



Úřad pro mezinárodněprávní
ochranu dětí



UMODX004C8VJ

UMODX004C8VJ

Methodology of Intercountry Adoption Facilitation

Effective as of: 1 February 2014
Date of issuance: 30 January 2014
Drafted by: Department for Intercountry Adoption of the Office for International Legal
Protection of Children
File No. K 32/13



1 Opportunity to Facilitate Intercountry Adoption of Children from the Czech Republic

It is solely the Office for International Legal Protection of Children (hereafter only as “the Office”) as the Central Adoption Authority pursuant to the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereafter only as “the Hague Convention”) that is authorised to facilitate the adoption of a child from the Czech Republic (hereafter only as “CR”) to a foreign country. The facilitation of the adoption is performed only in cases when pursuant to the Czech law the child is available for adoption, thus when:

1. The parents have granted consent with adoption of the child by unknown adoptive parents; such consent may be granted by the child’s mother at the earliest after six weeks from the birth of the child, whereas the child’s father may grant such consent even prior to the expiry of this period, yet at the earliest after the birth of the child; consent with adoption is granted by the parents before court; upon the expiry of three months following the day when the adoption consent was granted, the exercise of rights and duties related to the parental liability shall be suspended, and the court shall appoint a public body of social and legal protection of children to act as the guardian of the child, unless a guardian has already been appointed, or
2. Pursuant to Act No. 89/2012 Coll., Civil Code, as amended (hereafter only as “the Civil Code”), the court held that no parental consent needed to be granted for the adoption purposes since:
 - a) The parents of the child have been deprived of their parental responsibility and the right to grant consent for adoption at the same time, or
 - b) The parents of the child are unable to express their will or realise the consequences of their actions or exercise control over them, or
 - c) The whereabouts of the child concerned are unknown, and in cooperation with other public authorities, the court fails to determine their whereabouts even upon exercising the reasonable efforts, or
 - d) The parents show an apparent lack of interest in the child;
3. The parents of the child are not known, or
4. The child concerned is an orphan with no other relatives.

The child may be adopted by the spouses or one of the spouses. Exceptionally, the child may also be adopted by another person. The child may be adopted by a couple solely if the couple is married (by spouses). Adoption by same sex couples is not permitted.

Adequate age difference is to be maintained between the adoptive parent and the adoptive child; in general, it should not be less than sixteen years. The adoption shall give rise to a relationship between the adoptive parent and the adoptive child identical to that of a parent-child relationship, which means that the age difference should equally correspond to the natural age difference between parents and children.

Principle of subsidiarity - support of intercountry adoption following from Article 21 section B) of the Convention on the Rights of the Child is thoroughly applied in CR. Suitable care for the child in CR is sought for the period of six months from the time the child becomes available for adoption. Suitable family is sought by the regional offices in accordance with § 24 of the Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended (hereafter only as “the Act on the Social and Legal Protection of Children”). In the event that a suitable adoptive family is not found



within the specified period in the Czech Republic, the competent regional office shall send the files of the child to the Office, which shall subsequently search for a suitable adoptive family abroad.

2 Register of Suitable Potential Adoptive Parents

2.1 Application to be Registered as a Suitable Potential Adoptive Parent

The Applicants applying for adoption of a child from CR seeking to be entered into the register (appendix no. 1) turn to the Office through the Central Authority or the authorised body of the receiving state which obtains an authorisation from the Office in the virtue of Art. 12 of the Hague Convention. The proceedings on registration are conducted in a written form.

The application seeking an entry into the register must include the particulars stipulated by the Act No. 500/2004 Coll., Administrative Procedure Code, as amended (hereafter only as “the Administrative Procedure Code”). As appendixes the following must be submitted by the applicants:

1. Approval of the application for adoption – the approval must be granted by the relevant body of the receiving state, it must contain express declaration that the applicants are suitable and competent to adopt pursuant to the law of the receiving state and it must contain characteristics of children the applicants would be qualified to care for;
2. Birth certificates of the applicants;
3. Documents on citizenship of the applicants;
4. Certification that the applicants are of upstanding character - criminal record certificates not more than three months old;
5. Marriage certificate of the applicants;
6. Adoption home study – not older than one year, prepared by the authorised social worker (appendix No. 2b);
7. Character evaluation report – not older than one year, prepared by a psychologist, including examination focusing on detection of any potential psychopathology (appendix No. 2a);
8. Medical report on health condition of the applicants – not older than six months, prepared by the general practitioner (family doctor or other relevant GP) (appendix No. 3);
9. Documentation on employment background of the applicants;
10. Income statement reports of the applicants;
11. Consent of the applicants with the inspections of the child conducted at the times stipulated by the Office (appendix No. 4);
12. A copy of a questionnaire (appendix no. 5, part A to be filled in by the male and female applicants separately, part B to be filled in by both applicants together);
13. Photographic documentation – photographic documentation should contain photographs of the applicants or if applicable, pictures of children residing in the matrimonial home or of



other persons, photographs of extended family and of standard of housing and accommodation.

As the above appendixes the original of the documents or notarised copies are submitted. All appendixes of the application that represent official documents (mainly appendixes No. 2, 3, 4 and 5), must be equipped by a seal and an apostille or alternatively be super-legalised (a higher form of verification) should the submitted document have been issued in a State that is not bound by the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents and should a special international treaty not provide otherwise. The application seeking entry into the register of suitable applicants to become adoptive parents (appendix No. 1) as well as appendixes to the application must be submitted in the Czech Language. In the event that nor the documents that form parts of the application neither the application itself are in the Czech language, their original versions must be submitted while equipped by a Czech translation. The costs of the translation of the documents are borne by the applicants.

On the day of the delivery of the application the Office opens the proceedings on entry of the applicants into the register of suitable applicants to become adoptive parents and the applicants are sent through the Central Authority or any other authorised body of the receiving state a notice on commencement of the proceedings. The Office is obliged to decide the matter in accordance with provision § 71, section 3 of the Code of Administrative Procedure.

In the event the application fails to include all particulars, the Office shall stay the proceedings (§ 64 of the Code of Administrative Procedure) and shall invite the applicants to file additional documentation or data. The Office shall set a time period for provision of such additional documentation or data and should the applicants fail to comply with the obligation imposed in such a manner within the provided time period, the Office shall not enter the applicants into the register.

Within the proceedings on the entry of applicants into the register of suitable applicants to become adoptive parents the Office assesses the compliance with the Czech public order and with international treaties.

The applicants are served the decision on entry into the register, or alternatively on exclusion from the register via the Central Authority or any other authorised body of the receiving state which ensures that the Office obtains the acknowledgement of receipt of the decision by the applicants. The decision is served in the Czech language and the costs of the translation are to be borne by the applicants. The applicants have a period of 15 days available from the date when they were notified on the decision to file an appeal (§ 83 of the Code of Administrative Procedure) should they disagree with the decision. The appeal is submitted with the Ministry of Labour and Social Affairs through the Office. The appeal does not have suspensive effect.

The applicants have the right to familiarise themselves with the documentation and content of the file that represents the basis for the decision issued.

The submission of the application does not give rise to any obligation to pay fees.

After the decision on entry into the register of suitable applicants for adoption becomes final the applicants have the obligation to notify the Office on all changes relevant and decisive for facilitation of the adoption within 15 days from the day such changes have occurred.

The appendixes which are part of the application to be registered as potential adoptive parents must be duly updated on a regular basis (once per year) by the Central Authority or any other authorised body of the receiving state in the course of the adoption proceedings. Unless the Office stipulates otherwise, appendixes No. 4, 6, 7, 8, 9 and 10 must be submitted in the course of the update. In appendixes No. 6, 7, and 9 a written confirmation of the Central Authority or any other



authorised body of the receiving state that no substantive changes occurred in the course of the past period shall suffice.

In the event the applicants, having been awarded pre-adoption care of a child based on the local decision, decide to apply for adoption of another child from the register of children suitable for adoption maintained by the Office, even if that is a biological sibling of the child in pre-adoptive custody, the application seeking entry into the register of applicants suitable to become adoptive parents must be sent with all of the above mentioned appendixes except for appendixes No. 2, 3 and 5 if those appendixes were included in the file of the previous application for the entry into the register. In this case, the adoption may be completed only following a final decision on entry into the register of suitable applicants for adoption.

2.2 Removal from the Register of the Applicants Suitable to Become Adoptive Parents

The Office shall remove the applicants from the register pursuant to § 25, section 4 of the Act on Social and Legal Protection of the Child in the event:

1. It will detect serious grounds for which the adoption cannot be facilitated, or
2. The applicants breach the obligation to communicate the data relevant for the register, or
3. The applicants request the removal.

The proceedings on removal from the register are conducted in a written form. The proceedings are commenced on the day when the Office obtains the application for removal or alternatively on the day when the Office finds grounds pursuant to point 1, or alternatively on the day when the Office finds the breach of obligation pursuant to point 2. The Office is obliged to decide the matter in accordance with the provision § 71, section 3 of the Code of Administrative Procedure.

The applicants are served the decision on removal from the register via the Central Authority or any other authorised body of the receiving state which ensures that the Office obtains the acknowledgement of receipt of the decision by the applicants. The decision is served in Czech language and the costs of the translation are to be borne by the applicants. The applicants have a period of 15 days available from the date when they were notified on the decision to file an appeal (§ 83 of Code of Administrative Procedure) should they disagree with the decision. The appeal is submitted with the Ministry of Labour and Social Affairs through the Office.



3 Selection of suitable applicants for the child (matching), familiarising the applicants with the child (interaction), granting the custody of the child to potential adoptive parents, and departure of applicants after granting the custody of the child to potential adoptive parents

3.1 Register of children suitable for adoption

The Office maintains the register of children suitable for intercountry adoption. The child's file documentation contains the information pursuant to § 22, para. 2 of the Act on Social and Legal Protection of Children, in particular:

1. Information on the child;
2. Report on the child's social situation;
3. Report on the psychological examination of the child;
4. Report on the child's health condition;
5. Copy of the citizenship certificate of the child;
6. Copy of the child's Birth Certificate;
7. Proof of child's adoptability;
8. Proof of compliance with the subsidiarity principle;
9. Decision of the competent authority on child's upbringing (if issued);
10. Photograph of the child.

Apart from the above, the child's file also contains a completed Questionnaire of the child – intercountry adoption, which is either part of the file submitted by the regional office or the Office requests it from the facility in which the child has been placed.

3.2 Matching the applicants and the child

On the basis of the child's documentation and the documentation of the applicants, the Office shall propose matching the child with selected applicants (applicant couples). This stage is referred to as matching. These proposals are then submitted to the Advisory Board of the Office for Foster Care.

The Office shall notify the relevant Regional Office on the selection performed and send to the Central Authority or any authorised body in the receiving state the notification of the selection of specific adoption applicants for a specific child, i.e. a so-called matching letter. The Central Authority or any authorised body shall assess the selection performed by the Office.

The matching letter contains the following:

1. Medical report of the child;



2. Psychological report of the child;
3. Report on the child's social situation;
4. The reason behind finding the child suitable and eligible for adoption;
5. Photograph of the child or possibly a data carrier with a video recording of the child.

3.3 Interaction

3.3.1 Course of interaction

In the case that after thorough consideration, the applicants are interested in meeting the child, they shall notify the Office without any undue delay. Following an agreement with the facility where the child is placed into institutional care or with the facility for children requiring immediate assistance where the child has been placed or possibly in any other form of care (hereinafter only as “the facility”), the Office shall arrange for the date of the visit of the applicants for the purposes of making contact with the child (interaction).

The facility will receive the information required for carrying out the interaction from the legal counsel of the Office who is in charge of the file (hereinafter only as the “relevant legal counsel of the Office”), i.e. the date of applicants’ arrival or instructions to the course and assessment of interaction. The facility shall prepare the child for the applicants’ arrival accordingly to his or her age. The Office for the Social and Legal Protection of Children, which maintains the file documentation of the child (hereinafter only as the “OSPOD”) or the child’s guardian will receive, from the relevant legal counsel of the Office, the information on the interaction and it is invited to become familiar with its course in person and to send its assessment to the Office before completing the interaction. The date and basic information on the interaction (accommodation, interpretation, etc.) are communicated to the Central Authority or an authorised body of the receiving state. The length of interaction is individual, typically lasting between 7 and 21 days. Upon its completion, the applicants will stay in the Czech Republic with the child until the decision on granting the custody of the child to the potential adoptive parents becomes effective.

Before the arrival of the applicants to the Czech Republic, the Office shall receive the agreement that the adoption may proceed from the Central Authority or an authorised body of the receiving state (Art. 17, letter c) of the Hague Convention).

At first, the applicants always come to the Office, where they are acquainted with the issues of interaction and subsequent steps by the relevant legal counsel of the Office, who will act as their contact person for the whole period of their stay in the Czech Republic. The psychologist of the Office will conduct an introductory interview with the applicants. The applicants shall submit for consultation to the legal counsel of the Office the originals of the current extracts of their criminal records. The Office shall provide the applicants with the assistance when drafting the application seeking to have the custody of the child granted to the potential adoptive parents. Pursuant to Section 3.4 of this Methodology Recommendation, the applicants shall file with the court seeking to have the custody of the child granted to the potential adoptive parents.

This is followed by the first visit to the facility and meeting of the applicants with the child, which always takes place in the presence of an interpreter and the psychologist of the Office, together with the expert staff of the facility (director or any other authorised person, physician and



psychologist of the facility). The psychologist of the Office shall produce a detailed report on the commencement of the interaction. In the presence of the interpreter, the psychologist of the Office shall visit the applicant together with the child again typically after 5 to 14 days in order to assess whether it is possible to proceed to subsequent administrative steps (proceedings on granting the custody of the child to the potential adoptive parents), unless assessment takes place in any other suitable manner. This is followed by a report requested from the OSPOD and the report of the facility summarising the course of the interaction. For the rules in the case of complications in interaction, please see Section 3.3.2 below.

In the case of positive interaction, the applicants shall notify the Office whether they intend to take the proposed child to their care with the intention to adopt him or her in the future, thus continuing the court proceedings seeking to have the custody of the child granted to the potential adoptive parents. In the event that the applicants intend to take the proposed child to their care with the intention to adopt him or her in the future, the Office shall agree that the adoption may proceed pursuant to Art. 17, letter c) of the Hague Convention (appendix No. 6).

In the event that the applicants notify the Office that they do not intend to take the proposed child to their care, they are recommended to withdraw their application seeking to have the custody of the child granted to the potential adoptive parents, filed previously with the relevant court.

3.3.2 Complications in the interaction

In the case of any complications in the interaction, the facility shall notify the relevant legal counsel of the Office, who shall immediately forward the information to the psychologist. Following an agreement with the facility director or any other authorised person, the psychologist shall assess whether and when his or her visit to the interaction site is necessary. In the presence of an interpreter, it should involve a detailed analysis of the situation with both the adoptive parents, and the facility staff attending to the interaction. The legal counsel of the Office shall also communicate the situation to the child's guardian appointed for the purposes of the proceedings on granting the custody of the child to the potential adoptive parents, or the child's guardian. Following the determined facts, the psychologist of the Office may:

- a) Recommend new measures that could help address the situation so that the interaction could continue; or
- b) Suggest terminating the interaction since improving the existing development may not be realistically expected; or
- c) Suggest terminating the interaction since the applicants have decided to withdraw from mediating the adoption.

In the event that additional measures under letter a) are proposed, the Office shall assess their efficiency within 3 to 5 days on the basis of the communication with the adoption applicants and facility staff, or possibly on the basis of the on-site examination of the psychologist of the Office.

In the event that the procedure follows letters b) and c), the applicants are to be notified on the conclusions of the proceedings. The applicants shall sign the report of the proceedings in which they formulate their view of the course of interaction, or possibly their consent to its termination. In the event that the applicants agree to terminate the interaction, they will be recommended to withdraw their application seeking to have the custody of the child granted to the potential adoptive parents, filed previously with the relevant court.



The conclusions of the proceedings under letters b) and c) shall be communicated by the psychologist of the Office to the authorised person of the facility and the legal counsel of the Office in charge. The legal counsel shall inform the child's trustee or guardian, the court with which the applicants have filed the application seeking to have the custody of the child granted to the potential adoptive parents, and the Central Authority or any authorised body of the receiving state. Subsequently, the psychologist of the Office produces a report on the whole procedure, which is included in the file.

In the event of terminating the interaction, the Central Authority or any authorised body of the receiving state shall send to the Office the assessment of the interaction and the statement on the steps to be taken by the Office in relation to the specific applicants.

3.4 Court proceedings on granting the custody of the child to the potential adoptive parents

For the purposes of the proceedings on granting the custody of the child to potential adoptive parents domiciled in a foreign country, the relevant jurisdiction has been granted to the court in whose district the Office has its seat (§ 428, section 2 of Act No. 292/2013 Coll., on Special Judicial Proceedings, as amended). For this reason, the applicants file the application seeking to have the custody of the child granted to the potential adoptive parents with the Municipal Court in Brno immediately after their first visit to the Office. The proceedings on granting the custody of the child to the potential adoptive parents shall follow the applicable Czech legal regulations.

The applicants may leave the Czech Republic together with the child only after receiving the court's decision on granting the custody of the child to the potential adoptive parents, including the clause on the legal effect of the decision.

3.5 Departure of applicants after granting the custody of the child to the potential adoptive parents

Upon issuing the decision on granting the custody of the child to the potential adoptive parents and before going abroad, the applicants will obtain the child's passport. The passport is to be issued by the competent administrative authority pursuant to Act No. 329/1999 Coll., on Travel Documents, as amended. After relocating the child abroad, the applicants may apply for a new passport with the Office. By means of a representative office of the Czech Republic, the applicants may also apply for temporary travel documents (the so-called temporary passport) intended for the particular journey. After obtaining the new passport, the applicants shall return the original passport to the Office.

When receiving the child in the facility, the adoptive parents shall obtain:

1. Original of the Birth Certificate of the child or its notarised copy;
2. Release medical report of the child;
3. Medical insurance card of the child;
4. Vaccination card of the child containing the summary of vaccinations.



Once the child has been received by the potential adoptive parents, the Office shall send to the Central Authority or any other authorised body of the receiving state as follows:

1. Certificate of the consent to intercountry adoption (Art. 20 of the Hague Convention);
2. Copy of the citizenship certificate of the child (upon request);
3. Copy of the document based on which the child is suitable and eligible for adoption (upon request).

All the costs related to interpreting in the course of the whole interaction and translations of all necessary documents are to be borne by the applicants.

4 Mutual Awareness on the Course of the Adoption and the Measures Taken upon its Completion

After the child is placed into care of the potential adoptive parents, the Central Authorities or the authorised organisation of the receiving state are obliged to send the Office (Article 20 of the Hague Convention) follow-up reports on the situation of the child in the family. In addition to that a person authorised to do so by the receiving country shall visit the family and undertake an inquiry. The results of the inquiry will be compiled into a report that will include as appendixes any recent medical reports and a photograph of the child jointly with other family members (appendix No. 9). At first, the Office will be sent the reports as follows:

1. After the period of 1 month for which the child resides in the receiving country;
2. After the period of 3 months for which the child resides in the receiving country;
3. After the period of 6 months for which the child resides in the receiving country;
4. After the period of 12 months for which the child resides in the receiving country.

After sending the report No. 4, the Office will be sent the reports based on the child's age as follows:

- I. At the child's age of 3 years;
- II. At the child's age of 7 years;
- III. At the child's age of 12 years;
- IV. At the child's age of 15 years;
- V. At the child's age of 18 years.

The number of Reports I – V will depend on the child's age reached when sending the report No. 4. In the event that the first one of the reports (I – V) were to be sent earlier than six months after sending the report No. 4, it is the following report that is required.

The reports prepared in such a manner together with their translation into the Czech language shall be sent by either the relevant Central Authority or any other authorised body of the receiving state to the Office.



Should the authorised social worker of the receiving state find out that the placement of the child in the care of potential adoptive parents is not in the best interest of the child, the Central Authority of the receiving state will instantly inform the state of origin and will take measures for protection of the child (Article 21 of the Hague Convention).

After the period of 6 months from the placement of the child in the receiving state and after submission of 3 reports the persons who were awarded pre-adoption care of the child may submit an application with the Office seeking a decision on consent with the intercountry adoption of the child (§ 35, section 2, letter i) of the Act on Social and Legal Protection of Children). The application is submitted through relevant Central Authority or any other authorised body of the receiving state together with the translation into the Czech Language (Appendix No. 7). The Office shall issue a decision on consent with the adoption in the event that the submitted reports imply that the adoption of the minor child by the applicants is in the best interest of the minor child. As soon as the intercountry adoption of the child is completed the receiving state shall notify the state of origin accordingly by sending a document pursuant to Article 23 of the Hague Convention by which it will confirm that the adoption was conducted and completed in accordance with the Hague Convention (Appendix No. 8).

The Office is obliged to notify subjects set forth by § 25 section 9 of the Act on Social and Legal Protection of Children about the intercountry adoption of a child.

5 Overview of appendixes

The Methodology Recommendation for Facilitation of Intercountry Adoption into a Foreign Country include the following appendixes:

1. Application seeking the entry into the register;
2. Recommended framework for assessment of the applicants from the psychological point;
3. Questionnaire for medical examination and assessment;
4. Consent of the applicants with inspections of the child undertaken at the times set forth by the Office;
5. Questionnaire for the applicants – part A and part B;
6. Consent with continuation of the proceedings;
7. Application seeking to have a decision issued granting consent with adoption of a minor child by the potential parents;
8. Certification of adoption;
9. The recommended framework for preparation of the development report.

In Brno, 30 January 2014

JUDr. Ing. Zdeněk K a p i t á n, Ph.D.
Director