



Country Profile for Intercountry Adoption:



Receiving Country

Country of Origin

Accession: **29-IV-1998**

Date of entry into force: **1-VIII-1998**

Contact information of Central Authority:

State child rights protection and adoption Service
under the Ministry of Social Security and Labour

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1. ROLE OF AUTHORITIES & BODIES

1.1 Central Authority

The Lithuanian Central Authority performs the functions under the Chapter IV of the Convention. In particular, it is responsible for the organisation of the adoption procedures, ensures the fulfilment of the requirements set forth in the Convention and controls the activities of other Lithuanian institutions related to adoption. It evaluates the compliance of documents submitted by a competent authority of the receiving foreign Country and the conformity of candidates to the legal requirements set up for adoption. On the 20th of October 2005 the new regulation of the Service was approved. Following it, there was changed the name of the Service from the „Adoption Service under the ministry of the social security and labour“ to the „State child rights protection and adoption service under the ministry of the social security and labour“. The changes were influenced by the need to have a central authority not only for the adoption issues but also for many other questions concerning child rights protection in the Republic of Lithuania.

1.2 Public Authorities and competent authorities

Intercountry adoption in Lithuania is organized by Central Authority. However some other public authorities also play a role in the intercountry adoption procedure:

- child rights protection service of the municipality is responsible for preparing a

child for adoption. In Lithuania there are 60 municipalities. Child rights protection services supervise the biological family of the child, organize the social services for such a family and if there is no chance for a child to return to biological family (parents, grandparents or other relatives) the child rights protection service is responsible for the legal status of the child, for making him adoptable.

- the guardian of the child shall give his consent for adoption. If the guardian is a natural (physical) person his consent has to be approved by the court. If the guardian is a legal person (child care institution) his consent is given in written form.
- court takes the final decision to adopt. By the Civil procedure code of the Republic of Lithuania the Vilnius district court has an exceptional jurisdiction to hear intercountry adoption cases. The court reviews the pretrial adoption procedure, verifies if adoptive parents fit the requirements of the law, if the child is adoptable and takes the decision.

1.3 Bodies/Persons involved in the adoption process

- Under Article 13: Lithuania does not use accredited bodies in intercountry adoption.
- Under Article 12: On 3 June, 2005 the Minister of Social Security and Labour of the Republic of Lithuania has approved the Order of the Specification of the Procedure for Granting Authorization to Foreign Institutions in respect of intercountry adoption in the Republic of Lithuania. Till now there were authorized 17 foreign organizations: 9 from USA (at the moment there are left 7), 3 from Italy (at the moment there are left 2) and one by one from Sweden, Germany, Spain, France and New Zealand. At the moment the hearing of the Special Commission are waiting 7 new foreign organizations willing to act in the field of intercountry adoption in Lithuania. 3 of them are from USA, 2 from Italy and one by one from Germany, Canada (Ontario). From the 1 August 2006 by the order of the Minister of Social Security and Labour of the Republic of Lithuania the Central Authority does not accept new applications from the foreign organizations to be authorized in the field of intercountry adoption.
- Under Article 22(2): There are no approved (non-accredited) bodies or person in Lithuania.

1.4 Accreditation

The Lithuanian Central Authority is responsible for the accreditation of bodies and the authorization of foreign accredited bodies, including their supervision and review.

On 3 June 2005, the Minister of Social Security and Labour of the Republic of Lithuania approved the Order of the Specification of the Procedure for Granting Authorization to Foreign Institutions in respect of inter-country adoption in the Republic of Lithuania. It establishes the procedure for granting authorization to foreign bodies in respect of intercountry adoption, the procedure for cessation, renewal, suspension and revocation of it, and also procedure and functions, rights and duties of the authorized foreign institutions.

In accordance with the Order of the minister of Social security and labour No A1-195 of July 17, 2006, on the amendment to the Order of the minister of Social Security and labour of the Republic of Lithuania No A1-162 of June 3, 2005, on the approval of the specification of the procedure for granting authorization to foreign institutions in respect of inter-country adoption in the Republic of Lithuania, as of August 1st, new applications from foreign institutions seeking to get authorization in respect of inter-country adoption

are not accepted.

The Order of the Minister of Social Security and Labour of the Republic of Lithuania on the Approval of the Specification of the Procedure for Granting Authorization to Foreign Institutions in respect of inter-country adoption in the Republic of Lithuania is available on the website of the Lithuanian Central Authority (<http://www.ivaikinimas.lt/files/57.doc>) in English and Lithuanian.

2. CHILDREN PROPOSED FOR ADOPTION

Lithuanian Central Authority is responsible for making the list of adoptable children that is one of the compulsory conditions to start adoption procedure. In Lithuania children are not declared adoptable. There are only few conditions to start their adoption procedure:

- age of the child;
- parental authority – the child may be adopted without the biological parents consent only if the parents are dead, unknown, incapable or deprived of parental rights.

The decision that an intercountry adoption is in the child's best interest is made by the Lithuanian Central Authority.

2.1 Adoptable children

- Children must be included into the registry (list) of the children eligible for adoption.
- Children must not be younger than three months of age.
- Brothers and sisters can be adopted separately only when there is no possibility for them to live together due to their state of health, or because they have already been separated for various reasons and there is no possibility for them to live together.

Note: A child may be offered to foreign nationals for adoption if during six months from the registration of the child in the waiting list of children eligible for adoption no family of the Lithuanian nationals wishing to provide foster care or to adopt the child was found. As the lowest age for adoptable child is three months, according to this condition adoptable child for foreign nationals can not be younger than nine months.

2.2 Adoptable children with special needs

- Children above the age of 8 years old;
- Groups consisting of 3 or more brothers and sisters (siblings) that must be adopted together;
- Children who suffer from serious health troubles and disorders.

Note: Among adoptable children with special needs, the most frequent are brothers and sisters (siblings). The eldest of them may be 10 – 12 years old.

In accordance with the Order of the minister of Social security and labour No A1-195 of July 17, 2006 already authorized foreign institution or the central authority of the receiving country may not submit more than 2 applications of the family or person a year to adopt a child (children) under 6 years. This requirement will not apply to families wishing to adopt a child with special needs.

2.3 Minors' consent

- 10 years old and over: children must give their consent to the adoption. The consent must be in writing. The children shall give their consent to the court. It is not permitted to adopt children without such consent.
- Under 10 years old: In this case, if the adoptive child is able to express his/her

opinion, the court must take into account the child's wishes, unless such wish is contrary to the interests of the child.

3. PROSPECTIVE ADOPTIVE PARENTS

3.1 Eligibility and suitability criteria

Couples: Married couple. There is no specific regulation on the length of the marriage.

Singles: In exceptional cases, a single person or one of the spouses may be permitted to adopt.

Homosexuals: Not eligible.

Age requirements: Between 18 and 50 years old. In exceptional cases, the court may allow an older person to adopt.

The exceptional cases usually are regarded when only one of the spouses is older than required, when the child already lives in the family or when an older person applies to adopt an older child and is able to take a good care of the child.

At the moment The Lithuanian Central Authority has prepared a project of the law instead of the maximum age of adoptive parents putting the maximum age difference between adoptive parent and adoptable child.

3.2 Other Information

Persons who want to adopt, (except for the spouse or relatives of a child's mother/father) shall be included in the registry of persons who want to adopt a child, which is kept by Lithuanian Central Authority.

4. DOCUMENTS REQUIRED (according to the Lithuanian law)

Prospective adoptive parents, who want to adopt a child in the Republic of Lithuania, shall submit, through their Central Authority or accredited body, the following documents to the Lithuanian Central Authority:

- An application for adoption (it must state the age, sex and health condition of the child requested for adoption. Requests must not conflict with the permit for adoption);
- Information letter introducing the prospective adoptive parents and issued by the central governmental authority or by an accredited adoption association;
- The "Home study" (the report of the socio-psychological study) prepared according to procedures prescribed by the receiving State;
- The permit for adoption issued by a competent authority of the receiving State;
- The confirmation of a competent authority of the receiving State that the adopted child will be allowed to enter the country for permanent residence;
- Copies of passports or other personal identification documents;
- Copies of birth certificates;
- A copy of the marriage certificate, of the divorce certificate (if divorced) or of the death certificate of the spouse (if widowed);
- Health certificates;
- Certificates of the financial standing of the family (income received and assets owned);
- Criminal record certificates;
- Health certificates and copies of birth certificates of children residing together.

If applicants apply through an accredited body, the following documents must be submitted:

- Power of attorney issued by the family to the accredited body;
- A document issued by a competent authority of the receiving State and certifying the authority of the accredited body to engage in intercountry adoption.

4.1 Language in which the documents must be submitted: Lithuanian

4.2 Notarization / Legalization / Authentication: All documents must be legalised. Translations must be notarised.

5. THE ADOPTION PROCEDURE

1. The report on the child is prepared by Lithuanian Central Authority.

2. Prospective adoptive parents through the Central Authority of their state or an accredited body must submit to the Lithuanian Central Authority all necessary documents. The Lithuanian Central Authority verifies whether the prospective adoptive parents meet the requirements, and if so, they will be added to the waiting list of prospective adoptive parents. The mere fact that the family is entered into the waiting list of prospective adoptive parents does not mean that one or more children must be placed for adoption with that family.

The Lithuanian Central Authority does not accept private adoption requests from prospective adoptive parents and adoption requests sent directly by prospective adoptive parents.

3. The Lithuanian Central Authority is responsible for the matching of the child and the prospective adoptive parents, whereas the final decision on the adoption is taken by the court.

The Lithuanian Central Authority chooses a family that in the best way according to their age, health, living conditions may satisfy the needs of the child. Children eligible for adoption shall be offered to the family according to the family's position on the waiting list and considering the family's requests regarding the age, sex and health of the child. While referring the child, a due consideration shall be given to the heritage of upbringing, ethnic origin, cultural background and the native language of the child; therefore, the priority to adopt the child shall be given to Lithuanian nationals residing abroad and to foreign nationals of a Lithuanian descent. A person shall be considered as being of a Lithuanian descent if his/her parents or grandparents, or one of the parents or grandparents are/were Lithuanian, and the person considers himself/herself to be Lithuanian.

4. The Adoption Service recommends that prospective adoptive parents travel to Lithuania to meet the referred child. The family is free to decide whether to accept or reject the matching; such decision shall be made within one month from the date on which information about the child was provided. The referral may be accepted in any form (by letter, e-mail or fax). If the prospective adoptive parents do not accept the matching or referral of the child, they must indicate the reasons of such refusal. The Central Authority has the right to contact the Central Authority or the accredited body of the Receiving Country in order to reevaluate the family's readiness for adoption.

5. When a family accepts the matching, the adoption case shall be prepared for court. The family's representative or the attorney at law in Lithuania usually prepares the application and documents for adoption. Both spouses must attend the court hearing. In

practice, the court reviews the pretrial adoption procedure and confirms the decision made by the Central Authority. In some cases the court disagrees with the decision made by the Central Authority to place a child with a particular family. However, there is always a possibility to appeal to the higher court. A revocation of the adoption is not possible by the law of Lithuania if the court decision to adopt is already valid and final. The court decision to adopt becomes valid only after 40 days appeal period. During it child is still under the care of the guardian. If adoptive parents stay in Lithuania and request, Lithuanian Central Authority may give a permission for them to take a child and to stay with him during this period.

6. After the court's judgement regarding adoption becomes effective (after 40 days), the adoptive parents must contact the Civil Registry Department that registered the birth of the child regarding the issuing of a new birth certificate. The following documents must be submitted to the Civil Registry Department:

- Copies of passports of the adoptive parents (translated into Lithuanian and legalised);
- A copy of the marriage certificate of the adoptive parents (translated into Lithuanian and legalised);
- The original copy of the judgement of Vilnius Regional Court regarding adoption;
- The original copy of the birth certificate of the child.

5.1 Travel to country

Lithuanian Central Authority demands prospective adoptive parents to come to Lithuania and to meet the child before giving final consent to adopt him. However this is not compulsory by the law. Prospective adoptive parents must travel to Lithuania to attend the court hearing. The family may stay a forty-day period in Lithuania, or they may also leave Lithuania and return only after the court judgement regarding adoption becomes effective. The court's judgement on the adoption becomes effective after 40 days, unless it is appealed.

5.2 Duration of adoption procedure

The duration of the adoption procedure shall be subject to the age, sex and health condition of the child to be adopted and to the number of children to be adopted. According to the Lithuanian Central Authority, the average duration of the adoption procedure of a child under six years of age is 2-3 years; however, the adoption of special needs children, e.g. children with serious health problems or a sibling group of 3 under ten years of age, may be completed in half a year.

6. AGREEMENT UNDER ARTICLE 17 c)

The Central Authority is the competent authority that has to agree that the adoption may proceed.

7. CERTIFICATE UNDER ARTICLE 23

The Lithuanian Central Authority is the competent authority for issuing the certificate under Article 23. It is issued only after the judgement of Vilnius Regional Court regarding adoption becomes effective.

8. POST ADOPTION REPORTS

The Lithuanian Central Authority requires that for 2 years after adoption, post-adoption reports must be sent twice a year. Other 2 years reports must be sent once time per year. Later than 4 years after adoption the post adoption reports shall be provided at the request of the Lithuanian Central Authority. When adoptive parents are represented by an accredited body, the accredited body is obliged to send post-adoption reports.

9. OTHER POST ADOPTION REQUIREMENTS

Lithuanian Central Authority has approved the form of post adoption report that consist all the needed information about child adaptation, relationship building, health and development.

10. ACCESS TO INFORMATION

Confidentiality of the adoption

- 1.The information concerning adoptive parents and adoptive children that Lithuanian Central Authority disposal is confidential.
2. It is prohibited to disclose data about the adoption without adoptive parents' consent until the adopted child attains majority (*note:18 years*).
3. The court shall examine the adoption case in a closed court hearing.
4. The court, which has examined the adoption case, may permit disclosure of information about adoption to the adopted child of and over fourteen years of age, or his/her close relatives or other persons concerned, if such information is necessary for the sake of health of the adopted child, or his close relative, or other person concerned, or for other important reasons.

11. EXPENSES

The adoption procedure in the Republic of Lithuania is free of charge. There are no costs for care and board of the child.

Possible costs in Lithuania:

- For translation service, the family must pay themselves for the translation service.
- For medical services there are no costs, unless the family wish to have independent doctors consultations or request additional tests.
- For lawyer's fees, if the family wish to have a lawyer or representative who will help to prepare all necessary documents before and after the adoption.
- For administrative costs – court fee 100 Lt may be changed.

12. IMPROPER FINANCIAL GAIN

Lithuanian Central Authority is responsible for preventing improper financial gain as required by Article 8 and 32 of the Convention.

There are no special measures to prevent improper financial gain. On of them may be regarded the Order of the Specification of the Procedure for Granting Authorization to Foreign Institutions in respect of inter-country adoption in the Republic of Lithuania that oblige competent authorities to value if foreign institution seeking for authorization is competent and acts in the proper way.

There are common criminal sanctions for illegal activities. The new Criminal Code of the

Republic of Lithuania (in force from 1 May 2003) sets crimes and criminal offences against the child and family. According to Article 157, the purchase and sale of the child is punishable by imprisonment till 15 years. Usually, when there are suspicions in improper financial gain, it is related to fraud, corruption or other similar crimes.

13. NATIONAL LEGISLATION

- The Civil Code of the Republic of Lithuania (entered into force on 1 July 2001)
- The Code of Civil Procedure of the Republic of Lithuania (entered into force on 1 January 2003)
- Resolution No. 1422 *On the Approval of the Procedure for Registry of Adoption in the Republic of Lithuania* of the Government of the Republic of Lithuania (entered into force on 11 September 2002)
- The Specification of the Procedure for Granting Authorization to Foreign Institutions in respect of inter-country adoption in the Republic of Lithuania (entered into force on 12 June 2005)

14. OTHER HAGUE CONVENTIONS

- *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*

Lithuania ratified this Convention by Law No. IX-1686 of 3 July 2003. The Convention has entered into force on the 1st September 2004.

- *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents*

Lithuania ratified this Convention on 1996. The Convention entered into force on the 19th July 1997.

15. BILATERAL AGREEMENTS

1) Under Article 39, paragraph 2: Lithuania has signed a bilateral agreement with a view to improve the application of the Adoption Convention only with the Intercountry Adoption Commission of Italy. The agreement covers rights, duties and responsibilities of contracting states, terms of the procedures that are not covered in the Convention.

2) With non-Contracting States: None.

16. ADMINISTRATIVE ARRANGEMENTS/AGREEMENTS

To fulfil more effectively the Hague Convention's requirements when organizing intercountry adoptions, the Adoption Service had made bilateral administrative agreements with some foreign accredited bodies, working in Lithuania, from such States as Italy, France, Germany, Sweden, Spain, Australia and USA. These agreements defined the mutual relations amongst appropriate institutions, established their rights and obligations, and also obliged the competent authorities of foreign states to provide to the Adoption Service, in the agreed procedure, the feedback information about the children

from Lithuania.

When the Minister of Social Security and Labour of the Republic of Lithuania has approved the Order of the Specification of the Procedure for Granting Authorization to Foreign Institutions in respect of inter-country adoption in the Republic of Lithuania the bilateral administrative agreements has lost the power. At the moment only above mentioned order prescribes the rights and duties, functions of the bodies authorized to act in the Republic of Lithuania.

17. USEFUL LINKS

18. DATE LAST UPDATED: 21 September 2006