

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:	Republic of Moldova
Information for follow-up purposes	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	<p>Has your State centralised, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input type="checkbox"/> Yes. Please specify where the information is centralised: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify where the information is stored: Information about child's origins is included in the Report regarding the situation of adoptable child, that is completed by guardianship authority and send to the Central Authority in order to be included in State Registry for adoption.</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

1.1.2. Search for origins

3.	<p>Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: Regarding all issues on adoption in the MHLSP is responsible Department for Child Rights and Families with Children Protection Policies. According to the Law 99/2010 on legal regime of adoption the adoptive parent and the adopted child are entitled to obtain from the central authority excerpts from the State adoption registry that will confirm the fact of adoption, the date and place of birth, but shall not expressly disclose the adoption or the identity of the biologic parents of the adopted child. The identity of the adopted child's biologic parents may be disclosed before the child gets full capacity to exercise only for medical reasons, with an authorization from the court, upon the request of any of the adoptive parents, the adopted child, territorial authorities or the representative of a medical institution. After the adopted child acquires full capacity to exercise, he/she may request the court at its place or residence or the Court of Appeal Chisinau, provided he/she</p>
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	<p>does not reside in the Republic of Moldova, to authorize him/her access to information on the identity of its biologic parents that the central authority or the civil status offices have. The court shall summon the territorial authority at the place of the adopted child's residence, if appropriate, the central authority and any other individual whose professional knowledge may be useful in settling the request and shall accept the application for review if, according to the existing evidence, it decides that the access to required information is not detrimental to the applicant's mental integrity and emotional balance and if the respective adopted child benefited from counseling provided by the competent authorities in the field of adoption.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled: Please insert text here</p>
4.	<p>Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs); -</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; -</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; -</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. -</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>Starting with the year 2011, when was approved the Report regarding the situation of adoptable child, the guardianship authority includes all the information which is available regarding the child origins and family background in this Report. However in all cases will be involved all authorities that can bring useful information.</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>N/A</p>
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p>

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

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

	<p>(a) how many of these searches were successful (e.g., the adoptee found his birth family);</p> <p>The Central Authority doesn't have such kind of statistics. In the same time the MHLSP have received a very little number of requests to provide information about the legal provisions on the procedure of obtaining data about the origins of the adopted child.</p> <p>(b) how many were not successful and what were the reasons.</p> <p>N/A</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: The competent persons who know of the fact of adoption are obliged to preserve the confidentiality of the information obtained within the process of adoption, including with regard to the adopter's identification data, as well as that of the biologic parents. If not, these persons are subject to legal liability according to the effective laws.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the birth family to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>Moldovan legislation don't contain provisions regarding the procedure of obtaining information for birth family regarding the adoption of their child.</p>

1.1.3. Guidelines and good practices

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

Both States of origin and receiving States

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

³ C&R No 18 of the 2015 SC:

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

	<p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Republic of Moldova is the State of origin. Indifferent if we talk about national or international adoption, MHLSP required to be done post adoption reports. More than that, Moldovan legislation provides that after the approval of the adoption, the adopted child is kept track of by the territorial authority at the place of the adoptive parents' residence or by the central authority in the field of adoption in the receiving state in case of international adoption, until the age of 18 years. The monitoring of the post-adoption situation of the child is carried out by the authorities which are keeping track of the child, in the court of 5 years from the approval of the adoption, with the following frequency:</p> <p>a) during the first year – 3 reports (at 3, 6 and 12 months); b) during the second year – two reports (at 6 and 12 months); c) during years 3, 4 and 5 – one yearly report (at 12 months).</p> <p>In the case of domestic adoption, the post-adoption evaluation reports shall be drafted by the territorial authority at the place of the adoptive parents' residence and submitted to the central authority. In the case of international adoption, the post-adoption evaluation reports shall be submitted to the central authority of the Republic of Moldova by the central authority in the field of adoption from the receiving state or through the foreign organizations of the receiving state accredited and registered in the Republic of Moldova. The central authority of the Republic of Moldova, shall require, if appropriate, the diplomatic missions and consular offices of the Republic of Moldova in the receiving state to submit information on the conducted post-adoption monitoring.</p> <p>Also, in case of national adoption, by the order of the Ministry was approved the model of the Report on postadoption situation of the child. In this report is not only included the information the development of the child and his situation but also the problems and difficulties that have appeared in the family after adoption and how the authorities has managed them.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (e.g., child and adult adoptees, birth families, adoptive families); Information and counselling for children and parents;</p> <p>(b) who provides the services (e.g., social welfare administration, school, health personnel); Guardianship authorities</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); Usually are the same professionals, but can be involved others, depending the assistance that is necessary to be provided.</p> <p>(d) how, if there are different services, these various services are coordinated; These services are coordinated by the guardianship authority.</p> <p>(e) how the post-adoption services are financed (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); Depending of the service that is provided. If we talk about the information or counselling, these services can be provided the specialists from the guardianship authority and they are</p>

	<p>for free. If adoptive parents or adopted child need the assistance of a psychologist, this service will be paid by themselves.</p> <p>(f) the length of time this support is available.</p> <p>Until the child became adult and is in the evidence of the authority.</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> <p>The PAPs and adoptive families are always in contact with specialists from the guardianship authority, that provide the necessary information.</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

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

Receiving States only

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

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p>
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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](#)").

	<input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation: Please insert text here <input checked="" type="checkbox"/> No.
21.	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. N/A

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 N/A</p> <p>(b) how your State has addressed these situations and whether your State has any good practices to share in this regard;⁷ 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; N/A</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>The matching procedure is very good established. Based on the consent of the central authority in the field of adoption in the receiving state to continue the child adoption procedure, the central authority of the Republic of Moldova shall submit to the territorial authority at the place of child's residence a letter asking to continue the adopter's matching procedure. The territorial authority shall issue to the adopter a visiting permit. The adopter shall visit the child with the mandatory participation of the representative of the territorial authority at the place of the child's residence and the case manager. The number of visits necessary to determine compatibility shall be set by the territorial authority together with the case manager. The visits shall take place during one to up to three months from the date the visiting permit was received. Only after that, based on the report of the guardianship authority that describes the relation between the child and PAPs, central authority give its approval for continuation of the procedure of adoption.</p> <p><input type="checkbox"/> No. Please specify any reasons:</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."

Please insert text here

(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

N/A

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

N/A

(g) how many of these cases included a **new placement** (*e.g.*, foster care, new adoption) for the child;

N/A

(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);

N/A

(i) in line with **Recommendation No 20**⁹ 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.

N/A

Receiving States only

23. Is your State's **Central Authority** informed and involved / consulted when an intercountry adoption breaks down?

Yes. Please explain your response:

Please insert text here

No. Please specify whether the staff of the child protection services include workers specialised in adoption:

Please insert text here

24. Do your State's authorities **consult** with the Central Authority of the child's **State of origin**:

(a) if an adoption breaks down?

Yes. Please describe the type of cooperation:

Please insert text here

No.

(b) before determining a new placement for the child?

Yes. Please describe the type of cooperation:

Please insert text here

⁹ C&R No 20 of the 2015 SC:

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

	<input type="checkbox"/> No.
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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: N/A</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: N/A</p> <p><input type="checkbox"/> No.</p>
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1.5. Other post-adoption matters

States of origin only

26.	<p>Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality: Based on general legislation regarding this matter.</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>MHLSP is open to develop any kind of documents that can be useful in adoption area.</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(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; Please insert text here</p> <p>(d) how your State handled these situations; Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices.</p> <p>Moldovan legislation in adoption area was elaborated and developed in order to prevent and address illicit practices. The procedure of national and international is very good described, and don't permit to be done some illicit practices. Despite this fact, if somebody try to do something illicit in adoption matter, this person falls under criminal or contraventional law.</p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so; The Court</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); The following are entitled to request the nullity of adoption: a) territorial authority; b) adopted child who turned 14 years old; c) adopted child's biologic parents; d) adoptive parents; e) prosecutor. After the adopted child acquires full capacity of exercise, the application on the nullity of adoption can be submitted only by him/her.</p> <p>(c) the grounds upon which this may be done; Adoption may be declared null if it is established that: a) its approval based on false documents; b) adoption was approved without the consent of the child's biologic parents or the adopter's spouse if this consent was mandatory by the law; c) adoption was approved with the violation of the substantive or procedural terms provided for by the legislation; d) adoption was required and approved without the intent to produce legal effects specific to this legal type of child protection (fictitious adoption). Upon declaration of the nullity of adoption, the court shall also take into account the child's best interest. The court may reject the application on the nullity of adoption if it establishes that preserving adoption is in the interest of the adopted person Please insert text here</p> <p>(d) whether there is an age limit for the annulment of an adoption; -</p> <p>(e) the procedure involved; The application on the nullity of international adoption is reviewed in the court of appeal which approved the adoption. If the biologic parents do not know the adoptive parents</p>

	<p>or their residence, they can apply to the court at their place of residence. The decision on the nullity of adoption, which remains irrevocable, is transmitted to the territorial authority at the child's place of residence or to the central authority in case of international adoption.</p> <p>(f) the number of intercountry adoptions which are on average annulled per year.</p> <p>0</p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so;</p> <p>Adoption shall cease as a result of its termination or annulment based on a court decision. Adoption shall terminate when the adoptive parent or parents pass away and the adopted child is proposed for a new adoption. The previous adoption is considered terminated on the date that the court decision on approving a new adoption stays irrevocable, provided that previously there was no other court decision issued in this regard.</p> <p>(b) who can request the revocation (e.g., 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> <p>(f) the number of intercountry adoptions which are on average revoked per year.</p> <p>Please insert text here</p> <p><input type="checkbox"/> No.</p>

3. INTRAFAMILY ADOPTIONS

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

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

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The Central Authority.</p>
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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.

	<input type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority: In case of national intrafamily adoptions guardianship authority is responsible for this procedure.
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: Priority for adoption will be given to a relative in the pre-matching procedure.
	<input type="checkbox"/> No. Please specify any reasons: Please insert text here
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: https://www.legis.md/cautare/getResults?doc_id=106567&lang=ro Chapter V1 describes the procedure of the adoption by the other spouse.
	<input type="checkbox"/> No.
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <input type="checkbox"/> Yes. Please specify the situations and how they were handled: ¹² Please insert text here
	<input checked="" type="checkbox"/> No.
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> <input type="checkbox"/> It only affects the child and his or her mother and father.
	<input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.
	<input type="checkbox"/> Other. Please explain your response: Please insert text here
38.	<p>Has your State encountered cases of breakdown in intrafamily intercountry adoptions?</p> <input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: Please insert text here

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].

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

	<input checked="" type="checkbox"/> No.
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p> <p><input type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³ 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: 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: Guardianship</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: N/A</p>

3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>N/A</p>

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

44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions: N/A</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges: N/A</p>
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3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

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

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

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State? -</p> <p>(b) how was the child's habitual residence determined? Which factors were considered? -</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a domestic adoption or an intercountry adoption? -</p> <p>(d) what challenges did your State face in dealing with such situation(s)? -</p> <p>(e) if your State was the State where the child was born, was contact sought with the State of habitual residence of the mother? Was there any cooperation between the concerned States? -</p>
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: -</p> <p><input type="checkbox"/> No. Please explain your response: -</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? -</p> <p>(b) would determine the child’s habitual residence not to be in their State? -</p>
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5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

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

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p>
51.	<p>If your State permits both full and simple adoption, are simple adoptions encouraged / promoted?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Please insert text here</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family’s consent to convert a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
53.	<p>(a) Please specify any challenges your State encounters with simple adoptions: 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>

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

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: Our legislation don`t regulate any terms for `open adoption`, `openness in adoption`. It is not encouraged that biological family knows adoptive parents. It can happened for different reasons, but usually this information is confident.</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: Please insert text here</p>
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p> <p>(b) Does your State have a specific approach depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input 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:</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. Please explain your response:</p> <p>Please insert text here</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:</p> <p>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:</p> <p>N/A</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges:</p> <p>N/A</p>

6. NON-CONSENSUAL ADOPTIONS

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

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility?</p> <p>A parent can lose his or her parental responsibility only based on a Court Decision. To establish an adoptability status for a child or for adoption the consent of the biological family is not required.</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:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>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 options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>Moldovan legislation contains provisions regarding all steps that should be taken for re/integration a child into his biological or relative family. Adoption can be approved only in the cases if it is established that it's impossible to be done and it's not in</p>

	<p>accordance of the best interest of the child. A child is placed for priority in a family alternative care, but adoption remains to be the best form of protection for a child.</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>A child left without parental care because of abandonment, missing parents, the parents' mental condition, evasion from educating the child, from protecting the child's rights and legitimate interests, acquires the status of adoptable child after the court decision, that refers to those below, becomes irrevocable:</p> <p>a) the parents are deprived of their parental rights; b) the parents are declared incapable; c) the parents are declared missing or deceased.</p> <p>A found child, whose parents are unknown, acquires the status of adoptable child after all investigations for identifying its parents, which are carried out during 6 months, are exhausted.</p> <p>The decision of granting the child the status of adoptable child is communicated by the territorial authority to the child's biological parents, including those who were deprived of their parental rights, the guardian or the custodian, the social institution or the family type service in which the child is placed.</p> <p><input type="checkbox"/> No. Please explain your response: 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: Please insert text here</p> <p><input 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><i>In the list for international adoption usually contain children up to 7 years, siblings and children with disabilities.</i></p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions: N/A</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges: 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 style="padding-left: 20px;">The Law on legal regime of adoption provides that in a national procedure of adoption a PAP receive a permit for visit an adoptable child that was selected, taking into consideration what is mentioned in the adopter's certificate. With reference to international adoption, PAP receive a permit for visit the child only after Central Authority had received their approval to adopt this child and the approval of the Central Authority of receiving state.</p> <p><input type="checkbox"/> No. Please specify:</p> <p style="padding-left: 20px;">(a) in which circumstances such contact is permitted; Please insert text here</p> <p style="padding-left: 20px;">(b) the experience of your State with regard to such contact. Please insert text here</p>
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7.2. Summer camps / hosting programmes

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

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

67.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p style="padding-left: 20px;">(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> No.</p> <p style="padding-left: 20px;">(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p style="padding-left: 40px;"><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> No.</p> <p style="padding-left: 20px;">(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)?</p> <p style="padding-left: 20px;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

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; -</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; -</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; -</p> <p>(d) how the children are prepared for such programmes; -</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; -</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; -</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; -</p> <p>(h) who finances such programmes; -</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). -</p>
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7.3. Voluntourism

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

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p>

Please insert text here

No. Please explain your response:

Our legislation regulates voluntourism, but legislation on legal regime of adoption very clear stipulates conditions for adoption.

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 (e.g., as part of a foster care placement, kinship care, “*niño puesto*”,¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹
- (a) whether the child had already **been declared adoptable** before the PAPs’ adoption application was submitted;
N/A
- (b) at what stage in the process the PAPs were **declared eligible and suitable** to adopt;
N/A
- (c) what the **profile** of these children was;
N/A
- (d) what was done to ensure that the **safeguards and procedures** of the 1993 Adoption Convention had been respected;
N/A
- (e) your State's **experience** with such adoptions.
N/A

8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72. Has your State changed its practices recently to **integrate new technologies** into work processes (e.g., blockchain to facilitate transmission and access to data)?
- 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:
Please insert text here
- No.

9. STATISTICS

Both States of origin and receiving States

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](#).

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (<i>i.e.</i>, excluding stepparent adoptions);²⁰ 3 children</p> <p>(b) stepparent adoptions; 0</p> <p>(c) simple adoptions; -</p> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and 0</p> <p>(e) non-consensual adoptions.</p> <p>2015 - 10 2016 - 11 2017 - 16 2018 - 9 2019 - 7 2020 (until 30.06.2020) - 2</p>
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10. OTHER MATTERS

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