

ADOPTION

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**QUESTIONNAIRE SUR LES ORGANISMES AGRÉÉS DANS LE CADRE DE LA
CONVENTION DE LA HAYE DU 29 MAI 1993 SUR LA PROTECTION
DES ENFANTS ET LA COOPÉRATION EN MATIÈRE
D'ADOPTION INTERNATIONALE**

établi par le Bureau Permanent

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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

*Document préliminaire No 1 d'août 2009 à l'intention de la
Commission spéciale de juin 2010 sur le fonctionnement pratique de la
Convention de La Haye du 29 mai 1993 sur la protection des enfants et
la co-opération en matière d'adoption internationale*

*Preliminary Document No 1 of August 2009 for the attention of the
Special Commission of June 2010 on the practical operation of the
Hague Convention of 29 May 1993 on Protection of Children and
Co-operation in Respect of Intercountry Adoption*

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Introduction

The Permanent Bureau is undertaking preparations for the Third Special Commission Meeting to review the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption* (1993 Hague Convention), which is to be held in The Hague in June 2010. It is intended that the Special Commission will provide the opportunity for State Parties to the Convention (as well as States which are considering or preparing for ratification or accession) to exchange information and experiences on the operation of the Convention, to compare practices, and to discuss any difficulties in respect of the implementation and practical operation of the Convention.

Following the recommendations of the 2005 Special Commission, and based on the Discussion Paper on Accreditation Issues,¹ the Permanent Bureau is gathering information for a new Guide to Good Practice on Accreditation. The following Questionnaire has been developed for this purpose. Your responses to this Questionnaire will be an invaluable source of information for us in developing the new Guide.

As you know, in many countries, accredited bodies perform the functions of Central Authorities in relation to particular adoptions under the 1993 Hague Convention. The process of accreditation of bodies is one of the Convention's safeguards to protect children during the adoption process. The Convention requires that accredited bodies be not for profit, staffed by qualified and experienced personnel and be subject to supervision by competent authorities (Art. 11). Basic standards are imposed by the Convention to guide the accreditation process. It is implicit in the Convention that States will develop their own accreditation criteria, based on Convention objects and standards and expanded as necessary to meet the requirements of the individual State. The new Guide will include a set of model accreditation criteria.

In addition, according to Article 12, bodies accredited in one State and wishing to operate in another State must be specifically authorised to do so by the competent authority of both States (the accrediting State and the State of operation). In order to clear up some misunderstandings, the new Guide will explain the differences between accreditation and authorisation.

This Questionnaire is addressed to Member States of the Hague Conference and Contracting States to the 1993 Hague Convention. Obviously, it is understood that some questions can only be readily answered by Contracting States. It is also understood that some questions are more relevant to States of origin than to receiving States and vice versa.

As regards all other States which are not yet Party to the Convention, as well as certain intergovernmental organisations and non-governmental international organisations which have also been invited to Special Commissions as Observers, we would welcome from them any comments in respect of any items in the Questionnaire which are considered relevant.

We intend, except where expressly asked not to do so, to place all replies to the Questionnaire on the Hague Conference website. We would therefore request that replies be sent to the Permanent Bureau, if possible by e-mail, to: **secretariat@hcch.net**.

*We would be very grateful for your co-operation in this exercise, and we hope that you will be able to send us your replies to this Questionnaire **by 30 September 2009**.*

¹ "A Discussion Paper on Accreditation Issues", drawn up by Jennifer Degeling, Principal Legal Officer, with the assistance of Carlotta Alloero, Intern.

NAME OF STATE OR ORGANISATION: Lithuanian State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour

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.

As Lithuania is State of origin we are granting the authorization for accredited bodies of receiving States. Authorization procedures are regulated by the order of the minister of social security and labour on the approval of the specification of the procedure for granting authorization to foreign accredited bodies in respect of inter-country adoption in the Republic of Lithuania (further in text – the Order). The aim of granting authorization is to ensure that only competent persons, in terms of their education, work experience and ethic background necessary for work in the field of inter-country adoption, are allowed to engage in inter-country adoption in the Republic of Lithuania, and to set forth functions, rights and duties of authorized foreign bodies and to control activity of such bodies.

(see *Order of the minister of social security and labour of the Republic of Lithuania on the approval of the specification of the procedure for granting authorization to foreign institutions in respect of inter-country adoption in the Republic of Lithuania, 3/06/05, No. A1-162*; http://www.ivaikinimas.lt/document_db/tfiles/107.doc)

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

Lithuania is 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?

Not applicable

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.

Not applicable

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

Not applicable

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?

According the Order the foreign accredited bodies seeking to get authorization in Lithuania shall submit to Lithuanian Central Authority (further in text - the Adoption Service) number of documents. Either details about an authorized representative of the accredited bodies in the Republic of Lithuania (further in text-authorized representative): a copy of an identification document, verified in accordance with the procedure set forth by legislative acts of the Republic of Lithuania, in case of a foreign national – a copy of a permit for temporary or permanent residence in the Republic of Lithuania or a permit of a citizen of a member state of the European Community to reside, or reside permanently, in the Republic of Lithuania, a copy of a document confirming that the person is representing an accredited body, copies of documents showing the person's qualifications and work experience, certificate issued by a competent authority in respect of the person's criminal records, CV and references that would allow to judge about the person's moral and ethic background that is necessary for work in the field of inter-country adoption.

There are 14 authorized foreign bodies in Lithuania. Majority of the authorized representatives of these foreign bodies are lawyers (7) others are psychologist, social workers or translators. But anyway in all adoption cases adopting families need assistance of the lawyers to be represented during the court procedures. So if authorized representative is not a lawyer they have agreements with the lawyers.

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.

There are 14 authorized bodies in Lithuania. We did not renew the authorization for two accredited 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?

Since 1 August 2006 new applications for authorization in respect of inter-country adoption in the Republic of Lithuania are not accepted.

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?

As we do not have a lot of international adoptions, since 2006 according the Order of the minister of social security and labour we do not accept new applications. Also there must be close cooperation between Central authorities. The central authorities of receiving State must cooperate with the central authorities of the State of origin to find out whether the State of origin needs new accredited bodies or not.

(see The order of the minister of social security and labour of the Republic of Lithuania on the amendment to the order No.A1-162 of 3June of the 2005 of the order of the minister of social security and labour of the Republic of Lithuania on the approval of the specification of the procedure for granting authorization to foreign institutions in respect of inter-country adoption in the Republic of Lithuania; http://www.ivaikinimas.lt/document_db/tfiles/319.doc)

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)?

Not applicable

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?

Not applicable

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

Not applicable

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

Not applicable

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).

Not applicable

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

Not applicable

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?

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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.

Not applicable

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.

Not applicable

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

Not applicable

21. For how long is the accreditation granted?

Not applicable

22. What are the conditions for renewal of accreditation?

Not applicable

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?

According the Lithuanian laws, the foreign accredited body may act in Lithuania only after it gets authorization. The foreign accredited body shall be non-profit institution accredited by a competent authority of the receiving country, acting in the field of inter-country adoption and authorized to operate in the Republic of Lithuania.

The foreign accredited bodies seeking to get authorization shall submit to the Adoption Service the following documents:

1. Incorporation documents.
2. Document issued by a competent authority of the receiving country confirming accreditation in respect of inter-country adoption.
3. Recommendation issued by a competent authority of the receiving country that granted accreditation in respect of inter-country adoption.
4. Filled questionnaire confirming awareness of inter-country adoption procedures in the Republic of Lithuania and receiving country.
5. Information about activity in which the institution is engaged.
6. Plan of envisaged activity in respect of inter-country adoption in the Republic of Lithuania.
7. Information about services that the institution is planning to render for prospective adoptive families and tariffs.
8. Details about an authorized representative of the foreign institution in the Republic of Lithuania.

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 foreign accredited body shall submit all documents to the Adoption Service. In the course of 3 months from receiving the documents the Adoption Service shall assess them and together with its conclusion regarding suitability of the foreign

accredited bodies shall submit them to the Commission. The conclusion regarding the suitability of the foreign accredited bodies shall be drawn with regards to the number, age and health status of children received from the Republic of Lithuania for adoption and to the number of foreign authorized bodies. The Adoption Service shall send a copy of the Conclusion to the foreign accredited bodies seeking to be granted authorization. Recommendation to grant or reject authorization shall be drawn by a Commission formed by an order of the Minister of Social Security and Labour. The Commission shall consist of three representatives of the Ministry of Social Security and Labour, one of them appointed as Chairperson. A hearing of the Commission shall be held valid if all members of the Commission are present. The Chairperson of the Commission shall appoint the date, time and venue of the hearing and no later than 1 month prior to the hearing shall notify of that the foreign accredited body seeking authorization and the Adoption Service. No later than 1 day prior to the hearing the Chairperson shall provide the members of the Commission with all the documents of the foreign accredited body and the Conclusion of the Adoption Service so that they could get acquainted with the material. It is mandatory that the following persons take part in the hearing: a representative and an authorized representative of the foreign accredited body seeking authorization, an interpreter if necessary, and a representative of the Adoption Service. The Commission during the hearing shall assess the documents submitted by the foreign accredited body and its representative, ability to carry out tasks given to them and having regards to the Conclusion of the Adoption Service shall issue a recommendation to grant or reject authorization. If the recommendation is made not to grant authorization to the accredited body, the reasons shall be given to ground the negative decision. Recommendation shall be approved by an ordinary majority of votes of the Commission members. Minutes of the hearing of the Commission shall be taken. The Chairperson and members of the Commission shall sign the minutes. Representatives of the Adoption Service and foreign accredited body as well as the authorized representative shall sign the Minutes to show they are familiar with the content. Having regards to the Commission's recommendation, the Director of the Adoption Service, no later than within 5 working days from reception of the Commission's recommendation, shall pass a resolution to grant or not to grant authorization by issuing an Order on Granting or Not granting authorization to the foreign accredited body. The Director of the Adoption Service may pass a resolution irrespective of the Commission's Recommendation; in such case the resolution shall be motivated and well grounded. The Chairperson of the Commission shall be notified of such resolution in written. On the ground of the Order on Granting Authorization to the Foreign Institution in Respect of Inter-Country Adoption in the Republic of Lithuania a certificate shall be issued to the foreign accredited body confirming that it is authorized in Lithuania; the form of the certificate shall be approved by the Minister of Social Security and Labour. If authorization is not granted, the foreign accredited body may reapply for authorization in respect of inter-country adoption in the Republic of Lithuania when reasons that caused rejection of authorization cease to exist.

25. Is the Permanent Bureau informed of the authorisations?²

No

Receiving State questions

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

² "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).

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

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?

There are 14 authorized foreign bodies in Lithuania. 4 of them are Italian, 4 - USA, 1 - Spain, Germany, Sweden, France, New Zealand and Canada.

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"?

They must be accredited by their Central authorities and in Lithuania they get the authorization. (see answer to the question 23-24)

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

It is depend on number of children and application of PAP's.

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?

The foreign accredited body granted authorization in respect of inter-country adoption in the Republic of Lithuanian is a non-profit institution accredited by a competent authority of the receiving country, acting in the field of inter-country adoption and authorized to operate in the Republic of Lithuania. There is no requirement to have office in Lithuania. But they must have agreement with the person who represents foreign accredited body in Lithuania and present information about them before the granting authorization.

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

Until we did not have the order of authorization it was very difficult to control the activities of foreign accredited bodies, now we have very good tools to control their activities.

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?

According to the Order the foreign authorized bodies shall properly, honestly and in time perform the following duties:

- obey laws of the Republic of Lithuania and other Lithuanian and international legislative acts;
- gain no illegal financial benefit or unreasonably high remuneration for the services rendered;
- inform the Central Authority about plans to change the authorized representative;
- every year, no later than 31 January, provide a report on the activity in the Republic of Lithuania during the last calendar year to the Adoption Service;

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

If authorized foreign body does not perform or performs improperly, the functions or duties, the authorisation shall be suspended or revoked.

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

As the Adoption service has direct contacts with these bodies we control their activities and how they fulfill their functions. Also every year, no later than 31 January, they must to provide a report on the activity in Lithuania during the last calendar year.

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?

As there is no separate supervising authority, all supervision is under Central Authority control, there are no problems.

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.

The authorized foreign bodies authorization in Lithuania shall be suspended by an Order of the Director of Central Authority in the following cases:

- if it is established that while submitting the documents the authorized body deliberately provided some false information;
- if the authorized body does not perform, or performs improperly, the functions or the duties;
- if the foreign institution's authorized representative in the Republic of Lithuania is changed.

If the authorized representative in Lithuania is changed the Adoption service shall require that within 1 month from the suspension of its authorization the authorized foreign body provide the documents regarding the new authorized representative. Capability of the authorized foreign body in Lithuania with the new authorized representative shall be estimated in accordance with the procedure set forth in the Order. The authorized foreign body's authorization shall be suspended until the Director of the Adoption service issues a new Order on revocation or renewal of authorization.

If it is established that while submitting the documents the authorized foreign body deliberately provided some false information or if the authorized foreign body does not perform, or performs improperly, the functions or the duties the Adoption service shall require that within 1 month from the suspension of authorization provide motivated explanation regarding the grounds for suspension of its authorization. Having obtained all the necessary information, no later than within 1 month from the reception of explanation the Adoption service shall provide the Commission a Conclusion on revocation of the authorization. The Commission shall analyze the material provided by the Adoption service at a hearing and hear explanations of the representative and authorized representative of the authorized foreign body. Having regards to explanations of the representative and authorized representative of the accredited foreign body, the Commission shall make a recommendation to revoke or not to revoke the authorized foreign body. Having received such resolution the accredited foreign body is obliged to return the issued certificate confirming its authorization. The Adoption service shall immediately notify the competent authority of the receiving country of revocation of authorization granted to the foreign accredited body and requirement to return the issued certificate and shall make arrangements to finish the procedures in respect of inter-country adoption in the Republic of Lithuania started by the foreign accredited body whose authorization in Lithuania was revoked. The foreign accredited body whose authorization was revoked is entitled to reapplying for authorization no sooner than after 3 years from the date the resolution was passed. If a resolution is passed not to revoke the authorization, the foreign authorized body may continue its operation in respect of inter-country adoption in the Republic of Lithuania.

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

See answer 39

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?

N/A

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)?

There are duty to obey laws of the Lithuania and international legal acts and gain no illegal financial benefit or unreasonable high remuneration for service rendered. If the breach these duties the suspension and revocation procedures are started.

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?

No

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?

Yes, the Adoption service organizes meeting with the authorized representatives to discuss the problems and difficulties they face, to introduce the situation in the

adoption sphere and etc.

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?

Yes

F. Financial issues

47. How are your accredited bodies financed?

N/A

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?

N/A

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

Yes. On our web page: www.ivaikinimas.lt

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?

NO

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,
- 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

- 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.

N/A

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?)

N/A

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?

The Adoption Service authority and Tax service.

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
- 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. Follows the procedure for offering for adoption children with special needs that are eligible for international adoption, approved by the Order of the Director of the Adoption Service; provide the Adoption Service with a feedback on the adopted children (during the first 2 years after adoption – every 6 months, during the following 2 years – once a year, after 4 years after adoption – upon request from the Adoption Service), that consists of reports of the prescribed form about the adopted child's integration into the family, living conditions, development and state of health and visual material;

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?

N/A

59. Are there any publicly funded post adoption services?

N/A

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?
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 persons³

³ 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

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

No

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

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

No

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

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".

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?

N/A

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?

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

State of origin questions

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

No