

ADOPTION

Prel. Doc. No 2  
Doc. prélim. No 2

October / octobre 2014



**QUESTIONNAIRE ON THE PRACTICAL OPERATION  
OF THE 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION**

*drawn up by the Permanent Bureau*

*Preliminary Document No 2 of October 2014 for the attention of the  
Special Commission of June 2015 on the practical operation of the  
Hague Convention of 29 May 1993 on Protection of Children and  
Co-operation in Respect of Intercountry Adoption*

*Document préliminaire No 2 de octobre 2014 à l'intention de la  
Commission spéciale de juin 2015 sur le fonctionnement pratique de la  
Convention de La Haye du 29 mai 1993 sur la protection des enfants et  
la coopération en matière d'adoption internationale*

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## INTRODUCTION

This Questionnaire is the second and last to be prepared for the purposes of the upcoming meeting of the Special Commission on the practical operation of the 1993 Hague Convention.<sup>1</sup> The first Questionnaire (Prel. Doc. No 1 of July 2014) requested information from Contracting States concerning the impact which implementation of the 1993 Convention has had on laws and practices relating to intercountry adoption and child protection systems more generally over the past 20 years. That information was sought in order to inform the first day of the Special Commission meeting which will be dedicated to "20 years of the 1993 Convention". This second Questionnaire is the more usual questionnaire on the practical operation of the 1993 Convention. It seeks to elicit information from States concerning their current practices and any problems and / or challenges they may have faced in relation to the implementation and operation of the Convention.

This Questionnaire is addressed to Contracting States to the 1993 Convention. As a result, non-Contracting States (whether Members of the Hague Conference on Private International Law or not) should not feel bound to respond but may provide a response or any comment should they so wish. In addition, please note that questions are addressed to both States of origin and receiving States, save where a heading expressly provides otherwise.

Please send your response to this Questionnaire to [secretariat@hcch.net](mailto:secretariat@hcch.net), for the attention of Laura Martínez-Mora (Principal Legal Officer) and Hannah Baker (Senior Legal Officer) **by no later than 22 December 2014**. The Permanent Bureau will place all replies to this Questionnaire on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > unless expressly asked not to do so.

Please note: if information provided by your State in response to the first Questionnaire (Prel. Doc. No 1) or your State's Country Profile for the 1993 Hague Convention assists with your answer to any question herein, please cross-refer to these other responses. There is no need to repeat information.

Thank you for your kind co-operation as the Permanent Bureau prepares for the next Special Commission meeting in June 2015.

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<sup>1</sup> This Fourth Meeting of the Special Commission will take place in June 2015. Full title: *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (hereinafter, "1993 Hague Intercountry Adoption Convention", "1993 Hague Convention", "1993 Convention" or simply "the Convention").

<b>Name of State:</b>	CANADA - Province of Quebec
	Canada is providing responses to the Questionnaire for the provinces of Ontario (Annex 1) and Quebec (Annex 2) to illustrate some of the adoption practices in Canada. Please note that the practices in the other 11 Canadian provinces and territories may be consistent with, or may differ from, those described for Ontario and Quebec.
<b>Date of entry into force of 1993 Hague Convention in your State:</b>	February 1, 2006
<b><u>Information for follow-up purposes</u></b>	
Name and title of contact person:	Josée-Anne Goupil, Director
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## **I. ADOPTABLE CHILDREN, ADOPTEES AND PROSPECTIVE ADOPTIVE PARENTS<sup>2</sup>**

### **A. Adoptable children and adoptees**

#### ***The profile of children in need of intercountry adoption***

##### States of origin only

1. Please explain any *challenges* your State has encountered, and any *good practices*<sup>3</sup> it has developed, in relation to the compilation and provision of information to receiving States regarding the:

- (a) characteristics and needs of adoptable children in your State;<sup>4</sup> and
- (b) approximate number of children in need of intercountry adoption in your State.

- N/A -

##### Receiving States only

2. Please explain any challenges your State has encountered in ensuring that:

<sup>2</sup> Part I of this Questionnaire has been prepared in light of Conclusion and Recommendation No 10 from the 2010 Special Commission meeting which states: "The Special Commission recommended that the Permanent Bureau, in consultation with Contracting States and non-governmental organisations, collect information on the selection, counselling and preparation of prospective adoptive parents, with a view to the possible development of the Guide to Good Practice No 3. This may include a discussion on good practices in dealing with failed adoptions and the period of validity of the 'home study' report." Please note: hereinafter, Conclusions and Recommendations from past Special Commission meetings are referred to as "SC 20XX C&R No X". All Conclusions and Recommendations are available on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > under "Intercountry Adoption Section" then "Special Commissions".

<sup>3</sup> In this Questionnaire, "good practices" should be given a broad meaning and should be taken to include any legislative reform, procedures or practices which your State might have implemented regarding the particular topic.

<sup>4</sup> See SC 2005 C&R No 12 which states: "[t]he Special Commission recognises the importance of States of origin sending information to receiving States on the needs of children to better identify prospective adoptive parents". Please note that the Country Profile for States of origin requests that States of origin provide information concerning the profile of adoptable children (at question 9) and thus it may be that your State has encountered challenges in responding to this question which you wish to describe here.

- (a) the *nature* and *number* of applications for intercountry adoption which your State sends to States of origin appropriately match the profile of children in need of intercountry adoption in those States;<sup>5</sup> and
- (b) the information provided by States of origin concerning the characteristics, needs and number of adoptable children is adequately taken into account in the counselling and preparation of prospective adoptive parents (“PAPs”).<sup>6</sup>

Please also share any good practices your State has developed in this regard.

(a) The main challenge is where the State of origin does not provide clear and comprehensive information about the number of children available for adoption and their characteristics (age and particular needs).

(b) Challenges only arise where, as a receiving State, we are not provided clear and comprehensive information about the characteristics of the children available for adoption.

Good practices:

Quebec is currently developing information sessions that are mandatory for anyone wanting to initiate an intercountry adoption process. The purpose is to focus the attention of prospective adoptive parents on the new reality of intercountry adoption, namely the characteristics of the adoptable children. Furthermore, Quebec has plans to review the psychosocial assessment analysis criteria to ensure that the eligibility and suitability of prospective adoptive parents is aligned with that new reality.

## ***Adoptability***

### Both States of origin and receiving States

3. (a) Please briefly describe any difficulties your State has encountered in relation to the decision regarding a child’s adoptability, including the transparency of any such decision and the independence of the body taking this decision.<sup>7</sup>

The State of origin is responsible for establishing a child’s availability for adoption. As a receiving State, difficulties arise when we do not obtain clear and sufficient information from the State of origin. Such situations notably pose problems in regard to the application of article 17c) of the Convention.

- (b) Has your State encountered any particular difficulties with adoptability decisions in the context of *intra-family* intercountry adoptions? If so, please explain.

A child's adoptability is not always clearly addressed by the foreign Central Authority in cases of intra-family intercountry adoptions. The efforts of the foreign Central Authority to verify this information is not always described, and if described, is often summarized in a brief statement.

Some States of origin have not established the legislative authority to process relative intercountry adoptions in the same manner as all other intercountry adoptions, as required by the Convention. As a result, in some Hague States, the Central Authority is not involved in relative intercountry adoptions and applicants may instead be directed to complete a domestic adoption. This creates significant challenges for receiving States in enforcing and ensuring Hague compliance and may

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<sup>5</sup> See para. 553 of *Guide to Good Practice No 2 “Accreditation and Adoption Accredited Bodies: General Principles and Guide to Good Practice”* (“GGP No 2”) which states that receiving States should respect “the requirements of States of origin regarding the profile and number of adoptable children, as well as the desired profile of prospective adoptive parents”.

<sup>6</sup> See SC 2005 C&R No 13: “[t]he Special Commission recognises that as a matter of good practice, authorities in receiving States should co-operate with authorities in States of origin in order to better understand the needs of children in States of origin”, and SC 2010 C&R No 8: “States of origin may assist receiving States in establishing their criteria for the selection of prospective adoptive parents by providing information about the characteristics and needs of adoptable children. This information will also contribute to the development of preparation materials on intercountry adoption directed to prospective adoptive parents, and to the management of their expectations.”

<sup>7</sup> See SC 2010 C&R No 1 b).

result in an inability on behalf of the adoptive applicants to complete an intercountry adoption, or for sending and receiving Central Authorities to issue/receive Article 4 and 17(c) letters, as required.

### **Reports on children**

#### Both States of origin and receiving States

4. Please explain any challenges your State has encountered in preparing (States of origin) or obtaining (receiving States) full, accurate and up-to-date reports, including medical reports, on adoptable children in accordance with Article 16(1) a).<sup>8</sup> Please specify any particular difficulties encountered in the case of children with “special needs”.<sup>9</sup>

Medical reports from certain States of origin are sometimes incomplete or provide little information on the child’s situation. The family history information is also insufficient. In the same State of origin, the quality of the medical reports can vary, depending on the region or hospital that issued the report. A huge proportion of proposals for children with special needs require additional testing requests.

#### Receiving States only

5. (a) If reports on children appear deficient or incomplete, what measures, if any, does your State take to remedy or ameliorate the situation?

Requests for additional information and further analysis and testing are made to the State of origin through the accredited body.

The documents transmitted by the State of origin as well as the photos and videos of the child are presented to a physician who specializes in intercountry adoption in Quebec so that a medical opinion on the child’s profile can be issued.

- (b) Please specify how, in your State’s view, reports on children provided in accordance with Article 16(1) a) could be improved in general.

Better document the child history information (pregnancy history, birth history, in what environment the child lived and grew up in, etc.).

Ensure that persons involved have sufficient medical expertise.

Designate hospitals responsible for exams and reporting.

Send photographs and/or videos of the child

Ensure that pre-identified basic elements for a medical analysis are covered.

### **Matching**

#### Both States of origin and receiving States

6. Has your State had any experience of cases in which PAPs are declared eligible and suited to adopt a particular profile of child(ren) but are subsequently matched with a child or children with different needs? (*E.g.*, PAPs are declared eligible and suited to adopt a child under the age of 5 but are subsequently matched with siblings aged 7 and 9.) If so, please explain, in your State’s experience, the reasons for this and how your State has dealt with such cases.

Quebec is sometimes confronted with such situations with certain States of origin. They can occur following a project that could not continue while the adopters were on site in the State and received another proposal. They also occur in States that invite adopters to go to the State of origin to receive a proposal.

<sup>8</sup> *E.g.*, concerning children’s physical and psychological health, identity or social situation.

<sup>9</sup> You may wish to cross-refer to your State’s Country Profile at question 13 (States of origin) and question 11 (receiving States) concerning your State’s definition of children with “special needs”.

The Quebec Central Authority also has concerns about certain practices where “unofficial” matchings may have been made between adoption agencies and crèches and/or orphanages without the agreement of the respective authorities of the receiving State and the State of origin.

In accordance with Quebec legislation, a child proposal that is not consistent with the psychosocial assessment of the adopters must be addressed in collaboration with the Quebec Central Authority. An update of the psychosocial assessment must then be provided. The assessors who issued the parental eligibility and suitability report must report on the eligibility and suitability of the adopters with respect to the new proposal.

Those situations have certain adverse effects such as longer waits for the adopters and undue pressure on those involved and the authorities of the receiving State to quickly respond to the new proposal and issue the required authorizations.

### ***Preparation and counselling of children***

#### Both States of origin and receiving States

7. Please share (a) any *challenges* encountered in your State or in other Contracting States, and (b) any *good practices* implemented in your State or in other Contracting States, regarding the preparation of children for intercountry adoption, including counselling and informing children and ensuring that, having regard to their age and degree of maturity, their wishes and opinions have been adequately heard and taken into account.

a) It is the responsibility of the State of origin to prepare, inform and counsel the child and to ensure that his or her wishes and opinions have been adequately heard and taken into account, having regard to his or her age and degree of maturity. We understand that this is done or as part of establishing the child’s availability for an intercountry adoption and before the child proposal is sent. As a receiving State, we are not aware of cases where this was not done.

b) Regarding domestic adoption in Quebec, a child’s consent is required when he or she is 10 years old or older. That consent is given in writing before two witnesses. It is generally gathered by the Director of Youth Protection, the competent domestic adoption authority. Moreover, all children are prepared for their adoption by professionals depending on their degree of development. Depending on the child’s level of understanding, the child will be provided information, advice, support and his or her wishes will be given consideration.

### **B. Prospective adoptive parents (“PAPs”)**

#### ***Selection of PAPs: eligibility and suitability to adopt intercountry***

#### Both States of origin and receiving States

8. Please explain any challenges your State has encountered, and any good practices it has developed, in relation to preparing (receiving States) or obtaining (States of origin) full, accurate and up-to-date reports on PAPs, as required by Article 15, including eligibility and suitability assessments of PAPs.

Challenge: The increase in waiting times has led to questions about the contemporary nature of the eligibility and suitability assessments of adopters. Child profile changes have raised questions about the effectiveness of the tools and of the grids for assessing the prospective eligibility of adopters to accept an older child or one with challenges.

Good practices: In Quebec, since 2011, psychosocial assessments for adoption projects have been valid for two years. After that two-year period, an update is required. That update is intended to reflect the evolution of the family system and maintain a fair and current view of the adopters, both for the State of origin and for the Quebec authorities involved. Other reasons can justify an update, even a re-evaluation of the project, namely when an event changes the previously observed dynamic of the couple or family, such as a death, a separation, a pregnancy, placement of a child, a move, a physical or mental illness, or even a bankruptcy.

States of origin only

9. (a) If reports on PAPs appear deficient or incomplete, what measures if any does your State take to remedy or ameliorate the situation?  
N/A
- (b) Please specify how, in your State's view, reports on PAPs provided by receiving States in accordance with Article 15 could be improved in general.  
N/A

***Counselling and preparation of PAPs***

States of origin only

10. (a) Has your State encountered any difficulties resulting from inadequate counselling and preparation of PAPs by receiving States? If so, please provide examples and explain what measures your State takes to remedy or ameliorate the situation in these cases.  
N/A
- (b) In your State's experience, what could be done to improve the counselling and preparation of PAPs in general?  
N/A

Receiving States only

11. What are the main challenges your State encounters when counselling and preparing PAPs for an intercountry adoption?<sup>10</sup> Please share any good practices your State has developed to address these challenges.

Make sure that prospective adoptive parents understand the following:

- The purpose of intercountry adoption is to provide a family for children in need of protection, and not the opposite.
- One can expect a significant discrepancy between the proposed child and the child hoped for and dreamt about.
- Openness to adopting children with special needs must not be considered simply to reduce processing times but should instead be a carefully thought out plan.

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<sup>10</sup> You may wish to refer to your State's response to the Country Profile at question 15. *E.g.*, managing their expectations concerning the profile of adoptable children or waiting times, ensuring preparation materials / courses adequately prepare PAPs for the specific needs of an adoptable child.

- Intercountry adoption is a public sphere where adopters are subject to the decisions of the various players and authorities.

Good practices: Adoptable child profile changes result in the various Quebec players needing to adapt their practices to better inform, prepare and educate prospective adoptive parents.

12. The Special Commission has previously emphasised “the need for country specific preparation and for prospective adoptive parents to have some knowledge of the culture of the child and his or her language in order to communicate with the child from the matching stage”.<sup>11</sup> How does your State ensure that this recommendation is complied with? Does your State have any good practices to recommend in this regard?

Quebec accredited bodies and adoption professionals provide specialized training courses to support PAPs and adoptive families in their understanding of cultural and ethnic backgrounds specific to particular countries or regions. Generally, prior to the approval of applicants to adopt from a particular country, the PAPs existing knowledge of, or willingness to learn about the culture, race, language, religion and customs of the sending country is explored.

13. How does your State deal with the waiting time between:

- (a) the eligibility and suitability assessment of PAPs and the transmission of their application to the State of origin?

Those delays are in general very short because prospective adoptive parents very much want to quickly transmit their file to the State of origin. In the context of implementing an intercountry adoption intervention manual, the Quebec actors involved identified that the assessment report was to be completed within eight weeks of the first assessment meeting. At the same time, accredited bodies provide support to prospective adoptive parents in creating an adoption file and being ready to transmit it once the assessment is finished and the required authorizations have been obtained.

and

- (b) the transmission of the PAPs’ application to the State of origin and the receipt of the proposed match from the State of origin?<sup>12</sup> (*E.g.*, does your State routinely update the reports on PAPs in this period?<sup>13</sup> Does your State, or the relevant adoption accredited body, engage in regular communication with the State of origin on this issue?)

Prospective adoptive parents are subject to the waiting times of the State of origin. They vary considerably from one State to another. Accredited bodies in Quebec maintain contact with their representative in the State of origin and the authorities in that State to inquire about the status of the file and also to update the adoption file of the prospective adoptive parents according to the requirements of the State of origin, if need be. Concurrent with those waiting periods, adopters in Quebec must update their psychosocial assessment if it has been more than two years.

### C. Intercountry adoptions involving children with special needs<sup>14</sup>

#### Both States of origin and receiving States

14. (a) In your State’s experience, what are the most common “special needs” of children adopted intercountry?

In our experience "special needs" as identified by States of origin vary significantly and may also vary from the understanding of receiving States. Generally, child proposals for "special needs" children include: older children, children with particular types of medical conditions such as harelips,

<sup>11</sup> See SC 2010 C&R No 9.

<sup>12</sup> Your State may engage in a “reversal of the flow of files” with States of origin or other procedures such that waiting times are minimised: see further *Guide to Good Practice No 1 “The Implementation and Operation of the 1993 Intercountry Adoption Convention”* (“GGP No 1”) at Chapter 7.3.3, para. 394.

<sup>13</sup> You may wish to refer to your State’s response to the Country Profile at question 17 d).

<sup>14</sup> See note 9 above regarding your State’s definition of “special needs”.

cleft palate, children with minor heart abnormalities, missing digits or limbs, developmental delays; children with medical diagnoses such as FASD, HIV, Hepatitis, etc.

- (b) If possible, please specify approximately what percentage of children adopted intercountry from or to your State<sup>15</sup> have “special needs” (as defined by your State)?

For the year 2014, we estimate the number of adopted children with special needs, as defined by the States of origin concerned, at about 25%.

- (c) What measures, if any, has your State taken to adapt intercountry adoption procedures in light of the needs of these children?

The adoption procedures remain about the same. We pay particular attention to a child’s medical record, history and needs.

- (d) What are the main challenges which your State encounters in relation to the intercountry adoption of children with special needs? How does your State address those challenges?

In our view, there is a general understanding among States that all children who are placed for intercountry adoption present “special needs”. For this question however, we are using this term to cover conditions, diagnoses or characteristics for which applicants would need to demonstrate specific parental skills beyond those that the Quebec Central Authority would generally look for when considering applicants for intercountry adoption. In this context, one of the main challenges is the different views States have on what constitutes a “special need”. For example, some States of origin consider a cleft palate or other minor medical conditions as a “special need” even though, in our view, such conditions would not require specific parental skills. On the other hand, some States of origin do not recognize attachment disorder or the effects of institutionalisation as a “special need” even though these needs undoubtedly require specific parental skills.

Because of these different views or approaches, States may not always be “speaking the same language” when referring to special needs children. This miscommunication directly affects the matching of the child and the selection and preparation of PAPS. In the more difficult cases, it may also compromise, or significantly reduce, the chances of a successful adoption.

To address this particular challenge, States of origin must be more forthcoming and fully describe the child’s circumstances, needs and/or diagnoses so that receiving States may have frank communications with PAPS and fully assess their parental skills – strengths and limitations.

#### Receiving States only

15. In relation to the intercountry adoption of children with special needs, how does your State ensure that:

- (a) the parenting abilities of PAPS and their ability to cope with the particular special needs are appropriately assessed?

Quebec has plans to review the psychosocial assessment analysis criteria to ensure that the eligibility and suitability of prospective adoptive parents is aligned with the current profile of adoptable children (who are older and have more special needs). In that regard, Quebec authorities also envision the possibility of creating, in some situations and for children with greater special needs, a multidisciplinary matching committee that will ensure that parents fully understand the magnitude of the challenges ahead of them and are equipped with enough tools for a successful adoption.

- (b) any PAPS selected are suitably prepared for such adoptions and for the specific needs of each child?

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<sup>15</sup> Depending upon whether your State is a State of origin or a receiving State.

In Quebec, there are parent preparation programs that are provided by public social services institutions. The programs are adjusted for child profile changes so that parents are well prepared for accepting their child.

- (c) adoptive families are provided with appropriate post-adoption support in light of the child's special needs?

The health and social services system in Quebec provides a broad range of services adapted to the needs of the population. The challenges lie more in the availability of those services and the time frames for accessing them.

#### **D. Post-adoption services for adoptees and adoptive parents**

##### Both States of origin and receiving States

16. How, if at all, has your State implemented the recommendation of the 2010 Special Commission meeting that States should "provide different forms of assistance and counselling for different stages of the child's development to adulthood, including preparation for origin searches and reunions of the adoptees with members of their biological families"?<sup>16</sup>

Quebec offers adopters a post-adoption visit within 14 days of the child's arrival in Quebec. A nurse examines the child's condition and directs the adopters to appropriate services, if need be. The follow-up when the progress reports are submitted is another time to inquire about the situation of the child and the adopters and to direct them toward appropriate resources, if need be. The Quebec Central Authority is responsible for responding to requests to research backgrounds, whether they are for sociobiological history and/or reunions. Those who submit requests receive appropriate administrative services as well as psychosocial support, if need be.

##### Receiving States only

17. Please specify any challenges your State has encountered in ensuring that adequate support is in place for adoptive parents and adoptees following an intercountry adoption, including where parents have adopted a child with special needs.<sup>17</sup> Please also share any good practices your State has developed to overcome these challenges.

Challenges: The health and social services system in Quebec provides a broad range of services adapted to the needs of the population. The challenges lie more in the availability of those services and the time frames for accessing them.

Good practices: Quebec offers adopters a post-adoption visit within 14 days of the child's arrival in Quebec. A nurse examines the child's condition and directs the adopters to appropriate services. Several local centres have developed an offer of specialized intercountry adoption services. Those direct services are constantly evolving in the general offering to meet the needs of the population (parent group meetings, children group meetings, individual/family meetings, etc.).

#### **E. Breakdown of intercountry adoptions**

##### Both States of origin and receiving States

18. If your State has had experience of intercountry adoptions which have broken down subsequent to the adoption (sometimes referred to as "failed" or "disrupted" adoptions), please explain, in general terms:

- (a) what have been the main causes of the breakdowns in these cases (e.g., deficient reports on the child, including failure to identify specific physical or

<sup>16</sup> SC 2010 C&R No 29.

<sup>17</sup> E.g., difficulties coping with an increased demand for post-adoption services or with a need for more specialised services, or difficulties in determining how services should be funded. You may wish to cross-refer to your State's response to the Country Profile at Part IX concerning the services and support which your State provides.

psychological health needs in the report, inadequate preparation of the child or PAPs, inadequate post-adoption support).

Causes for adoption breakdown can vary. In some situations, the reports on the child's profile and state of health contain little information, which impacts the quality of the matching, which is delicate work. The child's age at the time of the adoption may also be a cause for breakdown because some children, despite adequate preparation, do not have the ability to bond with new parents. The older the child or the more likely the child will have lasting effects of his or her abandonment, the greater the adaptation challenges and the more chance of an adoption breakdown.

- (b) how your State has *addressed* these situations. Does your State have any good practices to share in this regard?

The Quebec Central Authority and its intercountry adoption partners are continuously working to build on their practices with a view to continuous improvement. Work is currently underway in the area of assessing, preparing and educating adopters.

- (c) what steps, if any, your State has taken to try to *prevent* these situations occurring in future.

The Quebec Central Authority would like to request collaboration from States of origin to better document childrens' situation and history to ascertain its scope and thus minimize the breakdown risks.

## F. Open adoption

### Both States of origin and receiving States

19. Does the term "open adoption" (or similar) exist in your State's domestic legislation or rules? If so, please explain how it is defined. If not, please explain what is understood in your State by the term "open adoption" or "openness in adoption".

No, Quebec legislation does not permit that type of adoption. Open adoption makes it possible to establish communication agreements between biological parents and adoptive parents to facilitate information sharing or maintain relationships.

20. Please specify what type of openness in intercountry adoption is: (a) permitted according to your State's domestic *legislation or rules*; and (b) promoted *in practice* in your State.<sup>18</sup>

No, Quebec legislation does not permit that type of adoption for intercountry adoption.

21. If possible, please specify approximately what percentage of intercountry adoptions involving your State include some element of openness. Has this number increased in recent years and, if so, what, in your State's view, are the reasons for this? What challenges have arisen as a result and how has your State sought to address these challenges?

N/A

## G. Discussion at the upcoming Special Commission meeting

### Both States of origin and receiving States

22. Which topics / issues does your State consider are the most important to discuss at the Special Commission in relation to the counselling and preparation of children and the selection,<sup>19</sup> counselling and preparation of PAPs for intercountry adoption?

<sup>18</sup> *E.g.*, disclosure of identities of biological and adoptive families, post-adoption contact.

<sup>19</sup> The "selection" of PAPs in this context is taken to mean the assessment of the PAPs' eligibility and suitability to adopt intercountry.

For Canada, issues surrounding costs/donations/contributions are the most important topics for discussion at the Special Commission. On the topic suggested here (selection of PAPs and counselling/preparation of children and PAPs), Canada proposes exploring how to better structure the initial bonding period to more adequately prepare the child and PAPs.

23. Does your State consider that there is any merit in developing a Guide to Good Practice on the selection, counselling and preparation of PAPs for intercountry adoption, as recommended by the last meeting of the Special Commission in 2010, and on the preparation and counselling of children?<sup>20</sup> If so, which particular issues would your State wish to see addressed in such a Guide?

Canada does not support the development of a guide to good practice on this topic. In our view, the Guide to Good Practice already provides helpful guidance regarding how to select, counsel and prepare PAPs. Further, the selection, preparation and counseling of PAPs primarily involve clinical considerations rather than administrative practices or legal norms. In this regard, a guide to good practice would not be an appropriate vehicle.

## **II. SOME SPECIFIC ISSUES ARISING IN THE INTERCOUNTRY ADOPTION PROCEDURE**

### **A. Article 17 agreements**

#### Both States of origin and receiving States

24. Please indicate any operational difficulties which your State has experienced, either in your State or in other Contracting States, in relation to obtaining the agreements required in Article 17 and, in particular, Article 17 c).<sup>21</sup>

Sometimes the child's information is not current.

### **B. Recognition of adoptions made in accordance with the Convention (Chapter V)<sup>22</sup>**

#### Both States of origin and receiving States

25. (a) Previous Special Commission meetings<sup>23</sup> have repeatedly emphasised the importance of:
- clearly designating the authorities competent to issue Article 23 certificates and keeping this information updated;
  - promptly issuing such certificates without delay following an adoption decision made in accordance with the Convention;

<sup>20</sup> See SC 2010 C&R No 10 (*op. cit.* note 2).

<sup>21</sup> *E.g.*, lack of clarity concerning the body which should provide the Art. 17 c) agreement, breakdown of State-to-State communications concerning the agreement, lack of clarity concerning which State should provide its agreement first.

<sup>22</sup> When answering this section, you may wish to cross-refer to your State's response to question 13 of Questionnaire No 1.

<sup>23</sup> *E.g.*, see SC 2000 C&Rs Nos 17 to 19, SC 2005 C&R No 3 and SC 2010 C&Rs Nos 15 to 17.

- providing parents with a copy of the Article 23 certificate before they come to take the child;
- providing a copy of the certificate to the Central Authority in the receiving State;
- using the "Model Form for the Certificate of Conformity of Intercountry Adoption"<sup>24</sup> to promote consistent practice; and
- where an Article 23 certificate is incomplete or defective, co-operating to regularise the situation.

Despite the above recommendations, has your State continued to experience difficulties with the issuance or receipt of certificates of conformity under Article 23?<sup>25</sup> If so, please explain the difficulties encountered, including how your State has sought to remedy or ameliorate the situation.

Yes. Regarding the previously listed elements, Quebec experiences difficulties on all points, with the exception of designating the authorities competent to issue certificates of conformity.

In some States, there is still a significant delay between the time the decision is made and the issuance of the certificate of conformity. After the child's arrival in the receiving State, it can be a few months before the adopters receive the certificate of conformity.

To our knowledge, no State gives the adopters a copy of the certificate before they go get the child. It is presented on site when the adopters travel to the State of origin (with the exception of States that issue the certificate later).

The Quebec Central Authority almost never receives certificates of conformity directly from the Central Authority of the State of origin with the exception of certain adoption processes that are not done by accredited bodies. The certificate is submitted to the Quebec Central Authority by the adopters or by the accredited bodies of Quebec.

Quebec supports the use of the recommended form for the certificate of conformity. However, not all States of origin use it.

- (b) Taking into account the previous recommendations made on this topic, does your State have any novel suggestions concerning how to improve practices regarding Article 23 certificates?<sup>26</sup>

No

### C. Delays in intercountry adoption procedures

#### Both States of origin and receiving States

26. Does your State have any comments on the speed with which Convention adoptions are processed?<sup>27</sup> If your State has experienced any unnecessary delays, what has caused these delays and are they at a particular stage of the intercountry adoption procedure?

<sup>24</sup> See GGP No 1, Annex 7.

<sup>25</sup> *E.g.*, deficient or no certificates issued, delays in sending certificates, confusion concerning which authorities should issue the certificate, confusion concerning to whom the certificates should be sent.

<sup>26</sup> *E.g.*, how to better promote the use of the Recommended Form, ensure designations under Art. 23.

<sup>27</sup> See SC 2005 C&R No 14: "[t]he Special Commission reminds States Parties to the Convention of their obligations under Article 35 to act expeditiously in the process of adoption, and notes in particular the need to avoid unnecessary delay in finding a permanent family for the child".

In the adoption process, there are sometimes delays between the submission of the file and the child proposal. Those delays may be because too many files from adopters have been submitted from receiving States. There can also be a delay between the child proposal or the parent-child meeting and the finalization of the adoption process. That delay stems from administrative or legal proceedings inherent to the adoption process and clearly impacts children because it holds up their welcoming into their new family and weakens their ability to bond with their new family.

27. Does your State have any good practices to share or recommendations as to how delays in the intercountry adoption procedure might be minimised, whilst still ensuring that the safeguards of the Convention are respected?

Imposing quotas (limited number of files that can be submitted in a State of origin) could be a potential solution for decreasing the undue delays between the submission of a file and the proposal of a child. That number would be determined by the number of adoptable children in the State of origin.

#### **D. Co-operation issues**

##### Both States of origin and receiving States

28. In your State's experience, is the day-to-day co-operation with other Contracting States working well (*e.g.*, sending and receiving documents,<sup>28</sup> prompt responses to enquiries and questions, openness to discussing problems and finding solutions)? Please specify any difficulties and concerns.

Generally, co-operation with Central Authorities for the States of origin is undertaken in a satisfactory manner. However, the Quebec Central Authority is sometimes confronted with situations where certain Central Authorities in States of origin are slow to respond to requests and various questions that impact the processing of files and the application of the HC. Lack of resources and availability often causes this.

29. At the meeting of the Special Commission in 2000, "[t]he need for adequate resources and appropriately trained staff in Central Authorities was accepted, as well as the importance of ensuring a reasonable level of continuity in their operations."<sup>29</sup> Has your State continued to encounter difficulties in this regard, whether in your State or in other Contracting States?

Yes, for certain States of origin.

30. Has your State made or received from other Central Authorities any "general evaluation reports" about experiences with intercountry adoption as specified in Article 9 d)?

If so, have these reports proved useful? Please explain to what use they have been put and the follow up undertaken.

If not, does your State consider that the preparation of such reports should be encouraged as helpful in promoting the regular review of practices and co-operation between States?

No, the documents prepared by the States for the Special Commission meetings and the exchanges in those meetings provide for regular review of practices and co-operation.

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<sup>28</sup> *E.g.*, has your State encountered any difficulties due to other Contracting States requesting documents / information which your State is not permitted to provide according to your domestic legislation, or due to your State requesting documents / information from other Contracting States which they are not permitted to provide (such as identities of biological parents, statements of consent, judgments regarding the withdrawal of parental rights, medical reports on PAPs)?

<sup>29</sup> See SC 2000 C&R No 3.

### III. SPECIFIC TOPICS FOR CONSIDERATION

#### A. The subsidiarity principle (Art. 4 b))

##### Both States of origin and receiving States

31. Please describe the laws, procedures and practices in your State which seek to ensure that an appropriate balance is struck between providing sufficient support to biological families to enable the family to be preserved or reunified where possible, while at the same time preventing excessive delay in declaring a child adoptable and finding a suitable alternative permanent family for the child if necessary.

In Quebec, the Youth Protection Act governs all child protection measures. In its general provisions, it sets out that support and supervision measures must aim at keeping the child with his or her family. If that is not possible, the persons most important to the child are also considered for taking the child under their care.

Moreover, if the parents are unable to meet the child's needs and the child is in a neglect or abandonment situation, measures must be taken within a set period of time (12 months, if the child is under 2 years old; 18 months, if the child is between 2 and 5 years old and 24 months if the child is 6 years old or older) so that a life plan for the child can quickly be identified. Adoption, guardianship or long-term placement in a family resource are life plan options.

##### States of origin only

32. What are the main challenges in implementing and applying the subsidiarity principle in intercountry adoption cases in your State?

N/A

33. In your State, is the subsidiarity principle applied in the same manner to:

- (i) *intra-family* intercountry adoptions; and
- (ii) intercountry adoptions concerning children with *special needs*?

If not, please describe any different procedures used and explain the reasons for the different procedures.

N/A

##### Receiving States only

34. (a) In accordance with the principle of co-responsibility,<sup>30</sup> what information, if any, does your State routinely request *in each intercountry adoption case* to ensure that the subsidiarity principle has been respected in the State of origin?

The responsibility for the application of article 4 rests with the State of origin. However, the Quebec Central Authority requests a statement of availability, including a description of the State of origin's application of the subsidiarity principle in each case.

- (b) Is it possible and / or common in your State for a proposed matching of child and PAPs to be rejected on the basis that the relevant competent authority / body is not satisfied that the subsidiarity principle has been respected in the particular case?

The Quebec Central authority may request additional clarification from the Central Authority of the State of origin regarding the child's availability for intercountry adoption.

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<sup>30</sup> See, e.g., Chapter 12 of GGP No 2.

35. In some States of origin, the child protection infrastructure necessary to implement the subsidiarity principle does not exist or is severely deficient, making proper implementation of the Convention in this respect challenging. Does your State undertake any programmes to assist States of origin with the development of their child protection systems<sup>31</sup> in order for them to better implement the subsidiarity principle either:

(a) at State level (*e.g.*, in the form of development aid or technical assistance)?

The Quebec Central Authority has already offered support and collaboration to a few Central Authorities through sharing of expertise.

and / or

(b) through other bodies such as non-governmental organisations (which are not adoption accredited bodies)?

No

If so, please specify how it is ensured that any such programmes do not compromise the integrity of intercountry adoption procedures and / or result in a dependence upon these forms of assistance:

- Veuillez saisir les informations demandées ici -

## B. Mobility and globalisation

### Both States of origin and receiving States

36. How, if at all, does your State define "habitual residence" for the purposes of the Convention? What factors are considered when determining where persons are habitually resident for Convention purposes?

The concept of habitual residence is not defined. The factors considered are: intent to settle (in a temporary or permanent manner), the legal status of the person on the territory and the place where most of the real and personal property is located.

37. What are the most common scenarios in which your State has encountered difficulties in determining the "habitual residence" of PAPs and / or a child?

When an adoption has been carried out concomitant with an adopter's immigration application.

When an adopter uses the citizenship of the State of origin to carry out a national adoption instead of an intercountry adoption.

When the child resided temporarily in the receiving State or in a third State.

38. Please describe any restriction that your State places on individuals' ability to adopt intercountry based on their:

(a) nationality; and / or

(b) immigration status (*i.e.*, permission to reside in your State).

a) None

b) The adopter must be at least a permanent resident of Canada to be able to adopt.

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<sup>31</sup> See SC 2000 C&R No 10, which stated that "[r]eceiving countries are encouraged to support efforts in countries of origin to improve national child protection services... However, this support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process", as well as SC 2010 C&R No 6. See also para. 553 of GGP No 2 which states that receiving States have "an additional responsibility to assist States of origin to improve their child protection and adoption systems. This is essential if all of the Convention's safeguards are to be applied...".

39. How does your State deal with situations in which PAPs, habitually resident in one State, move to another Contracting State after initiating intercountry adoption proceedings (in accordance with Art. 14) but *while the adoption process is ongoing*? Does your State's response vary if the move is instead to a non-Contracting State?

When there is a temporary move, the Quebec Central Authority requests that the adoption process be suspended.

When there is a long-term move, we proceed with the closure of the adoption file. The adopters must then continue their process as required by their new place of residence.

40. How does your State deal with situations in which PAPs are either non-nationals living in your State, or nationals of your State living in another State, and:

- (a) your State does not consider the PAPs to be habitually resident in your State and the other State also does not consider them to be habitually resident in their State (*i.e.*, the PAPs are in a situation where they cannot make an application to adopt intercountry)?

We try to find a solution with the relevant Central Authority. However, the exercise has demonstrated that the emergence of a solution is complex.

or

- (b) both your State and the other State consider the PAPs to be habitually resident in their State?

We try to find a solution with the other relevant Central Authority.

*Example: PAPs are nationals of State A but, due to the nature of their work, have to move regularly to live in other countries for varying periods. Recently, they moved to State B for a one-year work contract. They now wish to adopt a child from State C.*

- (a) State A says these PAPs are not habitually resident in State A as they are not currently living there. State B also determines that they are not habitually resident in State B since they will leave the State at the end of one year.

OR

- (b) State A says the PAPs are habitually resident in State A as they are abroad for a limited, finite period and State A is the only country in which they have the intention to reside long-term. State B also determines that these PAPs are habitually resident in State B as they are currently living in State B.

- Veuillez saisir les informations demandées ici -

41. How does your State deal with situations in which PAPs are nationals of your State, are habitually resident in another State and wish to adopt a child from a third State? What role, if any, does your State play in the intercountry adoption in this scenario (*e.g.*, is your State involved in securing the nationality of your State for the child, any other role)?

Quebec examines the plans and determines whether its intervention is required. If it is not, it notifies the adopters and the relevant authorities. If it is, it tries to find a solution as specified in question 40.

## C. Use of modern technologies<sup>32</sup> in intercountry adoption<sup>33</sup>

### *In general*

<sup>32</sup> In this document "modern technologies" is taken to mean the Internet and modern communication methods, such as e-mail, video-conferencing and social media.

<sup>33</sup> If your State responded to the 2013 ISS/IRC Questionnaire on new technologies and adoption (ISS/IRC Circular No 118), you may wish to refer to this response in your answers to this section.

Both States of origin and receiving States

42. Please briefly describe any laws, regulations or policy guidelines which exist in your State concerning the use of modern technologies in the field of adoption.<sup>34</sup> Where possible, please provide a hyperlink to these laws, regulations or guidelines or provide a copy, with a translation into English or French.

Legislation specific to adoption and the use of modern technologies does not exist. However, government use, collection and protection of private information such as information submitted in relation to an adoption application is subject to legislation.

43. Does your State regularly use modern technologies in the field of intercountry adoption, both generally, as well as in individual intercountry adoption cases?<sup>35</sup>

If so, please describe which technologies are used, at what stage(s) of the intercountry adoption procedure and how the use of these technologies affects your daily work.

If not, please explain the reasons for this (*e.g.*, no access to modern technologies due to resource constraints, infrastructure problems or an absence of training).

Generally, the Quebec Central Authority receives documents on the adoption process directly from accredited bodies by fax, or by mail if they are original documents. E-mail can be used at times. Accredited bodies in Quebec receive documents from the State of origin authorities either by mail or e-mail. Video conferencing may also be used between accredited bodies and their representative in the State of origin.

44. In your State's experience, what (a) benefits<sup>36</sup> and (b) risks have modern technologies brought to the field of intercountry adoption? Please describe how your State attempts to manage any perceived risks.

(a) Benefits with respect to email: speed, efficiency, direct contact with adoption professionals, foreign CAs, foreign representatives, etc., is easily facilitated.

(b) the confidentiality of the information

45. Please briefly explain any specific courses, training or information which is / are provided on the use of modern technologies in the adoption process to:

(a) the authorities and bodies involved in intercountry adoption in your State.<sup>37</sup>  
N/A

and / or

(b) PAPs, biological families and adoptable children (or adoptees, if the information is provided subsequent to the adoption)<sup>38</sup> – *e.g.*, are the risks of the use of these technologies part of the programmes of counselling and preparation of PAPs, adoptable children or biological families and is any post-adoption support provided in relation to these issues?<sup>39</sup>  
N/A

<sup>34</sup> *E.g.*, legislation might concern data protection and rules concerning the online storage of data in adoption cases, the use of photo-listings, the use of the Internet in searching for origins or the use of DNA testing in adoption cases.

<sup>35</sup> *E.g.*, Internet and websites, e-mail, video-conferencing facilities such as Skype, online posting of informational videos, social media, etc.

<sup>36</sup> *E.g.*, websites for provision of information, fast sending of applications and reports, facilitation of contact between accredited bodies and PAPs during their stay abroad, facilitation of contact with representatives of accredited bodies, video-conferences to provide information concerning the health of children.

<sup>37</sup> *E.g.*, in relation to its use by adoptees or families to search for origins, or in relation to the use of online databases of adoptable children.

<sup>38</sup> Depending upon whether your State is a receiving State or a State of origin (or both).

<sup>39</sup> *E.g.*, concerning making contact via the Internet, posting confidential information on social media websites or using social media to search for origins.

In either case, where possible, please provide hyperlinks to or copies of any information or training material provided (e.g., publications, leaflets, websites), along with a translation into English or French.

46. Does your State use and / or accept from other States scanned documents in intercountry adoption cases (e.g., scanned and e-mailed Art. 17 c) agreements, Art. 23 certificates)?
- Yes, through accredited bodies.

If so:

- (a) Please specify which documents are sent or accepted in scanned format:  
Those related to the child proposal and those related to the adoption decision (according to the immigration and citizenship steps taken).
- (b) Are these scanned versions used or accepted *instead of* the original documents or *in addition to* the original versions (i.e., the original documents follow later by post)?  
Generally, in addition to the original versions.
- (c) Is any authentication of the scanned document required (e.g., legalisation or apostillisation)?<sup>40</sup>  
No
- (d) How are scanned documents stored and how is the security of the information guaranteed?  
Scanned documents are printed and inserted into the physical adoption file.

If not, please explain the reasons for this:  
N/A

### ***Using modern technologies to assist with finding a suitable family for a child***

Both States of origin and receiving States

47. Does your State use, or permit others to create and use, online "photo-listings"<sup>41</sup> of adoptable children?

The Quebec Central Authority does not use that type of database. However, some countries use the tool to send information on children with special needs to accredited bodies.

If so, please explain:

- (a) whether these listings include profiles of *all* adoptable children in your State or only certain categories of children (e.g., children with special needs):  
N/A
- (b) which authorities or bodies create / operate these online listings in your State (i.e., is this under State control or the control of other adoption actors?):  
N/A
- (c) who is permitted to access the listings:  
N/A
- (d) what safeguards have been implemented to protect the privacy of the children concerned (e.g. restricted access for Central Authorities and accredited bodies only):

<sup>40</sup> See the *Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents* (the "Apostille Convention", concluded 5 October 1961).

<sup>41</sup> In this document, "photo-listings" means databases which include photographs and descriptions of the background and characteristics of adoptable children. They often have limited, protected access (e.g., for Central Authorities and accredited bodies only) and may be used to search for families for children who are hard to place.

N/A

- (e) how it is ensured that the use of such listings is in conformity with the matching process set forth in the Convention (*i.e.*, matching by the competent authority in the State of origin after the suitability and eligibility of the PAPs has been determined):

N/A

### ***Using modern technologies to search for origins***

#### Both States of origin and receiving States

48. Do the relevant competent authorities in your State use social media (*e.g.*, Facebook, Twitter) to help adoptees search for their origins? If so, are there any guidelines or good practices regarding the use of social media by authorities / bodies for this purpose?

When international reunifications and research requests are made, the Quebec Central Authority sends them to the State of origin authorities for action. At the outset, it is important to obtain consent from the biological parents for the process to proceed. The Quebec Central Authority occasionally uses social media to try to find the relevant persons and obtain their consent.

Anyone who submits a request to the Quebec Central Authority is warned against any personal initiatives.

49. Has your State had any cases in which PAPs / adoptees and birth families have contacted each other via social media or other modern methods of communication after an adoption and without the involvement of professionals? If so, please specify the situations which have arisen, the challenges faced and how these challenges have been overcome.

Yes, we have already been informed of some situations like this. They are appalling because the people are not prepared for that type of event.

## **D. Illicit practices<sup>42</sup>**

### ***In general***

#### Both States of origin and receiving States

50. Please describe the practices relating to the abduction, sale of or traffic in children or other illicit practices which your State has experienced most frequently in the context of intercountry adoption since the last Special Commission meeting (2010), regardless of whether these practices have taken place in your State or in another Contracting State.

The nature and the amount of the costs and contributions required in the course of the adoption process in some States of origin raise significant concerns.

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<sup>42</sup> In this Questionnaire, the term "illicit practices" is used in the same sense as in the "Discussion Paper Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases" (October 2012), available on the specialised "Intercountry Adoption Section" of the Hague Conference website: *i.e.*, it "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)."

51. Please provide details of any specific examples in which your State has worked either alone or in co-operation with other Contracting States in order to prevent and / or address practices relating to the abduction, sale of or traffic in children or other illicit practices in the context of intercountry adoption. Was Article 33 ever relied upon in such cases? If so, please describe what measures were taken and the outcome.

Quebec has put in place supervisory measures for its accredited bodies that allow for stricter oversight and monitoring of the nature and the amounts related to adoption processes (costs and contributions) required or authorized by all States of origin.

Co-operation with States of origin, whose practices raise specific questions, is difficult to establish despite efforts to make them more aware of our concerns and to convince them to change certain practices significantly.

Finally, the establishment by receiving States of true co-operation and mobilization towards joint action that can have a positive impact on all cost-related practices is also difficult.

52. Has your State ever suspended or restricted its intercountry adoption programme (e.g., introducing a moratorium, refusing to work with a particular Contracting State) because of concerns about the risk of abduction, sale of or traffic in children or other illicit practices? If so, did the suspension or restriction assist with efforts to combat these practices? What challenges did your State encounter in seeking to resume intercountry adoptions or lift any restrictions once practices had been improved?

Yes, Quebec has suspended adoption programs in the past. In some cases, the suspension became definitive. In other situations, the suspensions were useful. The adoptions resumed very gradually, cautiously and controlled to ensure good practices.

## E. Other international placements of children which result in adoption

### ***Kafala resulting in adoption***

#### Receiving States only

53. Are persons, habitually resident in your State who have a child placed into their care under kafala in another State, permitted to subsequently adopt the child in your State?<sup>43</sup>

*Example: a child, habitually resident in State A, is placed into the care of a couple under the regime of kafala by the court in State A. The couple habitually resides in State B (your State) and the understanding is that they will return immediately to State B to live with the child. Under your State's laws, are the couple permitted to subsequently adopt the child in your State, State B?*

- Veuillez saisir les informations demandées ici -

If so, please explain:

- (a) the reasons for this:  
- Veuillez saisir les informations demandées ici -
- (b) the procedure, including any involvement of the State of origin:  
- Veuillez saisir les informations demandées ici -  
and
- (c) whether this would be a "simple" or a "full" adoption:

<sup>43</sup> N.B. the provision of care by kafala falls within the scope of the *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* (the "1996 Convention") (Art. 3 e) of the 1996 Convention) and thus kafala placements benefit from its unified rules on jurisdiction, applicable law and the recognition and enforcement of measures between Contracting States. In addition, the 1996 Convention contains mandatory co-operation provisions with which Contracting States must comply when a cross-border kafala placement is contemplated between them (Art. 33 of the 1996 Convention). For further information concerning kafala and the 1996 Convention, see the [Practical Handbook on the 1996 Convention](#) available on the Hague Conference website < [www.hcch.net](http://www.hcch.net) >.

- Veuillez saisir les informations demandées ici -

### ***Respite care abroad resulting in adoption***<sup>44</sup>

#### Both States of origin and receiving States

54. If your State is involved in respite care programmes<sup>45</sup> for children, please explain:
- (a) whether such programmes specifically aim to be a precursor to adoption for some children (*e.g.*, for children with special needs):  
N/A
  - (b) whether such programmes have, in fact, resulted in the adoption of children and, if so, approximately what percentage of children involved in the programmes are adopted:  
N/A  
and
  - (c) where a child is adopted following such a programme, how it is ensured that the safeguards of the Convention have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his / her State of origin and thus the adoption falls within the scope of the Convention according to Art. 2):<sup>46</sup>  
N/A

### ***Foster care resulting in adoption***

#### Both States of origin and receiving States

55. Is your State aware of cases in which a domestic foster care placement has been used in order to circumvent Convention intercountry adoption procedures? If so, please provide details, including the challenges which these cases have presented and any good practices your State has developed to deal with such cases.

*Example: a couple, usually resident in State A, travels to State B and applies to foster a child. They intend to apply to adopt this child in State B and to return shortly thereafter to live in State A.*

No

### **F. Triangular adoptions**<sup>47</sup>

#### Both States of origin and receiving States

56. Does your State allow PAPs wishing to adopt intercountry to use an accredited body located in a *third* State to mediate the adoption (*i.e.*, an accredited body *not* located in the State of origin or in the receiving State)? If so, please briefly describe any conditions imposed by your State,<sup>48</sup> the procedure used and any challenges encountered. Please also share any good practices your State has developed in relation to such cases.

No

<sup>44</sup> See GGP No 1 at paras 561 to 563.

<sup>45</sup> *I.e.*, programmes in which children from certain States of origin, often children living in institutional or other non-family based alternative care, are hosted temporarily by families in other States for “holidays” to improve the child’s mental and physical well-being.

<sup>46</sup> *E.g.*, how it is ensured that: the child is legally and psycho-socially adoptable; the subsidiarity principle is respected; the eligibility and suitability of the PAPs is appropriately assessed; the Convention requirements concerning professional “matching” are met; and the child and parents are appropriately prepared, informed and counselled for the adoption.

<sup>47</sup> For a definition of “triangular adoption”, please see GGP No 1 at Chapter 8.8.7.

<sup>48</sup> See the good practices recommended at para. 555 of GGP No 1.

**G. International surrogacy arrangements<sup>49</sup> and intercountry adoption<sup>50</sup>**Both States of origin and receiving States

57. Following the recommendations of the 2010 Special Commission meeting,<sup>51</sup> has your State experienced any cases of international surrogacy arrangements in which use of the 1993 Hague Convention has been sought in order to remedy the situation of the legal status of the child? If so, please explain the circumstances in which this occurred, how it was ensured that the safeguards of the Convention were respected, and the outcome for the child and family.

No

**IV. SERVICES AND SUPPORT PROVIDED BY THE HAGUE CONFERENCE**Both States of origin and receiving States

58. Are the following documents used in your State as tools to assist with the operation of the Convention and / or to periodically review your State's intercountry adoption system and processes:
- (a) the Conclusions and Recommendations of previous Special Commission meetings:  
Yes
  - (b) Guide to Good Practice No 1 *"The Implementation and Operation of the 1993 Intercountry Adoption Convention"*:  
Yes
  - (c) Guide to Good Practice No 2 *"Accreditation and Adoption Accredited Bodies"*:  
Yes
  - (d) the tools<sup>52</sup> developed by the Experts' Group on the Financial Aspects of Intercountry Adoption:  
Yes
  - (e) the "Discussion Paper on Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases":<sup>53</sup>  
Yes

Please explain how these tools are currently promoted in your State and how they could, in your State's view, be more effectively promoted at the regional and / or international level:

These documents serve as reference tools for the Central Authority and its relevant partners.

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<sup>49</sup> The term "international surrogacy arrangement" is used in this Questionnaire to mean "a surrogacy arrangement entered into by intending parent(s) resident in one State and a surrogate resident (or sometimes merely present) in a different State". (See further the Glossary attached to the "Report on the desirability and feasibility of further work on the Parentage / Surrogacy Project" (Prel. Doc. No 3B of March 2014).)

<sup>50</sup> Please note that the issue of international surrogacy arrangements is being studied separately by the Hague Conference in the context of its "Parentage / Surrogacy Project": for further information on this Project, please see the specialised section of the Hague Conference website, under "Parentage / Surrogacy Project". These questions therefore only relate to the use of the 1993 Convention and related bodies / authorities in these cases.

<sup>51</sup> See SC 2010 C&R Nos 25 to 26 in which it was stated that the Special Commission "viewed as inappropriate the use of the Convention in cases of international surrogacy".

<sup>52</sup> See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the Intercountry Adoption Section of the Hague Conference website, under "Expert and Working Groups": *i.e.*, the harmonised Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption, the Note on the financial aspects of intercountry adoption, the Summary list of good practices on the financial aspects of intercountry adoption and the Tables on the costs associated with intercountry adoption.

<sup>53</sup> Available on the Intercountry Adoption Section of the Hague Conference website, under "Expert and Working Groups".

59. In light of the fact that the importance of ICATAP (the "Intercountry Adoption Technical Assistance Programme" of the Hague Conference) to the proper implementation and operation of the 1993 Convention has been reiterated by Special Commission meetings and by meetings of the Council on General Affairs and Policy for many years, does your State have any suggestions as to how to secure more regular and consistent funding for this work at the Permanent Bureau, including for the key position of the ICATAP Co-ordinator?

This issue does not fall within the mandate of the Special Commission.

Is there any other comment your State wishes to make concerning the implementation and / or operation of the 1993 Convention?

N/A