention and maintain the safeguarding and best interests of the child in every aspects of its work. Specific requirements in regards to relevant professional knowledge of the employees and board members of relevant organization.
c) For how long is accreditation granted in your State?	In accordance with the Danish Adoption Law an accreditation is granted for a given period of time. Currently accreditation has been a period of 5 years
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	See 6.1 c)
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	The Central Authority, the Division of Family Affairs at the National Social Appeals Board
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	The accredited bodies are required to inform the Division of Family Affairs currently and of their own motion of significant issues concerning the mediation of adoption, including information of mediation possibilities abroad and illegal mediation

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

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

	<p>circumstances. Likewise the accredited body must inform the Division of significant changes in the mediation situation in the States that the body work with, including termination of or bigger changes in the cooperation with counterpartners. The Division makes inspection visits to the accredited bodies regarding their financial, administrative and organisational situation. The frequency of inspections varies. The accredited bodies are required to provide the Division with different documentation regarding these issues and the Division calls in case files for further investigation. Furthermore, the accredited body shall submit financial reports, and is subjected to reaccreditation.</p>
<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>An accreditation may be revoked if serious irregularities in the accredited body's mediation of international adoption question whether the mediation is conducted in an ethically and legally responsible manner or if terms and conditions in their letter of accreditation are breached.</p>
<p>d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of accreditation): The ministry can retract an accreditation at any given time if the accredited body does not comply with the convention</p> <p><input type="checkbox"/> No</p>

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

7.1 The authorisation procedure

<p>a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?</p>	<p>The Division of Family Affairs at the National Social Appeals Board following submission to the Minister for Children, Gender Equality, Integration and Social Affairs.</p>
<p>b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?</p>	<p><input type="checkbox"/> Authorisation is granted as part of the accreditation procedure.</p> <p><input checked="" type="checkbox"/> A separate procedure is undertaken for authorisation.</p>
<p>c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?</p>	<p><input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin.</p> <p><input checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin. Authorisation is not given generally as part of the accreditation. The accredited body may exclusively initiate cooperation on adoption assistance activities with authorities, organisations and institutions (cooperative partners) in other countries</p>

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

	subject to prior approval by the Division of Family Affairs and the authorities of the country concerned.
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁹</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	<p>Procedure: An application for establishment of a new collaboration must be forwarded to the Division on a specific application form. The form must be filled out in Danish and the body must provide all information asked for by the Division. The information must be in Danish or English. When handling the case the Division also gather information from counter partners such as the Danish National Board of Adoption, ISS, the Permanent Bureau and central authorities.</p> <p>Following the submission to the Minister the Division of Family Affairs may issue an approval. The Division may choose to issue a fixed-term approval, so that continued cooperation will require renewed approval by the Division or the approval may be limited to a specified number of adoption cases.</p> <p>Criteria -</p> <p>Several criterias are highlighted and investigated before granting a body authorisation to operate and mediate in any given country of origin. These are as follows:</p> <ul style="list-style-type: none"> • (Possible) ratification of Hague Convention, Name of State or Province, if the authorization of the foreign counterpart is limited to such area. • Name and address of Central Authority in State of origin. • Information concerning any former cooperation which the Danish organization has had with the foreign counterpart in question. • Number of children expected for placement in Denmark via mediation of the Danish organization over the coming 2 years. • Which children will be expected proposed for adoption – age and health condition? • Information about the average waiting time for international adoption in the State of origin over the past two years. • Number of applicants currently on the waiting list.

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

	<ul style="list-style-type: none"> • Other basic information that might be of importance. • Does the organization have authorization from the Central Authority in the giving State of origin to mediate in international adoptions? • If yes, date of issue of authorization and – in case – date of expiration. • Does the foreign counterpart have the necessary permission to place children in international adoption? • If not, the background and any other documentation to substantiate that the adoption placement activities are legal in the given country. • Description of the national adoption act and the overall guidelines in the State of origin, including the fundamental judicial effect of the adoption decree. • Description of the procedure in the State of origin, including an oversight of organizations and authorities involved in the adoption process specifying functions and tasks of the said entities. • Short description of the matching procedure: How long does it take? who is responsible for the matching? • Information about the adoptive children and their background: what information will be received and how extensive is the information expected to be.
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e) For how long is authorisation granted?	An authorization is granted for a period of 2 years. With the exception of the cases where it is deemed to no not be of necessity, where the time period for the authorization is not specified
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	In case of an application for renewal of an authorization the same procedure and criteria must be met as when the cooperation was first approved. As part of the procedure the Division of Family Affairs will also go through cases that has been handled by the accredited body since the last authorization.
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national	According to the accreditation agreement between the Division of Family Affairs and

<p>accredited bodies (including their representatives, co-workers and any other staff¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>the accredited body, the body must ensure that the employees (including employees in the States of origin) are working in compliance with the latest development within the field of adoption and that all employees work with high ethical standards and in compliance with the principles of the Hague Convention. Furthermore, according to the accredited body's letter of accreditation the body shall when processing an application for adoption as far as possible procure the information and take the measures in the State of origin which are deemed necessary by the Danish authorities. The accredited bodies are also required to inform the Division of Family Affairs currently and of its own motion of significant issues concerning the mediation. Likewise the accredited bodies must inform the Division of significant changes in the mediation situation in the States that the body works with. The accredited body has an ongoing commitment to ensure that their counterpartners operate in an ethical and legally responsible manner.</p> <p>Occasionally, the Central Authority and DIA visits to the States of origin in which case the accredited bodies' offices/staff are also visited.</p>
<p>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>An authorisation may be revoked if serious irregularities question whether the adoption mediation is conducted in an ethical and legally responsible manner.</p>

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

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>
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¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

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

¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

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

Does your State have its own criteria concerning the adoptability of a child (*e.g.*, maximum age) which must be applied *in addition to* the requirements of the State of origin?

- Yes – please specify: In accordance with the rules in the Danish Adoption Act it is crucial that the consent and declaratoinns from the child's parents, the legal guardian and the child is obtained before any adoption can be carried out and finalized. Furthermore, it is generally a condition that the legislation and practice in the State of origin does not fundamentally differ from the the Danish legislation and practice. Consent cannot be accepted before 3 months after the birth of the child, unless special circumstances prevail. Prior to accepting consent, the parents must receive guidance on the legal effects of the adoption and the consent.
- No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.

10. The best interests of the child and subsidiarity (Art. 4 b))

Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (*i.e.*, proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?

- Yes – please specify: Satisfaction that the principle of subsidiarity is respected in both the individual cases as well as on a general scope is sought to be thoroughly confirmed.
- No

11. Children with special needs

Does your State have its own definition of the term "special needs children" which is applied in intercountry adoption cases?

- Yes – please provide the definition used in your State: if the circumstances surrounding a specific child, in the specific case can lead to the child not being able to develop within the scope of normalcy. Or if there appears to be a substantial risc of such, then said child cannot be adopted within the general frame.
- Important to note, that the vast majority of children can be adopted within the general frame. The Danish general frame covers a broad scop
- No – the definition used in the State(s) of origin is determinative.

12. The nationality of children who are adopted intercountry¹³

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

<p>Do children who are adopted intercountry to your State acquire the nationality of your State?</p>	<p><input type="checkbox"/> Yes, always. Please specify:</p> <p>(i) At what stage nationality is acquired by the child: ; and</p> <p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i>, the making of the final adoption decision):</p> <p><input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): If the adoption is finalized in the country of origin the child will usually become a Danish citizen at the date of the enforcement of the adoption. The Danish Embassy will therefore issue a Danish passport to the child when given notice on the adoption from the Danish adoption authorities. If the adoption is to be finalized in Denmark the child will need a residence permit to enter Denmark. The Danish Embassy will issue such permit when given notice on the adoption from the Danish authorities. It is possible for the child in most inter-country non-relative adoptions to obtain Danish citizenship at the same time as the adoption is finalized in Denmark. If none of the adoptive parents are Danish citizens the child can only achieve Danish citizenship if the adoptive parents apply with the Danish Ministry of Justice for Danish citizenship themselves at the same time and achieve this.</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

13. Limits on the acceptance of files	
<p>a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?</p>	<p><input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?</p>	<p><input checked="" type="checkbox"/> Yes, please specify whether any limits are applied: This is regulated by the accredited bodies. As an overall rule, the accredited body only allows the PAP's to have their file forwarded to one State of origin.</p> <p><input type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption¹⁴ (Art. 5 a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Married, heterosexual couples: (and non-married couples) Must have been living together for at least 2½ years prior to submitting the application for approval. <input checked="" type="checkbox"/> Married, same-sex couples: (and non-married couples) Must have been living together for at least 2½ years prior to submitting the application for approval. <input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: <input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: Must have been living together for at least 2½ years prior to submitting the application for approval. <input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: Must have been living together for at least 2½ years prior to submitting the application for approval. <input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: Must have been living together for at least 2½ years prior to submitting the application for approval. <input checked="" type="checkbox"/> Single men: Must fulfill same conditions as married couples and registered partners <input checked="" type="checkbox"/> Single women: Must fulfill same conditions as married couples and registered partners <input type="checkbox"/> Other (please specify): <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minimum age requirements: Applicants must be at least 25 years of age when applying for approval <input type="checkbox"/> Maximum age requirements: <input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: The age difference between the applicant and the child must not be more than 42 years <input type="checkbox"/> Other (please specify): <p><input type="checkbox"/> No</p>

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

<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): Most commonly an applicant applies for and gets a general approval meaning that the applicant is approved to adopt a child in the age group 0-48 months who has a common physical and mental development potential, possibly with a limited use of support. If a proposed child is considered to fall outside of the applicants' approval, and the applicants wish to accept the proposed child they may apply to have their approval extended to include the proposed child.</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): In general the disparity in years between the children must be at least 9 months in order to maintain a natural order of siblings.</p> <p><input checked="" type="checkbox"/> Other (please specify): Other criteria which are taken into consideration before approving any to adopt is the applicants' health conditions, financial situation, living conditions, criminal record and any other social or personal circumstances which may be of relevance.</p> <p><input type="checkbox"/> No</p>
<p>14.2 Suitability assessment¹⁵</p>	
<p>a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?</p>	<p>The Joint Council in the Agency of family law is the first instant to rule whether or not an applicant can be approved as a prospective adoptive parent. The Joint Council consists of three members; a social worker, a lawyer and a physician. The decision made by the Joint Council can be brought before the Central Authority. The National Board of Adoption assesses complaints in regards to decisions made by the Joint Council</p>
<p>b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.</p>	<p>The procedure is divided into 3 phases:</p> <p>The first Phase concerns the question whether the applicant fulfils the following general conditions for approval as a prospective parents:</p> <ul style="list-style-type: none"> - The age difference between the applicant and the child should not be more than 42 years.

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

	<ul style="list-style-type: none"> - Applicants, who want to adopt a child together must have lived together for at least 2,5 years and must be married. - The physical and psychological health conditions of the applicant must not imply a risk that the adoption will not turn out to be in the best interest of the child. - The applicant must show proper economical conditions. - The applicant must not keep a criminal record, which implies that the applicant is not fit be an adoptive parent. <p>The second Phase consists of a pre-adoption counselling course, which is mandatory to all applicants, who have not previously completed an intercountry adoption. The aim of the course is to provide the applicants with information concerning different aspects of intercountry adoption and to establish a basis for the applicants to assess themselves, whether or not they possess the necessary resources to adopt child.</p> <p>The third phase consists of one or more interviews with the Agency of family law. The purpose of this phase is to investigate if the applicant can be said to possess the individual resources to adopt a child. At the end of the third phase, a home study report about the applicant is put before the Joint Council and the final decision on approval is made.</p>
<p>14.3 Final approval</p>	
<p>Which body / person gives the final approval that the PAs are eligible and suited to undertake an intercountry adoption?</p>	<p>The Joint Council in the Agency of Family Law. The Joint Council's decision may be brought before the Central Authority</p>

15. Preparation and counselling of PAPs (Art. 5 b)	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: yes for anyone who has not adopted before. - At what stage of the adoption procedure they are offered: the course is the second phase in the three-part procedure - Who provides the courses: The course is provided by the Danish Central Authority, the Division of Family Affairs at the National Social Appeals Board - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): They are provided collectively - Whether they are provided "in person" or electronically: "in person" - How many hours the courses last: 2 full weekends - The content of the courses: The aim of the course is to provide the applicants with information in relation to different aspects of intercountry adoption, and to establish a basis for the applicants to assess themselves, whether or not they possess the necessary resources to adopt a foreign child. Some topics of the course is the child's social background, the child's reaction to the new environment and the new environment's reaction to the child. The process and the problems with regard to infertility, the PAP's motive for adoption and PAP's own history of bonding will also be topics that are given attention at the course. - Whether there are specific courses for PAPs wishing to adopt a child with special needs: The courses are the same regardless of the PAP's wish to adopt a child with special needs, as the courses embrace a wide variety of topics and questions in relation to adoption. - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: Specific States of origin are not part of the course <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i>, meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p>	<p>All adoptive parents must receive preparation and counselling immediately before and after the child is handed over to the adoptive parents. This is provided by the National Social Appeals Board, and is mandatory for PAPs.</p> <p>They may also choose receive further counselling and support in relation to the adoption (PAS) part of the counseling may be provided to the family up until the child</p>

(iii) At what stage in the adoption procedure the service is provided.	turns 18. This service is mainly stated financed
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
a) To which authority / body should PAs apply for an intercountry adoption?	The accredited body- Here DIA

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain As the Central Authority in a receiving State the Division of Family Affairs does not require particular documents apart from those mentioned above to be included in the PAP's file when transmitted to the State of origin. However, the Central Authority and the Danish accredited bodies are aware of the additional documents required by the specific States of origin.</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure):</p> <p><input checked="" type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure: Only in very rare cases is a PAP permitted to adopt without the assistance of an accredited body, and then only with the assistance of the Danish Central Authority. This rare exception to the rule concerns a case where the prospective adoptive parents has an intimate knowledge with the country in question, and furthermore that the the relationship</p>

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

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

	with the potential adoptee has not been established with a view to adoption. furthermore the standard requirements for adoption applies - shall be driven by the consideration for the child's best interest and be provided on an ethical and professionally basis.
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input checked="" type="checkbox"/> Other (please specify): As the Central Authority in a receiving State the Division of Family Affairs does not require particular documents apart from the mentioned above to be included within the PAP's file when transmitted to the State of origin. However, the Central Authority and the Danish accredited bodies are aware of the additional documents required by the specific States of origin.</p> <p><input type="checkbox"/> No</p>

17. The report on the PAPs (Arts 5 a) and 15(1))

<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	The agency of family law prepare the reports on the PAP's
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: https://familieretshuset.dk/ansoegninger/ansoegninger</p> <p><input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: und, biological family, State of origin etc.</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	The home study is valid for as long as the approval is valid. An approvement is valid for 4 years. If an adoption has not taken place after 4 years, a renewal can be made for a period of 2 years at a time. However, while the PAP's have a valid approval they are obliged to inform the Agency of Family law of relevant changes in their situation; e.g. regarding

	unemployment, possible criminal matters, certain diseases, changes to their family life.
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	The Joint Council of adoption is responsible for extending a renewal. They shall still meet the requirements for approval for prospective paps. And it is only extendable until the applicants age exceeds the age of the adopted child by more than 47 years.

18. Transmission of the PAPs' file to the State of origin	
a) Who sends the finalised application file of the PAPs to the State of origin?	The accredited body - Here DIA
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	The Central Authority, the Division of Family Affairs at the National Social Appeals Board <input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))	
19.1 Receipt of the report on the child (Art. 16(2))	
Which authority / body in your State receives the report on the child from the State of origin?	The accredited body - Here DIA
19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): The central Authority of The Joint Council - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): <p>The accredited body receives the report on the child and the PAP's are informed if the child in question is compatible with their approval with regards to age and special needs. If the child in question is not compatible with the applicant's approval and the applicants wish to apply for an expanded approval to the child in question the accredited body forwards the case to the Joint Council in the Agency of Family Law for the Joint Council to decide whether the approval may be expanded.</p> <p style="text-align: center;"><u>Go to Question 19.2 b)</u></p>

	<input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin: <u>Go to Question 19.2 c)</u>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input checked="" type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: The accredited body may set a reasonable time limit within which the applicants' notification must be given. <input type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): When deciding whether to accept a match the applicants may seek counselling with e.g. the physicians affiliated with DIA as well as their own physicians <input type="checkbox"/> No

20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The Central Authority. However, if the Joint Council in the Agency of Family Law has approved the match it is the Joint Council (the secretariat of the Joint Council) who issues an agreement under Article 17 c. This will be the case if the approval required to be expanded for the specific child
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR <input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR <input checked="" type="checkbox"/> Other (please specify): Normally, Our State waits for the State of origin to provide its agreement first. However, sometimes the State of origin awaits our State's agreement. We find it relevant to address the issue whether the Convention regulates when in the adoption process the State of origin and the receiving State should issue the agreement under Article 17 c.

21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in	<input checked="" type="checkbox"/> Yes, please specify the additional requirements / restrictions: All PAP's must follow the travel instructions set by the
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¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

addition to those imposed by the State of origin?	accredited body, which is in line with the requirements and restrictions imposed by the State of origin and in keeping with the principles of the Convention. <input type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: This is permitted if the State of origin demands/allows it and if the PAP's in question is not in a position to travel to the State of origin themselves. It is rare that an escort is used because of the PAP's situation. All PAP's are encouraged to travel to the State of origin themselves and bring home the child. <input type="checkbox"/> No

22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)	
<p>a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.</p>	<p>If the adoption is finalized in the country of origin the child will usually become a Danish citizen at the date of the enforcement of the adoption. The Danish Embassy will therefore issue a Danish passport to the child when given notice on the adoption from the Danish authorities.</p> <p>If the adoption is to be finalized in Denmark the child will need a residence permit to enter Denmark. The Danish Embassy will issue such permit when given notice on the adoption from the Danish State Administration. It is possible for the child in most inter-country non-relative adoptions to obtain Danish citizenship at the same time as the adoption is finalized in Denmark. If none of the adoptive parents are Danish citizens the child can only achieve Danish citizenship if the adoptive parents apply with the Danish Ministry of Justice for Danish citizenship themselves at the same time and achieve this.</p>
<p>b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?</p>	<p>See 22 a)</p>
<p>c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.</p>	<p>See 22 a)</p>
<p>d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?</p>	<p>The accredited body and the agency of family law must be notified.</p>

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

<p>on the Intercountry Adoption Section of the Hague Conference website.</p>	
<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPS? Is a copy sent to the Central Authority in the State of origin?</p>	<p>The Danish Central Authority has instructed the Agency of family law with regard to cases where Denmark as a receiving State is obliged to issue the certificate. The certificate should be issued as quickly as possible. When the certificate is issued it is to be given automatically to the PAPS and a copy is sent to the accredited body which will also forward a copy to the State of origin.</p>

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

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.</p>	<p>Intra-family adoption according to Danish law is an adoption of a family member or a child which the applicant has a special connection to; e.g. because the child has been fostered by the applicant.</p> <p>According to the Danish Executive Order on adoption an intra-family adoption is:</p> <p>a) An adoption where an applicant adopts a grandchild, a nephew, niece or sibling,</p> <p>b) An adoption of a child of parents to whom the applicant is particularly closely attached through long and close acquaintance, and the child is below the age of 18, or</p> <p>c) An adoption of a child to whom the applicant is particularly closely attached (typically a foster-child adoption).</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p><i>N.B.</i> <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – <u>go to Question 25</u></p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <u>Go to Question 25</u></p> <p><input type="checkbox"/> No – <u>go to Question 24 c)</u></p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in your State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

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

25. Simple and full adoption	
<p>a) Is "full" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: In a case of intercountry adoption where the final adoption order is made in the State of origin but the adoption only has legal effects similar to a "simple" adoption, the agency of family law is instructed to issue a Danish certificate of adoption and possibly also a certificate of conformity according to Article 23 of the Convention, depending on whether the State of origin has acceded to the Convention, the formal conditions of the Convention have been fulfilled and a certificate of conformity has been issued in the State of origin. This procedure is done on a regular basis when a State of origin grants a "simple" adoption.</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p>In these cases the Agency of family law is instructed to pay particular attention to whether the biological parents' have given their consent to a "full" adoption. If a consent to a "full" adoption is not given, the Agency of family law ask the accredited body to obtain the consent. A certificate of adoption (and possibly a new certificate of conformity) cannot be issued until the needed consent is given.</p>
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input checked="" type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?	The accredited bodies
b) For how long is the information concerning the child's origins preserved?	The information will be preserved for undefineable time, it will kept by te accredited bodies and later in the national state archives.
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: In Denmark the rules regarding the right to access to documents are thoroughly regulated to secure the individual privacy but also to secure access for any party with a legitimate interest to the information in question. Any decision passed on these matters is the result of an individual assesment. When assessing a request it must be considered whether there is information in the case which due to the biological parents' and the PAPs individual privacy must be excluded from access.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: See (i)</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: (i)</p> <p><input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: Only if the person presents a power of attorney from one of the parties of the case. Regarding other criteria see (i)</p> <p><input type="checkbox"/> No</p>
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<p><input checked="" type="checkbox"/> Yes – please specify: On request the Central Authority gives guidance to any adoptees, adopters or biological parents concerning the possibilities to obtain access to any information relating to an adoption. The Danish accredited body also gives guidance on requests.</p> <p><input type="checkbox"/> No</p>
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i> , regarding making contact with his / her biological family, tracing extended family)?	<p><input checked="" type="checkbox"/> Yes – please specify: The accredited body provides assistance in regards to further assistance that only they can provide, including assistance to contact the counterpartner in the State of origin who mediated the adoption at the time.</p> <p><input type="checkbox"/> No</p>

27. Post-adoption reports	
a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	According to the Danish Executive Order on Adoption the central authority is responsible for contributing to the writing of the post-adoption reports when the State of origin requires it. The accredited body is responsible for sending the reports to the State of origin.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<input checked="" type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i> , provide a link or attach a copy): <input type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (<i>e.g.</i> , medical information, information about the child’s development, schooling):
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	Depending on the demands of the State of origin it is in some cases the Agency of family law who makes the reports and in other cases the PAPs. DIA?

28. Post-adoption services and support (Art. 9 c)	
<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (<i>e.g.</i>, counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>The accredited body and the Agency of family law can help the adoptee find the background information that appears in his/her adoption file.</p> <p>Furthermore - from 2014 the Danish Central Authority the Division of Family Affairs has been granted 6 million DKK each year to be spent on Post-adoption counselling. All families can receive counselling if the child is brought into family within five years before they start the sequence. As a starting ruling, the families are offered counselling equivalent to 2 times 10 hours. Furthermore, there is specific counselling in connection with the child being brought into the family and free education of kindergardens, school, employees in the municipalities regarding adoption related issues. Finally, several new initiatives are on the way with regard to support to the adopted child/youth, such as children's /parents' groups.</p> <p>Lastly Post-adoption counselling is also offered to adoptees over the age of 18. The post-adoption counselling also includes an offer for adoptee children’s groups, as well as groups for solo adoptive parents.</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

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

29. The costs²¹ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework:</p> <p><input checked="" type="checkbox"/> No</p> <p>The amount of the fee payable by the applicants to the accredited body is adjusted according to principles sanctioned by the Central Authority. However the actual fee is not approved by the Central Authority. The fee paid by the PAP's must exclusively cover costs and expenses incurred in connection with adoption assistance activities, including relief work naturally associated with such activities. An English version of the letter of accreditation is attached. The issue is further regulated by the agreement of accreditation.</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The accredited body must make an annual account report which is examined by the Central Authority. As part of the report the accredited body must report the expenses of adoption regarding each State of origin. Furthermore, the report must have a section where the expenses is divided into administrative costs, aid work/donations, general costs abroad and specific case expenses in Denmark and abroad.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p>	<p><input checked="" type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>

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

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

<p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	
<p>e) Which body / authority in your State receives the payments?</p>	<p>The accredited body</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: The accredited body has an obligation to publicate information about the costs of intercountry adoption and on how the PAPs payments are spend. The information is send to the PAPs and may also be accessed at the website of the accredited body.</p> <p><input type="checkbox"/> No</p>

30. Contributions, co-operation projects and donations²²

<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain: What type of contribution is permitted by your State:</p> <p>In order for Denmark to gain allowance to assist in adoptions from some specific countries, there may exist requirements in the form of aid work and donations to the agencies in the foreign countries. This will be considered in connection with making a decision on a Danish organization's application for authorization to co-operate with the country. However if the aid work in question is of limited scope and below DKK 50,000, only notification is required.</p> <p>-</p> <p>- Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): the accredited body</p> <p>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: As part of the monitoring and supervision of the accredited body, DIA must provide the Central Authority with an annual account report. The expenses for aid work and donations must appear in the financial statement in a manner which clarifies the scope of such aid work. the financial reports must be audited in according to relevant legislation and in line with the accreditation. DIA must prepare auditing instructions that observe the obligations to which the agency is subject. The auditing instructions and any amendments are subject to the approval of the Central Authority.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <p>- What type of co-operation projects are permitted by your State:</p> <p>- Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies):</p>

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

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

	<ul style="list-style-type: none"> - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <input checked="" type="checkbox"/> No
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<input checked="" type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> - To whom donations may be made (e.g., to orphanages, other institutions and / or birth families): organizations, authorities, and orphanages - What donations are intended to be used for: - Who is permitted to pay donations (e.g., only accredited bodies or also PAPs): DIA – the accredited body may contribute donations to organizations and authorities. The PAP's may make donations to orphanages. - At what stage of the intercountry adoption procedure donations are permitted to be paid: The PAP's are allowed to make donations to the orphanages only after the finalization of the adoption. - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: See section 30 a). <input type="checkbox"/> No

31. Improper financial or other gain (Arts 8 and 32)

<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>The Division of Family Affairs at the National Social Appeals Board (the Central Authority)</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>The Danish accredited body is required to provide the Central Authority with an annual financial report and with budgets for the following year. If the accredited body wants to increase the adoption fee paid by PAP the accredited body has to inform the Central Authority of the increase prior to the effect. According to their accreditation the accredited bodies must not make any improper financial or other gain from its adoption assistance services as well they must not receive payment which is disproportionate to the adoptions assistance services performed. Furthermore, the accredited bodies must make sure on an ongoing basis that the activities of its foreign cooperative parties are determined by consideration for the child's best interest</p>

	<p>and carried out on an ethically and professionally appropriate basis and not for the purpose of any undue financial or other gain.</p> <p>The Danish Central Authority has also provided DIA with guidelines to the Aid work carried out by DIA in an aim to create transparency in the payments.</p>
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	E.g. the accredited body's accreditation may be revoked or an approval of a cooperation with a foreign cooperative party may be revoked.

PART XI: ILLICIT PRACTICES²⁴

32. Response to illicit practices in general	
<p>Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.²⁵</p>	<p>E.g. the Danish Central Authority has withdrawn an authorisation of an accredited body to work with a partner in a State of origin as it was not possible to get confirmation and assurance that the adoption mediation in general was not subject to illicit practices.</p> <p>The Central Authority participates in a working group on "illicit practice" in the HCCH. The aim of this being the prevention and handling of illicit practices, hereto it wishes to establish international guidelines and methods to best combat the occurrence of illicit practices.</p> <p>Furthermore The Danish Central Authority forms part of a sub-group, where formulas for the furthering of the work is to be created.</p>

33. The abduction, sale of and traffic in children	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>The Danish Adoption Act with belonging legislation and guidelines. All authorities, bodies and persons involved in adoption are targeted.</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>The issues are part of the Division of Family Affairs' general monitoring and supervision of the field of adoption in Denmark and of the accredited body's operation.</p>

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

²⁵ *Ibid.*

<p>c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)</p>	<p>First of all, an accreditation or an authorisation to work with certain foreign cooperative parties may be withdrawn. Secondly, according to the Danish Act on Adoption any person or legal person who disregards conditions laid down on the provision of adoption assistance or contravenes the rules saying that only authorities and accredited organisations may provide assistance in establishing contact between PAPs and a child with a view to adoption are liable to a fine or imprisonment for a term not exceeding 4 months. Any person, who as an intermediary, pays remuneration or consideration for the purpose of achieving consent to adoption shall be liable to the same punishment.</p>
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34. Private and / or independent adoptions

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

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

Please tick all which apply.

- Private adoptions are permitted – please explain how this term is defined in your State:
- Independent adoptions are permitted - please explain how this term is defined in your State: In Denmark independent adoption is defined as an adoption where the PAPs after being approved by the Danish authorities as PAPs go through an adoption procedure in the State of origin without the assistance of a Danish accredited body. It must be emphasized that these adoptions are only very rarely allowed in Denmark.
- Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

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

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

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

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be considered as an intercountry adoption in Denmark. Denmark applies a domicile concept (rather than a citizen concept). This means, that if a PAP is domiciled in Denmark (which means that the person has established a home in Denmark with the intention of remaining in Denmark on a non temporary basis) this person must adopt in accordance with Danish law no matter that the PAP has foreign citizenship. Hereafter, the procedures applying are the same as those applying when Danish PAPs habitually resident in Denmark wish to adopt intercountry.
- No

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

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

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be considered a national adoption and the procedure would be the same as when Danish citizens habitually resident in Denmark wish to adopt nationally.

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

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

	<input type="checkbox"/> No
<p>c) If a State of origin treats an adoption by PAPs habitually resident in your State as a <i>domestic</i> adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?</p> <p><i>Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.</i></p>	<p>PAPs habitually resident in Denmark must adopt according to Danish law. In this case an adoption carried out in another country, including an adoption handled in the State of origin as a domestic adoption, will not be recognised in Denmark.</p> <p>If an adoption case mediated by a Danish accredited body regarding PAPs habitually resident in Denmark is handled in the State of origin as a domestic adoption the accredited body should react to this and make certain that the case is being handled in accordance with the principles of the Convention.</p>

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	Bulgaria, Burkina Faso, Colombia, The Phillipines, India, China, Madagascar, South Africa, Taiwan, Thailand and the Czech Republic, and South Korea
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>Following an application from the accredited body the Central Authority consider whether the body may commence cooperating with a partner in a State of origin. The adoption mediation to Denmark must be determined by consideration for the child's best interests, be operated on the basis of appropriate ethical and professional standards and only with non-profit objectives and be in compliance with international conventions, the Danish adoption law. This means, that the legislation and authority structure in the State of origin, the cooperating partner and the mediation itself must be in accordance with the principles of the Hague Convention. Also see Section 7 above. This applies to the accredited bodies' cooperation with contracting States as well as with non-contracting States.</p>
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ²⁹	<p>See b)</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³¹ It will be the accredited body who makes an</p>

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

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

³¹ *Ibid.*

conclusion of a formal agreement ³⁰ with that State of origin)?	agreement with the counter part in the State of origin <input type="checkbox"/> No
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³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.