

ADOPTION

Doc. pré. No 1
Prel. Doc. No 1

août / August 2009



**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: [Norway](#)

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.

[Norway uses the same terminology as used in the Convention.](#)

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

[Norway is 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?

[Not quite up to date. Correct information:](#)

[Inor Adopt
PO Box 266
4663 KRISTIANSAND
Norway](#)

Adopsjonsforum (Adoption Forum)
 Inkognitogaten 17
 0201 OSLO
 Norway

Verdens Barn (Children of the World - Norway)
 Bogstadveien 27 B
 0355 OSLO
 Norway

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.

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

An accredited body is an organisation which is granted permission by the CA to arrange the placement of children from a foreign country for the purposes of adoption. Such permission can only be granted to organisations whose main purpose is such arrangements. The organisations shall be operated on the basis of what are assumed to be in the best interests of the child and shall not be concerned with financial gain, see Section 16 d in the Norwegian Adoption Act <http://www.regjeringen.no/en/doc/Laws/Acts/ACT-OF-28-FEBRUARY-1986-NO-8-RELATING-TO.html?id=443477>

The accredited organisations perform the Article 17 c function according to delegation under Article 22 paragraph 1.

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?

The organisations have appointed representatives in the countries of origin with whom they cooperate, in most cases a lawyer, a social worker or a national expert on 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.

There are 3 accredited adoption organisations in Norway (see list above). The second question is not applicable.

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, the number of organisations is more or less proportional to the number of adoptions.

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?

There has been no need to consider such limitations in Norway, because there have been 3 organisations in Norway for a very long time, and we have not received any applications from new organisations.

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)?

The organisations make the choice of which country of origin they want to cooperate with, and then apply the Norwegian CA for accreditation to start working in this country.

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?

Accreditation is given for an individual country.

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

There are no general rules concerning this, and in Norway there has so far been no need to limit the number of accredited bodies.

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
- X 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
- X documents which demonstrate the legal constitution of the accredited body
- financial management and accounting practices
- x Costs and expenses charged by accredited body

- x 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
- x Budget forecasts for 12-24-36 months (In Norway 12 months)
- x Copy of the standard-form contract between the body and adoptive candidate
 - Insurance for legal liability
 - Other – please provide details

Receiving State questions

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

There are no specific requirements concerning professional qualifications. According to Section 4 in *“Regulations regarding requirements relating to organizations that arrange the placement of children from foreign countries for the purpose of adoption”*, the organization must be managed and staffed by persons whose ethical standards and education or experience qualify them to work in the field of international adoption.

Link to the regulations:

http://www.regjeringen.no/nb/dep/bld/dok/lover_regler/forskrifter/2001/regulations-regarding-requirements-relat.html?id=458914#

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

No volunteers are used. The staff is employed in the organisation.

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?

Yes, the PAPs sign an agreement with the organisations.

The organisations assist the PAPs in the adoption process. When approved, the applicants forward all necessary documents to the adoption organisation, which controls them, provide translations, legalize the documents and send them to the country of origin for adoption. All contact with the State of origin is done by the organisations. They receive the matching proposal and inform the adoptive candidates about it, issue the Article 17 c agreement and give practical and other information to the families about the travel to the state of origin.

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

The role of the Norwegian CA is primarily supervision of the organisations and their

activities. There is also a mutual exchange of information between the CA and the organisations. The CA has however no specific responsibility in training the organisations staff.

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

No, but the general legislation on confidentiality is applicable also for the adoption organisations.

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

Once the adoption is finalized, the adoption records are transferred to the CA's archives. The CA is responsible for keeping the records until the day they must be transferred to the The National Archives of Norway.

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.

Accreditation to work in a State of origin is given by the Norwegian CA. The CA adoption staff is mainly lawyers and social workers (about 8 employees).

An assessment of all available information is made, and if it is necessary to collect more information e.g. from our embassy in the country concerned or from the organisation itself. Information from ISS is also a good and reliable source of information in these cases. An overall assessment is made when the application is complete, where accreditation is granted or denied. The CA process applications for accreditation as the first instance, which means that the decisions (denials) can be appealed to the Ministry of Children and Equality.

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.

When applying for accreditation to work in a State of origin, the organisations must give us information about the entire adoption process in the State of origin, all entities involved, their tasks, the legislation, the legal effects of the adoption, the matching process. Information also must be given about which documents that must follow the PAPs application, which medical and other information will be given about the child, to whom and at which stage in the process this information will be given, possibilities to require more information about the child, the costs, any agreement between the organisation and the State of origin (CA or others), how many post adoption reports are required. We also want to know if contribution to humanitarian projects is necessary.

The organisation must have been granted permission by the State of origin to work in the said state, but in some cases we give the accreditation first, on condition that such permission is given by the State of origin later.

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

We keep necessary information about our 3 organisations in our archives.

21. For how long is the accreditation granted?

Accreditation to work in a State for origin can be granted for a period not exceeding three years, see Section 2 in the following regulations:
http://www.regjeringen.no/nb/dep/bld/dok/lover_regler/forskrifter/2001/regulations-regarding-requirements-relat.html?id=458914#

Accreditation is normally given for 2 or 3 years.

22. What are the conditions for renewal of accreditation?

Renewal is normally given if there is a transparent and well-functioning adoption system in the State of origin in accordance with the 1993 Hague Convention, and acceptable costs and fees. We make an assessment as described in the answer to question no 19.

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?

The Article 12 authorisation is defined as the authorisation given by the State of origin to a Norwegian organisation to act in the said state. As Norway do not give accreditation to foreign accredited bodies, the question concerning criteria is not applicable.

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.

Not applicable.

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

Not applicable.

Receiving State questions

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

Adopsjonsforum: Colombia, China, the Philippines, India, Ethiopia, Chile, Sri Lanka, Peru, Bolivia, Nepal, India, Madagascar. In addition Adopsjonsforum has a Norwegian authorisation for Guatemala, but the application with the authorities in that country is still pending since Adopsjonsforum has not received accreditation regulations from the new central authority.

InorAdopt: Brazil, Hungary, China, Bulgaria

Verdens Barn (Children of the World): China, South-Korea, Thailand, South-Africa, India.

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?

The most important conditions are that the administrative and judicial processes are transparent, that the required fees for adoption services are acceptable, and that the country has a well-functioning adoption system. The organisations seek cooperation preferably with countries that have ratified the 1993 Hague Convention, but the principles of the Convention are applied also in the cooperation with non-convention states.

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?

We refer to our answer to question no 19.

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

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?

The organisations are under the control and supervision of the CA, and shall according to section 8 of the regulations (link above) keep the CA informed about their activities and all aspects of their financial status:

"Section 8 Annual accounts and annual report

Organizations granted permission to arrange placement of children from foreign countries shall prepare annual accounts audited by an authorized public accountant and an annual report in accordance with the

requirements imposed by the Ministry. If the organization is engaged in relief work or other activities in connection with its placement activities, separate accounts shall be prepared for each area of activity.

The annual accounts and annual report shall be submitted to the Governmental Office for Youth and Adoption."

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

The supervision may be different from country to country, e.g. some countries have regular meetings with the foreign organisations. When the Norwegian adoption organisations apply for the authorisation to work in the State of origin, they normally have to send a copy of the accreditation given by the Norwegian CA, annual report and annual accounts, names of members of the board and the statutes of the organisation. In one case, the State of origin required a police record for the director of the organisation. Ethiopia requires accounts and reports specifically for Adopsjonsforum's activities in Ethiopia.

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

The CA evaluates whether the organisation has given an annual report with information according to relevant regulations and legislation. If practice or financial activities should be in conflict with any regulations or legislation, instructions are given to correct this practice. Assessment of the organisations' activities are also done by visits to states of origin.

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?

The CA is entitled to any information about the activities of the organisations.

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)?

Yes, according to section 10 in the regulations http://www.regjeringen.no/nb/dep/bld/dok/lover_regler/forskrifter/2001/regulation_s-regarding-requirements-relat.html?id=458914# the organisations shall immediately inform the CA about any changes in political, legal or other conditions abroad that may have any influence on the adoption activity.

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 accreditation can be withdrawn or not renewed, section 16 d, last paragraph, in the Norwegian Adoption Act <http://www.regjeringen.no/en/doc/Laws/Acts/ACT-OF-28-FEBRUARY-1986-NO-8-RELATING-TO.html?id=443477>

and section 3 in the regulations

http://www.regjeringen.no/nb/dep/bld/dok/lover_regler/forskrifter/2001/regulations-regarding-requirements-relat.html?id=458914#

in case of non-compliance with a statute, regulation or condition for accreditation.

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

Accreditation has in one case been renewed on condition that all matching proposals from a specific country of origin should be assessed by a Professional Board (a doctor, a psychiatrist and a psychologist) in Norway. Restrictions have also been made concerning the use of a specific representative in a State of origin.

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?

Yes, the CA has the possibility to suspend or withdraw accreditation in these situations.

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)?

The organisations are not allowed to publish pictures of children available for adoption, neither on internet nor in their publications. On condition that the child's identity is not revealed, they can publish information about a child's age, country and possible health problems in order to find a family for the child.

Another restriction is that intercountry adoption must be the main purpose of the organisation, and it must be a non-profit organisation (The Norwegian Adoption Act Section 16 d).

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, we can not think of any situations where this has occurred, but the sanctions that can be applied, if needed, are withdrawal or suspension of the accreditation to work in a State of origin.

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?

The CA has regular meetings with the organisations, and has annual meetings when the annual reports and the annual accounts are sent to the CA.

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?

The Norwegian organisations exchange information when needed, e.g. about China where they all work. They also forward a joint annual application for financial support to the Government. On a Nordic level the organisations cooperate through their organisation NAC (Nordic Adoption Council).

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, the websites are checked by the CA more or less regularly.

F. Financial issues

47. How are your accredited bodies financed?

The three associations that are accredited in Norway are primarily funded by their member families. The main income are from fees paid by prospective adoptive members, and then from membership fees and other contributions. The three associations share some government funding – partly “general funding” (representing 2 – 3 % of their total budget) + some specific funds for joint information activities.

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?

The boards of the accredited bodies decide on their fees – in order to balance their budgets. Information on fees is immediately publicly available since all three associations publish their fees on their websites and in other information provided to prospective members. The Central Authority is regularly updated regarding any changes in the fees, and the size of these is discussed at regular intervals between the government’s Central Authority and the associations. The accredited bodies in Norway informs the Central authority on what fees that are paid locally by them to to government agencies, child caring institutions, etc. in the countries of origin. There are no regular bilateral contact between the Central Authorities of Norway and sending countries regarding fees charged.

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, they are made public on the web-sites and other publications of the accredited associations.

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

The information is always available on the web-sites, and any adoptive candidates are given up to date information when they contact any of the organisations.

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?

All the accredited bodies have to provide professional and audited accounts – in accordance with the accounting law and tax legislation in Norway. The accounts must be controlled and approved by a government chartered accountant every year. The central authority of Norway (Bufdir) and the responsible Ministry of Children and Equality receive copies of the accounts. These accounts are also available for the Government auditors if and when required. Every year the Central Authority meet with each association to discuss financial issues.

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

This practice may vary from country to country depending on the national

regulations. In countries like China, India, Nepal, etc. it is the government in the country of origin that has set a fixed fee to be paid to the children's homes in order to cover the costs of the child in the institution, processing the adoption, etc.

In some countries the accredited associations may provide regular support to child caring institutions, provided that this is done in a transparent manner and reported to the Central Authority. Under no circumstances may there be a direct link between such financial support and a specific number of adoptions from the institution to this accredited body.

On an ad hoc basis the associations may give donations to cover specific needs of an institution. This may be to cover immediate needs to repair something that is broken, replace an old fridge or any other technical gadget, etc. Such donations may be small, but are given in a transparent manner and are open for inspection by the authorities in both countries, as well as by the auditors.

The accredited bodies may provide support to orphanages/institutions as a part of a development programme. Such funding, however, would have to be financed totally separate from the adoption process (voluntary donations, etc.), and may not be linked in any way to the adoption programme of the institution.

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.

The three accredited bodies in Norway set their total fees at regular intervals (normally once a year), and all three practise the principle of solidarity in payment. This means that all families that adopt pay the same fees independently of which country the child comes from. Even though the costs may vary from country to country, there is a fixed fee for the family to pay. In this way the choice of country of adoption is not influenced by the specific cost of each country.

However, the duration of the stay for an adoption is not covered by these fees, so some families may still choose country partly based upon the cost for the duration of the stay in the child's country of origin. It is obviously more expensive to stay 6 – 8 weeks in a country compared with countries that may be down to 10 – 12 days.

It is impossible to answer questions a – g in the receiving state and a – j in the state of origin in detail. The three associations may charge different fees at the different stages of the process. They also have different system for calculating their fees.

The costs in the state of origin may vary a lot, and it is too cumbersome to calculate this in detail for 3 associations in a total of 18 states.

Currently the "full package" of an adoption (except travelling) is advertised in the following manner in the three associations. The first two has a fixed fee, while the third one finalise the fee after closing of each year's accounts):

- Verdens Barn (Children of the world Norway) advertise a total fee of NOK 120,000 (starting fee NOK 4,500, registration fee NOK 6,000, administrative fee NOK 23,000, translation fee NOK 5,500, adoption fee NOK 81,000). The payment is paid as the adoption process develops).
- InorAdopt advertise a total fee of NOK 135,000 (as of 15th September 2009: starting fee NOK 4,000, registration fee NOK 6,000, adoption fee 1 NOK 59,000, risk fund/self insurance NOK 2,000, adoption fee 2 NOK 64,000).
- Adopsjonsforum advertise as of 1st August 2009 a total advance payment of adoption of NOK 118.000 (+ NOK 4,000 to self risk fund/self insurance, regulation fund and development fund). There are three instalments of NOK 9,000 upon registration, NOK 58,000 as first adoption advance and NOK 55,000 as second adoption advance. However, this association does not fix the fee in advance. If the actual average adoption cost of a year is below the advance payment, the balance is returned to the adoptive families. If the

average adoption cost is above the advance payment, they may pay extra. However, the families have over the years normally got some money back every year.

Costs in the receiving State

The main costs are linked to salaries of staff, running costs for the office, translations (if done in Norway) and costs for running the internal democracy of the associations (Annual/biannual General Meetings, board meetings, etc.).

- a) registration with an accredited body, (see the text of general comments for the three associations above).
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc. (Not calculated).
- c) costs for adoption training and preparation courses for prospective adoptive parents. (Not relevant, since most training courses are provided by government since 2006. However, associations also do some counselling and preparation of adoptive candidates).
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.) (Not calculated, but in most cases small, since psychosocial reports are made by the government entities).
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin (Not calculated, but this is the major cost in the receiving state).
- f) cost of professional services in the receiving State (e.g., lawyers, notaries, doctors) (Not calculated, but normally low costs, since no lawyers are needed in the domestic process. Families pay for medical investigations themselves – so this is not a part of the adoption fees).
- g) other – please specify.

Costs in the State of origin

- a) the body's administrative costs, (Not calculated. Varies a lot from country to country depending upon the role of the country representative, the administrative set-up etc.).
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.), (Not relevant! The accredited bodies do not pay for certificates in the country of origin – except for medical examinations of the children in some cases).
- c) co-ordination of the case through (in-country staff of) the accredited body, (Not calculated. Varies a lot from country to country depending upon the role of the country representative, the administrative set-up etc.).
- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin, (Not calculated. Varies a lot from country to country. In some countries a lawyer is needed, in other countries not. Some countries require that we pay for interpreters, while others do not. Costs for transport, guides, etc. depend upon the role of the country representative vs. travel agents, etc.)
- e) cost of filing of the documents with the appropriate authorities, (Not calculated. Varies a lot from country to country depending upon government regulations).
- f) translation and assistance, (Not calculated. Varies a lot from country to country. In some countries documents are done in the child's country of origin – in other cases this is done in Norway).
- g) legal or administrative costs in the State of origin, (Not calculated. Varies a lot from country to country depending upon government regulations). May vary from USD 0 (zero) to USD 8,000 (Government of Nepal + orphanages in that

- country).
- h) transport and hotel costs for the adoptive parents, (Not calculated. Varies a lot from country to country, and is not included in the adoption fees. Costs may vary from NOK 20/25,000 up to 80/90,000 depending on the duration of the stay, the size of the family, type of air tickets, standard of hotels, etc).
 - i) humanitarian contribution and donation to the orphanage, etc., (Not calculated. Varies a lot from country to country depending upon government regulations and/or fees set by the institutions.
 - j) other – please specify. Development and relief assistance is extra – independent of adoption fees.

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?

The fees are based upon (expected) actual costs, since the accredited bodies in Norway are not allowed to make a profit. The amounts in the fees are calculated based on global average, since the fees are the same for all countries in any of the three associations.

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

Since the average costs increase when the number of inter-country adoptions goes down, there has been a sharp increase of adoption costs over the past 3 – 4 years. In Norway the government provides a one time allowance to the adoptive parents after they have come home (currently NOK 40 000).

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?

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
- X Counselling of PAPs about child proposed to them (the proposed match)
- X Agreements under article 17 of the 1993 Hague Convention
- X Arrange to file documents with Court or authority of State of origin
- Report to supervising authority on status of the adoption
- X Assist PAPs with Travel preparations
- X 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.

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?

The Norwegian organisations offer some post adoption counselling and family support given by a social worker, because they are not fully satisfied with the public services offered to adoptive families. They also offer some assistance to adoptees in their search for origins. The organisations are not obliged by law or regulations to offer these services, and for this reason it is neither a condition for accreditation.

59. Are there any publicly funded post adoption services?

In Norway adoptive children benefit from and are entitled to the same public services as other children in Norway, *e.g.* health care services and child protection services.

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?

Most States of origin require post adoption reports. The obligation to send such reports is then part of the agreement between the Norwegian organisation and the said state. The reports are drawn up by the adoptive parents, sometimes in cooperation with the local municipality. The obligation to give the reports required by the state of origin is part of the agreement between the adoptive parents and the organisation in Norway.

To whom the reports are sent may vary from state to state, but it can be both the CA of the state of origin or a cooperative organisation. These post adoption reports are never sent to the Norwegian CA or other authorities, because Norway does not require such reports when the adoption is finalised.

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.

The report is prepared by the adoptive parents or by local health care services which can assist the adoptive parents on a voluntarily basis. Norwegian authorities have no obligation by law for providing post adoption reports, except for adoptions from Thailand and the Philippines. The post adoption reports are always sent to the State of origin by the organisation, never by the adoptive parents themselves.

Thailand and the Philippines have a probation period before the adoption is finalised, and in this period Norwegian authorities must assist in providing post adoption reports according to Article 20 of the 1993 Convention and Section 16 e,

third paragraph in the Norwegian Adoption Act:

“Section 16 e A person who is resident in Norway must not adopt a child from a foreign country without the advance approval of the Ministry.

The municipality shall investigate the applicants and advise the Ministry before issuing an approval pursuant to the first paragraph is given.

The municipality shall also assist in providing information relating to an application for adoption after the child has arrived in Norway, so that the adoption may be carried out.

The Ministry may issue further regulations regarding the procedure and conditions for issuing advance approval.”

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

As Norwegian authorities are not responsible for providing post adoption reports, there is no monitoring of this obligation.

J. Approved (non accredited) bodies and persons³

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))?

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

Norway has made the following declaration:

"In accordance with Article 22, paragraph 4, of the Convention, the Government of Norway declares:

Adoption of children habitually resident in Norway may only take place if the functions of the Central Authorities are performed by public authorities or bodies accredited under Chapter III of the Convention."

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)?

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?

There may be variations from country to country regarding this. Most countries of origin welcome (or expect) a certain level of humanitarian support to orphanages, vulnerable children or other humanitarian activities from the foreign adoption agencies.

While some countries (China, India, etc.) set a fee to be paid as support to the orphanages, others may not charge anything directly (ICBF in Colombia). In stead of fixed fees to orphanages, other countries (like Colombia, Ethiopia, etc.) expect the adoption associations to support one or more projects for children as a condition for the adoption authorisation.

Separate accounts must be prepared for adoption costs and humanitarian projects.

72. What types of activities are undertaken?

The activities may vary a lot from country to country. Among the humanitarian projects that receive support are educational projects for vulnerable children, community based rehabilitation of disabled children, rural development projects, support to medical and other needs of children in institutions, psychological support to traumatised children, etc.

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)?

The humanitarian projects are sometimes supported as a condition for adoption authorisation by the authorities (example; some projects in Ethiopia and Colombia). Even though the projects may not be directly linked to adoptions, it is expected that support to non-adoptable children is a part of what the organisations should do in order to be allowed to adopt from certain countries.

Humanitarian support may contribute towards a "general goodwill" for an adoption

association, and may thereby indirectly influence the adoption work in a country. However, both the adoption associations and the Norwegian authorities intend to keep a clear distance between humanitarian support and “supply” of children. It is not allowed to link humanitarian support for child caring institutions with a “certain number” of adoptions. Most of the humanitarian projects are linked to institutions that are not direct partners in adoption work.

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?
No.
76. Have you experienced any difficulties with other countries or Central Authorities because you do not use accredited bodies?
No.
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?
The CA has made an application form which the organisations have to use when they apply for accreditation, to be sure that all relevant information is given. This form exists however only in Norwegian.
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?