

ADOPTION

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

établi par le Bureau Permanent

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**QUESTIONNAIRE ON ACCREDITED BODIES IN THE FRAMEWORK OF THE
HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION
OF CHILDREN AND CO-OPERATION IN RESPECT
OF INTERCOUNTRY ADOPTION**

drawn up by the Permanent Bureau

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

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

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Introduction

The Permanent Bureau is undertaking preparations for the Third Special Commission Meeting to review the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry 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: Swedish Intercountry Adoptions Authority**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.

In our internal legislation (Intercountry Adoption Intermediation Act, IAIA) the word authorisation is generally used, covering accreditation (Convention terminology) to work with intercountry adoption intermediation in Sweden (Section 6) as well as authorisation (Convention terminology) to work with intercountry adoption intermediation in another country (Section 6 a). In the following the Convention terminology will be used.

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

Sweden 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?

Yes. Yes.

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.

N/A

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

Accreditation is the result of a positive decision under Section 6 IAIA. Accredited body is an association that has been granted such accreditation.

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?

None.

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 currently 6 accredited bodies. One accreditation has been revoked (Section 10 IAIA) since 2006. The reason was that it was not considered clear that the association would intermediate adoptions in an expert and judicious manner (Section 6 IAIA).

7. Do you think the number of accredited bodies accredited by, or operating in your State is proportional to the number of intercountry adoptions taking place? If not, do you intend to take any appropriate measures?

Yes.

8. Do you impose any limits on the number of accredited bodies which are granted accreditation in your State? If yes, on what grounds are limits imposed?

No.

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 accredited bodies choose the countries in which they wish to work and apply for authorisation. The Central Authority decides whether the applications should be granted or not.

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.

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

No.

B. Organisation and structures

11. On which subjects does the accredited body have to provide evidence to, or inform, the Central Authority or other competent authority to obtain or maintain accreditation? Please tick relevant box:

- Composition of the accredited body's personnel and any changes
- Qualifications and experience of personnel
- Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct
- Internal statute, regulations and guidelines of accredited body, including
 - documents which demonstrate the legal constitution of the accredited body
 - financial management and accounting practices
- Costs and expenses charged by accredited body
- Copy of the terms of collaboration between the accredited body and the body or person to whom the body entrusts responsibilities in performance of the adoption procedure
- Budget forecasts for 12-24-36 months
- Copy of the standard-form contract between the body and adoptive candidate
- Insurance for legal liability
- Other – please provide details

Accredited bodies must report their costs in the other country and how they are distributed (Section 6 a 4 IAIA), and therefore the accredited bodies send MIA yearly reports of each country, where they specify the actual total costs associated with the adoptions that were made from the country the year before.

The accredited bodies also send MIA annual reports. According to Section 8 d IAIA it should at all times be possible to repay funds that an applicant has paid to an accredited body and which do not relate to compensation for fees earned, costs incurred or disbursements made, unless otherwise agreed. Such funds shall be held separately from the accredited body's own funds. Apart from presenting this information in the annual report, the accredited bodies give MIA yearly information regarding the status of these funds. The accredited bodies also have reserve funds for unforeseen costs, which are presented in the annual report. The adoptive parents can apply for compensation from these funds in certain cases.

Receiving State questions

N.B. These questions are relevant for the authorisation (Article 12) to work in a particular State of origin but not for the accreditation of the association as such (Articles 10 and 11).

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

12. Is it compulsory for staff of an accredited body to be professionally qualified? If yes, which professions? (*e.g.*, lawyers, psychologists, psychiatrists, social workers, etc).

It is a precondition for accreditation (Section 6 IAIA) as well as for authorisation (Section 6 a 3.) that it is clear that the adoption intermediation will be done in an expert and judicious manner. Through a special condition under Section 7 IAIA Article 11 b) has been made generally applicable in all cases, i.e. not only inside the Convention. The professional qualifications required are not specified.

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

N/A

14. Are your accredited bodies required to sign a contract or agreement with the prospective adoptive parents? In general, what are the obligations of accredited bodies to adoptive candidates?

It is a liability – with certain exceptions - regulated by law for accredited bodies to provide intercountry adoption intermediation for the applicants (Section 8 IAIA). It is not formally required from them to sign agreements but in practice they all do so.

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

None. Yet, certain training activities occur at times.

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

No.

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

The bodies are required by law (Section 8 b IAIA) to keep records as long as the

documentation may be assumed to be of relevance for the adoptee or for persons closely related to him or her. In practice this means an unlimited period of time.

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 is granted by the Central Authority (Swedish Intercountry Adoptions Authority, MIA). The bodies seeking accreditation apply to MIA presenting documentation to prove that they fulfil the requirements in Section 6 IAIA. Certain forms for the purpose are provided by MIA.

MIA's powers in relation to the accredited bodies are regulated in IAIA, especially Sections 9-12.

MIA has a staff of 10 persons, among them lawyers, social workers, economists and others.

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.

The accreditation criteria are expressed in Section 6 IAIA. There are also Conditions for accredited bodies issued in accordance with Section 7 IAIA. The relevant legal provisions are available on our website (English, Spanish and French) as well as the Conditions (English and Spanish). See copies attached.

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

No, but all accredited bodies are presented on MIA's website with links to their own websites.

21. For how long is the accreditation granted?

See Section 7 IAIA. Accreditation under Section 6 can be given for five years and authorisation under Section 6 a for two years. Sometimes, e.g. when the application is made by a new association or concerns a new country, a shorter period of time is applied.

22. What are the conditions for renewal of accreditation?

The conditions for renewal are the same as for accreditation.

D. Authorisation of foreign accredited bodies

N.B. From a Receiving State's viewpoint the following questions do not concern foreign accredited bodies but the Receiving State's own accredited bodies.

23. In your State how do you define "authorisation" in the context of Article 12? Do you have criteria for authorisation?

Authorisation is the result of a positive decision under Section 6 a IAIA. The criteria are described in that provision.

24. Who makes the decision to authorise accredited bodies in accordance with Article 12? Is your process of authorisation formal or informal? Please describe the process.

The Swedish Intercountry Adoptions Authority makes the decisions. The process is formal. The accredited bodies seeking authorisation apply to MIA presenting documentation to prove that they fulfil the requirements in Section 6 a IAIA. Certain forms for the purpose are provided by MIA.

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

Yes.

Receiving State questions

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

See the information on the Hague Conference website.

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

Authorisation is sought on the basis of studies of the State of origin's legislation and procedures made by the body and other investigations made by the body - e.g. visiting the State of Origin, meetings there with authorities, institutions etc. - having led to the conclusion that the body wants to start to cooperate in intercountry adoption intermediation with the State concerned.

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 preconditions for authorisation are described in Section 6 a IAIA.

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

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).

- (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?

MIA supervises the accredited bodies

1. by requiring annual reports (including financial reports) from the accredited bodies to MIA,
 2. by making visits to countries of origin (including visits to the orphanages, meetings with central authorities, judges, lawyers and representatives of the accredited bodies, child rights organisations and the Swedish embassies etc.)
 3. by having meetings with the accredited bodies twice a year,
 4. by having special meetings with the accredited bodies about special questions, for example financial questions and questions concerning a certain country of origin,
 5. by making visits to the offices of the accredited bodies in order to see how applications are handled and how the documentation is done for example,
 6. by handling possible complaints filed by applicants to MIA concerning the work of the accredited bodies.
35. What supervision occurs in the State of origin of authorised foreign accredited bodies?

MIA visits the State of origin, meets the representatives of the authorised bodies, visits the orphanages and receives information from the central authorities (adoption authorities).

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

When assessing or evaluating the performance of the accredited body it has to be considered clear that the association intermediates adoptions in an expert and judicious manner.

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, MIA has the power to make regular inspections of and reports on the accredited bodies. Secrecy or privacy laws have not hindered inspections.

38. Do you require accredited bodies to report on any problems with intercountry adoptions, such as problems with particular countries, procedural problems or problems with implementation of the 1993 Hague Convention (see Convention Art. 33)?

Yes.

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.

Yes. Accreditation to work with intercountry adoption intermediation shall be revoked if the preconditions referred to in Section 6 or 6 a IAIA no longer exist. An accreditation shall also be revoked if the association has not satisfied the conditions imposed for the accreditation. MIA may also order an association to remedy deficiencies in the intermediation operation (Section 9 a IAIA).

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

In order to receive a new accreditation the legal conditions in Section 6 and 6 a IAIA have to be met.

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.

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)?

MIA checks the information that the accredited bodies present on their websites and login information is needed in order to gain access to information about adoptable children. Accredited bodies have to work on a non-profit basis which sets limits for the amounts that can be charged for fees and other expenses. Restrictions upon activities of accredited bodies are also set as operations other than intercountry adoption intermediation conducted by the association may not jeopardise confidence in its adoption operation.

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?

Yes. Since the Swedish legislation was changed in 2005 it has happened at two occasions that it was not considered clear that a certain association would intermediate adoptions in an expert and judicious manner and as a result the accreditation was revoked in one of the cases and in the other case the accreditation was not renewed.

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?

MIA keeps a dialog with the accredited bodies in order to make them work on improvement of good practices and remedy breaches of different kinds. MIA may also order an association to remedy deficiencies in the intermediation operation.

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

Yes. The accredited bodies sometimes visit the States of origin and the central authorities together in order to improve the work they do, to find common ways of handling things.

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. Unknown

F. Financial issues

47. How are your accredited bodies financed?

The accredited bodies are financed mainly by adoption fees from prospective adoptive parents, including membership and registration fees. Accredited bodies also receive a small grant from the government.

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?

Adoption fees from prospective adoptive parents are set by the accredited bodies themselves – the size of the adoption fee is dependent on the actual costs of adoption in the receiving State and in the State of origin.

There is a fixed fee for the costs associated with the accredited body's adoption activities in Sweden, but the size varies between the accredited bodies. The other part of the adoption fee is based on the actual costs associated with an adoption in the State of origin, including fees to authorities and associations.

There is no bilateral co-operation between our State and other countries to establish appropriate fees for the two countries involved.

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

The costs are specified on the websites of the accredited bodies. The accredited bodies specify the costs of adoptions differently – more or less detailed.

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

The adoptive candidates can obtain information regarding costs on the websites of the accredited bodies – in some cases more detailed information is provided when becoming a member of the accredited body. The prospective adoptive parents also get the information via letters and memos from the accredited bodies.

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?

Financial transparency is achieved by standard bookkeeping and reviewing by an auditor. MIA analyses the annual reports supplied by the accredited bodies every year. The accredited bodies also send MIA yearly reports of each country, where they specify the actual total costs associated with the adoptions that were made from the country the year before.

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

Operations other than intercountry adoption intermediation conducted by the accredited body must not jeopardise the confidence in its adoption operations (Section 6 a 6 IAIA).

Furthermore, MIA is currently working on recommendations regarding donations.

53. The costs relating to adoption are extremely difficult to evaluate. Can you state the average amount or range (smallest to highest amount payable) for the following items.

Costs in the receiving State

N.B. The accredited bodies in Sweden are, compared with each other, organised slightly differently and work with intercountry adoption in partly different States of origin. Furthermore, in some cases the accredited bodies present their costs differently. This explains the big differences in costs below.

- a) registration with an accredited body,
1500-2500 SEK per adoption.
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc.
6000-46 000 SEK per adoption.
- c) costs for adoption training and preparation courses for prospective adoptive parents
0-3000 SEK per person.
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)
These costs are small and are not specified separately.
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin
14 000-59 000 SEK per adoption.
- f) cost of professional services in the receiving State (*e.g.*, lawyers, notaries, doctors)
These costs are small and are not specified separately.
- g) other – please specify.

Costs in the State of origin

- a) the body's administrative costs,
1000-5000 SEK per adoption (excluding costs for in-country staff).
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.),
N/A
- c) co-ordination of the case through (in-country staff of) the accredited body,
Included in the amount under question e, *Costs in the receiving State*.

- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin,
200-13 000 SEK per adoption (lawyers).
- e) cost of filing of the documents with the appropriate authorities,
400-13 000 SEK per adoption.
- f) translation and assistance,
Included in the amount above (*Costs in the State of Origin, question e*).
- g) legal or administrative costs in the State of origin,
1000-10 000 SEK per adoption.
- h) transport and hotel costs for the adoptive parents,
18 000-42 000 SEK per adoption.
- i) humanitarian contribution and donation to the orphanage, etc.,
6000-46 000 SEK (refers to costs for nursing and care of the adopted children, for the time spent in an orphanage, foster-home etc., and a small amount for care of the children who are left behind at the orphanage. See also question 52).

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 adoption fee is calculated for the whole budget of the intermediation activities of the accredited body. The costs associated with the accredited body's adoption activities in Sweden are the same for all families adopting through the same accredited body during the same time-period, though the *actual* costs associated with the accredited body's adoption activities in Sweden vary dependent on the State of origin.

When it comes to the costs in the State of origin, families adopting through the same accredited body, from the same country and during the same time-period equally share all the costs associated with their adoptions in the State of origin. This applies to all the accredited bodies apart from two, in which the adoptions are carrying their own costs in the State of origin. These two do not have a set limitation of how high the adoption fees can get, while for the other accredited bodies the adoption fees are either fixed after a certain time during the adoption process or have a set limit for how high the adoption fees can get. According to Section 7 IAIA an accredited body may require those persons using the association for intercountry adoption intermediation to pay reasonable charges to cover the costs of its operation.

The relationship between fees and actual costs is supervised by MIA. The accredited bodies also send MIA yearly reports of each country, where they specify the actual

total costs associated with the adoptions that were made from the country the year before. Here they present the total adoption fee that was paid by the prospective adoptive parents that same year.

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

It is generally expensive to adopt a child through international adoption. In Sweden though, parents who adopt through an accredited body, get a grant from the government after the adoption is carried through (40 000 SEK per child).

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
- Counselling of PAPs about child proposed to them (the proposed match)
- Agreements under article 17 of the 1993 Hague Convention
- Arrange to file documents with Court or authority of State of origin
- Report to supervising authority on status of the adoption
- Assist PAPs with Travel preparations
- Follow, know, understand, and supervise the procedure for the adoption
- Other tasks: please provide details

State of origin questions

- Assessment of the adoptability of a child
- Work with birth parents on family preservation to avoid adoption of the child
- Decision on the adoptability of a child
- Counselling and information for birth parents / consequences of consent
- Obtaining Consent
- Search for parents in cases of abandonment
- Assume responsibility for the child prior to the adoption
- Prepare the child for adoption
- Agreements under Article 17 of the 1993 Hague Convention
- File adoption documents with court or authority

- ❑ Search for socio-biological background information of child and birth family and reunion with birth family
- ❑ Make the matching decision
- ❑ Preparation of the adoptive child
- ❑ Assistance provided to the adoptive parents during their stay
- ❑ Other tasks: please provide details.

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 accredited bodies give advice and information when contacted by adult adoptees searching their roots. One of the accredited bodies has a special program to, at a cost, acquire more information. During this search process the accredited body contributes with counselling and support. The accredited bodies organise lectures and courses about different topics where they invite adoptive families. Some of the accredited bodies arrange trips to countries of birth of the children.

Provision of post adoption services is not a condition of accreditation.

59. Are there any publicly funded post adoption services?

Prior to the adoption being finalized, the child is regarded as if s/he was being fostered in the family. This means that the social services are responsible for helping to ensure that s/he receives good care and upbringing and giving the adopters the advice, support and other assistance they need (Social Services Act, Chapter 6, Section 7). The social services have a responsibility to provide the adoptive family with any support and help it might need after the adoption has been finalized (Social Services Act, Chapter 5, Section 1). To carry out these responsibilities, the social services need to keep in contact with the family after the child has arrived.

Counselling is available from various sources: from the social services, from family or marital guidance centers, from the children's and young peoples' psychiatric units, from the social workers and psychologists employed by the children's clinics and schools. There are also private clinics.

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?

The accredited body shall ensure that reports concerning the child's development are sent to the relevant agencies to the extent prescribed by the authorities in the State of origin or otherwise agreed on.

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 accredited bodies mediate the post adoption reports which are prepared by the parents, and when demanded from the State of origin, prepared by a social worker. It is the practice that a social worker always prepares the first post adoption report.

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

The parent's obligation to prepare post adoption reports is stated in the agreement with the accredited body that the parents always sign before the adoption process starts. The accredited bodies are very concerned about the importance of sending these reports to the different States of origin. According to the information MIA gets from the accredited bodies most of the parents send these reports, although some do not fulfil their obligations.

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))?

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?

Yes.

69. Are you aware of any acts or behaviour by approved (non-accredited) bodies or persons that contravened their conditions of approval? Please also provide details of any sanctions or penalties applied.

N/A

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".

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?

Section 6 a 6 IAIA regulates the possibilities for accredited bodies to engage in humanitarian projects or development co-operation activities in countries of origin. Accredited bodies are permitted to engage in such activities in countries of origin with the above mentioned legal restriction. MIA is currently working on recommendations for the accredited bodies regarding these matters.

72. What types of activities are undertaken?

The types of activities undertaken are for example projects aiming at preventing children from being abandoned, projects for work towards alternatives to institutions for children, projects aiming at developing good work at institutions, projects aiming at preparing children in orphanages for a life outside the institutions.

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 accredited bodies have to give reports to MIA about projects in which they plan to engage in countries of origin. Information about the relation, if any, between the projects (including persons involved) and the intermediation work (including persons involved) has to be presented in reports to MIA in order to avoid confusion of the two different activities.

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?

N/A

77. Are there any particular aspects of your accreditation procedures *e.g.*, good practices that you would like to bring to the attention of other States?

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

State of origin questions

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