**COUNTRY PROFILE**

**1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION**[[1]](#footnote-1)

**RECEIVING STATE**

**COUNTRY NAME:** Hong Kong Special Administrative Region (HKSAR) of The People's Republic of China

**PROFILE UPDATED ON:** August 2014

**PART I: CENTRAL AUTHORITY**

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| 1. Contact details[[2]](#footnote-2) | |
| Name of office: | Family and Child Welfare Branch, Social Welfare Department |
| Acronyms used: | SWD |
| Address: | Room 721, 7th Floor, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong |
| Telephone: | 852 - 2892 5168 |
| Fax: | 852 - 2833 5840 |
| E-mail: | cfcw2@swd.gov.hk |
| Website: | http://www.swd.gov.hk |
| Contact person(s) and direct contact details (please indicate language(s) of communication): | Chief Social Work Officer (Family and Child Welfare)2  (English or Chinese) |
| *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.*  Not Applicable | |

**PART II: RELEVANT LEGISLATION**

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| 1. The 1993 Hague Intercountry Adoption Convention and domestic legislation | |
| 1. When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?   *This information is available on the* [*Status Table*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Hague Intercountry Adoption Convention (accessible via the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website <*[*www.hcch.net*](http://www.hcch.net)*>).* | 1 January 2006 |
| 1. 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.   *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.* | Adoption Ordinance, Chapter 290, Laws of Hong Kong  http://www.legislation.gov.hk/  blis\_pdf.nsf/6799165D2FEE3FA  94825755E0033E532/  070EB666DDDE621D482575EE00585492/  $FILE/CAP\_290\_e\_b5.pdf  25 January 2006 |

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| 1. Other international agreements on intercountry adoption[[3]](#footnote-3) | |
| Is your State party to any other international (cross-border) agreements concerning intercountry adoption?  *See Art. 39.* | Yes:  Regional agreements (please specify):  Bilateral agreements (please specify):  Non-binding memoranda of understanding (please specify):  Other (please specify):  No |

**PART III: THE ROLE OF AUTHORITIES AND BODIES**

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| 1. Central Authority(ies) | |
| Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.  *See Arts 6-9 and Arts 14-21 if accredited bodies are not used.* | According to Section 20E of Adoption Ordinance,  (1) The functions under the Convention of the Central Authority (CA) shall be discharged by the Director of Social Welfare (DSW).  (2) Any application made under Article 14 of the Convention by a person habitually resident in Hong Kong for the adoption of an infant habitually resident in a Contracting State shall be addressed to the DSW as the CA in Hong Kong.  (3) In complying with the obligation to provide any report or other information under Article 15 or 16 of the Convention, the DSW as the CA may request any person as he may specify to make a report to him with respect to any matter which appears to him to be relevant; and the person shall comply with such a request.  (4) The DSW may, to the extent permitted by the provisions of the Convention, delegate his functions as the CA to accredited bodies (ABs). |

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| 1. Public and competent authorities | |
| Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.  *See Arts 4, 5, 8, 9, 12, 22, 23 and 30.* | The Court of First Instance of the High Court, as Competent Authority in the HKSAR, may issue the adoption order provided that the prospective adopter(s) shall follow the legal requirements and procedures of the receiving State. In accordance with Article 23 of the Hague Convention, a Convention adoption certificate should be issued by a competent authority in the receiving State. |

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| 1. National accredited bodies[[4]](#footnote-4) | |
| 1. Has your State accredited its own adoption bodies?   *See Arts 10-11.*  ***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]](#footnote-5) | Yes  No – **go to Question 8** |
| 1. Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.[[6]](#footnote-6) | There are three ABs in the HKSAR.  No limit on the number of ABs in the HKSAR is set. |
| 1. Please briefly describe the role of national accredited bodies in your State. | ABs are involved in certain functions and procedural duties in relation to intercountry adoption, including assessment of the suitability of applicants as prospective adoptive parents (PAPs) as well as making arrangements for adoption placements and monitoring such placements. |
| **6.1 The accreditation procedure (Arts 10-11)** | |
| 1. Which authority / body is responsible for the accreditation of national adoption bodies in your State? | The CA (i.e. DSW) of the HKSAR is responsible for accreditation. |
| 1. Please briefly describe the *procedure* for granting accreditation and the most important accreditation *criteria*. | Application for an accreditation certificate or application for its renewal must be made to the CA (i.e. DSW) in a specified application form and accompanied by the required information, including information about the agency’s organisation, background, services provided, experience in intercountry adoption, overseas network and connections, financial status, track record. Upon receiving the application and relevant documents/records, accreditation assessment will be conducted by the DSW based on the accreditation criteria.  There are eleven accreditation criteria, including the agency's pursuit for non-profit-making objectives with sound finanical condition and good track record, specialized experience in child welfare services, clearly-delineated organisation structure, designated section directed by persons with appropriate qualifications and staffed by registered social workers to undertake home assessment and placement tasks. |
| 1. For how long is accreditation granted in your State? | The valid period of accreditation is no more than 4 years. |
| 1. Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be *renewed*. | Application for renewal of accreditation shall be made to the CA (i.e. DSW) not more than 6 months and not less than 4 months prior to the expiration of the accreditation or within such period of time the DSW may in writing permit. Procedures and criteria for accreditation renewal is the same as that for new application. Normally, the renewed accreditation certificate, if granted, shall have effect on the day following the day upon which the original accreditation expires. |
| **6.2 Monitoring of national accredited bodies**[[7]](#footnote-7) | |
| 1. Which authority is competent to monitor / supervise national accredited bodies in your State?   *See Art. 11* c)*.* | The CA (i.e. DSW) of the HKSAR is responsible for monitoring ABs. |

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| 1. Please briefly describe how national accredited bodies are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently). | The ABs in the HKSAR are required to comply with the code of conduct, the relevant provisions of the Adoption Ordinance, and the administrative requirement set down by the DSW in handling intercountry adoption cases.  The ABs shall report to the DSW on any change of social worker and/or management staff designated for adoption services and provide monthly statistical returns submitted quarterly to the DSW.  The ABs shall undertake annual self-assessment and submit the self-assessment reports and annual audited financial reports to the DSW.  The ABs are required to seek DSW's prior approval on advertisement related to adoption services in the HKSAR, fees charged for adoption services and relocation of adoption offices.  Annual or surprise inspections at ABs are undertaken by the CA. |
| 1. Please briefly describe the circumstances in which the accreditation of bodies can be revoked (*i.e.*, withdrawn). | In case of serious or repeated default or non-compliance or the failure of AB to improve on the identified deficiencies, the DSW may suspend/revoke the accreditation of the AB.  Prior to suspension or revocation, the DSW will bring the matter to the attention of the AB and provide the AB with the opportunity to make representation before a final decision is made. |
| 1. If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied? | Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of accreditation):  The accreditation may be revoked or suspended by the DSW.  No |

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| 1. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)[[8]](#footnote-8) | |
| **7.1 The authorisation procedure** | |
| 1. Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States? | Not Applicable |
| 1. Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken? | Authorisation is granted as part of the accreditation procedure.  A separate procedure is undertaken for authorisation. |
| 1. Is authorisation granted to national accredited bodies to work in *all* States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin? | Authorisation is granted generally: once authorised, national accredited bodies are able to work in *all* States of origin.  Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin. |
| 1. Please briefly describe the *procedure* for granting authorisation and the most important authorisation *criteria*.[[9]](#footnote-9)   If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.  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). | Not Applicable |

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| 1. For how long is authorisation granted? | Not Applicable |
| 1. Please briefly describe the criteria and procedure used to determine whether authorisation will be *renewed*. | Not Applicable |
| **7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States** | |
| 1. Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff[[10]](#footnote-10) in the State of origin) are monitored / supervised by your State in relation to their work / activities *in the State of origin*. | Not Applicable |
| 1. Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (*i.e.*, withdrawn). | Not Applicable |

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| 1. Approved (non-accredited) persons (Art. 22(2))[[11]](#footnote-11) | |
| Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?  ***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*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Convention, available on the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website.*  *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]](#footnote-12) | 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:  No |

**PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION**

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| 1. 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:  It is required that the child is satisfied to be adoptable in accordance with the Adoption Ordinance. The child should be under 18 years of age who is not or has not been married. All the consents required must be obtained. Due consideration for adoption should be given to the wishes and opinions of the child, having regard to the age and understanding of the child and that the adoption is assessed to be in the best interests of the child.    No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative. |

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| 1. 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: General speaking, the reasons leading to the relinquishment of parental rights and the assessments on adoption which is in the best interests of the child should be included in the child study report provided by the CA or AB of the State of origin.  No |

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| 1. 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:  In the HKSAR, children with special needs include those who are older in age (aged 3 or above), with mental/physical handicaps, major/multiple health problems or complicated family background.  No – the definition used in the State(s) of origin is determinative. |

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| 1. The nationality of children who are adopted intercountry[[13]](#footnote-13) | |
| Do children who are adopted intercountry to your State acquire the nationality of your State? | Yes, always. Please specify:   1. At what stage nationality is acquired by the child:      ; and 2. The procedure which must be undertaken (or whether acquisition of nationality is *automatic* upon the occurrence of a particular event, *e.g.*, the making of the final adoption decision):   It depends – please specify which factors are taken into consideration (*e.g.*, the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): It depends on the nationality of the PAPs and the requirements of Immigration Ordinance.  No, the child will never acquire this nationality. |

**PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)**

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| 1. Limits on the acceptance of files | | |
| 1. Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time? | Yes, please specify the limit applied and the basis on which it is determined:  No |
| 1. Does your State allow PAPs to apply to adopt from more than one State of origin at the same time? | Yes, please specify whether any limits are applied:  No – PAPs may only apply to adopt from one State of origin at any one time. |

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| 1. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption[[14]](#footnote-14) (Art. 5 *a)*) | | |
| **14.1 Eligibility criteria** | | |
| 1. Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?   *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).* | | Yes, the following person(s) may apply in our State for an intercountry adoption:  Married, heterosexual couples: Preferably married for 3 year  Married, same-sex couples:  Heterosexual couples in a legally registered partnership:  Same-sex couples in a legally registered partnership:  Heterosexual couples that have not legally formalised their relationship:  Same-sex couples that have not legally formalised their relationship:  Single men: Cannot adopt female child  Single women:  Other (please specify):  No, there are no relationship status criteria for PAPs. |
| 1. Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption? | | Yes, please specify:  Minimum age requirements: Over the age of 25  Maximum age requirements:  Difference in years required between the PAPs and the child:  Other (please specify):  No |
| 1. Are there any *other* eligibility criteria which your State requires PAPs to fulfil? | Yes, please specify:  Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):  Couples must supply evidence of infertility:  For persons with children already (biological or adopted), there are additional criteria (please specify):  Other (please specify): Please refer to the link -  http://www.swd.gov.hk/images/Adoption%20Eng.jpg  No | |
| **14.2 Suitability assessment**[[15]](#footnote-15) | | |
| 1. Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption? | The AB in the HKSAR | |
| 1. Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption. | AB in the HKSAR assesses the suitability of the homes and recommend home approval for CA's endorsement. | |
| **14.3 Final approval** | | |
| Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption? | Supervising officer of Adoption Unit (AU) of SWD | |

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| 1. Preparation and counselling of PAPs (Art. 5 *b)*) | |
| 1. In your State, are courses provided to prepare PAPs for intercountry adoption? | Yes, please specify the following:   * Whether the courses are mandatory: Not mandatory * At what stage of the adoption procedure they are offered: All stages including at the time of submission of application, matching process as well as placement and post placement service. * Who provides the courses: AB in the HKSAR * Whether they are provided to PAPs individually or collectively (*i.e.*, in a group): Both * Whether they are provided “in person” or electronically: "in person" * How many hours the courses last: No standard requirement * The content of the courses: The intercountry adoption procedure, attachment issue, grief and loss, institutionalisation effect and root-tracing procedure. * Whether there are specific courses for PAPs wishing to adopt a child with special needs: No standard requirement * Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: No   No |
| 1. Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (*e.g.*, meeting with adoptive parents, language and culture courses)?   Please specify, in each case:   1. If it is mandatory for PAPs to use the service; 2. Who provides the service; and 3. At what stage in the adoption procedure the service is provided. | AB in the HKSAR will provide on-going counselling and support to PAPs throughout the adoption process.  (i) It is not mandatory;  (ii) The AB in the HKSAR provides the service;  (iii) The service is provided throughout the adoption process. |

**PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE**

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| 1. Applications | |
| 1. To which authority / body should PAPs apply for an intercountry adoption? | AB in the HKSAR |

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| 1. Please indicate which documents your State requires to be included within the PAPs’ file for transmission to the State of origin:[[16]](#footnote-16)   *Please tick all which apply.* | An application form for adoption completed by the PAPs  A statement of “approval to adopt” issued by a competent authority  A report on the PAPs including the “home study” and other personal assessments (see Art. 15)  Copies of the PAPs’ passports or other personal identification documents  Copies of the PAPs’ birth certificates  Copies of the birth certificates of any children living with the PAPs  Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): marriage certificate (if married couple), divorce certificate (if either or both of the PAPs is divorced), death certificate (if one of the PAPs is widowed)  Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): medical reports  Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Financial circumstances should include PAPs' income, assets, expenditure and liabilities. Supporting documents are required.  Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): employment certificates  Proof of no criminal record  Other(s): please explain  medical reports of any children living with the PAPs, proof of highest education qualification of the PAPs, reference letters and family photos | |
| 1. Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?[[17]](#footnote-17) | | Yes, please specify at which stage(s) of the procedure an accredited body must be involved (*e.g.*, 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):  The ABs in the HKSAR should be involved in all stages of the procedure regarding intercountry adoption. Prior approval of the DSW for the ABs in the HKSAR to extend their partnership with overseas CAs or ABs for intercountry adoption is required. There is no foreign AB which the HKSAR has authorised to work with, or in the HKSAR on intercountry adoption.  No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure: |
| 1. Are any *additional* documents required if PAPs apply through an accredited body?   *Please tick all which apply.* | | Yes  A power of attorney issued by the PAPs to the accredited body (*i.e.*, 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):  A contract signed by the accredited body and the PAPs:  A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:  Other (please specify):  No |

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| 1. The report on the PAPs (Arts 5 *a)* and 15(1)) | | |
| 1. Which body(ies) / expert(s) prepare the report on the PAPs?   Please include all those involved with the preparation of any of the documents which are included within such a report. | | AB in the HKSAR |
| 1. Is a “standard form” used for the report on the PAPs in your State? | Yes, please provide a link to the form or attach a copy:  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:  The following information should be included-  (I) Identifying Information of PAPs and their children: (i) Name; (ii) Sex; (iii) Date of Birth/Age; (iv) Place of Birth; (v) Race/ Nationality; (vi) Employment/schooling  (II) PAP's family background and up-bringing  (III) Marital relationship (if applicable)  (IV) Motivation for adoption  (V) Parenting and child care ability  (VI) Child care arrangement for child-to-be adopted  (VII) Financial, living and health conditions  (VIII) Criminal record checks  (IX) Reporting Social Worker’s Observation and Assessment | |
| 1. For how long is the report on the PAPs valid in your State? | Period of validity of the report on the PAPs is not specified but regular reviews and updates is expected after the report is approved and before the home is matched with a child from other State of origin. | |
| 1. 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? | Regular reviews and updates of the report on the PAPs are conducted by the AB in the HKSAR. | |

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| 1. Transmission of the PAPs’ file to the State of origin | |
| 1. Who sends the finalised application file of the PAPs to the State of origin? | AB in the HKSAR |
| 1. If no accredited body is involved with the intercountry adoption application (see Question above), who assists the PAPs with compiling and transmitting their application file? | Not applicable – an accredited body will always be involved (see response to Question above). |

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| 1. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 *a)* and *b)*) | |
| * 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? | AB in the HKSAR |
| * 1. **Acceptance of the match** | |
| 1. Does your State require that the matching be accepted by a competent authority in your State? | Yes, please provide the following details:   * Which authority determines whether to accept the match (*e.g.*, the Central Authority or another competent authority): CA of the HKSAR and * The procedure which is followed (*e.g.*, the report on the child is transmitted first 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): AB in the HKSAR will assess the suitability of the matching of child with the PAPs and seek CA of the HKSAR for endorsement on this matching.   **Go to Question 19.2 b)**  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:  **Go to Question 19.2 c)** |
| 1. Which criteria must be fulfilled for the relevant authority in your State to accept the match? | The adoption arrangement is in the best interest of the child while his/her wish and opinion have been duly considered having regard to his/her age and maturity of the child. |
| 1. Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match? | Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify:  No, the requirements of the State of origin are determinative in this regard. |
| 1. Do PAPs receive any kind of assistance from your State when deciding whether to accept a match? | Yes – please specify what type of assistance is provided (*e.g.*, counselling): AB in the HKSAR will provide counselling and support to the PAPs during the adoption procedure.  No |

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| 1. Agreement under Article 17 *c)* | |
| 1. Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 *c)*? | CA (i.e. DSW) of the HKSAR |
| 1. At what point in the adoption procedure is the Article 17 *c)* agreement given in your State? | Our State waits for the State of origin to provide its agreement first **OR**  Our State sends its agreement to the State of origin with a notice that the match has been accepted **OR**  Other (please specify): |

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| 1. Travel of the PAPs to the State of origin[[18]](#footnote-18) | |
| 1. Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin? | Yes, please specify the additional requirements / restrictions:  No |
| 1. Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances? | Yes, please specify in which circumstances: Whenever the PAPs are not available for escort.  No |

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| 1. Authorisation for the child to enter and reside permanently (Arts 5 *c)* and 18) | | |
| 1. Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State. | | Immigration Department in the HKSAR will handle this matter upon recommendation by CA or AB of the State of origin. |
| 1. Which documents are necessary for a child to be able to enter and reside permanently in your State (*e.g.*, passport, visa)? | | The infant's valid passport, the Dependant Visa issued by the Immigration Department in the HKSAR and the Adoption Order, if available. |
| 1. Which of the documents listed in response to Question 0 above must be issued by your State?   Please indicate which public / competent authority is responsible for issuing each document. | | Dependant Visa issued by the Immigration Department of HKSAR and the Adoption Order issued by the Court of First Instance of the High Court. |
| 1. 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? | AB in the HKSAR will keep liaising with the overseas state on the child's arrival. | |

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| 1. Final adoption decision and the Article 23 certificate | |
| 1. If the final adoption decision is made in your State, which competent authority: 2. Makes the final adoption decision; and 3. Issues the certificate under Article 23?   ***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*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Convention (under “Authorities”), available on the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website.* | (i) The Court of First Instance of the High Court  (ii) The Court of First Instance of the High Court |
| 1. Does your State use the *“Recommended model form – Certificate of conformity of intercountry adoption”*?   *See GGP No 1 – Annex 7.* | Yes  No |
| 1. Please briefly describe the procedure for issuing the Article 23 certificate.   *E.g.*, 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? | A copy of the certificate will be given to PAPs. A copy can also be sent to the CA of State of origin if so requested. It takes about two to four weeks after order granted. |

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| 1. 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? | AB in the HKSAR |

**PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS**

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| 1. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”) | | |
| 1. 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. | | Adoption of a child living overseas by his/her relative's family living in the HKSAR arranged by ABs in the HKSAR is classified as "intra-family intercountry adoption".  According to Section 2 of the Adoption Ordinance, "relative" in relation to an infant means a grandparent, brother, sister, uncle or aunt, whether of the full blood, of the halfblood or by affinity, and includes-  (a)where an adoption order has been made in respect of the infant or any other person under this Ordinance, any person who would be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock;  (b)where the infant is born out of wedlock, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of his mother and father. |
| 1. Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?   ***N.B.*** *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.* | Yes – **go to Question 25**  Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify:       **Go to Question 25**  No – **go to Question 24 c)** | |
| 1. 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: 2. The counselling and preparations which PAPs must undergo in your State; 3. The preparation of the child for the adoption; 4. The report on the PAPs; and 5. The report on the child. |  | |

**PART VIII: SIMPLE AND FULL ADOPTION**[[19]](#footnote-19)

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| 1. Simple and full adoption | |
| 1. Is “full” adoption permitted in your State?   *See GGP No 1 at Chapter 8.8.8 and note 19 below.* | Yes  No  In certain circumstances only – please specify:  Other (please explain): |
| 1. Is “simple” adoption permitted in your State?   *See GGP No 1 at Chapter 8.8.8 and note 19 below.* | Yes  No  In certain circumstances only (*e.g.*, for intra-family adoptions only) – please specify:  Other (please explain): |
| 1. Does the law in your State permit “simple” adoptions to be converted into “full” adoptions in accordance with Article 27 of the 1993 Convention?   *See Art. 27(1)* a)*.* | 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:  No – **go to Question 26** |
| 1. 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)*)?   *See Art. 27(1)* b) *and Art. 4* c) *and* d). |  |
| 1. 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. | The competent authority and the procedure is the same as stated in response to Question 23 above.  Other (please specify): |

**PART IX: POST-ADOPTION MATTERS**

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| 1. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child | |
| 1. Which authority in your State is responsible for preserving information concerning the child’s origins, as required by Article 30? | All the ABs in respect of intercountry adoption in the HKSAR and AU of SWD are responsible for preserving inforamtion concerning the child's origins. |
| 1. For how long is the information concerning the child’s origins preserved? | The records retained in AU of SWD and ABs in the HKSAR should be kept without time limit. |
| 1. 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: 2. the adoptee and / or his / her representative(s); 3. the adoptive parent(s); 4. the birth family; and / or 5. any other person(s)?   If so, are there any criteria which must be met for access to be granted (*e.g.*, 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)?  *See Art. 9* a) *and* c) *and Art. 30.* | (i)  Yes – please explain any criteria:  When adopted person reaches age of 18, he/she may approach AU of SWD and ABs in the HKSAR direct to access information.  No  (ii)  Yes – please explain any criteria: Adoptive parents could only access information on behalf of the adopted person under the age of 18.  No  (iii)  Yes – please explain any criteria:  In the circumstance where the birth parent initiates to trace the adopted person, it is necessary to trace the adoptive parent prior to contacting the adopted person directly to avoid the possible emotional turbulence that the adopted person may face if he/she all along does not know about his/her adoptive status.  No  (iv)  Yes – please explain any criteria:  No |
| 1. Where access to such information is provided, is any counselling or other guidance / support given in your State? | Yes – please specify: The adoptee will be assisted by AB in the HKSAR to collect his/her background information from his/her country of origin.  No |
| 1. Once access to such information has been provided, is any *further* assistance offered to the adoptee and / or others (*e.g.*, regarding making contact with his / her biological family, tracing extended family)? | Yes – please specify: AB will offer appropriate assistance as requested.  No |

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| 1. Post-adoption reports | | |
| 1. Absent specific requirements of the State of origin in this regard, who is responsible in your State for *writing* post-adoption reports and *sending* such reports to the State of origin? | | AB in the HKSAR |
| 1. 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? | Yes – please specify whether use of the form is mandatory and indicate where it may be accessed *(e.g.,* provide a link or attach a copy*)*:  No – in which case, please specify the content expected by *your* State in a post-adoption report (*e.g.*, medical information, information about the child’s development, schooling): The content expected includes information related to adoptive child, parent information, agency information, adoption history, adoption adjustment, health condition, development and schooling, the relationship with parents and other family members, child's habit and daily routines, the child's views on the adjustment, the parents' views on the child's adjustment, the parents' parenting and child care capability, naturalization process, conclusion and recommendation is expected. | |
| 1. How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled? | AB in the HKSAR is required to ensure the requirements of the State of origin in relation to post-adoption reporting are fulfilled. | |

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| 1. Post-adoption services and support (Art. 9 *c)*) | |
| 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 (*e.g.*, counselling, support to preserve cultural links)?  In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children. | Under the existing practice, the adoption case is considered closed in the respective service unit upon granting of the adoption order. Nevertheless, the adoptive parents may join self-help groups for the adoptive families in the HKSAR for mutual support and experience sharing. Besides, post-adoption counselling will be arranged to the adoptive parents and adopted children as appropriate if required. Where necessary, the case may also be referred to Integrated Family Service Centres / Medical Social Services Units for follow-up services. |

**PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION**[[20]](#footnote-20)

***Receiving States are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the*** [***Intercountry Adoption Section***](http://www.hcch.net/index_en.php?act=text.display&tid=45) ***of the Hague Conference website.***

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| 1. The costs[[21]](#footnote-21) of intercountry adoption | |
| 1. Are the costs of intercountry adoption regulated by law in your State? | 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:  Any payment, remuneration or reward whatsoever in connection, directly or indirectly, with the adoption or proposed adoption of an infant is governed by the Adoption Ordinance. According to the Section 22 of the Adoption Ordinance, it governs the payment to an AB for its cost and expenses reasonably incurred in connection with the adoption or proposed adoption of an infant, in an amount that is calculated in accordance with a schedule of fees approved by the DSW from time to time in relation to the AB. The link is provided as follows:  http://www.legislation.gov.hk/  blis\_pdf.nsf/6799165D2FEE3FA  94825755E0033E532/  070EB666DDDE621D482575EE00585492/  $FILE/CAP\_290\_e\_b5.pdf  No |
| 1. Does your State monitor the payment of the costs of intercountry adoption? | Yes – please briefly describe how this monitoring is undertaken:  The AB in the HKSAR shall pursue only non-profit-making objectives. It may charge PAPs fees to cover the administrative costs for providing the adoption service, but the level of such fees has to be reasonable, in an amount that is calculated in accordance with a schedule of fees approved by the DSW from time to time.  The ABs in the HKSAR have their individual fee schedule for adoption service. For any changes in level of fees, the DSW’s approval on the change of level of fees must be sought before implementation of fee revision.  No |
| 1. 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 above) or directly by the PAPs themselves?   *See the “Note on the financial aspects of intercountry adoption”* *at para. 86.* | Through the accredited body:  Directly by the PAPs:  Other (please explain):  The PAPs are required to pay directly to the government of HKSAR for the proper costs of the DSW for acting as the guardian ad litem, if necessary, with an amount of payment stipulated in the Laws of Hong Kong, Convention Adoption Rules, Chapter 290D. The DSW may, if he considers it necessary or desirable, waive payment of the fee or any part of it.  For the adoption fees charged by ABs, the PAPs are required to pay directly to the concerned ABs. |
| 1. Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?   *See the “Note on the financial aspects of intercountry adoption” at para. 85.* | Only by bank transfer:  In cash:  Other (please explain):  There is no restriction imposed on the means for PAPs' payment but official recepits are required for both PAPs and AB/SWD for record. |
| 1. Which body / authority in your State receives the payments? | The SWD and ABs in the HKSAR |
| 1. 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)?   ***N.B.*** *Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).* | Yes – please indicate how this information may be accessed: This information could be accessed in the websites of the government of HKSAR and the ABs in the HKSAR.  No |

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| 1. Contributions, co-operation projects and donations[[22]](#footnote-22) | |
| 1. Does your State permit contributions[[23]](#footnote-23) 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?   *For good practices relating to contributions, see the “Note on the financial aspects of intercountry adoption” at Chapter 6.* | Yes – please explain:   * What type of contribution is permitted by your State: * Who is permitted to pay it (*i.e.*, the Central Authority or a national accredited body): * How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:   No |
| 1. Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin? | Yes - please explain:   * What type of co-operation projects are permitted by your State: * Who undertakes such projects (*i.e.*, the Central Authority and / or national accredited bodies): * 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:   No |
| 1. 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?   ***N.B.******This is not recommended as a good practice****: see further* *the “Note on the financial aspects of intercountry adoption” at Chapter 6 (in particular, Chapter 6.4).* | Yes – please explain:   * To whom donations may be made (*e.g.*, to orphanages, other institutions and / or birth families): * What donations are intended to be used for: * Who is permitted to pay donations (*e.g.*, only accredited bodies or also PAPs): * At what stage of the intercountry adoption procedure donations are permitted to be paid: * How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure:   No |

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| 1. Improper financial or other gain (Arts 8 and 32) | |
| 1. Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention? | The CA of the HKSAR |
| 1. What measures have been taken in your State to prevent improper financial or other gain? | (i) The ABs in the HKSAR are required to conduct on-going self-assessment and submit Self-assessment report annually to the CA;  (ii) The ABs are also required to submit annual audited fianancial report to the CA for vetting; and  (iii) Renewal of accreditation for ABs at interval no more than 4 years is required. |
| 1. Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached. | Any person who contravenes the provisions of Section 22 of Adoption Ordinance regarding prohibition of certain payments, shall be gulity of an offence and shall be liable to a fine and to imprisonment. |

**PART XI: ILLICIT PRACTICES**[[24]](#footnote-24)

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| 1. Response to illicit practices in general | |
| Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.[[25]](#footnote-25) | Section 24 of the Adoption Ordinance sets out a number of adoption related offences which are applicable to any person; where any offence under the Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. |

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| 1. The abduction, sale of and traffic in children | |
| 1. 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.   Please also specify which bodies / persons the laws target (*e.g.*, accredited bodies (national or foreign), PAPs, directors of children’s institutions). | Section 24 of the Adoption Ordinance sets out a number of adoption related offences which are applicable to any person; where any offence under the Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. |
| 1. Please explain how your State monitors respect for the above laws. | All adoptions in the HKSAR should comply with the related provisions in the Adoption Ordinance. |
| 1. If these laws are breached, what sanctions may be applied? (*e.g.*, imprisonment, fine, withdrawal of accreditation.) | Any person who contravenes the provisions of Adoption Ordinance shall be guilty of an offence and shall be liable to a fine and to imprisonment. |

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| 1. 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:  Neither private nor independent adoptions are permitted. |

**PART XII: INTERNATIONAL MOBILITY**

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| 1. The scope of the 1993 Convention (Art. 2) | | |
| 1. 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 State[[26]](#footnote-26) and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be treated as an intercountry adoption and the related procedure should be followed.  No | |
| 1. 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 State[[27]](#footnote-27) and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:  This would be treated as domestic adoption in the HKSAR.  According to Section 5(6) of Adoption Ordinance, local adoption order shall not be made unless the applicant and the infant reside in Hong Kong. Besides, the infant shall be continously in actual custody of applicant for at least 6 consective months immediately preceding the date of the adoption order in accordance to Section 5(7)(a). In fact, these requirements apply to both foreign and local PAPs residing in the HKSAR.  No | |
| 1. If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?   *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.* | | There is no restriction imposed on this circumstance with the condition that the adoption order is not finalised in the HKSAR. |

**PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION**[[28]](#footnote-28)

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| 1. Selection of partners | |
| 1. With which States of origin does your State currently partner on intercountry adoption? | The HKSAR has the partnership with the CAs of the following countries as State of origin on intercountry adoption:  - Republic of India; and  - Kingdom of Thailand. |
| 1. How does your State determine with which States of origin it will partner?   In particular, please specify whether your State only partners with other *Contracting States* to the 1993 Convention.  *To see which States are Contracting States to the 1993 Convention, please refer to the* [*Status Table*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Convention (accessible via the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website <*[*www.hcch.net*](http://www.hcch.net)*>).* | ABs in the HKSAR will try to extend overseas network and make recommendation/request to extend their overseas partners to the CA of HKSAR.  There is no restriction for the ABs in the HKSAR to extend partnership with non-Contracting States. |
| 1. If your State also partners with *non*-Contracting States, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.[[29]](#footnote-29) | The AB should ensure that the adoption arrangement with non-Contracting State should be up to the standards of the Hague Convention adoption.  Not applicable: our State only partners with other *Con*t*racting* States to the 1993 Convention. |
| 1. Are any formalities required in order to commence intercountry adoptions with a particular State of origin (*e.g.*, the conclusion of a formal agreement[[30]](#footnote-30) with that State of origin)? | Yes – please explain the content of any agreements or other formalities:[[31]](#footnote-31)  Upon receiving the request from ABs in the HKSAR, the CA (i.e. DSW) will assess their application and make endorsement to confirm a partnership.  No |

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. [↑](#footnote-ref-1)
2. Please verify whether the contact details on the Hague Conference website < [www.hcch.net](file:///C:\Users\sh\AppData\Local\Microsoft\Documents%20and%20Settings\sh\Local%20Settings\Temporary%20Internet%20Files\OLK12F\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](mailto:secretariat@hcch.net) >. [↑](#footnote-ref-2)
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). [↑](#footnote-ref-3)
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](http://www.hcch.net/index_en.php?act=text.display&tid=45) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq*. [↑](#footnote-ref-4)
5. See GGP No 2, *ibid.,* Chapter 3.2.1 (para. 111). [↑](#footnote-ref-5)
6. See GGP No 2, *supra*, note 4, Chapter 3.4. [↑](#footnote-ref-6)
7. See GGP No 2, *supra*, note 4, Chapter 7.4. [↑](#footnote-ref-7)
8. In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2. [↑](#footnote-ref-8)
9. In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4. [↑](#footnote-ref-9)
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. [↑](#footnote-ref-10)
11. See GGP No 2, *supra*, note 4, Chapter 13. [↑](#footnote-ref-11)
12. See GGP No 2, *supra*, note 4, Chapter 13.2.2.5. [↑](#footnote-ref-12)
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/index_en.php?act=text.display&tid=45) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5. [↑](#footnote-ref-13)
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. [↑](#footnote-ref-14)
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 below. [↑](#footnote-ref-15)
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. [↑](#footnote-ref-16)
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. [↑](#footnote-ref-17)
18. See GGP No 1, *supra*, note 13, Chapter 7.4.10. [↑](#footnote-ref-18)
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. [↑](#footnote-ref-19)
20. See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Intercountry Adoption Section](http://www.hcch.net/index_en.php?act=text.display&tid=45) 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*. [↑](#footnote-ref-20)
21. See the definition of “costs” provided in the harmonised Terminology, *ibid.*  [↑](#footnote-ref-21)
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. [↑](#footnote-ref-22)
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. [↑](#footnote-ref-23)
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/index_en.php?act=text.display&tid=45) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >). [↑](#footnote-ref-24)
25. *Ibid.* [↑](#footnote-ref-25)
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. [↑](#footnote-ref-26)
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. [↑](#footnote-ref-27)
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. [↑](#footnote-ref-28)
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”. [↑](#footnote-ref-29)
30. See note above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention. [↑](#footnote-ref-30)
31. *Ibid.* [↑](#footnote-ref-31)