

ADOPTION

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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**

drawn up by the Permanent Bureau

NAME OF STATE OR ORGANISATION: Estonia, Ministry of Social Affairs

NB: IN OUR ANSWERS WE REFER TO FOREIGN ACCREDITED BODIES WORKING WITH OUR 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.

Same

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

State of origin, but there are some received adoptions to Estonia, generally it is rather rare case.

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?

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.

So far Estonia has not authorised the accredited bodies since according to Social Welfare Act §6 p11 <http://www.legaltext.ee/text/en/X1043K9.htm>, the coordination of intercountry adoption is on responsibility of Minister of Social Affairs (MSA). There are 15-30 adoptions to abroad per year and since the number of adoptions is not so big there is no need for accredited bodies. In future we have a plan that it might develop if Estonia will act more as receiving country.

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

N/A

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?

Estonia as state of origin hasn't any accredited bodies, but there are actors from our cooperation partners from receiving countries – translator for Sweden accredited body Adoption Zentrum and national representative of USA's accredited body.

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.

N/A

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?

Yes.

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?

Estonia is working only with 3 countries and their accredited bodies, due small number of children available for 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)?

Central authority (MSA) works with long-term partners from 3 receiving countries, only exception to other countries are made if PAP-s are Estonians or with Estonian roots (e.g. Canada).

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

N/A

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

N/A

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. *Only applicable to some few cases we have (Canada, Russia).*
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).
N/A
13. If volunteers are used, what is the ratio of volunteers to professional staff?
N/A
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?
N/A
15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?
N/A
16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information?
N/A
17. Are your accredited bodies required to keep the adoption records for a certain number of years? How many years?
N/A

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.
N/A
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.
N/A
20. Is there a central registry of all accredited bodies? For how long is the accreditation granted?
N/A
21. What are the conditions for renewal of accreditation?
N/A

D. Authorisation of foreign accredited bodies

22. In your State how do you define "authorisation" in the context of Article 12? Do you

have criteria for authorisation?

Agreements to collaborate on adoption field were made back in 1993.

23. 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.

Letters from central authority (country of origin) are sent to receiving countries about continuing cooperation with certain country and certain accredited body.

24. Is the Permanent Bureau informed of the authorisations?¹

N/A (receiving states are informing)

Receiving State questions

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

N/A

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

N/A

27. 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?

N/A

State of origin questions

28. 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?

All agreements in 1993 and cooperation is with 3 countries and their accredited bodies are USA- Adoption Hope International, Sweden- Adoptions Zentrum, Finland- The City of Helsinki Social Services Board.

29. 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"?

Not required

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

As stated above, due to small number of children available for intercountry adoption, only 3 long-term partners are considered for cooperation.

31. 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)?-no
- b) the foreign accredited body can "act" in your State through an individual facilitator or intermediary- yes
- c) the foreign accredited body does not have an office or intermediary in the

¹ "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).

State of origin and it liaises directly with the Central Authority? [yes](#)

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

[yes](#)

E. Supervision and review of accredited bodies

33. 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?

[No](#)

34. What supervision occurs in the State of origin of authorised foreign accredited bodies?

[Delivering child reports and child data management, statistics.](#)

35. How is the performance of the accredited body assessed or evaluated?

[N/A](#)

36. 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?

[N/A](#)

37. 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)?

[Yes](#)

38. 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.

[N/A](#)

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

[N/A](#)

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

[N/A](#)

41. 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)?

[Restriction for data publication in Internet- there is Personal Data Protection Act and other legislation what prohibits to publish child personal delicate data \(it is required also from PAP-s\).](#)

42. 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?

[N/A](#)

43. 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?

N/A

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

No

45. 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?

Yes

F. Financial issues

46. How are your accredited bodies financed?

USA- Adoption Hope International (AHI) is financed through agency fees paid by prospective adoptive parents and charitable donations.

Sweden- Adoptionscentrum is financed by the fees of the adopting families, and by a small state grant.

47. 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?

In USA for example- Fees are established by Adoption Hope International and approved by State of South Carolina.

Sweden- fees are set by the board of Adoptions Centrum. Charges in Estonia, like court charges or the like, are set by the Estonian authorities.

48. Is detailed information about all the fees, charges and costs associated with an intercountry adoption available easily to adoptive candidates and other authorities?

Yes, information is available for Sweden and USA on websites.

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

When there are first contacts by PAP-s with accredited body in receiving country.

Sweden- written information from Adoptionscentrum before the family decide what country to adopt from.

50. 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?

USA: AHI complies with all requirements of Hague convention and submits all information to US Central Authority.

Sweden: All of the above, including auditing.

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

Prospective adoptive parents can't give donations because of our policy on preferential treatment but they may bring a small gift to the children's homes when they travel for their adoption. AHI (USA) can give donations directly to the children's homes.

Adoptions Zentrum (Sweden)- All payments are made via the Ministry of Finance. Swedish donations are handled by the accredited body. Adopters never do it themselves.

52. 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

Costs are given approximately in SEK with exchange rate 1 EEK = 0,7 SEK and USD, 1 USD = 10,5 EEK

- a) registration with an accredited body, USA has a \$500 application fee. Sweden 2500 SEK.
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc. USA 0-\$5500. Fees are reduced or waived with special needs placements. Sweden- 50 000 SEK, including e)
- c) costs for adoption training and preparation courses for prospective adoptive parents. USA 0-\$250; Sweden- It is done by municipalities, cost may vary.
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.) USA \$1000-3000 depending on where the agency is located (which US State) doing the psycho social report. Sweden- 18 000 SEK incl. f)
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin USA \$1000-2500
- f) cost of professional services in the receiving State (e.g., lawyers, notaries, doctors) USA \$500
- g) other – please specify. USCIS \$800-1000, US Embassy Tallinn (VISA) \$385-450

Costs in the State of origin

- a) the body's administrative costs,
 - b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.), \$0-500
 - c) co-ordination of the case through (in-country staff of) the accredited body, USA \$1000-2500, Sweden 6 000 SEK incl interpreting d)
 - d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin, USA \$1500-2500
 - e) cost of filing of the documents with the appropriate authorities, USA \$1700-2500,
 - f) translation and assistance, See above d
 - g) legal or administrative costs in the State of origin, See above d, Sweden court fee ca 120 SEK, passport for the adopted ca 600 SEK
 - h) transport and hotel costs for the adoptive parents, USA \$2000-4000, Sweden ca 18 000 for a family of two adults
 - i) humanitarian contribution and donation to the orphanage, etc., USA \$100-200, Sweden ca 10 000 SEK, see p.6
 - j) other – please specify.
53. 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?
- Many of above mentioned costs in USA case are overlapping, always depending on case and number of children adopted etc. Each adoption carry its own costs, benefits by receiving states can be applied after adoption and also USA practices donation collecting by PAP-s pre adoption.
- Sweden- An annual budget is made for each country of origin. The budget is adjusted three times per year. All fees and costs are completely transparent and are reported every year to our central control authority MIA.
54. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?)
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State of origin questions

55. 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?
[An accredited body's employee in case of USA, Sweden](#)

G. Operational issues

56. 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
- 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: meetings and interviews with PAP-s, assisting the trips to Estonia if needed, translating in court from Estonian to English for PAP-s and judge in session, assisting in USA embassy, consulting relevant bodies, including translation office if needed and other tasks.](#)

H. Post adoption services and reports

57. What post adoption services do your accredited bodies offer (e.g., counselling and family support)? [Transferring reports](#).
Is provision of post adoption services one of the conditions of accreditation? [No](#)

57. Are there any publicly funded post adoption services?
[N/A](#)

Receiving State questions

58. 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? [Yes, MSA \(central authority\), county government according to child's last living place.](#)

59. 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?
[Depends on country, both ways are in practice.](#)

60. How do you monitor the obligation to the State of origin to send post adoption reports?
[In case of USA we as state of origin have reminded that report has not arrived according to plan. Inquiry is sent by Central authority to accredited body.](#)

J. Approved (non accredited) bodies and persons²

61. 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, [NO](#)

62. 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?

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

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

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

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

67. 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.

State of origin questions

² 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".

68. 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)?

NO

K. Development aid activities

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

They are not required and there have been not such initiatives yet to give permission for it.

70. What types of activities are undertaken? N/A

71. 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)? N/A

L. Co-operation between countries

72. Have you experienced any difficulties in obtaining assistance or co-operation from other Central Authorities in regard to accredited bodies? NO

73. Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries? NO

74. Have you experienced any difficulties with other countries or Central Authorities because you do not use accredited bodies? N/A

75. 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? NO

76. Do you have any other comments about any of the topics covered by this Questionnaire? NO

State of origin questions

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

Yes, several inquire every year from European Union member countries as well from United States of America and Canada.