

**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: HUNGARY-CENTRAL AUTHORITY

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.

In our State we use the same terminologies for abovementioned (1) and (2) situations, because we approve the foreign adoption bodies, which obtain the accreditation of the receiving States to work in our State. The accreditation described in (3) does not occur in our State.

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

State of origin

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.

We do not have any own accredited bodies. After the ratification of the Convention (2005) we decided to deal with intercountry adoptions by the Central Authority as there are few adoptions and this is the way to keep transparent the procedures and to have all information about them.

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

As in Hungary there are not any accredited bodies so the accreditation is a process in accordance with Article 10 and 11 in a receiving State which permits to an adoption body to deal with intercountry adoption in a State of origin.

Accredited body is a foreign adoption agency in a receiving State which is delegated by the Central Authority or by the law of the receiving State to act in intercountry adoptions in our State.

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

The foreign accredited bodies working in our State include

- 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?

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.

The current number of accredited bodies (foreign) who have authorisation to work in Hungary is eighteen. We did not refuse anyone, but regarding the low number of adoptable children we decided in October 2008 not to accept new bodies.

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?

The number is not proportional, because the “waited” children’s profiles do not match with the adoptable children’s profile. There are a lot of families who are waiting for small healthy children, and since 2007 there are few such adoptable children in Hungary.

We are going to demand all bodies to ask the families whether they accept elder child, or they are going to another country.

It can be happened that we will accept new bodies representing families who accept children with health problems or serious behaviour problems.

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?

See nr.6.

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)?

N/A

Receiving State questions N/A

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?

B. Organisation and structures N/A

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

Receiving State questions N/A

- ❑ 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).
 13. If volunteers are used, what is the ratio of volunteers to professional staff?
 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?
 15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?
 16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information?
 17. Are your accredited bodies required to keep the adoption records for a

certain number of years? How many years?

C. Accreditation procedure N/A

18. Please provide details (including powers and resources) of the authority or authorities which grant accreditation. Briefly describe the procedure to obtain accreditation.
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.
20. Is there a central registry of all accredited bodies?

21. For how long is the accreditation granted?
22. What are the conditions for renewal of accreditation?

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?

Till the end of 2008 we authorised all new bodies. The fact is that before coming in Hungary they asked the situation regarding intercountry adoptions (age, health status, number of adoptable children), and many bodies did not apply after the information they had got.

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.

The process is informal. They prove to have accreditation of the receiving state, we accept them, and the documentation of families represented by them.

Of course if there was any body we did not want to deal with, we would refuse “formal”.

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

As we are a young Central Authority, established in 2005 we made the first step regarding new authorisations in 2008 (not to accept new bodies). We also sent a formal letter to the Permanent Bureau about that.

Receiving State questions N/A

26. As a receiving State, can you provide the current numbers of accredited bodies authorised for individual countries of origin?
27. On what basis does the accredited body seek authorisation to work in a State of origin?

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).

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?

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?

Even Hungary ratified the Convention in 2005 we have no data from 31 December 2005.

At the moment there are 5 Italian accredited bodies, 2 French, 1 Spanish, 1 Norwegian, 1 from the Netherlands and 8 from the USA.

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”?

For us the simply authorisation is enough.

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

In 2008 we decided to oversee the adoptable children’s number and to communicate if we accept new accredited bodies in the following years.

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?

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

It is better when a body has an office or an intermediary in Hungary, because then we can communicate them easier about the “matching” and they can make better the arrangements before the arrival of

adoptive parents.**E. Supervision and review of accredited bodies N/A**

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?
35. What supervision occurs in the State of origin of authorised foreign accredited bodies?
36. How is the performance of the accredited body assessed or evaluated?
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?
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)?
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.
40. If accreditation has been suspended or withdrawn and is later re-instated, what conditions, if any, apply after re-instatement?
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?
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)?
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?
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?

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?
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?

F. Financial issues N/A

47. How are your accredited bodies financed?
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?
49. Is detailed information about all the fees, charges and costs associated with an intercountry adoption available easily to adoptive candidates and other authorities?
50. How and when is that information provided to adoptive candidates?
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?
52. Do you allow donations to be paid to children's homes by the accredited bodies or prospective adoptive parents? Under what conditions?
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 N/A

- a) registration with an accredited body,
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc.
- c) costs for adoption training and preparation courses for prospective adoptive parents
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin
- f) cost of professional services in the receiving State (*e.g.*, lawyers, notaries, doctors)
- g) other – please specify.

Costs in the State of origin N/A

- a) the body's administrative costs,
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.),

- c) co-ordination of the case through (in-country staff of) the accredited body,
- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin,
- e) cost of filing of the documents with the appropriate authorities,
- f) translation and assistance,
- g) legal or administrative costs in the State of origin,
- h) transport and hotel costs for the adoptive parents,
- i) humanitarian contribution and donation to the orphanage, etc.,
- 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? **N/A**
55. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?)

We have no data about the costs. The families before the adoption have to spend minimum 40 days in Hungary and there are costs relating to this pre-adoption care period.

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? **N/A**

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 N/A

- 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

Not applicable because we have no own accredited bodies.

- 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.

H. Post adoption services and reports N/A

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

Receiving State questions N/A

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

J. Approved (non accredited) bodies and persons²

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,
No.
64. Have you informed the Permanent Bureau of the details of approved (non-

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".

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? N/A

65. What are the guidelines by which approval is granted? N/A
66. What is the process by which approval is granted and renewed? N/A
67. How is the supervision of approved (non-accredited) bodies or persons carried out in your State (Art. 22(2))? N/A

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?

No.

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. N/A

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)?

No.

K. Development aid activities N/A

71. Are accredited bodies required to or permitted to engage in humanitarian projects or development co-operation activities in countries of origin?
72. What types of activities are undertaken?
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)?

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?
No.
75. Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries? **N/A**
76. Have you experienced any difficulties with other countries or Central Authorities because you do not 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? **No.**
78. Do you have any other comments about any of the topics covered by this Questionnaire? **No.**

State of origin questions

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

Regarding the situation that year to year there are fewer adoptable children, the accredited bodies try to get children for represented families by calling us, sending e mails, finding out whether there are adoptable children for them.