



Hague Conference on Private International Law  
Permanent Bureau

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**Questionnaire on accredited bodies in the framework of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of intercountry Adoption**

The Danish Central Authority, The Ministry of Justice, Department of Family Affairs, hereby answers the abovementioned questionnaire:

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**NAME OF STATE OR ORGANISATION: Denmark**

**EXPLANATIONS AND QUESTIONS**

If a question does not apply to your State, please answer "Not applicable" or "N/A".

Some questions can be answered by marking a box.

Where your answer refers to specific provisions of your law / laws, please cite the law and provision number as it may be a helpful reference in the Guide to Good Practice.

Where your answers can be enhanced by providing a link to an electronic version of a document (e.g., guidelines, criteria), please give that link.

**USE OF TERMINOLOGY**

There are three situations in which accreditation and authorization (as used in the Convention) may occur. A distinction is to be made between "accreditation" and "authorisation":

- 1) adoption bodies are accredited in the receiving State to work in States of origin (Arts 10, 11) (1993 Hague Convention terminology: accreditation);

- 2) those adoption accredited bodies of receiving States are granted authorisation in the State of origin with a view to arranging the adoption (Art. 12) (1993 Hague Convention terminology: authorisation);
- 3) bodies in the State of origin are accredited by it to work with foreign bodies of the receiving State with a view to adoption (Arts 10, 11) (1993 Hague Convention terminology: accreditation).

**NB: FOR STATES OF ORIGIN, PLEASE MAKE IT CLEAR IN YOUR ANSWERS IF YOU ARE REFERRING TO YOUR OWN ACCREDITED BODIES OR TO FOREIGN ACCREDITED BODIES WORKING IN YOUR STATE.**

**A. General policy issues concerning accreditation**

1. In your State what terminology do you use for the situations described in (1), (2) and (3) above? Is it the same or different? If different, please specify, define and indicate if you intend to use your own terminology to answer the following questions.

Answer:

We are not always clear in our use of accreditation and authorisation. In the answer we will use the terminology as described in the three situations above.

2. Is your State a receiving State or a State of origin or both?

Answer:

A receiving State.

3. Have you informed the Permanent Bureau all of the details of bodies accredited by your State, as required by Article 13? Is the information which is currently on the Hague Conference website up to date?

Answer:

Yes, the Permanent Bureau has been informed of the details and the information on the Hague Conference website is up to date.

If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision. Please answer any questions that are relevant to your State's situation.

Answer:

Not relevant, since we use accredited bodies.

4. How do you define "accreditation" and "accredited body" in your State?

Answer:

An accredited body has a general permission (accreditation) from the relevant authority to mediate children for international adoption. The accredited body can be a Danish body or a foreign body with authorisation to co-operate with a Danish accredited body.

5. Do the following categories of actors come within the definition of accredited body (are they included as accredited body staff, employees or personnel)?

- facilitators (if they exist in your State, please specify their role)
- national representatives of foreign accredited body

- translators
- lawyers (e.g., with a power of attorney from prospective adopters)
- guide, drivers, etc.

If these actors are not employees of the accredited body, what is their legal relationship, if any, to the accredited body?

Answer:

The two Danish accredited bodies, who mediate children for international adoption from abroad to Denmark, have at least one country representative in each country of origin, who assist the Danish prospective adoptive parents and additionally carry out other tasks for the accredited body. We consider those as an integrated part of the accredited body. Since no Danish children are adopted internationally, no foreign accredited bodies are accredited in Denmark. The Danish children who are adopted nationally are matched by the Danish National Board of Adoption

6. As at 30 September 2009, what is the current number of accredited bodies in your State, state or province? If possible, please indicate how many bodies have been refused accreditation, have lost their accreditation or discontinued their activities since 1 January 2006, and for what reason.

Answer:

We have two accredited bodies in Denmark: AC International Child Support – Denmark and DanAdopt.

We have not refused any accreditation since 1 January 2006 nor has anyone lost their accreditation or discontinued their activities since 1 January 2006.

7. Do you think the number of accredited bodies accredited by, or operating in your State is proportional to the number of intercountry adoptions taking place? If not, do you intend to take any appropriate measures?

Answer:

Previously there were 3 accredited bodies in Denmark. Since the summer of 1999 there have only been two accredited bodies in Denmark. We do think the current number of accredited bodies is proportional to the number of intercountry adoptions, but we will not in advance decline an application from a new body, who wants to be accredited.

8. Do you impose any limits on the number of accredited bodies which are granted accreditation in your State? If yes, on what grounds are limits imposed?

Answer:

So far it has not been relevant to discuss a limit to the number of accredited bodies. However we do believe the number of accredited bodies has to be proportional to the number of intercountry adoptions.

9. Does the Central Authority or the accredited body make the choice of the foreign States with which the accredited body could work (if authorisation were to be given)?

Answer:

The accredited body makes the choice of the foreign States with which the accredited body works with. However, the Central Authority has to approve cooperation and has the authority to veto the choice from the accredited body

***Receiving State questions***

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:

- a) any State of origin;
- b) a specified State / States of origin?

Answer: No, both to a) and b)

- (ii) Do you limit the number of accredited bodies for every State of origin?

Answer:

No, in general we do not limit the number of accredited bodies for every State of origin. Before permission is given to an accredited body to cooperate with a State of origin, were the other accredited body is already cooperation, we do however hear the other accredited body of their point of view to the application. It is to be kept in mind, that there are only two accredited bodies in Denmark.

**B. Organisation and structures**

11. On which subjects does the accredited body have to provide evidence to, or inform, the Central Authority or other competent authority to obtain or maintain accreditation? Please tick relevant box:

- ✓ Composition of the accredited body's personnel and any changes
- ✓ Qualifications and experience of personnel
- ✓ Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct
- ✓ Internal statute, regulations and guidelines of accredited body, including
  - ✓documents which demonstrate the legal constitution of the accredited body
  - ✓financial management and accounting practices
- ✓ Costs and expenses charged by accredited body
- ✓ Copy of the terms of collaboration between the accredited body and the body or person to whom the body entrusts responsibilities in performance of the adoption procedure
- ✓ Budget forecasts for 12-24-36 months
- ✓ Copy of the standard-form contract between the body and adoptive candidate
- ✓ Insurance for legal liability
- ✓ Other – please provide details The accredited body must meet the ethical standards for international adoptions, that are stated in the Hague Convention.

***Receiving State questions***

- ✓ Certified true copy of an official version of the legislation of the State of origin with which the accredited body will co-operate
- ✓ Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption)
- ✓ Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules
- ✓ Copy of the statement of authorisation or approval to work in the State of origin if applicable
- ✓ Evidence of knowledge of the situation (cultural, social and legal) in the State of origin
- ✓ Evidence of knowledge of the adoption law and practice in the State of origin, and understanding of the role of counterparts in the State of origin

12. Is it compulsory for staff of an accredited body to be professionally qualified? If yes, which professions? (e.g., lawyers, psychologists, psychiatrists, social workers, etc).

Answer:

The Danish accredited bodies are managed by a Board of Directors. The day-to-day management of the organisations is carried out by an office in Denmark. The board members as well as the employees of the organisations must possess the required moral integrity, and through their education or experience be qualified to work the international relief work including adoption meditation.

In the Board of Directors, there has to be members with medical and legal knowledge and members with knowledge about social work and international adoption meditation.

In the day-to-day management, there has to be employees, who has knowledge and experience with international adoption meditation and one or more employees with knowledge about administration and bookkeeping.

Before employment or appointed as board member, there must be retrieved a statement of previous convictions in respect of children before the accredited bodies employs a person or appoint a board member, if the persons in course of their duties are to come into direct contact with children. The statements are issued by the Danish Police.

The accredited bodies inform the Central Authority of any changes in the members of the staff and board.

13. If volunteers are used, what is the ratio of volunteers to professional staff?

Answer:

Almost none - if any - volunteers are used.

14. Are your accredited bodies required to sign a contract or agreement with the prospective adoptive parents? In general, what are the obligations of accredited bodies to adoptive candidates?

Answer:

The task of the accredited bodies (adoption placement agency) is to create a contract between a prospective parent living in Denmark and a foreign child, who according to the rules in the child's State of origin has been given up for intercountry adoption, and to secure that the adoption is carried out in a proper way legally and morally.

The prospective adoptive parents do sign a contract with the adoption placement agency.

15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?

Answer:

There is a day to day dialog between the accredited bodies and the Central Authority about relevant matters. Furthermore the Central Authority holds several annual meetings with the accredited bodies and the Regional State Administration, who is the authority who approves prospective adoptive parents. These meetings are used to inform each other of new measures, for discussion and exchange experiences. Representative's from the accredited bodies are also part in different working groups set up by the Central Authority.

16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information?

Answer:

According to "Terms of Accreditation" the board members and employees are sworn to secrecy with respect to information of a private nature to which they gain knowledge as part of their work for the organisation. The term is also equally applicable to any other person carrying out work for the adoption placement agency.

17. Are your accredited bodies required to keep the adoption records for a certain number of years? How many years?

Answer:

According to "Terms of Accreditation" the adoption placement agency must keep and store case files safely so that case documents are kept for at least 50 years and must be available to adoptees upon request.

### **C. Accreditation procedure**

18. Please provide details (including powers and resources) of the authority or authorities which grant accreditation. Briefly describe the procedure to obtain accreditation.

Answer:

The Minister of Justice has the authority to give one or several private organisation permission to create such contracts between prospective parents living in Denmark and foreign children. When a private organisation applies for permission to be approved as a placement agency, the Minister of Justice makes a joint estimation of the applicant, where there among other things attach importance to the applicant's motive and qualification to run an adoption placement agency. Furthermore the Minister of Justice makes an investigation of the applicant's financial solidity.

19. Please give a brief outline of your accreditation criteria, guidelines or legislation. If possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish.

Answer:

We have attached a translation of the accreditation and terms of accreditation for one of the two accredited bodies, The Danish Adoption (Consolidation) Act, Executive order on Adoption and Executive Order on Approval of Adopters.

Please note that the accreditation was given in 2006 by the Minister of Family and Consumer Affairs. Since then the adoption area has been transferred back to the Minister of Justice but the accreditation from 2006 is still valid.

Please also note that the accreditation and terms of accreditation for the two accredited bodies AC Børnehjælp (AC International Child Support) and DanAdopt is similar to one another.

Furthermore the Department of Family Affairs has made an accreditation agreement with the accredited bodies. The purpose of the agreement is to put the terms of accreditation into more specific demands to the accredited bodies adoption assistance services.

20. Is there a central registry of all accredited bodies?

Answer:

The name of the accredited bodies is mentioned in article 30 of the Executive Order on the approval of adopters. The Executive Order can be found on the Departments website [www.familiestyrelsen.dk](http://www.familiestyrelsen.dk) and [www.retsinformation.dk](http://www.retsinformation.dk), which is the official legal information system of the Danish state.

21. For how long is the accreditation granted?

Answer:

The accreditation to provide international adoption mediation is valid for five years. The Department of Family Affairs may at any time issue directives to the adoption placement agency, and may alter, limit or revoke the accreditation should the organisation fail to comply with the conditions of the accreditation or any other directives or guidelines from the Department.

22. What are the conditions for renewal of accreditation?

Answer:

The adoption placement agency is continuously supervised by the Department of Family Affairs and the Adoption Board supervises activities of the organisation abroad as well as the organisation's processing of potential matches. Therefore there is a presumption for, that the accreditation can be renewed.

#### **D. Authorisation of foreign accredited bodies**

23. In your State how do you define "authorisation" in the context of Article 12? Do you have criteria for authorisation?

Answer:

The Danish accredited bodies have a general accreditation but needs an authorization to work in a specific State.

24. Who makes the decision to authorise accredited bodies in accordance with Article 12? Is your process of authorisation formal or informal? Please describe the process.

Answer:

The authorization is giving by the Danish Central Authority and is formal. The authorisation is giving on the basis on application. At the moment we are in the process of changing the process for authorisation and therefore we have not found it relevant to describe the present process further

25. Is the Permanent Bureau informed of the authorisations?<sup>1</sup>

Answer:

We have not informed the Permanent Bureau of such authorisations.

#### ***Receiving State questions***

26. As a receiving State, can you provide the current numbers of accredited bodies authorised for individual countries of origin?

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<sup>1</sup> "Where a body accredited in one Contracting State is, in accordance with Article 12, authorised to act in another Contracting State, such authorisation should be communicated to the Permanent Bureau by the competent authorities of both States without delay", Recommendation No 3 of the 2005 Special Commission (reaffirming Recommendation No 2 of the 2000 Special Commission).

Answer:

Bolivia: two accredited bodies  
Bulgaria: one accredited body  
Burkina Faso: one accredited body  
Czech Republic: one accredited body  
China: two accredited bodies  
Colombia: two accredited bodies  
Ethiopia: two accredited bodies  
Guatemala: one accredited body  
India: two accredited bodies  
Kenya: one accredited body  
Madagascar: one accredited body  
Mali: one accredited body  
Nepal: two accredited bodies  
Nigeria: one accredited body  
Peru: one accredited body  
Philippines: two accredited bodies  
Senegal: one accredited body  
South Africa: two accredited bodies  
South Korea: one accredited body  
Sri Lanka: two accredited bodies  
Taiwan: one accredited body  
Thailand: two accredited bodies  
Vietnam: two accredited bodies

27. On what basis does the accredited body seek authorisation to work in a State of origin?

Answer:

Usually the accredited body has been in dialogue with the State of origin or an accredited body in the State of origin for a longer period before seeking authorisation to work in the State of origin.

During that period the accredited body has to inform the State of origin about Danish adoption conditions including rules on adoption and the fundamental principles for adoption policy in Denmark.

If there is a mutual understanding on the adoption policy the accredited body can seek authorisation. The Central Authority has made an application form, which the accredited body can use. It is crucial, that the accredited body has thorough knowledge of the relevant legislation and the adoption process in the country of origin.

28. What factors or criteria are relevant for the Central Authority (or competent authority) to consider when giving or denying authorisation to work in a State of origin?

Answer:

It is evident for the co-operation that the State of origin has a legislation that allows intercountry adoption and that adoption can be carried out with high ethical standards and in the scope of the Hague Convention even though the State of origin is not a contracting state. It is also among other criteria important that contact with biological families prior to the adoption is prohibited and that there are rules for releasing children for adoption in the State of origin. Finally it is deciding that there is no improper financial or other gain in connection with the adoption.

*State of origin questions*



29. As a State of origin, have you authorised foreign accredited bodies to undertake intercountry adoptions in your State (see Art. 12)? How many accredited bodies are currently authorised and from which receiving countries? How many were authorised as at 31 December 2005?

Answer:  
Not Applicable.

30. As a State of origin, is the foreign accredited body required to be fully accredited by your State and by your procedures, rather than simply “authorised”?

Answer:  
Not Applicable.

31. As a State of origin, how do you decide how many foreign accredited bodies are needed in your State?

Answer:  
Not Applicable.

32. Countries of origin: If you authorise a foreign accredited body to “act” in your State, does this mean:

- a) the foreign accredited body must establish an office with professional staff (nationals of the State of origin or of the receiving State)?
- b) the foreign accredited body can “act” in your State through an individual facilitator or intermediary
- c) the foreign accredited body does not have an office or intermediary in the State of origin and it liaises directly with the Central Authority?

Answer:  
Not Applicable.

33. Countries of origin: have you experienced any difficulties with foreign accredited bodies working with or in your State?

Answer:  
Not Applicable.

#### **E. Supervision and review of accredited bodies**

34. How do you supervise bodies accredited in your State (Art. 11 c))? Are regular reports required such as annual reports (including financial reports) from the accredited body to the supervising authority?

Answer:  
The Danish accredited bodies are required to provide the Central Authority with an annual financial report and with budgets for the following year. If the accredited body wants to increase the adoption fee paid by prospective adoption parents the accredited body has to inform the Central Authority of the increase prior to the effect.

As mentioned in answer to question no. 12 the accredited bodies are obligated to inform the Central Authority of any changes in the members of the staff and board.

- 35.** What supervision occurs in the State of origin of authorised foreign accredited bodies?

Answer:

Each year the Danish National Board of Adoption supervises the work of the Danish accredited bodies abroad by visiting one Country of Origin. The overall aim for the visit is to collect knowledge of the adoption process in the country and experience how the accredited body handles their tasks in that process. During those visits the Board meets with the relevant authorities and the institutions that the accredited bodies co-operate with. The Board prepare for the visit by par example examining a number of adoptions cases from the country in question. The Board can also examine adoption cases from countries the Board does not visit that particular year.

- 36.** How is the performance of the accredited body assessed or evaluated?

Answer:

The performance of the accredited bodies must meet the Danish legislation, the terms in their accreditation and the legislation in the countries from where they mediate international adoptions. The uppermost important aspect is that the accredited bodies and their partners meet the ethical and legal claims that follow from the Hague Convention.

- 37.** Does the supervising authority have the power to make regular inspections of and reports on the accredited bodies? Have secrecy or privacy laws hindered inspections?

Answer:

Yes, the Central Authority has the power to make regular inspections of and reports on the accredited bodies. Secrecy or privacy laws do not hinder the inspections.

- 38.** Do you require accredited bodies to report on any problems with intercountry adoptions, such as problems with particular countries, procedural problems or problems with implementation of the 1993 Hague Convention (see Convention Art. 33)?

Answer:

The accredited bodies must on their own initiative inform the Danish authorities of any considerable change of conditions in the field of international adoption in general, and in the countries of origin in particular. This is made explicit in the terms of accreditation.

- 39.** Does your law have provisions to deal with breach of duties or breach of the conditions of accreditation by accredited bodies? E.g., Suspension or revocation of accreditation or authorisation? Other penalties / measures? Please give details.

Answer:

Yes, we can both revoke or suspend accreditations and authorisations.

- 40.** If accreditation has been suspended or withdrawn and is later re-instated, what conditions, if any, apply after re-instatement?

Answer:

It depends on the specific reason for the suspension/withdrawal. The conditions after re-instatement will be defined in each situation.

- 41.** Is it possible to suspend or withdraw accreditation if the general situation in the State no longer offers the necessary guarantees for intercountry adoptions?

Answer:

Yes, that is possible.

42. Are there restrictions upon activities of accredited bodies (e.g., advertising their services; advertising, including on the internet, of adoptable children; limits on amounts that can be charged for fees and other expenses)?

Answer:

The amounts that can be charged for fees and other expenses has to reflect the costs and expenses that the accredited body holds in connection with adoption placement, including relief work in natural relation hereto.

If the accredited bodies are asked by the country of origin if they can find a family to a special need child, the accredited body can in that situation look for prospective adoptive parents at the waiting lists and see if there is a match. If that is not the case, the accredited body will try to “announce” the child anonymous on their website and see if there is any response. The accredited bodies may not “explore” concrete adoptable children in other ways.

43. Are you aware of any acts or behaviour by accredited bodies that contravened your accreditation criteria? Please also provide details of any sanctions or penalties applied?

Answer:

The Danish Authorities have no knowledge of any such behaviour by the two Danish accredited bodies.

44. What are the means used by the authorities supervising accredited bodies in order to improve good practices or remedy breaches in relation to requirements for accreditation or as regards to behaviour?

Answer:

The Department of Family Affairs examines the economy of the Danish accredited bodies on a yearly basis.

We also continuously keep a close dialogue with the accredited bodies regarding their work abroad.

Further, we examines a number of adoption cases from one or more countries of origin, and visit one or more of the Countries of Origin, where the accredited bodies are authorized to mediate adoption from. This forms a good background to discuss the practice of the accredited bodies.

45. Is there collaboration among the accredited bodies working in the same State of origin, or in different countries? If so, what kind of collaboration?

Answer:

The Danish accredited bodies are both members of the Nordic Adoption Council (NAC) [www.nordicadoption.org](http://www.nordicadoption.org) and EurAdopt [www.euradopt.org](http://www.euradopt.org)

46. Is the information on each accredited body’s website regularly checked by the supervising authority? By an authority in the State of origin with which it co-operates?

Answer:

The Central Authority checks the web-site of the Danish accredited bodies continuous and checks the website of the foreign accredited bodies more occasionally.

## **F. Financial issues**

**47.** How are your accredited bodies financed?

Answer:

The accredited bodies are financed by the fees from the prospective adoptive parents and from donations.

**48.** How are fees and charges set? E.g., by accredited bodies themselves, by a public authority. Is there bilateral co-operation between your State and other countries to establish appropriate fees for the 2 countries concerned?

Answer:

The amounts that can be charged for fees and other expenses has to reflect the costs and expenses that the accredited body holds in connection with adoption placement, including relief work in natural relation hereto.

It varies if the fee is set jointly, so the amount is the same even though the actual costs and experiences can varies from country to country or if the fee is set in the light of the actual costs and experiences in the current country.

The accredited body sets the fee themselves.

**49.** Is detailed information about all the fees, charges and costs associated with an inter-country adoption available easily to adoptive candidates and other authorities?

Answer:

Yes, detailed information is available on the accredited bodies' websites.

**50.** How and when is that information provided to adoptive candidates?

Answer:

The information is giving in the contract, that the prospective adoptive parents' sign with the adoption placement agency as mention in question no. 14.

**51.** How is financial transparency and accountability of accredited bodies achieved? E.g, by standard bookkeeping? Receipts and proof of purchases? Reports submitted with financial statement?

Answer:

On a yearly basis the Danish authorities examines the bookkeeping. Further the accredited bodies must once a year report the expenses of adoption regarding each State of origin. The report is further subdivided into administrative costs, donations etc.

**52.** Do you allow donations to be paid to children's homes by the accredited bodies or prospective adoptive parents? Under what conditions?

Answer:

The prospective adoptive parents are strictly recommended not to donate money to the children's homes before they have adopted. The accredited bodies are allowed to pay donations to the accredited bodies they cooperate with in the countries of origin. These donations must not directly depend on the number of children that are mediated.

53. The costs relating to adoption are extremely difficult to evaluate. Can you state the average amount or range (smallest to highest amount payable) for the following items.

**Costs in the receiving State**

- a) registration with an accredited body

Answer:

Approximately 960 US \$, this is a part of the adoption fee.

- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc.

Answer:

The total cost of the case processing in Denmark is ranging from 2.000 US \$ to 2.600 US \$, this is a part of the adoption fee.

- c) costs for adoption training and preparation courses for prospective adoptive parents

Answer:

Approximately 290 US \$ per head, this is not a part of the adoption fee.

- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)

Answer:

It is only necessary to get statutory Danish documents when that is demanded from the State of origin. The cost are not included in the general adoption fee put is. The costs are approximately 290 US \$

- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin

Answer:

Varies from approximately 5.400 \$ to 7.600 US \$, this is a part of the adoption fee.

- f) cost of professional services in the receiving State (e.g., lawyers, notaries, doctors)

Answer:

The prospective adoptive parents pay approximately 1.350 US \$ in additional expenses to doctors and for transport, besides the adoption fee. Professional service in the receiving State by lawyers is not necessary.

- g) other – please specify

Answer:

The body's travel expenses are approximately 640 US \$, this is a part of the adoption fee. The body's non-case related general office expenses are approximately 1.900 US \$, this is a part of the adoption fee.

**Costs in the State of origin**

- a) the body's administrative costs

Answer:

The total cost of the case processing in the state of origin is approximately 3.660 US \$, this is a part of the adoption fee. We have no particular information regarding the bodies' administrative costs in the countries of origin.

- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)

Answer:

It depends on the cost in the State of origin and is very difficult to estimate. The cost are included in the adoption fee.

- c) co-ordination of the case through (in-country staff of) the accredited body,

Answer:

This is contained in the total cost of the case processing in the state of origin listed above.

- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin,

Answer:

Translation can amount to approximately 670 US \$, this is not a part of the adoption fee. Costs of transportation ranges from 190 US \$ to 580 US \$, this is not a part of the adoption fee.

- e) cost of filing of the documents with the appropriate authorities,

Answer:

This is contained in the total cost of the case processing in the State of origin listed above

- f) translation and assistance,

Answer:

See the answer to "d" above

- g) legal or administrative costs in the State of origin,

Answer:

This is contained in the total cost of the case processing in the State of origin listed above

- h) transport and hotel costs for the adoptive parents,

Answer:

This differs very much in consequence of what standard accommodation the adoptive parents choose and what state of origin they travel to. These costs are not a part of the adoption fee but are paid by the adoptive parents directly.

- i) humanitarian contribution and donation to the orphanage, etc.,

Answer:

Approximately 4.600 US \$. This covers both donations to the particular orphanage and other contributions both to the community and to the State of origin, this is a part of the adoption fee.

j) other – please specify.

54. What is the relation between adoption fees (and contributions) and actual costs? Is it calculated for the whole budget of the accredited body, or per State, or does each adoption carry its own costs? How is the relation between fees and actual costs supervised?

Answer:

In one of the Danish accredited bodies, the donations, contributions and adoption fee is calculated for the whole budget of the body, and all expenses are defrayed on the basis of a principle of solidarity. In the other Danish accredited body the adoption fee, the donations and the contributions is calculated per state. This means no adoption strictly carry its own costs. The Danish Central Authority oversees the bodies collected fees and spending.

55. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?)

Answer:

The Danish accredited bodies support the principle of subsidiarity and therefore spend a substantial percentage of the adoption fees on donations and contributions to further the children's possibilities for national solutions before turning to intercountry adoption. The Danish Central Authority generally supports this tendency however we are quite watchful that this does not turn into a slippery slope with regards to the development of the adoption fees paid by the prospective adoptive parents.

#### *State of origin questions*

56. In the State of origin, who is responsible for the co-ordination of the costs: an accredited body's employee? A third-party? In case of a third-party, how is he selected? How is he financed? How is he evaluated? What mechanisms are in place to ensure that these costs are reasonable and transparent? What are the factors that make these costs vary from one adoptive file to another?

Answer:

Not Applicable

#### **G. Operational issues**

57. Which are the tasks carried out by accredited bodies in your State? Tick boxes if applicable. For countries of origin, please specify if your own national accredited bodies or foreign accredited bodies perform the tasks.

#### *Receiving State questions*

- Determination of eligibility of prospective adoptive parents (legal criteria)
- Evaluation of suitability of prospective adoptive parents (psychosocial criteria)
- Decision granting approval for the prospective adoptive parents to adopt
- Information and preparation of adoptive parents for intercountry adoption
- ✓ Make the matching decision (in few cases)
- ✓ Counselling of PAPs about child proposed to them (the proposed match)
- ✓ Agreements under article 17 of the 1993 Hague Convention
- ✓ Arrange to file documents with Court or authority of State of origin
- ✓ Report to supervising authority on status of the adoption

- √ Assist PAPs with Travel preparations
- √ Follow, know, understand, and supervise the procedure for the adoption
- Other tasks: please provide details

*State of origin questions*

- Assessment of the adoptability of a child
- Work with birth parents on family preservation to avoid adoption of the child
- Decision on the adoptability of a child
- Counselling and information for birth parents / consequences of consent
- Obtaining Consent
- Search for parents in cases of abandonment
- Assume responsibility for the child prior to the adoption
- Prepare the child for adoption
- Agreements under Article 17 of the 1993 Hague Convention
- File adoption documents with court or authority
- Search for socio-biological background information of child and birth family and reunion with birth family
- Make the matching decision
- Preparation of the adoptive child
- Assistance provided to the adoptive parents during their stay
- Other tasks: please provide details.

Answer:

Not Applicable

**H. Post adoption services and reports**

- 58.** What post adoption services do your accredited bodies offer (e.g., counselling and family support)? Is provision of post adoption services one of the conditions of accreditation?

Answer:

According to the accreditation agreement the accredited bodies are obligated to offer post adoption service.

The accredited bodies offer an inquisitorial talk with a social worker about what an adoptee must consider before looking into the time before the adoption. The accredited bodies are also giving copies of the documents in the adoption case upon request from the adoptive parents or the adoptee. Furthermore the accredited bodies will upon request, contact the State of origin, the orphanage or the foreign accredited body and ask for more information about the adoptee. The accredited bodies also offer guidance on subject as, the first time after the adoption, day care/kindergarten, school, the surrounding world.

- 59.** Are there any publicly funded post adoption services?

Answer:

We have a pilot project in Denmark offering free advice to adoptive families. The project runs for 4 years 2007-2010. The post adoption service consists of up till 5 conversations with a family adviser. Beyond relevant therapeutic education the advisers has professional experience with the challenges that an adoptive family can meet after the adoption



***Receiving State questions***

- 60.** Do accredited bodies have to provide regular reports on the child? To whom are the reports sent e.g., Central Authorities of State of origin and of receiving State? Other?

Answer:

In Denmark the Regional State Administration assist in making follow up reports on the child to in extend of the wishes of the State of origin. The first report is usually made 3 months after the receiving of the child. The reports are usually sent by the accredited body to the Central Authority in the State of origin and/or the foreign accredited body. The reports are not sent to the Danish Central Authority.

- 61.** Do your accredited bodies prepare the post adoption report or do they ask the adoptive parents to prepare it and send it to the State of origin? If a public authority is responsible for post adoption reporting, please explain.

Answer:

Please see answer to question 60. The normal course will be that the Regional State Administration pays a visit to the adoptive family before making the first follow up report. After the first report the adoptive parents will often prepare the report themselves.

- 62.** How do you monitor the obligation to the State of origin to send post adoption reports?

Answer:

It is within our usual supervision. We do not have specific rules or standards to supervision on post adoption reports.

**J. Approved (non accredited) bodies and persons<sup>2</sup>**

- 63.** Does your State permit approved (non-accredited) bodies or persons (see Art. 22(2)) to arrange intercountry adoptions. If not, go to Question 68. If yes,

Answer:

Under Danish adoption law the Joint Council for adoption - or the secretariat of the Joint Council - in the county in which the applicants reside shall perform the tasks described in Article 5, sub-paragraph a, Article 15 and Article 21 of the Convention. If a Joint Council for adoption decides to withhold its consent, the decision may be reversed by the Danish National Adoption Board, which is central autonomous board of appeal under the Danish Ministry of Justice as well as the authority to supervise the work of the Joint council. If the case concerns adoption of a child closely related to the applicants, the above-mentioned tasks shall be performed by the Regional State Administration's office in the county where the applicants are residing.

- 64.** Have you informed the Permanent Bureau of the details of approved (non-accredited) bodies or persons in your State, as required by Article 22(3)? Is the information which is currently on the Hague Conference website up to date?

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<sup>2</sup> The term "non-accredited person" was used in the Explanatory Report of Professor Parra-Aranguren to refer to the person in Art. 22(2). Some countries now employ the term "approved person" when referring to person in Art. 22(2). However, the 2005 Questionnaire responses revealed enormous confusion when the term "approved persons" was used. Consequently, the Guide to Good Practice has followed the usage of the Explanatory Report to try to improve the public's understanding of the functions of these particular persons. The term "approved (non-accredited) person" is a compromise to retain the precision of the Explanatory Report, but recognises the usage by some countries of the term "approved person".

Answer:

The Permanent Bureau has been informed about details of the Regional State Administration and the Joint Councils. The information of the website is up to date.

65. What are the guidelines by which approval is granted?

Answer:

It is mentioned in the Danish Adoption Act, that the Joint Council is the competent authority. The Minister of Justice has set rules of the procedure for the Joint Councils.

66. What is the process by which approval is granted and renewed?

Answer:

There is not any since it is an authority.

67. How is the supervision of approved (non-accredited) bodies or persons carried out in your State (Art. 22(2))?

Answer:

Please see answer to question 63.

68. Has your State made a declaration under Article 22(4) to prohibit the involvement of approved (non-accredited) bodies or persons in intercountry adoptions?

Answer:

Yes.

69. Are you aware of any acts or behaviour by approved (non-accredited) bodies or persons that contravened their conditions of approval? Please also provide details of any sanctions or penalties applied.

Answer:

No, we are not aware of such acts or behaviour.

#### *State of origin questions*

70. As a State of origin, do you allow approved (non-accredited) persons or bodies from abroad to "act" in your State (as a similar procedure to authorisation of accredited bodies under Art. 12)?

Answer:

Not Applicable.

#### **K. Development aid activities**

71. Are accredited bodies required to or permitted to engage in humanitarian projects or development co-operation activities in countries of origin?

Answer:

According to the terms of accreditation any profit from adoption mediation or any other sources may be used solely for humanitarian work.

An accredited body may only have co-operation with a foreign counter part whose activities are based on childcare and is run with high ethical standards and with no financial gain.

72. What types of activities are undertaken?

Answer:

The humanitarian projects varies from financial aid intended to improve local institutions possibilities to help prevent assault on minors and to follow-up when minors have been the victims of assault, to direct financial aid to families of special-needs children, and financial aid directed towards local schools and pre-school activities in order to sharpen the focus on education in both families and local communities. These are just three out of many different humanitarian and development activities that has been carried out by the Danish accredited bodies in the past years.

73. How do you ensure that the humanitarian aid does not influence or jeopardize the integrity of the intercountry adoption process (e.g., by the expectation of a regular "supply" of children in exchange for regular humanitarian or development aid)?

Answer:

The Danish Central Authority is very attentive towards this dilemma. A part of our continuous supervision with the accredited bodies concerns the organizations' annual accounts. From this we are able to follow the cash flow in relation to each State of origin and compare this with the number of children adopted to Denmark. In addition we carry out random sampling of the bodies' co-operation with individual orphanages focusing on among other things the relation between donations made and the children mediated to Danish families.

#### **L. Co-operation between countries**

74. Have you experienced any difficulties in obtaining assistance or co-operation from other Central Authorities in regard to accredited bodies?

Answer:

No, nothing of importance.

75. Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries?

Answer:

No, nothing of importance.

76. Have you experienced any difficulties with other countries or Central Authorities because you do not use accredited bodies?

Answer:

Not Applicable since we use accredited bodies.

77. Are there any particular aspects of your accreditation procedures e.g., good practices that you would like to bring to the attention of other States?

Answer:

We have very good experience with only a small number of accredited bodies. It gives room for a good dialogue between the Central Authority and the accredited body and a trustfully co-operation.

78. Do you have any other comments about any of the topics covered by this Questionnaire?

Answer:

We have no further comments.

*State of origin questions*

79. Have you experienced any pressure from foreign accredited bodies?

Answer:

Not Applicable

With Regards

*Department of Family Affairs*

Neel Pryds