



Úřad pro mezinárodněprávní
ochranu dětí



Methodology of Intercountry Adoption Facilitation

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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 to 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 to 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., the 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 to 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
 - 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 the CR. Suitable care for the child in the 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 Section



24 of 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 Registration as a Suitable Potential Adoptive Parent

The Applicants applying for adoption of a child from the 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 Act No. 500/2004 Coll., the 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 to the inspections of the child conducted at the times stipulated by the Office (appendix No. 4),
12. Completed 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 their certified 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 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 certified Czech translation, unless the Central body or the authorised organisation of the receiving state agreed otherwise. 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. Applicants are sent through the Central Authority or any other authorised body of the receiving state a notice on acceptance of the application. The Office is obliged to decide the matter in accordance with the provision of Section 71(3) of the Administrative Procedure Code.

In the event the application fails to include all particulars, the Office shall stay the proceedings (Section 64 of the Administrative Procedure Code) and shall invite the applicants to file additional documentation or data. The Office shall set a time period and should the applicants fail to comply with the obligation imposed in such a manner within the provided time period, the Office shall discontinue the proceedings [Section 66 of the Administrative Procedure Code] and shall not enter the applicants into the register. The applicants are served the resolution on the discontinuance of the proceedings. The Central Authority or the authorised organisation of the receiving state are informed by the Office on the issuance of the resolution of its contents.

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. The Central Authority or the authorised organisation of the receiving state are informed by the Office on the issuance of the decision and its contents. The decision is served in the Czech language. The applicants have a period of 15 days available from the date when they were notified of the decision to file an appeal (Section 83 of the Administrative Procedure Code) should they disagree with the decision. The appeal is submitted with the Ministry of Labour and Social Affairs through the Office.

As soon as the Office obtains the documentation for the issuance of the decision, it informs the applicant and provides them with a 15-day period for comments. This does not apply to applicants if their application is granted in full.

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

After the decision on inclusion into the register of suitable applicants for adoption becomes final the applicants have the obligation to notify the Office of all changes relevant 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 inclusion into the register of applicants suitable to become adoptive parents must be sent again. The application seeking inclusion 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 inclusion 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 Section 25(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 for 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 Clause 1, or alternatively on the day when the Office finds the breach of the obligation pursuant to Clause 2. Applicants are sent through the Central Authority or any other authorised body of the receiving state a notice on the acceptance of the application. The Office is obliged to decide the matter in accordance with the provision of Section 71(3) of the Administrative Procedure Code.

The applicants are served the decision on exclusion from the register. The Central Authority or the authorised organisation of the receiving state are informed by the Office on the issuance of the decision and its contents. The decision is served in the Czech language. The applicants have a period of 15 days available from the date when they were notified of the decision to file an appeal (Section 83 of the Administrative Procedure Code) 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 Section 22(2) of the Act on Social and Legal Protection of Children, in particular:

1. Information on the child,
2. Information on the social relations of the child, its parents, siblings or grandparents, including an individual plan of child's protection,
3. Report on the psychological examination of the child,
4. Report on the child's health condition and development,
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 or possibly a data carrier with a video recording 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), so-called matching. These proposals are submitted to the Advisory Board of the Office for Foster Care.

The Office shall notify the relevant Regional Office of 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 in writing 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 "the facility"), the Office shall arrange the date of the visit of the applicants for the purposes of making contact with the child (interaction).

The facility shall 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 "the relevant legal counsel of the Office), i.e. the date of applicants' arrival and 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 Social and Legal Protection of Children, which maintains the file documentation of the child (hereinafter only "OSPOD") or the child's guardian shall 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 shall 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. The estimated length of the proceedings from the submission of the proposal at the Municipal Court in Brno is between 4 and 6 weeks.

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 shall act as their contact person for the whole period of their stay in the Czech Republic. The psychologist of the Office shall 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 and current confirmations of the applicants' income. 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 Clause 3.4 of this Methodological



Recommendation, the applicants shall file an application seeking to have the custody of the child granted to the potential adoptive parents with the Municipal Court in Brno.

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 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 or from the guardian, if assigned, and the report of the facility summarising the course of the interaction. For the rules in the case of complications in interaction, please see Clause 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 issue the agreement 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 Interaction

In the case of any complications in the interaction, the facility shall notify the relevant legal counsel of the Office without undue delay, who shall immediately forward the information to the psychologist of the Office. 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 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 formulate their view of the course of interaction in writing or possibly their consent to its termination. In the event that the applicants agree to terminate the interaction, they shall 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 the guardian, the court with at 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 [Section 428(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

After the issuance of the decision on granting the custody of the child to the potential adoptive parents and prior to the departure abroad, the applicants shall receive the child's passport. The Office shall file an application for the issuance of the passport at the Municipal authority in Brno. The presence of both the applicants and the child is required when submitting the application. The issuance of the passport is free of charge. The applicants may request for arranging to issue a new passport after the transfer of the child abroad via a competent



representative authority of the Czech Republic abroad. In these cases, pursuant to Section 17(6) of Act No.329/1999 Coll., the Passport Act, as amended, the Office issues a written consent.

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

1. Original of the Birth Certificate of the child or its certified 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. Anonymised 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 paid 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 the reports on the situation of the child in the family prepared by the relevant social office or any other authorised organisation of the receiving state (the follow-up report pursuant to Article 20 of the Hague Convention). 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 shall be compiled into a report that shall include as appendixes a recent medical report and a photograph of the child jointly with other family members (appendix No. 9). At first, the Office shall be sent the reports in the following intervals:

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 shall 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 sent reports I – V shall depend on the child's age reached when sending 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 report No. 4, it is the following report that is required.

Reports III to V shall not be required, unless their provision is possible in compliance with the statutory provisions of the receiving state, in particular, taking protection of privacy of the adopted child into account.

These reports are sent by the relevant Central Authority or any other authorised body of the receiving state of the Office. The reports must be submitted in the Czech language. In the event that the reports are not in the Czech language, their original versions equipped by a certified Czech translation must be submitted, unless the Central body or the authorised organisation of the receiving state have agreed otherwise. 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 of 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 shall instantly inform the state of origin and shall 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 for issuing a decision on consent to the intercountry adoption of the child [Section 35(2), Letter i) of the Act on Social and Legal Protection of Children]. The application is submitted through a relevant Central Authority or any other authorised body of the receiving state together with the translation into the Czech Language (Appendix No. 7). Applicants are sent through the Central Authority or any other authorised body of the receiving state a notice on the acceptance of the application. The Office shall issue a decision on consent to the adoption in the event that the submitted reports on the child's development imply that the adoption of the minor child by the applicants is in the best interest of the minor child. Applicants are served the decision on consent. The Central Authority or the authorised organisation of the receiving state are informed by the Office on the issuance of the decision and its contents. As soon as the intercountry adoption of the child is completed, the receiving state shall notify the state of origin accordingly by sending the original of the document to the Office pursuant to Article 23 of the Hague Convention, by which it shall confirm that the adoption was conducted in accordance with the Hague Convention (Appendix No. 8).

The Office is obliged to notify subjects set forth in Section 25(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 includes 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 to 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 to continuation of the proceedings
7. Application seeking to have a decision issued granting consent to adoption of a minor child by the potential parents
8. Certification of adoption
9. Recommended framework for preparation of the development report.

Brno, 30 April 2016

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