

ADOPTION

Doc. préL. 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:**New Zealand****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.

(1) In New Zealand the term "accredited" is used for the two New Zealand agencies that are accredited to facilitate adoptions in Hague Convention contracting States.

(2) New Zealand's accredited agencies are "authorised" by Chile, Lithuania, Philippines and Thailand and are "enlisted" by India.

(3) The New Zealand accredited agencies work in States of origin with partner agencies that are "accredited" or in the case of India "recognised" by the State of origin Central Authority.

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

New Zealand 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?

The Hague Conference website has been advised of up to date contact details of New Zealand accredited bodies.

Yes. The Hague Conference website is extremely prompt and efficient when it is advised of changes of contact details of New Zealand's accredited bodies.

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?

Accreditation is the term used when the New Zealand Central Authority formally approves a non government organisation to both undertake and provide assessment of intercountry adoptive applicants OR provide placement and post placement services to approved adoptive applicants.

An accredited body is an organisation which is formally approved by the New Zealand Central Authority to carry out either of the two functions described above.

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?

At present there are no such “actors” within the definition of an accredited body that are employees or personnel of the accredited bodies. New Zealand accredited bodies work directly with foreign accredited bodies in the State of origin and their legal representatives as well as the adoptive applicants engaging lawyers with a power of attorney. Translators/interpreters are engaged when required either through an overseas accredited body or on a contractual basis through the New Zealand accredited body. Guides, drivers and taxis are engaged as needed.

New Zealand is moving towards requiring that there is a contractual relationship between the accredited body and any others it involves in the intercountry adoption process and the New Zealand Central Authority would expect that the accredited body would be able to demonstrate that it has taken all reasonable steps to ensure that the “actor” it engages poses no or minimum risk to children and adoptive applicants.

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 two. [Intercountry Adoption New Zealand](#) (ICANZ) and [Compassion for Orphans](#) (CfO). None have been refused, lost their accreditation or discontinued their activities.

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. Given New Zealand’s population, the small number of intercountry adoption placements made annually and the number of intercountry adoptive applicants in New Zealand, for the accredited bodies to remain viable, at this point in time, it appears that there are sufficient intercountry adoption services available on a fee for service basis.

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?

The New Zealand Central Authority has not imposed any limits to date but may do so in the future.

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)?

Since accession to the Convention, New Zealand has moved towards the Central Authority having control over the foreign States in which accredited bodies may seek authorisation to work.

Receiving State questions

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:
- a) any State of origin;
No
 - b) a specified State / States of origin?
No

New Zealand is involved with a limited number of States of origin.

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

There have been no limits to date but there are only two accredited bodies in New Zealand. Please note response to question 7.

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:

New Zealand has a set of Interim Standards for Approval for accredited bodies for the purposes of providing intercountry adoption services. The accredited bodies are audited against these Standards each year. The Standards set out requirements relating to how the accredited bodies operate. The Standards are currently under review.

- ✓ Composition of the accredited body's personnel and any changes
Only for the principal officer role.
- ✓ Qualifications and experience of personnel
The accredited body must show that its "staff" has the competence to carry out the tasks with which they have been entrusted and in particular that they have knowledge and experience in the field of intercountry adoptions.
- ✓ Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct
The accredited body governance requires it to be not for profit.
- ✓ Internal statute, regulations and guidelines of accredited body, including
 - ✓ documents which demonstrate the legal constitution of the accredited body
Yes, all written policies and procedure and constitution and articles of association are required.
 - ✓ financial management and accounting practices
Financial management standards are required.
- ✓ Costs and expenses charged by accredited body
Yes evidence is required that the accredited body charge and pay only reasonable costs and expenses. Receipts itemising specific services provided are attached to case files.
- ☐ 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
This is not currently required but the New Zealand Central Authority is moving towards requiring a contractual relationship between the parties.
- ☐ Budget forecasts for 12-24-36 months
Not currently required although the Standards refer to finances being competently managed. The New Zealand Central Authority is moving towards the use of budget procedures which must be monitored at governance level. Audited accounts are received from the accredited bodies annually.

- ✓ Copy of the standard-form contract between the body and adoptive candidate
Both accredited bodies use a standard form and are able to demonstrate the use of this control during audit procedures. The requirement will be explicitly included in the revised Standards.
- Insurance for legal liability
Not currently required but under consideration.
- Other – please provide details

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
Not currently required under the Standards.
- Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption)
Not currently required under the Standards but the New Zealand Central Authority is moving toward requiring this.
- Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules
The New Zealand Central Authority has an expectation that the approval of adoption is managed through the Central Authorities of the sending and receiving countries and that the accredited bodies will not have relationships with orphanages in countries of origin except in relation to approved adoptions.

Accredited bodies are bound by confidentiality in respect of both staff and clients in compliance with legislation in New Zealand guiding the collection, storage and sharing of personal information.

- ✓ Copy of the statement of authorisation or approval to work in the State of origin if applicable
Although not explicitly required by the Standards, in practice this is provided.
 - ✓ Evidence of knowledge of the situation (cultural, social and legal) in the State of origin
Not explicitly stated in the current Standards but required in practice.
 - ✓ 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 explicitly stated in the current Standards but required in practice.
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).

New Zealand legislation relating to intercountry adoption requires qualification by ethical standards and by training or experience but there is nothing specifically required in relation to professions.

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

ICANZ uses volunteers and identifies that the approximate hours worked by professionals to volunteers is 8:1.

CfO has a policy that it does not use volunteers.

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, all intercountry adoptive applicants have a written contract with the accredited body. The contract informs the applicant about the supervisory powers of the New Zealand Central Authority and the applicants' and agency's obligations.

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

Accredited bodies are required to demonstrate to the Central Authority that they provide induction training to all workers and ensure that their workers keep up to date with changes in the field.

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

The Standards require all accredited bodies to have written policies and procedures relating to the tasks that they undertake, including guidelines on confidentiality of information.

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

The accredited bodies are required to keep adoption records for 25 years and then transfer them to the New Zealand Central Authority.

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.

Before any organisation can offer intercountry adoption services, it must be approved by the Chief Executive of the Ministry of Social Development to act as an accredited body under the [Adoption \(Intercountry\) Act 1997](#).

Only organisations which meet the criteria set out in s15 of the Adoption (Intercountry) Act 1997 may apply to carry out either assessment or placement functions. Organisations must meet the requirements of the interim Standards for Approval for Accredited Bodies for the purposes of providing Intercountry Adoption Services under the Adoption (Intercountry) Act 1997.

In brief the process of accreditation begins with an approach either to the New Zealand Central Authority or to the Approvals Team of Child, Youth and Family of the Ministry of Social Development. If the approach is to the Approvals Team in the first instance, there is consultation with the New Zealand Central Authority which may wish to interview representatives of the applicant organisation. In accordance with [s16\(2\) of the Adoption](#)

[\(Intercountry\) Act 1997](#), the application is notified in at least one daily newspaper circulating in the area in which the organisation is based and public submissions sought.

If the application proceeds, the applicant organisation must provide the Approvals Team with a copy of its written policies and procedures describing all organisational controls, together with supporting documentation. Acceptance of sufficient organisational policies and procedures underpins the accreditation process. The applicant organisation must meet all requirements of the Standards for the function to be approved. If policies and procedures are accepted by the Approvals Team, an on site audit is arranged. If this is successful, the organisation is accredited for either assessment or placement functions. The audit team consists of at least one member of the Approvals Team and at least one representative of the New Zealand Central Authority. An application may be declined at any stage in the process. All grants of accreditation are publicly notified in the [Gazette](#).

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.

Section 15 of the Adoption (Intercountry) Act 1997 provides:

- (1) The chief executive may approve as a New Zealand accredited body under the Convention any organisation that—**
- (a) Pursues only non-profit objectives; and**
 - (b) Has demonstrated its capability and competence to carry out properly and on a continuing basis the tasks that may be delegated to it under the Convention; and**
 - (c) Has demonstrated, by its aims, policy, and operations, that it will operate in the best interests of the child, and with respect for his or her fundamental rights, when carrying out tasks that may be delegated to it under the Convention; and**
 - (d) Is directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption.**
- (2) An organisation that is formed or carried on for the purpose of trading or securing a pecuniary profit for its members is, for the purpose of this Act, treated as pursuing profit objectives.**

A copy of the Interim Standards for Approval is attached.

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

Yes, the Approvals Team of Child, Youth and Family retains a register of all accredited bodies as does the New Zealand Central Authority.

21. For how long is the accreditation granted?

Accreditation is not time limited but the New Zealand Central Authority reviews the performance of every accredited body at least once every 12 months and can remove accreditation at any time if the Standards are not upheld.

22. What are the conditions for renewal of accreditation?

In accordance with s22 (1) of the Adoption (Intercountry) Act 1997, reviews of accreditation are carried out at least once every twelve months. The review is notified in at least one daily newspaper circulating in the

area in which the organisation is based and public submissions sought and there is an on-site audit against the Standards. Accredited bodies must meet all of the requirements of the Standards. The audit team consists of at least one member of the Approvals team and at least one representative of the New Zealand Central Authority.

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 decision for a New Zealand accredited body to act in another Contracting State is made by the New Zealand Central Authority. New Zealand accredited bodies who wish to act in another Contracting State approach the New Zealand Central Authority in the first instance. The New Zealand Central Authority then determines whether or not permission is given to commence discussions with the other Contracting State with a view to establishing a programme. The criteria used to determine developing a programme in a new Contracting State is set out in 28.

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.

Authorisation of an accredited body is a formal process by the New Zealand Central Authority. The New Zealand Central Authority assesses whether the applying body meets the Standards.

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

No, the accredited bodies have information about their programmes on their own web sites.

Receiving State questions

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

ICANZ is authorised and accredited to work in Thailand, Philippines, and Lithuania and recognised as an accredited body by India. CfO is authorised as an accredited body by Chile and recognised as an accredited body by India.

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

The Boards of the accredited bodies decide to apply to the New Zealand Central Authority for permission to apply to the Central Authority in a State of origin.

ICANZ advise that its Board's decision to request permission is based on an assessment of the need for children in that State to find families abroad, whether there are likely to be suitable adoptive parents for them in New

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).

Zealand and practical considerations that may affect its operation if it were to be authorised.

CfO advise that its Board considers the ability of the State of origin to uphold the Convention processes.

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?

The New Zealand Central Authority has developed an initial draft document of factors to be considered. The factors are grouped into five areas:

- **Is intercountry adoption what the children from the country need?**
- **Is there a system in place to ensure rights of all the parties to the adoption are respected?**
- **Is the child going to get what they need in NZ (nationally and regionally) to develop a healthy identity?**
- **How easy and appropriate would it be to establish and maintain a relationship?**
- **What is the benefit to the intercountry adoption applicants in relation to the cost to the Government Ministry?**

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?

Accredited bodies are required to undergo an annual audit, provide an annual written report and attend regular meetings with the New Zealand Central Authority. Both accredited bodies have a written Memorandum of Understanding between the accredited body and the New Zealand Central

Authority. The New Zealand Central Authority has developed a Best Practice Guide.

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

The accredited bodies provide annual reports and accounts to each of the States of origin in the format required by each country. These reports should also be provided to the New Zealand Central Authority.

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

Through the processes described at question 34 above.

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?

Yes, the New Zealand Central Authority has power to make regular inspections of and reports on accredited bodies. Privacy laws have not hindered those processes.

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)?

This is not specifically required by the current Standards, but within the Best Practice Model in use in New Zealand and the Memorandum of Understanding, this is expected. Regular meetings are held with the accredited agencies where difficulties, risks and issues are raised for discussion and follow up.

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.

Section 19 of the Adoption (Intercountry) Act 1997 provides that the New Zealand Central Authority may suspend or revoke the accreditation of an accredited body if it:

- a) Has pursued, or is pursuing, profit objectives; or
- b) Is no longer suited to performing functions that, under the Convention, may be delegated to New Zealand accredited bodies; or
- c) Has failed in a significant way to adequately perform any function that has been delegated to that body under the Convention; or
- d) Has not provided to the New Zealand Central Authority access to documents or records relating to any adoption arranged by the body in accordance with functions delegated to it under the Convention; or
- e) Has not submitted to supervision of its composition, operation, and financial situation by the chief executive; or
- f) Has charged excessive costs and expenses in respect of the performance of any function delegated to that body under the Convention; or
- g) Has allowed the payment of unreasonably high remuneration to the principal officer or staff in relation to functions delegated to that body under the Convention.

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

There has been no experience of this in New Zealand but the Adoption (Intercountry) Act 1997 allows accreditation to be subject to conditions.

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?

There is provision to suspend or revoke the approval of an organisation if that suspension is desirable and in the public interest.

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 is legislation in New Zealand that restricts advertising that the parent or guardian of a child desires to cause the child to be adopted, or that any person desires to adopt a child. There are controls about fees and expenses in the Standards.

An accredited body is permitted to publicly notify that it is accredited to perform functions that it has been delegated by the New Zealand Central Authority.

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?

There has been no experience of this in New Zealand to date.

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?

Regular meetings between the New Zealand Central Authority and the accredited bodies and the annual audit are the means used by the New Zealand Central Authority.

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?

ICANZ reports that it communicates with other accredited bodies via the Asia Pacific International Adoption Forum and meets with other accredited bodies at international meetings and conferences.

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?

The websites are checked by the Approvals Team prior to the annual audit and intermittently by the New Zealand Central Authority.

F. Financial issues

47. How are your accredited bodies financed?

New Zealand's accredited bodies are not funded by the State. They are financed solely through fees charged to adoptive applicants and through private donations.

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

CfO policy requires that it must only charge fees to adoptive parents that can be directly related to the service provided and CfO calculates 'reasonable fees' based on recovery of actual and reasonable costs. CfO does not apply any normative comparison to other providers of similar services in New Zealand or overseas. CfO also requires its representatives in other countries to only charge fees that are reasonable and fully transparent.

ICANZ fees are set by its Board to cover annual costs incurred in providing services. The fees are reviewed by the financial auditor to ensure the accredited body remains viable to provide on-going services.

There are no bilateral agreements in place between countries of origin and the New Zealand Central Authority relating to fees.

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

Both accredited bodies provide information to adoptive candidates and the New Zealand Central Authority about their own fees and charges as well as an estimation of how much allied services may cost.

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

Information about fees is provided to the adoptive candidates at their request and updated at the beginning of the service provision or at the signing of the contract for services.

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?

Accredited bodies are required to retain receipts and other financial documentation on the files of adoptive candidates. Financial statements must undergo independent financial audit each year, with the audited accounts being produced to the New Zealand Central Authority as part of the annual report. Financial control systems and solvency are checked by the audit team (Approvals Team and the New Zealand Central Authority) during the annual review of accreditation.

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

Accredited bodies are not permitted to make donations to orphanages. Adoptive parents may pay set fees (in some countries termed "donations") through the accredited body to the accredited body in the State of origin, which are known to the Central Authorities of both States.

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,
ICANZ \$NZ1,500 | Cfo | Nil |
| b) | administrative costs, establishment and sending of the adoptive candidate's documents, etc.
ICANZ \$NZ1,000 - \$2000 | Cfo | \$100 |
| c) | costs for adoption training and preparation courses for prospective adoptive parents
ICANZ \$NZ100 | Cfo | \$250 |
| d) | cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)
ICANZ \$NZ800 - \$2,045 | Cfo | \$NZ1,050 - \$1,200 |
| e) | cost of human resources (salaried staff) of the body in the receiving State and in the State of origin
ICANZ \$NZ1,000 - \$3,000 | Cfo | \$NZ Nil to date |
| f) | cost of professional services in the receiving State (<i>e.g.</i> , lawyers, notaries, doctors)
ICANZ | Cfo | |
| | Notaries \$NZ200 – 300 | | |
| | Lawyers \$NZ1,000 - \$2,00 | \$NZ1,190 | |
| | Doctors \$NZ50 - \$120 | | |
| g) | other – please specify. | | |

ICANZ notes that costs and services vary considerably as some countries adoptions are processed via a court, some via an administrative process overseas, some are finalised in New Zealand. Some require two trips to the State of origin, some only one. Some require all documentation to be translated and legalised, some do not. Some have a lengthy process that requires separate payments for different services at time of service delivery, some are shorter and payments are made all at once. For these reasons it is impossible to break the costs down in the same way for each country. Total fees charged by the accredited body plus standard costs incurred by the adoptive parent vary from \$NZ4,126 to \$NZ12,378 excluding personal travel and accommodation.

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.

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 New Zealand Central Authority does not charge for education and assessment of intercountry adoption applicants and there is no fee for the production of a home study assessment report. Adoptive applicants cover their own travel and accommodation costs.

ICANZ advises that its fees are calculated to try to cover all the operating costs of the accredited body but it does need to seek donations to cover what it identifies as rising administrative and compliance costs.

CfO policy is only charging fees to adoptive applicants that can be directly related to the service provided.

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

Costs depend in large part on the unique circumstances of the adoption and can vary according to changes made in the country of origin or the cost associated with travel at any given point in time. It is important that all costs associated with an adoption are transparent in order that there can be no uncertainty about what has been paid, to whom, for what purpose.

ICANZ notes that long appeal periods in the State of origin result in a long period of time for the families to stay in the State of origin and lengthy periods of post placement reporting over several years add to the financial burden for adoptive families. Costs of the accredited body relating to auditing and authorisation to retain accreditation are also passed on to the adoptive applicants through the administration fees charged by the accredited body.

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) **No**
- Evaluation of suitability of prospective adoptive parents (psychosocial criteria) **No**

- Decision granting approval for the prospective adoptive parents to adopt **No**
- Information and preparation of adoptive parents for intercountry adoption
- Make the matching decision **No**
- Counselling of PAPs about child proposed to them (the proposed match) **Yes**
- Agreements under article 17 of the 1993 Hague Convention **No**
- Arrange to file documents with Court or authority of State of origin **Yes**
- Report to supervising authority on status of the adoption **Yes**
- Assist PAPs with Travel preparations **Yes**
- Follow, know, understand, and supervise the procedure for the adoption **Yes**
- 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 New Zealand Central Authority expects its accredited bodies to provide post-adoption services. ICANZ provides access to advisory services and literature on adoption, post placement monitoring and reporting to State of origin, parent networking, access to occasional educational events on adoption, advice on finalisation of the adoption and gaining of NZ Citizenship, advice on heritage visits and birth parent contact.

CfO provides a 24 hour/7 day per week free call support line, family mentoring and parenting support, counselling, availability of professionals with expertise in intercountry adoption, mutual support networks, open information meetings, a newsletter, post placement reporting and assistance with a child's search for origins.

59. Are there any publicly funded post adoption services?

Adoption Services, which is part of Child, Youth and Family in the Ministry of Social Development, provide some post adoption services. They establish mutual support groups of adoptive families that become self supporting. These might relate to specific countries the families have adopted from or particular issues the adopted children face.

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?

Accredited bodies provide post placement reports to the State of origin at the required intervals either directly or through the State of origin accredited partner agency. Copies are provided to the New Zealand Central Authority.

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

Registered social workers from the accredited bodies are responsible for visiting the families to prepare the report and to interview the family and see the child.

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

The New Zealand Central Authority monitors this information on a database.

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,

New Zealand does not allow non accredited bodies or persons to arrange intercountry adoptions.

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?

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

68. Has your State made a declaration under Article 22(4) to prohibit the involvement

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".

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.

Not applicable.

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?

No, the Memorandum of Understanding between the New Zealand Central Authority and its accredited bodies requires that any aid or orphanage aid programme is separate from the accredited body. Orphanage aid programmes may be initiated by parent groups set up as separate entities or incorporated societies in compliance with international best practice as set by the Convention.

72. What types of activities are undertaken?

See question 71 above.

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)?

By prohibition of this activity as specified in answer to 71.

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?

None to date.

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

None to date.

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

Some countries with whom New Zealand facilitates intercountry adoption do not use New Zealand accredited bodies; these programmes have not experienced difficulties because accredited bodies are not used. Some countries work with both accredited bodies and the New Zealand Central

Authority; no insurmountable difficulties have been experienced in this regard either.

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?

New Zealand is currently reviewing the Standards setting out its accreditation requirements. A literature search has been completed to inform this review.

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

The New Zealand Central Authority has appreciated the opportunity afforded by the questionnaire to consider some topics that have not been considered to date. The New Zealand Central Authority would be interested in knowing the fees charged in other countries for adoptive services in order that it may confirm reasonable charges within the New Zealand context.

Does the Hague Conference wish to be regularly advised of the authorisation in States of Origin by New Zealand accredited bodies in order to provide that information on the Hague Conference website?

State of origin questions

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