

ADOPTION

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

*établi par le Bureau Permanent*

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

*drawn up by the Permanent Bureau*

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

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

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## Introduction

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

Following the recommendations of the 2005 Special Commission, and based on the Discussion Paper on Accreditation Issues,<sup>1</sup> 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**.*

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<sup>1</sup> "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:****SLOVAK REPUBLIC**

***THE CENTRE FOR THE INTERNATIONAL LEGAL PROTECTION OF CHILDREN AND YOUTH (central 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.

*All three situations are possible.*

*We use only the term accreditation in our laws.*

*According to the Slovak law (Act No. 305/2005 Col. on Social and Legal Protection of Children and on Social Guardianship, and Amendments to Some Acts, as amended) accredited body may perform certain duties of both, the State of origin and the receiving State. In fact, no person or legal entity has asked for/received accreditation to perform duties according to the Convention.*

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

*Slovakia is mainly the State of origin.*

3. Have you informed the Permanent Bureau all of the details of bodies accredited by your State, as required by Article 13? Is the information which is currently on the Hague Conference website up to date?

*No person or legal entity is accredited in Slovakia to perform duties in the field of*

*intercountry adoptions. The act that permits operation of accredited bodies in the intercountry adoption matters is valid from 01.09.2005.*

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?

**According to Article 78 of the Act No. 305/2005 Col. on Social and Legal Protection of Children and on Social Guardianship, and Amendments to Some Acts, as amended:**

*In mediating international adoption accredited subjects fulfill the following tasks:*

*(a) tasks entrusted to **receiving States**, in particular the following:*

- 1. preparation of social reports dealing with applicants for international adoption and submission of them to the Centre for International Protection of Children and Youth,*
- 2. provision of consulting services to applicants for international adoption both prior and after the proper adoption act,*
- 3. offers of assistance to applicants for international adoption, necessary for facilitation of the process of international adoption,*
- 4. preparation of preliminary reports dealing with the process of international adoption, the progress of pre-adoption care if undertaken in the territory of the Slovak Republic, and with measures undertaken to complete the process of international adoption, and submission of them to a central state administration authority of the state of origin or, if requested by the state of origin, to the Centre for International Protection of Children and Youth,*
- 5. preparation of and provision to a central state administration authority of the state of origin of regular reports on the child after his/her transfer to the territory of the Slovak Republic,*
- 6. preparation of replies to justified requests received from a central state administration authority of the state of origin or from duly accredited organizations of the state of origin, related to a specific international adoption, always in conformity with specific applicable legal regulations;*

*(b) tasks entrusted to the **State of origin**, in particular the following:*

- 1. preparation of documentation referring to the given child for mediation of international adoption and submits it to the Centre for International Protection of Children and Youth,*
- 2. provision of evidence that consents have been obtained in conformity with the international agreement,*
- 3. on the basis of documentation referring to a given child and documentation referring to applicants for adoption, assessment of whether the international adoption is in the best interests of the child, and preparation of the corresponding report,*
- 4. implementation of measures to prevent direct contact between the applicants for international adoption and the child's parents until the requirements laid down in the international agreement have been met,*
- 5. solicitation of consent from applicants for international adoption in conformity with the international agreement,*
- 6. implementation of measures to secure permission for entry and stay of the child in the recipient state,*
- 7. submission of the proposals to give consent to implementation of a given international adoption to the Centre for International Protection of Children and Youth.*

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.

*No, the accredited body can be only the only a person with the university education with 5 years of professional experience or a legal entity which employs a representative, who has the university education and 5 years of professional experience.*

If these actors are not employees of the accredited body, what is their legal relationship, if any, to the accredited body?

6. As at 30 September 2009, what is the current number of accredited bodies in your State, state or province? If possible, please indicate how many bodies have been refused accreditation, have lost their accreditation or discontinued their activities since 1 January 2006, and for what reason.

*Zero.*

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?

*No accredited bodies are operating in Slovakia in the present.*

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, because no accredited bodies are operating in Slovakia in the present.*

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)?

*No, because no accredited bodies are operating in Slovakia in the present.*

### ***Receiving State questions***

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:
- a) any State of origin;
  - b) a specified State / States of origin?

*No.*

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

*No, because no accredited bodies are operating in Slovakia in the present.*

### **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:

- Yes* Composition of the accredited body's personnel and any changes
- Yes* Qualifications and experience of personnel
- No* Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct
- No* Internal statute, regulations and guidelines of accredited body, including
  - documents which demonstrate the legal constitution of the accredited body
  - financial management and accounting practices
- No* Costs and expenses charged by accredited body

- ❑ *No* 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
- ❑ *No* Budget forecasts for 12-24-36 months
- ❑ *No* Copy of the standard-form contract between the body and adoptive candidate
- ❑ *Yes* Insurance for legal liability
- ❑ Other – please provide details

### ***Receiving State questions***

- ❑ *No* Certified true copy of an official version of the legislation of the State of origin with which the accredited body will co-operate
  - ❑ *No* Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption)
  - ❑ *No* Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules
  - ❑ *No* Copy of the statement of authorisation or approval to work in the State of origin if applicable
  - ❑ *No* Evidence of knowledge of the situation (cultural, social and legal) in the State of origin
  - ❑ *No* 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).  
*Yes, the members of staff are required to have the university education in the subject field of humanities, social or pedagogic sciences.*
13. If volunteers are used, what is the ratio of volunteers to professional staff?  
*Not applicable.*
14. Are your accredited bodies required to sign a contract or agreement with the prospective adoptive parents? In general, what are the obligations of accredited bodies to adoptive candidates?  
*No legislation.*
15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?  
*No legislation.*
16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information?  
*Yes.*
17. Are your accredited bodies required to keep the adoption records for a certain number of years? How many years?  
*Yes.*

### **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.

*According to the Act No. 305/2005 Col. on Social and Legal Protection of Children and on Social Guardianship, and Amendments to Some Acts, as amended the accreditation procedure is the following :*

## **Accreditation proceedings**

### **§ 80**

(1) *The accreditation proceedings shall commence on the date the written application has been delivered to the Ministry.*

(2) *The accreditation application of an applicant, who is a **natural person**, shall contain the name, surname, and place of permanent residence, the birth certificate number of the applicant, of the responsible person, as well as of all natural persons that the accreditation applicant employs and who will directly implement the measures, methods, techniques and procedures, the extract from the crime register, not older than two months of the date on which the application is filed, for all natural persons stated, and other requisites necessary for the accreditation proceedings.*

(3) *The accreditation application of an applicant that is a **legal entity** shall contain the trade name or name, surname, registered office of the legal entity, registration number, legal form of the legal entity, the name, surname, place of permanent residence and birth certificate number of the natural person or natural persons who are statutory bodies, of the responsible person, and all natural persons that the accreditation applicant employs, and who will directly implement the measures, methods, techniques and procedures, the extract from the crime register not older than two months of the date of filing of the application for the responsible representative and all natural persons that will carry out their work with children directly, and other prescribed requisites necessary for the accreditation proceedings.*

### **§ 81**

(1) *The award, extension of validity of accreditation and the revocation of accreditation shall be decided by the Ministry, after receiving a statement from the Accreditation Committee.*

(2) *The Accreditation Committee shall be nominated by the Minister, as an advisory body for the assessment of applications for accreditation, extension and for assessment of revocation of accreditation.*

(3) *The Accreditation Committee is made up of Chairman, Deputy Chairman and other members (hereinafter referred to as the "Committee member"), which are appointed and removed by the Minister from among representatives of the state administration, municipalities, upper-tier territorial units, and experts of the theory and practice. At least three members shall represent universities and colleges in the Committee.*

(4) *The activity of members the Accreditation Committee is an act in the general interest. The Accreditation Committee members shall be provided time off with pay by their employer, which shall be reimbursed by the Ministry. The Ministry shall cover the travel costs under a special regulation; the Chairman of the Committee shall determine the mode of transport.*

### **§ 82**

(1) *The Accreditation Committee shall give its position on the application of the applicant for accreditation, on the basis of*

- a) *an enquiry and verification of facts, stated in the application for the award of accreditation,*
- b) *examination of the professional competence, pursuant to § 79 paragraph 5, namely*
  1. *an assessment of the documents, submitted pursuant to § 79 paragraph 5, letters a) and b),*
  2. *an interview to establish the familiarity, pursuant to § 79 paragraph 5, letters c) to f).*

(2) *The knowledge, pursuant to § 79 paragraph 5, letters c) to f) shall be verified in an interview with the applicant, if the applicant is a natural person, or with the responsible representative, if the applicant is a legal entity.*

(3) *Where the nature of the measure, method, procedure or technique requires it, for the administration of which the accreditation is sought, the Accreditation Committee shall request from the legal entity or the natural person to supply additional documents on*



other professional expertise required for their implementation.

(4) The Accreditation Committee may recommend that a condition of professional experience be deemed fulfilled, where it does not involve the responsible representative, and where the nature of the measure permits so.

(5) The Accreditation Committee may verify the knowledge, pursuant to § 79 paragraph 5, letters c) to f), also of the natural persons, pursuant to § 79 paragraph 1 letter b).

(6) The Accreditation Committee shall produce the Minutes of the course of the verification of the accreditation applicant's knowledge.

### **§ 83**

(1) The decision on the award of accreditation shall contain

- a) the measure, methods, techniques and procedures for which accreditation is awarded, and the form of their implementation,
- b) the place of the implementation of the measure, methods, techniques and procedures for which accreditation is awarded,
- c) the term of validity of the accreditation.

(3) Accreditation for the performance of the tasks, pursuant to § 78 (**intercountry adoption matters**), shall be valid for a maximum of three years. The validity of accreditation may be extended, subject to application of the accredited entity, submitted no later than 90 days prior to the expiry of the accreditation, for three years at most.

(5) The accredited entity shall be obliged

- a) to ensure the protection of personal data, subject to a special regulation,
- b) within eight days, notify in writing of any changes in the relevant facts, particularly changes of the conditions, pursuant to § 79,
- c) take out a liability insurance policy for any loss caused to other persons in connection with the implementation of measures, for which the accreditation has been awarded.

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.

*See answer to question no. 18.*

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

*Yes.*

*According to **Article 83, par. 6 of the Act No. 305/2005 Col. on Social and Legal Protection of Children and on Social Guardianship, and Amendments to Some Acts, as amended** the Ministry shall keep a list of the accredited entities and shall update the list periodically, at least once per month. The list of accredited entities shall be made available to the public and shall contain the data, pursuant to paragraph 1 of the Article 83.*

21. For how long is the accreditation granted?

*The accreditation is valid for a maximum of 3 years.*

22. What are the conditions for renewal of accreditation?

*The validity of accreditation may be extended, subject to application of the accredited entity, submitted no later than 90 days prior to the expiry of the accreditation, for three years at most.*

## **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?

*Slovak legislation does not use the term "authorisation".*

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.

*Where the Convention uses the term "authorization", the Slovak legislation use the term "accreditation".*

*Foreign legal entities may operate in Slovakia in matters related to intercountry adoptions if they receive accreditation according to the Slovak law.*

25. Is the Permanent Bureau informed of the authorisations?<sup>2</sup>

*Not applicable, because no body is accredited to perform duties in the field of intercountry adoptions in Slovakia.*

### ***Receiving State questions***

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

*Not applicable, because no body is accredited to perform duties in the field of intercountry adoptions in Slovakia*

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

*Not applicable.*

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?

*Not applicable*

### ***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?

*No.*

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"?

*Yes.*

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

*Do not decide.*

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)?

*Yes.*

b) the foreign accredited body can "act" in your State through an individual facilitator or intermediary

*Not possible.*

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<sup>2</sup> "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).

- 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?

*Not possible.*

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

*Not applicable.*

## **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?

*Yes, annual reports regarding the activities of the accredited body are required. The annual reports include also financial summaries.*

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

*Not applicable.*

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

37. Does the supervising authority have the power to make regular inspections of and reports on the accredited bodies? Have secrecy or privacy laws hindered inspections?

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

39. Does your law have provisions to deal with breach of duties or breach of the conditions of accreditation by accredited bodies? *E.g.*, Suspension or revocation of accreditation or authorisation? Other penalties / measures? Please give details.

### **§ 85**

*(1) The Ministry shall revoke accreditation, where*

- a) the life and health of the child, his or her favourable mental, physical and social development is, or may be in danger, owing to the accredited entity, its statutory representatives, the responsible person, or other employees, or owing to the way of activity, the way of the implementation of the measure, method, technique and procedure for which accreditation has been awarded,*
- b) the accredited entity failed to take up liability insurance policy for any loss caused to other persons in connection with the implementation of the measure, method, technique and procedure, for which the accreditation has been awarded, before the commencement of the activity for which accreditation has been awarded,*
- c) the accredited entity is implementing measures under this Act, for which it has not been accredited,*
- d) the accredited entity failed to ensure the protection of personal data, subject to a special regulation.*

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

*No legal conditions apply.*

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?

*No.*

42. Are there restrictions upon activities of accredited bodies (*e.g.*, advertising their services; advertising, including on the internet, of adoptable children; limits on amounts that can be charged for fees and other expenses)?

*There are restrictions only on making information on adoptable children public.*

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?

*Not applicable.*

44. What are the means used by the authorities supervising accredited bodies in order to improve good practices or remedy breaches in relation to requirements for accreditation or as regards to behaviour?

*The supervising authority may only commence the proceedings to cancel the accreditation.*

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?

*Not applicable.*

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?

*Not applicable.*

## **F. Financial issues**

47. How are your accredited bodies financed?

*The funding shall be secured mainly from the state budget, from the municipal budget, from the budget of the territorial unit and from the budget of the accredited entity.*

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?

*Not applicable.*

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

*Not applicable.*

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

*Not applicable.*

51. How is financial transparency and accountability of accredited bodies achieved? *E.g.*, by standard bookkeeping? Receipts and proof of purchases? Reports submitted with financial statement?

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

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

items.

*Not applicable.*

#### **Costs in the receiving State**

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

#### **Costs in the State of origin**

- a) the body's administrative costs,
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.),
- c) co-ordination of the case through (in-country staff of) the accredited body,
- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin,
- e) cost of filing of the documents with the appropriate authorities,
- f) translation and assistance,
- g) legal or administrative costs in the State of origin,
- h) transport and hotel costs for the adoptive parents,
- i) humanitarian contribution and donation to the orphanage, etc.,
- j) other – please specify.

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?

*Not applicable.*

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

*Not applicable.*

#### ***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***

- No* Determination of eligibility of prospective adoptive parents (legal criteria)
- Yes* Evaluation of suitability of prospective adoptive parents (psychosocial criteria)
- No* Decision granting approval for the prospective adoptive parents to adopt
- Yes* Information and preparation of adoptive parents for intercountry adoption
- No* Make the matching decision
- Counselling of PAPs about child proposed to them (the proposed match)
- No* Agreements under article 17 of the 1993 Hague Convention
- 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
- Other tasks: please provide details

***State of origin questions***

- No* Assessment of the adoptability of a child
- Yes* Work with birth parents on family preservation to avoid adoption of the child
- No (the court)* Decision on the adoptability of a child
- Yes* Counselling and information for birth parents / consequences of consent
- No* Obtaining Consent
- Yes* Search for parents in cases of abandonment
- No* Assume responsibility for the child prior to the adoption
- Yes* Prepare the child for adoption
- No (only the Central Authority)* Agreements under Article 17 of the 1993 Hague Convention
- Yes* File adoption documents with court or authority
- Yes* Search for socio-biological background information of child and birth family and reunion with birth family
- No* Make the matching decision
- Yes* Preparation of the adoptive child
- No* 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?

*Yes, preparation and sending of post-adoption reports is one of the duties of accredited body.*

59. Are there any publicly funded post adoption services?

*No.*

***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 bodies should send reports on the child directly to the State of origin.*

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.

*Accredited bodies should prepare the reports.*

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

*Not governed by the law.*

## **J. Approved (non accredited) bodies and persons<sup>3</sup>**

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?

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.

### ***State of origin questions***

70. As a State of origin, do you allow approved (non-accredited) persons or bodies from abroad to "act" in your State (as a similar procedure to authorisation of accredited bodies under Art. 12)?

*No.*

## **K. Development aid activities**

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

*It is prohibited by the law.*

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<sup>3</sup> 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".

72. What types of activities are undertaken?

*Not applicable, as no accredited bodies are operating in the field of intercountry adoptions in Slovakia.*

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)?

*Not applicable, as no accredited bodies are operating in the field of intercountry adoptions in Slovakia*

#### **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?

*Not applicable, as no accredited bodies are operating in the field of intercountry adoptions in Slovakia.*

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

*No.*

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

*No.*

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

*Not applicable.*

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

*No.*

#### ***State of origin questions***

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

*No.*