



Úřad pro mezinárodněprávní
ochranu dětí



Methodological Recommendations Regarding the Facilitation of Intercountry Adoption

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List of abbreviations and acronyms

The following abbreviations and acronyms are used in the text:

EU	– European Union
Hague Convention	– The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention) (published in No. 43/2000 Coll. m. s.)
Matching letter	– notification of the selection of specific applicants for the adoption of a specific child
Foster parents	– foster parents for a temporary period
Advisory Board	– Advisory Board of the Office for the Substitute Family Care
PPPD	– foster care for a temporary period
Rules of Administrative Procedure	– Act No. 500/2004 Coll., Rules of Administrative Procedure, as amended
Office	– Office for International Legal Protection of Children
ZOSPOD	– Act No. 359/1999 Coll., on social and legal protection of children, as amended
CC	– Act No. 89/2012 Coll., the Civil Code, as amended
Applicant	– an applicant for the adoption of a child from the Czech Republic



1 Legal Background of Intercountry Adoptions

Only the Office, being the central authority under the Hague Convention, may facilitate an adoption of a child from the Czech Republic.

The principle of subsidiarity - subsidiarity of the intercountry adoption arising from Article 21 (b) of the Convention on the Rights of the Child - is strictly applied in the Czech Republic.

A suitable family is sought in accordance with Section 24 of ZOSPOD by competent regional offices. If it is clear from all the circumstances that foster care or adoption cannot be facilitated in the Czech Republic, or it cannot be assumed that a relative or close person to the child may take the child in his/her care, the competent regional authority will make the file of the child available to the Office, within the statutory period. Then the Office will start seeking a suitable adoptive family for the child abroad.

2 Child Adoptability

2.1 General

A prerequisite for the adoption is such a relationship between the adoptive parent and the adopted child as between a parent and a child, or at least there are foundations of such a relationship. The adoption of a minor must be in accordance with his/her interests.

Only an adult person with legal capacity that has such personal characteristics and leads such way of life, and has reasons and motives for the adoption, ensuring that he/she will be a good parent for the child, can become an adoptive parent. The health condition of the adoptive parent or parents must not impede the care for the adopted child to a large extent.

Spouses or one of the spouses may become adoptive parents. In exceptional cases, other persons may adopt children. In order to have the same parental rights to the child, the two people adopting need to be married. The adoption by the same-sex couples is not permissible.

There must be an adequate age difference between the adoptive parent and the adopted child, which should not normally be less than sixteen years.

The adoption should give rise to a relationship between the adopted child and the adoptive parent that as much as possible resembles the one between the parents and their children - i.e. the age difference should correspond to the natural age difference between parents and children.

The adoption is only facilitated if the child is adoptable according to the Czech law, if:

- a) The parents of the children have given their consent to the adoption of their child by unknown adoptive parents¹,
- b) The court ruled under CC that consent of parents is not necessary for the adoption²,
- c) The parents clearly show no interest in the child and therefore their consent is not needed³,
- d) The parents are unknown,
- e) The child is an orphan with no relatives.

¹ Section 809 et seq. of CC

² Section 818 et seq. of CC

³ Section 819 in connection with Section 821 of CC

2.2 Parental consent with adoption of the child (Section 818 et seq. of CC)

Adoption requires the consent of the parents of the child being adopted. The consent is given by a parent through a personal statement addressed to the court. If the consent is subject to a condition or if it is temporary, the consent is not taken into account. Before giving their statement, parents are duly advised by the court on the nature and consequences of their statement of consent and of the nature of the adoption. A mother of the adopted child may give her consent no sooner than six weeks following the birth of her child. A father of the adopted child may give his consent with the adoption even before the expiry of the period above, however no sooner than when his child is born.

After a period of three months from the date when the consent for adoption was given, the exercise of the rights and obligations arising from the parental responsibility is suspended, the court shall appoint an authority for social-legal protection of children to act as a tutor, unless the tutor has been appointed previously (Section 825 of CC).

2.3 Adoption without parental consent (Section 818 et seq. of CC)

Consent of a parent of the adopted child is not required for the adoption, if the parent:

- a) has been deprived of his/her parental responsibility and at the same time of his/her rights to give consent with the adoption,
- b) cannot manifest his/her will or recognise the consequences of his/her actions or control them, or
- c) stays in an unknown place and the court, with the assistance of other public authorities, is unable to determine his whereabouts, in spite of making every effort in this regard.

If the parent has been deprived of his/her parental responsibility and at the same time of his/her rights to give a consent with the adoption (i.e. if there is no parent who exercises his/her full parental responsibility vis-a-vis the child), consent of a tutor is required. Each decision of the tutor regarding any extraordinary matters relating to the child (e.g. consent with adoption) must be approved by the court (Section 934 of CC); the court would either allow the tutor to give his/her consent in advance, or it will approve the legal act (giving consent with the adoption) after the fact. Tutor may give consent with the adoption without designating a particular adoptive parent.

In situations, where parents are not able to manifest their will or recognise the consequences of their actions or control them or stay in an unknown place and their whereabouts cannot be established by the court with the assistance of other public authorities even in spite of making every effort, a consent of the guardian appointed by the court for this purpose is required. After a period of three months from the date when the consent for adoption was given, the exercise of the rights and obligations arising from the parental responsibility is suspended, the court shall appoint an authority for social and legal protection of children to act as a tutor, unless the tutor has been appointed previously (Section 825 of CC).

2.4 Parent shows no interest in his/her child (Section 819 et seq. of CC)

The consent by the parent who clearly shows no interest in his/her child is not required for the adoption. A parent shows no interest in the child if he/she has not consistently shown a real interest in the child, by which he/she, through the fault of his/her, violates his/her obligations as a parent. It is deemed that there is no clear interest in the child, if a real interest has not been shown in the period of last three month since the last time when the real interest in the child was shown by the parent. However, if gross violation of its obligations of parental obligation cannot be seen in actions

of the parent, the authority for social and legal protection of children must advise the parent of any potential consequences of his/her behaviour and a condition of a three-month period has been complied with. Following such notice of advice, the authority for the social and legal protection of children must advise and assist the parent.

The court shall give a ruling in special proceedings whether the parental consent is required for the adoption. Should the court rule that consent of both parents is not required for the adoption, consent of the guardian appointed by the court for this purpose is required. Before giving his/her consent, the guardian will establish any and all relevant facts regarding the prospective adopted child and his/her family that may have an impact on the decision regarding the adoption. Guardians may give consent with the adoption without designating a particular person.

After a period of three months from the date when the consent for adoption was given, the exercise of the rights and obligations arising from the parental responsibility is suspended, the court shall appoint an authority for social and legal protection of children to act as a tutor, unless the tutor has been appointed previously (Section 825 of CC).

2.5 Parents of the child are unknown or the child is an orphan

There may be situations when parents of the child are unknown (typically, children placed in the so-called baby hatch), or have deceased.

If there is no parent who has and exercises his/her full parental responsibility with regard to the child, the court will appoint a tutor for the child (Section 928 of CC). A potential consent with the adoption is then given by the tutor. This is a decision of the tutor not in an ordinary matter related to the child.

2.6 Consent of the child with adoption

A consent of a child is always required for the adoption (Section 805 of CC). If the adopted child is at least twelve years old, his/her personal consent is always required, unless it is beyond any doubt that the procedure requiring personal consent of the adopted child would fundamentally contradict the interests of the child, or the child is not able to understand the implications of a such consent. Before the will of the adopted child is expressed, the court would advise the child of the purpose, content and implications of his/her consent with the adoption (Section 806 of CC).

If the child has not reached at least twelve years of age, a guardian must be also appointed who will grant consent with the adoption for the child (Section 807 of CC). Authorities for social and legal protection of children are usually appointed as guardians by courts. For future legal certainty and with regard to the protection of the best interests of the child, the consent for the child is granted in relation to specific adoptive parents. Before the consent is given by the guardian, the guardian will ascertain any and all relevant facts that will lead him/her to believe that the adoption is in accordance with the best interests of the child.

To be able to ascertain and evaluate relevant circumstances required to grant the consent by the guardian, the intercountry adoption process is set in such a way to allow to grant consent no sooner than six months following the date when the child is placed in the receiving state and once the first three reports regarding the development of the child sent by the Office are received.



3 Registration of applicants who are eligible to become adoptive parents

3.1 Entry in the registry of applicants

The applicants shall file their request to be entered in the registry (Annex No. 1) with the Office through the central authority or authorized body of the receiving state that is granted a permit within the meaning of Article 12 of the Hague Convention from the Office.

The request to be entered in the registry shall have general requirements of an application pursuant to the Rules of Administrative Procedure and special requirements under ZOSPOD. The following must be submitted as annexes to the request:

1. Approval of the application for adoption - the approval must be given by the competent authority of the receiving state, and must explicitly state that that applicants are suitable and fit for the adoption under the laws and regulations of the receiving state⁴ and must include characteristics of children who the applicants are qualified to take care of⁵,
2. Birth certificates of the applicants⁶,
3. Documents evidencing the citizenship of the applicants⁷,
4. Document, being an equivalent of a copy from the records of criminal history issued in the state where the applicant and other persons living with him/her in a common household who are older than 15 years of age, have continuously lived for more than 3 months after they turned 15 years of age until the submission of the request - document of no criminal record, not older than three months⁸,
5. Marriage certificate of the applicants⁹,
6. Report on social investigation (home study) - prepared by a competent social worker, not older than 1 year (Annex No. 2B)¹⁰,
7. Report on personality assessment - prepared by a psychologist, including an examination focused on the detection of possible psychopathology, not older than 1 year (Annex No. 2A)¹¹,
8. Report on the health assessment of applicants - drawn up by a general practitioner (general, family, etc.) not older than 6 months (Annex No 3, Part A), prepared by the applicants (Annex 3, Part B)¹²,

⁴ Article 5 (a) of the Hague Convention.

⁵ Section 21 (5) (a) of ZOSPOD.

⁶ Article 15 of the Convention; Section 22 (3) (c) of ZOSPOD.

⁷ Section 21(5) (b) of ZOSPOD.

⁸ Section 21(5) (c) (d) of ZOSPOD, in conjunction with Section 27 (1) (e) and Section 27 (3) of ZOSPOD.

⁹ Section 22 (3) (c) of ZOSPOD.

¹⁰ Section 21 (5) (f) of ZOSPOD.

¹¹ Section 22(3) (b) of ZOSPOD.

¹² Section 21 (5) (e) of ZOSPOD.

9. Proof of employment, not older than 6 months¹³,
10. Proof of the income of the applicants¹⁴,
11. Consent of the applicants with inspections of the child at times specified by the Office (Annex No. 4)¹⁵,
12. Completed questionnaire for the applicants for adoption (Annex No. 5)¹⁶,
13. Photo documentation - an electronic form is preferable (in formats and on technical data carriers accepted by the Office¹⁷), with the content focused on the introduction of the applicants, or their children and other household members, housing conditions, closest relatives or friends, the number of photos should not exceed 20 images¹⁸, the introduction may be made easier by an attached video file (once again, in formats and on technical data carriers accepted by the Office), where the applicants, or other household members will be introduced in any form, such video should not exceed 5 minutes. The photo documentation or other materials should not include words such as: "mum, dad, your brother or sister, your room" etc. The materials should respect the preparation of the child, as the child is being prepared for the visit, and the fact that the interaction may not necessarily be successful.

The original document or certified copies shall be attached as annexes. Any annexes to the application that are public documents,¹⁹ must include prescribed certifications.²⁰ To be used in the Czech Republic, such document must have a higher authentication (superlegalization) by the Embassy of the Czech Republic, which is accredited for the state, the authority of which has issued the document. Superlegalization by the Embassy of the Czech Republic shall proceed once the document is authenticated by competent authorities and the Ministry of Foreign State of the state in the territory of which the document was issued.

Superlegalization is not required in the event of public documents issued by the state:

- a) being a party to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public (published in No. 45/1999 Coll.)²¹; in such case, an Apostille will be attached to the public document,
- b) that has concluded a bilateral treaty with the Czech Republic regulating the issue of mutual recognition of public documents; in such case, the provisions of such international treaty will apply.

With regard to documents falling within the scope of the European Parliament and Council Regulation (EU) No. 2016/1191 of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and

¹³ Section 21 (5) (f) of ZOSPOD.

¹⁴ Section 21 (5) (f) of ZOSPOD.

¹⁵ Article 20 of the Hague Convention.

¹⁶ Section 22 (3) (c) of ZOSPOD.

¹⁷ List of formats and technical carriers is available at <https://www.umpod.cz/urad/e-podatelna/>.

¹⁸ Section 22 (3) (c) of ZOSPOD.

¹⁹ Public document is a document that is deemed a public document by Section 12 (1) of Act No. 91/2012 Coll., on the private international law, as amended.

²⁰ Section 12 of Act No. 91/2012 Coll., on the private international law, as amended.

²¹ List of contracting states is available at <https://www.hcch.net/en/instruments/specialised-sections/apostille>.

amending Regulation (EU) No. 1024/2012, this regulation shall primarily apply.

The request to be entered in the registry of the applicants for adoption including any attachments must be submitted in the Czech language. If the documents that are part of the application, or the application as such, are not written in the Czech language, the original document or certified copy of the original document with the original of the certified Czech translation must be submitted, unless specified otherwise by the central authority or authorised body of the receiving state. The cost of the translation of such documents shall be borne by applicants.

Any and all the information above shall be processed in accordance with the European Parliament and Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (in particular with Articles 5 and 6).

On the date when the application is delivered, the Office will initiate the proceedings regarding the entry of the applicants who are suitable to become adoptive parents in the registry of the applicants. The Office will inform the central authority or authorised body of the receiving state that it has received the application. The Office must decide the matter in accordance with the provisions of Section 64 (2) of ZOSPOD.

If the application does not have all requirements, the Office will suspend the proceedings (Section 64 of the Rules of Administrative Procedure) and will invite the applicants to provide the missing documents or data. The Office shall set a date for the provision of any missing details, and should the applicants fail to comply by the date set above, the Office will stop the proceedings (Section 66 of the Rules of Administrative Procedure) and will not enter the applicants in the registry. The resolution on the suspension of the proceedings shall be delivered to the applicants into their own hands. If such instrument cannot be served in the manner above, the Office will appoint a guardian in accordance with Section 32 (2) (d) for the applicants who will be delivered the instrument in lieu of the applicants. The central authority or the authorised body of the receiving state are informed by the Office of the issuance of the resolution and of its content.

Once the Office has all materials to issue the decision, the Office will inform the applicants and will set a 15-day period for their statement. This shall not apply to the applicants whose applications have been accommodated in full.

The decision to enter, or not to enter the applicants in the registry shall be delivered to the applicants into their own hands. If the document cannot be served in the manner above, the Office shall appoint a guardian pursuant to Section 32 (2) (d) of the Rules of Administrative Procedure who will be served the document in lieu of the applicants. The central authority or the authorised body of the receiving state are informed by the Office of the issuance of the decision and of its content. The decision shall be delivered in the Czech language. The applicants will have a period of 15 days from the date when they are notified of the decision to file an appeal (Section 83 of the Rules of Administrative Procedure). The appeal shall be filed with the Ministry of Labour and Social Affairs through the Office.

There is no obligation to pay fees to file the application.

Following the final and conclusive decision regarding their entry in the registry, the applicants must inform the Office through the central authority or authorised body in the country that forwarded their application, of any and all changes that are critical for the facilitation of adoption, within 15 days of the date when such changes occur. It is sufficient, if the critical changes are communicated to the legal counsel of the Office, via e-mail, who will then request a written confirmation of such change.

If the critical changes are not communicated, the Office may remove the applicant from the registry of suitable applicants for intercountry adoption.²²

The Annexes that are part of the application to be entered in the registry of the applicants for adoption must be regularly (annually) and duly updated by the central authority or authorised body of the receiving state. The application is first updated after one year from the date when the entry of the applicants in the registry of the suitable applicants for an adoption of children from the Czech Republic becomes final and conclusive. In the following years, the update is required always on the annual anniversary when the previous update was delivered. Unless otherwise specified by the Office, the Annexes No. 4, 6, 7, 8, 9 and 10 must be submitted for the update. With regard to the Annexes 6, 7 and 9, it is sufficient for the central authority or the authorised body to confirm in writing that there have been no significant changes during such period, unless the Office requires a full update of the relevant document. In the event of failure to deliver the update within 3 months from the first formal notice for an update, the legal counsel of the Office will request the central authority or authorised body to provide the documents for the second time. At the same time, he/she will also send the invitation to the addresses of the applicants with a 3-month deadline for completion. If, despite of the above, the documents are not delivered to the Office, the Office will proceed with the removal of the applicants from the registry of eligible applicants to adopt a child from the Czech Republic.²³

3.2 Assessment of the applicants' documentation by the psychologists of the Office

The assessment of the applicants from the psychological point of view is an essential part of the application. The report must be drawn up by a psychologist. It is appropriate that the psychologist has experience in the field of substitute family care. The report must not be older than 1 year.

To assess the applicants at length it is necessary to address many psychological areas, and as a result, multitude of psychological methods and tools are needed. The outline and a description of each of the points of the required psychological report including recommended psychodiagnostic methods, are described in the Annex No. 2A.

The psychologist of the Office will evaluate the psychological and social report of the applicants (outline is given in the Annex No. 2B). Based on the assessment, the psychologist will recommend the Office to accommodate, or not to accommodate the application and will give general recommendations how to match children to the applicants.

3.3 Second/subsequent application for adoption

Applicants may decide to apply for an adoption of another child from the registry of children with the Office for whom intercountry adoption is suitable, once the child is placed in their care before the adoption based on the local decision and before the child's adoption in the receiving country becomes final and conclusive. There is no need to resubmit a new application for an entry in the registry of the applicants who are suitable to become adoptive parents. In such case it shall be sufficient to update documents that are part of the original application. Unless otherwise stipulated

²² Section 25 (4) (b) point 2 of 2 ZOSPOD.

²³ Section 46 of the Rules of Administrative Procedure.

by the Office, Annexes No. 4, 6, 7, 8, 9 and 10 must be submitted for the update of annexes. Unless specified otherwise by the Office, with regard to Annexes 6 and 7, it shall suffice that the update will only concern the assessment of possibilities and readiness of the applicants to adopt another child. It may be an opinion of a psychologist or social worker who will focus on parenting capacity of applicants, whether they have the skills and capacity to accept another child in the family, what the adaptation of the previous child was like and how their family currently functions. Also, it must be considered, how their child could react to another sibling, whether the child is being prepared, the situation is being discussed with the child etc. At the same time, it is not another social surveys or psychological assessment (if no significant changes have occurred), but just an update of information, by an interview.

Should the applicants decide to apply for an adoption of another child from the registry of children of the Office for whom intercountry adoption is suitable (including a biological sibling of the child), following a final and conclusive decision on the adoption in the receiving state, an application for an entry in the registry of suitable applicants to become adoptive parents must be resubmitted. The application for an entry in the registry must be sent, together with any and all annexes above, except for Annexes 2, 3 and 5, if they have been included in the file regarding the preceding application for an entry in the registry of applicants. In this case, the adoption may be facilitated no sooner than when the decision to enter the applicants in the registry of applicants who are suitable to become adoptive parents becomes final and conclusive.

3.4 Removal of applicants who are suitable to become adoptive parents from the registry

The Office will remove the applicant from the registry in accordance with Section 25 (4) of ZOSPOD if:

- a) There are serious reasons for which the adoption cannot be facilitated, or
- b) The applicants have grossly violated their obligation to communicate any information that is relevant for the registration (e.g. breach of an obligation to provide annual updates, or obligation of applicants to inform the Office of any changes that significant for the facilitation of intercountry adoption), or
- c) Upon a request by the applicants.

The applicants are removed from the registry on the basis of administrative proceedings initiated either by the applicants themselves or ex officio even without a request.

The submission of the request for removal can be made in writing (original document with signatures under Annex No. 10), orally in the protocol or in an electronic form signed by means of an electronic signature recognised in accordance with the Czech laws and regulations. If the submission is confirmed within 5 days, or, where appropriate, supplemented in a manner described above, it can be also made using other technical means, especially by telex, telefax or public data network without the use of a signature.²⁴ The Office will inform the central authority or authorised body of the receiving state that it has received the request. The Office must decide the matter in accordance with the provisions of Section 71 (3) of the Rules of Administrative Procedure.

²⁴ Section 37 (4) of the Rules of Administrative Procedure.

If there are reasons under clause a), or if obligations under letter b) are violated, the Office will initiate administrative proceedings ex officio.²⁵ For the applicants who could not be reached and informed that the proceedings have been initiated, the Office will appoint a guardian who will be served the document in lieu of the applicants, the resolution on the appointment of the guardian shall be served via a public notice.

The decision on the removal from the registry shall be delivered to the applicants into their own hands. If such deed cannot be served in the manner above, the Office will appoint a guardian in accordance with Section 32 (2) (d) for the applicants who will be delivered the instrument in lieu of the applicants. The central authority or the authorised body of the receiving state are informed by the Office of the issuance of the decision and of its content. The decision shall be delivered in the Czech language. The applicants will have a period of 15 days from the date when they are notified of the decision to file an appeal (Section 83 of the Rules of Administrative Procedure). The appeal shall be filed with the Ministry of Labour and Social Affairs through the Office.

4 Registry of children, for whom the Office facilitates the intercountry adoption

4.1 General

The Office shall maintain a registry of children for the purposes of facilitation of intercountry adoption. The dossiers of children shall contain the documents made available by the regional authority in accordance with ZOSPOD, and also other documents drawn up by the Office on the basis of the information established about the child.

4.2 Dossiers of children made available by the relevant regional authority

The dossiers of children shall contain up-to-date materials under Section 22 (2) of ZOSPOD, including but not limited to:

1. Personal data of the child²⁶,
2. Details of social circumstances of the child and his/her parents and siblings, including their current placement, possibly grandparents, including individual child's protection plan and an assessment of the child's situation²⁷,
3. Report on the psychological examination of the child²⁸,
4. Report on the health and development of the child²⁹,
5. Documents evidencing the citizenship of the child³⁰,
6. Birth certificate of the child³¹,

²⁵ Section 46 of the Rules of Administrative Procedure.

²⁶ Section 21 (4) (a) of ZOSPOD.

²⁷ Section 21 (4) (c) in conjunction with Section 10 (3) (d) of ZOSPOD.

²⁸ Section 22 (2) (d) of ZOSPOD.

²⁹ Section 21 (4) (f) of ZOSPOD.

³⁰ Section 21(4) (b) of ZOSPOD.

³¹ Section 22 (2) (d) of ZOSPOD.

7. Document that the child meets conditions for adoption³²,
8. Document demonstrating that the principle of subsidiarity has been complied with³³,
9. Decision of competent authorities regarding the upbringing the child, if any³⁴,
10. Photos of the child, (in case of children with special needs even with a video recording with the child, in the formats and on technical data carriers accepted by the Office³⁵)³⁶,
11. Statement by the child regarding the possibility of facilitation of substitute family care provided for by the closest child-carer (statement by the child is required with regard to the age of the child and his/her intellectual maturity and is usually given from 6 years of age onwards³⁷,
12. Statement by the tutor of the child and the child-carer, whether the child's adoption is in his/her interest; if necessary, statements by other persons (psychologist, physician, therapist, etc.)³⁸

In addition to the above, the dossier of the child shall include a completed Questionnaire of the Child - Intercountry Adoption, which is either included in the dossier provided by the regional authority, or is requested by the Office from the facilities or temporary foster parents (hereinafter "foster parents"), where the child is placed.

Questionnaire of the Child - Intercountry Adoption shall always be included in dossier of the child and may replace the health report under point 4.

Any and all the information above shall be processed in accordance with the European Parliament and Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (in particular with Articles 5 and 6).

4.3 Internal assessment by the Office

Based on the available documents about the child, the Office will make an expert assessment regarding the facilitation of intercountry adoption under Section 27 of ZOSPOD and Article 16 of the Hague Convention. This will particularly include the assessment whether the child is adoptable under the Czech law and regulations and psychological assessment of the level of his/her physical and mental development, including his/her specific needs and demands.

When assessing the child, the Office uses the publication entitled "The Best Interest of the Child in Intercountry Adoption"³⁹ while considering other latest standards in this area.⁴⁰

³² Section 21 (4) (d) of ZOSPOD.

³³ Section 22 (9) (a) of ZOSPOD.

³⁴ Section 21 (4) (e) of ZOSPOD.

³⁵ List of formats and technical carriers is available at <https://www.umpod.cz/urad/e-podatelna/>.

³⁶ Section 22 (2) (d) of ZOSPOD

³⁷ Section 8 (2) of ZOSPOD.

³⁸ Section 8 (2) of ZOSPOD.

³⁹ CANTWELL, Nigel: The Best Interest of the Child in Intercountry Adoption. 1st ed. Florence: UNICEF, 2014. ISBN 978-88-6522-025-2. 87 p. Available also at https://www.unicef-irc.org/publications/pdf/unicef%20best%20interest%20document_web_re-supply.pdf.

⁴⁰ E.g. General Comment No. 14 of the Committee established under the Convention on the Rights of the Child, or

In this context, the psychologist of the Office shall assess the so-called psychosocial adoptability, thus it is namely an assessment of a potential ability of the child to bond with new family members and be integrated in the new environment. The Office shall examine the social area (in particular, the situation in biological family, including any current and future relations between siblings), psychological (emotional and psychological needs that must be saturated) and medical (identification of the best care, especially for children with special needs). Furthermore, in the context of international adoptability, the Office shall consider and assess the capacity of the child to adapt to different cultural and language environment. The aim of this assessment and subsequent matching of the child with applicants is to ensure that the rights and needs of children are satisfied and their quality of life is improved.

5 Selection of suitable applicants for the child (matching)

5.1 General

Based on the dossier of the child and dossier of the applicants, the Office will propose the matching of the child with selected applicants. Such proposals are submitted for an assessment to the Advisory Board. The Advisory Board shall recommend the order of the proposed applicants with regard to a particular child. The Advisory Board shall also comment on any concept-related issues and on other activities in the field of substitute family care. It shall be guided by the Status of the Advisory Board and the Rules of Procedure of the Advisory Board (available at the Office's website⁴¹).

5.2 Matching procedure

The matching of applicants for a particular child is ensured by the psychological department. There is no claim to be selected as the most suitable applicant for a particular child, there is no waiting list of applicants, the selection is always done from all registered applicants. The aim is to select the most suitable applicants for a particular child.

The matching begins when the child is adoptable and facilitation of intercountry adoption is suitable for him/her (the so-called psychosocial adoptability). The objective of the psychological department is to select three applicants for the child (or his/her siblings) who will be most likely compatible with his/her personal characteristics, needs and interests.

Before the selection, the psychologist of the Office would familiarise himself/herself with the entire dossier of the child (history, social and health reports, suspected risks, possible prediction, defining specific needs of the child). Based on the information above he/she will draw up a list of important characteristics and traits or specific needs of the child. By this, he/she will also identify any relevant competences and personal prerequisites of potential applicants that are critical for the matching.

If the child already has a sibling adopted in a particular country, the Office prefers a placement in the same family to maintain a bond between siblings. If this is not possible, the Office shall choose the same country or country with the same or close language or geographical proximity.

During the matching, parental competences, abilities and limitations of the applicants, their personal characteristics and lifestyle are taken into account. The prospects of an adoption of a biological sibling, variability of countries of origin of applicants etc. are also considered.

Both children and applicants are introduced to the Advisory Board. Subsequently, the Advisory Board shall recommend the order of the selected applicants.

5.3 Notification of the selection of particular applicants (matching letter) and requirements of the acceptance letter

The Office will inform the competent regional authority of the selection and will provide the central authority or authorised body with a notification of the selection of particular applicants for adoption for the particular child, the so-called matching letter.

The matching letter shall include the following:

- a) Questionnaire of the Child - Intercountry Adoption, or other health reports of the child,
- b) Psychological report regarding the child,
- c) Report on social circumstances of the child and his family,
- d) Reason for which the child can be adopted,
- e) Photos of the child, in justified cases, a data carrier with a video recording of the child,
- f) In some cases, it may also contain a general view of the psychologist of the Office or an offer of an online or phone call to answer questions of the applicants.

If, following due consideration, the applicants are interested in meeting the child, they must inform the Office of this via an original of the so-called acceptance letter, however no later than 60 days following the date when they receive the matching letter, and the acceptance letter will be signed by their own hands and submitted through the central authority or authorised body. In justified cases, the Office may extend the period (Section 24 (3) and Section 26 of ZOSPOD).

The acceptance letter may be drawn up in the Czech or English language. If the acceptance letter is drawn up in other than the English language, a certified translation into the Czech language must be attached to it (a mere copy of the certified translation is not acceptable), unless the central authority or authorised body of the receiving state specifies otherwise. Before the arrival of the applicants in the Czech Republic, or no later than on the date of the so-called zero meeting, the Office will also receive an original copy of the consent with the continuation of the proceedings (Article 17 (c) of the Hague Convention) from the central authority or authorised body of the receiving state. The consent with the continuation of the proceedings may be drawn up in the Czech or English language. If the consent with the continuation with the proceedings is drawn up in other than the English language, a certified translation into the Czech language must be attached to it (a mere copy of certified translation is not acceptable), unless the central authority or authorised body of the receiving state specifies otherwise.

6. Process of getting to know the child

6.1 General

This chapter reflects on the period from the date when the acceptance letter is delivered - preparation for the arrival of the applicants, organising visits and communicating with the facility where the child is placed, or with foster parents. It shall also relate to some of the issues regarding the arrival of the applicants in the Czech Republic, and bonding with the child, including support activities of the Office, until the potential joint departure with the child from the Czech Republic.

The total length of stay of applicants in the Czech Republic will be usually around 8 weeks. The deadline for the issuance of a resolution in the care proceedings before the adoption held before the Municipal Court in Brno is not specified by the law, therefore its duration cannot be guaranteed by the Office.

6.2 Organising the interaction with international and local partners

Once the acceptance letter is received by the Office, the legal counsel of the Office will plan an interaction meetings in cooperation with the psychologist of the Office, institution/foster parent and the organisation accompanying him/her, the authority for social and legal protection of children, tutor and interpreter, and with other stakeholders. Three dates for the meeting are always planned: zero (at the Office, usually one day before the scheduled meeting with the child), first (It shall take place in the institution/at the foster parents, usually on the day following the zero meeting at the Office) and second (It shall usually take place at the place of joint residence of applicants and the child, usually on the 7th to the 20th day of stay of applicants, the child must be in day care of applicants at least for one whole day including a night's sleep).

The legal counsel of the Office will invite the authority for social and legal protection of children that keeps on file the documentation regarding the child and/or the tutor to inspect the documentation personally during the second meeting and to provide the Office and the Municipal Court in Brno with their written assessment of how the applicants and the child bond within 5 working days following the second meeting.

The legal counsel of the Office shall recommend the applicants suitable accommodation at the place of the institution/place of residence of foster parents and in Brno where the applicants usually move with the child after the second meeting. Before booking the accommodation, the applicants will provide the legal counsel of the Office with addresses of their accommodation for approval through the central authority or authorised body.

At their expense, the applicants will obtain the services of an interpreter, the presence of whom is mandatory at the zero, first and second meetings, or any other meetings, the need of which may arise during the interaction.

If the applicants already have their biological or adopted children, such children must be part of the interaction over an uninterrupted period of at least three weeks.

The central authority or authorised body must provide an up-to-date document of no criminal record of the applicants (not older than 3 months), a confirmation of income, in case of a single applicant, a confirmation of personal circumstances of the applicant.

6.3 Cooperation with the institution or foster parents for a temporary period and the organisation accompanying them

6.3.1 Background

As opposed to a placement of a child in an institution, the facilitation of intercountry adoption of the child is different in respect of the guidance of foster parents, applicants and potential expected reactions of the child. Children in institutional care mostly lack healthy relationships to child-carers and may have more or less serious symptoms of deprivation. As a result, they are grateful to have an attention of a new person and they are quick to accept new people. From a qualitative point-of-view, adaptation of the child placed in temporary foster care, is always different during the interaction with the applicants for adoption in the Czech Republic, even after their departure. At first, the child may stay much closer to the primary child-carer (foster parent) and as a result, it may take longer for the applicants to have the child in day-long care. Even then, the children need to know that they may stay in touch with the primary person. Depending on the age of the child, there may be symptoms of homesickness or separation anxieties. On the other hand, the child is used to having a strong relationship with someone and to trust someone. A strong emotional bond to foster parents then gradually transitions on to the applicant and the child develops an emotional bond to his/her future parents much earlier. Owing to individual care, children placed in temporary foster care do not have serious (or none) symptoms of deprivation and more often than children from institutions they are able to establish and maintain relationships. The development of the child is often on a very good level, which means that the development of the child after departure to another country will continue well. The whole change (mutual bonding) may take a little longer, and the start is sometimes difficult, but in the long run, the newly established relationship with the applicants is deeper and is less affected by deprivation. At the same time, work regarding the child's identity is much easier, if the future adoptive parents use the book or box of life of the child provided by the foster parent to the family.

6.3.2 Cooperation with institutions

To be successful, cooperation with the institution where the child is placed (children's centre, children's home, home for infants, facility for children requiring immediate assistance) is of key importance for the process of introducing the applicants to the child. First and foremost, communication, mutual detailed information regarding the process, support to the applicants and the child during the entire process and monitoring of the key features that can make things complicated are critical. The staff of the institution are people who know the child best, they know how the child reacts and what they can expect from him/her and therefore their role in the process of assessment of the interaction is indispensable.

When the Office starts collaborating with a new facility, the first interaction is attended not only by the psychologist of the Office but also the Office's legal counsel who answer any questions regarding the intercountry adoption to the responsible persons.

6.3.3 Cooperation with foster parents for a temporary period

If the child is leaving temporary foster care for an intercountry adoption, the requirements on the applicants for adoption are much higher than in case the adoption of the child from an institution. It is essential to discuss these requirements with the prospective adoptive parents and support them in the process. Understanding, tolerance and cooperation of applicants and foster parents is desirable and is instrumental in the whole intensive process when the child is being handed over. What can help is knowing that in the transitional time of crisis the foster parents provided not only

material support, stability, but above all, individual care and relationship. In the event of adoptions from temporary foster care, the first contact of the Office with foster parents and their key staff member from the organisation accompanying them is arranged by a psychologist who will accompany the applicants and the child.

Sufficiently in advance before the arrival of the applicants, the legal counsel of the Office shall notify the institution or foster parents including their accompanying organisation of the following:

- a) date and time of the first and (approximately) the second meeting that will take place at the institution or with foster parents and will be attended by the applicants and the psychologist of the Office,
- b) information material for the facility, for the foster parents and their accompanying organisation
- c) characteristics of the applicants and their photos,⁴²
- d) web link to a fairy tale in the mother tongue of the applicants for the child (or music).

The institution and foster parents are informed that the Office has a right and obligation to manage and coordinate the complex process of intercountry adoption, both in terms of legal and psychological aspects (needs of the child). However, in this area, the institution or foster parents are the main and indispensable partner for the Office.

If bonding between the applicant and the child is smooth, staff members of the Office will try not to interfere in the process, and rather will stay in touch with all stakeholders, and will be kept informed and will give space and provide a solid framework. If difficulties or complications arise, staff members of the Office will intervene in the process, providing advice, and together with the institution/foster parents and their accompanying organisation will plan, offer alternatives and may even propose an extension of the stay of the applicants or changes in the process of interaction to ensure safe adaptation and bonding of the child with the applicants.

6.4 Preparing the child for the arrival of applicants

Preparing the child for the arrival of applicants is within the competence of the staff members of the institution or foster parents who know the child well and are in a permanent contact with the child. Timely and adequate preparation of the child for the arrival of visitors will significantly affect how they will first interact, get to know each other and subsequently how the child will bond with the applicants. The psychologist of the Office will be usually involved in the preparation of children of school age who may then accompany the child until his/her departure from the Czech Republic, if necessary.

The psychologist of the Office shall give advice to staff members of the institution or foster parents how to prepare the child and with regard to any other questions during the entire process of familiarisation with regime of coexistence of the child and the applicants. The psychologist of the Office has a special role in case of complications regarding the interaction arise.

⁴² Photos, links, fairy tales and other preparatory materials should not contain words such as: "mum, dad, parents, your room," etc. Preparatory materials should always respect the fact that the interaction of applicants with the child may not end well and the materials may then complicate the situation for the child.

The aim of the preparation of the child for the arrival of the applicants is to help the child to:

- a) transform the unknown to the well-known,
- b) make expectations real and to better cope with uncertainty,
- c) facilitate the establishment of contact, transfer his/her relationship from safe persons to new persons.

The psychological department of the Office has drawn up a written recommendation how to prepare children generally, but also specifically for younger children (4 to 5 years) and older children (more than 5 years), it can be sent to facilities or foster parents and consult the preparation with them.

6.5 Zeroth meeting - informing the applicants upon their arrival in the Czech Republic

The so-called zeroth meeting is the first meeting of the applicants with the Office. The applicants are familiarised with the issue of interaction and any steps that will follow by the responsible legal counsel and psychologist of the Office who are contact persons for the whole duration of their stay in the Czech Republic. The meeting shall take place in the consulting room of the Office in Brno for about 2 to 2.5 hours, always in the presence of an interpreter. The aim is to inform the applicant comprehensively of the following:

- a) whole legal process in the territory of the Czech Republic and any steps that the applicants must take,
- b) details of their stay in the Czech Republic,
- c) the child, his/her past, current situation and preparation for his/her meeting with the applicants,
- d) offering and options of the Office (consultations, interventions) and conditions of cooperation.

Zeroth meetings are attended by both the applicants, and, if they have children, the meeting is also attended by their children (suitable areas for the children to play are made available), the legal counsel of the Office in the first part of the meeting and the psychologist of the Office in the second part of the meeting.

The applicants will submit original copies of up-to-date extracts from the criminal records and original copies of an up-to-date confirmation together with their original translation into the Czech language and also an original copy of the acceptance letter and original copy of their consent to continue with proceedings, together with an original copy of the Czech translation to the responsible legal counsel of the Office, if the documents have not been sent to the Office previously. The applicants shall sign a proposal for the placement of the child into their care before the adoption including any required annexes before legal counsel of the Office. Subsequently, the applicants themselves will submit a petition with the Municipal Court in Brno to have the child placed into their care before the adoption.

The psychologist of the Office and the applicants will once again go through the history of and basic information about the child. He/she provides up-to-date information about the child, and

his/her preparation. He/she outlines the approximate course of the first and the second meeting, period between them, and the adaptation regime. He/she proposes timeframe for regular communication with the applicants, every 3 days from the first meeting with the child.

The legal counsel and the psychologist of the Office inform each other of the communication with the applicants.

The legal counsel shall draw up a report from the zero meeting that will briefly summarise the content of the meeting, including the minimum length of the proceedings, thereby the length of stay of the applicants in Czech Republic. The report is signed by all participants once it has been translated by the interpreter. At the zeroth meeting, the legal counsel of the Office will provide the applicants with a confirmation of the pending facilitation of intercountry adoption (Annex No. 11, Part A for children from institution care, Part B for children from temporary foster care) with contact details of the legal counsel and a psychologist of the Office.

In exceptional cases, the zeroth meeting may take place on the same day and at the same location as the first meeting.

6.6 First meeting (meeting of applicants with the child)

The first meeting of applicants with child normally takes place on the day following the day when the zero meeting takes place. It is the first visit of the institution or foster parents and personal meeting of the applicants with the child. The aim of the first meeting is to:

- a) get detailed information about the child directly from child-carers by the applicants (nature of the child, specifics, daily routines, concerns, etc.),
- b) manage the first introduction of the applicants to the child,
- c) plan how the applicants and the child they will get to know each other and how they will gradually take care of the child,
- d) evaluate the first meeting of the applicants with the child.

The first meeting has three parts:

1. Meeting with staff members of the institution or conversation about child with foster parents (approx. 30 minutes to 1 hour)

The meeting shall be attended by an interpreter, professionals of the institution (a social worker, psychologist, physician, an educator) or foster parents (or other household members) and representatives from the organisation accompanying them, psychologist of the Office and applicants, or their biological or previously adopted children (if not applicable, other alternatives are agreed), exceptionally the legal counsel of the Office is present. Staff members of the institution or foster parents will provide information about the child, the applicants will have an option to inquire about details. If the child is in the care of foster parents and sees a specialist - doctors, psychologist general, results of current medical reports can be shared at this point (the interpreter will ensure translation) or possibly agree on a joint visit to the specific physician (foster parent with the applicants, or potentially with the interpreter). The child does not attend this part (in the event of temporary foster care, the child is looked after by other people than foster parents).

2. The child is introduced to the applicants (approx. 1 hour to 2 hours)

The introduction part is attended by the child, representative of staff members of the institution (e.g. a station sister or educator, psychologist) or foster parents with the representative of the organisation accompanying them, applicants (with their children, as the case may be), an interpreter, a psychologist of the Office, exceptionally a legal counsel of the Office. At the zeroth meeting, the applicants are informed that if the child comes from institutional care, other children from the family group may be present during the first meeting of the applicants with the child.

3. Evaluation of the introduction and a future plan (approx. 30 minutes)

At the end of the first meeting of the applicants with the child, sentiments are shared and the meeting is evaluated with the applicants, if the applicants already have a child of their own, attention should also be paid to this child. Then, future meetings of the applicants with the child, clarification of arrangements, provision of contacts to the workers of the institution or foster parents for a temporary period are planned. The result is a provisional plan for future meetings of the applicants with the child agreed by all the parties involved. If the child already attends school, regular schooling will be suspended during the interaction (to be agreed by the Office with the tutor of the child, staff members of the institution/foster parents, applicants and the child alone).

The psychologist of the Office and responsible person from the institution, or foster parents and the organisation accompanying them shall prepare reports on the first meeting that will serve as the basis for the decision of the Municipal Court in Brno.

6.7 Process between meetings

It shall cover the period between the first and the second meeting, or between the second and third meeting and time until the departure of the applicants from the Czech Republic. The aim is to continue the bonding of the applicants with the child, gradual strengthening of the starting relationship, taking the child into care depending on the reactions and needs of the child and applicants until the child is fully transferred into the day-long care of future adoptive parents, their joint stay in the Czech Republic until their departure. In this period, both the legal counsel and psychologist of the Office are in touch with the applicants and if required, they are available to them. Flexibly, they provide advice, consultations and are in touch with the institution or foster parents and the organisation accompanying them, tutor, authority for social and legal protection of children, court, and interpreter. With regard to children of school age, the psychologist will provide regular consultations also to the child (call, Skype, in person).

6.8 Second meeting (joint interim evaluation)

The second meeting usually takes place between the 7th and 14th day (with regard to children in institutional care) and between the 8th and 20th day (with regard to children in temporary foster care) following the first meeting. However, not before the child is in the day-long care of the applicants (no sooner than after their first night). It shall take place at the location where the applicants stay and the applicants must book their accommodation in the town where the institution or address of foster parents is located, or in their close vicinity. The applicants or their children, interpreter, psychologist of the Office, representative of the locally competent authority for social and legal protection of children and tutor of the child, or representative of the institution or foster parents with a staff member from the organisation accompanying them, or legal counsel of the Office and always the child whom the interaction concerns are present. The aim of the second meeting is:



- a) multidisciplinary evaluation of how the applicants are getting to know the child,
- b) mutual information exchange between the applicants, competent authority for social and legal protection of children and the tutor,
- c) counselling for the applicants (regarding upbringing and other matters),
- d) informing the child on how we will proceed, how the child will part his/her ways will be planned.

From the second meeting, the reports are drawn up by the competent authority for social and legal protection of children, tutor, psychologist of the Office or foster parents and the organisation accompanying them that will sum up how the second meeting went and that will serve as a basis for the decision by the Municipal Court in Brno. The evaluation of the second meeting shall include an opinion regarding the suitability to place the child into care before his/her adoption by prospective adoptive parents.

If there is an agreement that the interaction may continue, the Office will give consent with the continuation of the proceedings pursuant to Article 17 (c) of the Hague Convention (Annex No. 6) that will be sent to the central authority or authorised body of the receiving state.

After the second meeting, the applicants will relocate to Brno. The legal counsel of the Office will file a request with the City Council of Brno for the issuance of a travel document for the child in cooperation with the applicants. If necessary, the applicants may meet psychologists or legal counsels of the Office or they are provided with assistance to be able to ensure health care for the child. It is necessary for the child and his/her adaptation that the accommodation is suitable for the care, is stable and no changes occur with regard to the accommodation. Therefore, it is desirable to consult the accommodation with the legal counsel of the Office before the accommodation is booked.

6.9 Issuance of a travel document for the child

If the interaction goes well and no problems arise and the applicants intend to take care of the child with the intention to adopt the child in the future, the child must have a travel document. The application for the issuance of a travel document is free of charge, it is filed with the City Council of Brno and personal presence of the child is required.

Once the applicants move to Brno with the child, the legal counsel of the Office will file the application for the issuance of a travel document for the child.

The validity of the travel document of the child is 5 years if the child can be identified in the photo. The travel document shall cease to be valid when the decision of the adoption becomes final and conclusive. The travel document is handed over to the applicants by the legal counsel of the Office at the end of the whole process of interaction at the personal meeting with the applicants at the Municipal Court in Brno where they will receive the final and conclusive decision on the placement of the child into their care before the adoption.

6.10 Third meeting (preparation for departure)

The third meeting usually takes place when the child is older than 5 years, or as agreed between

the applicants and staff members of the Office. It will usually take place in Brno in the period between the request for the issuance of a travel document and departure from the Czech Republic. Most frequently, it will take place in the premises of the Office (children's room) or in other public place suitable for children. The applicants, their children and the child placed in their day-long care, the psychologist or legal counsel of the Office are present. If necessary, the interpreter has agreed to work over the phone.

The aim of the third interaction is to:

- a) evaluate the bonding between the child and the applicants, or relationship between the children,
- b) advice for the applicants (regarding educational and other matters),
- c) inquire about the opinion and feelings of the child, and his/her preparation for his/her relocation to his/her new home (informing the child of how we will proceed),
- d) recommendations for the applicants regarding the adaptation period when the child is taken home and working with the past of the child.

The meeting and working with the child as such are critical for the third meeting, inquiring about his/her opinion and wishes and informing the child what will happen next, using an adequate form for the child.

7 Problems with regard to the bonding between the child and the applicant

If problems in the interaction arise, the institution or foster parents or the organisation accompanying them, the interpreter or applicants themselves will inform immediately the responsible psychologist of the Office who will then inform the legal counsel of the Office, and they will consider next steps once they have obtained required information. In addition, possible measures to take when problems arise, including the last resort - the end of the whole process of the facilitation of intercountry adoption of the given child (whether by the applicants or the Office) are outlined.

To determine and resolve any problems, open communication and mutual trust are critical. It is important that the communication of the interpreter, applicants, institution/foster parents and the organisations accompanying them, and psychologist, are flexible, open and constructive. Mutual information is a cornerstone of the solution of any problems (in communication and dealings with the child, doubts of the applicants for the adoption of the child, problem of the applicants when communicating with the institution or foster parent for a temporary period, etc.).

If bonding-related problems arise, the psychologist of the Office will intervene while ensuring maximum information, evaluating the situation, providing personal consultations and supporting accompaniment. In some cases, he/she may provide external psychological counselling and communicate with experts in the receiving country. The problems are always discussed in the departments of psychology and adoption, or a multidisciplinary meeting is convened. The psychologist may recommend an extension of the stay of the applicants at the place where the institution/address of the foster parents is located.

If any of the interventions above are proposed, the psychologist and legal counsel of the Office,

within 5 to 10 days, will evaluate their effectiveness based on the communication with any and all stakeholders, and where appropriate, on the basis of the his/her personal evaluation on the spot. The psychologist will also invite the child to give his/her opinion.

The legal counsel of the Office, following the consultation with the psychologist of the office, will inform the locally competent authority for social and legal protection of children, tutor of the child, and the court that will give ruling in the matter of handing the child over, of any interventions and serious problems that will adversely affect the usually length of time of placing the child in care before the adoption by the applicants.

In the event of any problems in the process of interaction or when the process of facilitation of intercountry adoption is stopped, it shall be proceeded with a maximum view to the needs of the child, or the applicant family.

8 Early termination of the intercountry adoption facilitation process

Early termination of the whole facilitation of the intercountry adoption of the child due to failed attempts to establish mutual relationship is exceptional and demanding for all the parties concerned, nevertheless in the long run, it may be the best solution both for the child and the applicant. The bonding between the child and applicants shall be terminated under:

1. **Decision by the applicants** where, after careful consideration of all their available options, the applicants conclude that it would not be appropriate to continue with the process of facilitation of intercountry adoption of the given child. For example, the reason may be following:
 - a) they are unable to take full care of the child, they cannot control his/her symptoms,
 - b) they lack energy, resources, the situation is more difficult than they thought,
 - c) they fail to build a relationship with the child,
 - d) they are affected by fears, anxiety or other negative emotions,
 - e) incompatible family constellations (e.g. reaction of one of the parents, children who are already family members, etc.),
 - f) sudden acute change in their family situation.

Should the applicants inform the Office in writing that they do no longer intend to take the child into their care, they are encouraged to withdraw their petition to take the child into their care before the adoption that they have previously filed with the Municipal Court in Brno.

2. **Decision by the Office** when, after careful consideration of all available options and exhaustion of most of the interventions, it is obvious that to continue with process of facilitation of intercountry adoption is not in the best interests of the child. For example, the reason may be as follows:
 - a) both the child and the applicants have failed to establish a relationship that would be beneficial for both,
 - b) the child continuously and with relative stability opposes the applicant to an extent that it does not suggest that the change of the environment and care is possible,



c) incompatible family constellations (e.g. reaction of one of the parents, children who are already family members, etc.),

d) applicants feel fear or anxiety, how they going to cope with the new situation, or are afraid of the child, or are completely exhausted etc.

e) the applicants do not have sufficient parenting competences that the child requires (setting boundaries, approaching the child with kindness, adequate means to control the child etc.).

The final decision on the termination of the interaction will be given by the psychologist following the consultation with the legal counsel of the Office, of which he/she will inform the Office management.

An actual termination of the process of facilitation of intercountry adoption is subsequently done by the withdrawal of the petition to take the child into their care before the adoption by the applicants (The legal counsel of the Office will assist the applicants with the drafting of the notice of withdrawal). If the opinion of the Office and the applicants regarding the termination of the process of facilitation of the intercountry adoption is different and the applicants refuse, in spite of the recommendations by the Office, to withdraw their petition, the Office will ask the tutor of the child to give his/her opinion in the matter and send his/her opinion to the Municipal Court in Brno. At the same time, Office will send the Municipal Court in Brno its opinion in which it will recommend turning the petition down.

Apart from the court, the authority for the social and legal protection of children and tutor of the child and central authority/authorised body, are also informed. Once the decision to put the process of facilitation of intercountry adoption to an end is given, task of the psychologist of the Office is to treat the mental state of the child and to minimise any potential retraumatisation and to treat the mental state of applicants, or to agree further cooperation with them.

Eventually, the psychologist and legal counsel of the Office will prepare a detailed report from the whole process that will be filed in the dossier of both the child and the applicants.

9 Court proceedings to place the child into care before the adoption

The court, in the district where the Office is located (Section 428 (2) of Act No. 292/2013 Coll., on special judicial proceedings, as amended), i.e. the Municipal Court in Brno, is competent for proceedings to place children into care before the adoption to a foreign country. The petition to place the child into care before the adoption shall be filed with the Municipal Court in Brno by the applicants, immediately following their first visit in the seat of the Office, i.e. after the zero meeting.

The applicants and the child may travel from the Czech Republic no sooner than when they receive a final and conclusive decision by the Municipal Court in Brno to place the child into care before the adoption and travel document of the child.

10 Departure of applicants when the child is placed in their care before adoption

Once the court decision on the placement of the child into care before the adoption is given and before leaving abroad, the applicants will receive an original copy of a birth certificate of the child or a certified copy thereof and a travel document of the child from the legal counsel of the Office. The fact that the documents above have been handed over shall be recorded in the handover certificate that will be signed by the legal counsel of the Office and applicants.

When the child is released from the institution, or when the child leaves his/her foster family, the prospective adoptive parents will receive the following:

1. Health report of the child (release report, summary report of paediatrician, reports of specialists),
2. Health insurance card of the child,
3. Vaccination card of the child with the list of vaccination.

When the child is taken over by the prospective adoptive parents, the Office will provide the central authority or authorised body of the receiving state with the following:

1. Certificate of the placement of the child into care before adoption (Article 20 of the Hague Convention),
2. Anonymized copy of the document on the basis of which the child is adoptable (upon request).

Any and all the costs related to interpreting throughout the whole interaction and translations of all necessary documents shall be borne by the applicants.

11 Mutual information of the process of adoption and any measures taken following its completion

Once the child is placed into care before the adoption, the central authorities or authorised bodies of the receiving state are obliged to provide the Office with a report regarding the situation of the child in the family drawn up by the competent social authority, or authorised body of the receiving state (development report under Article 20 of the Hague Convention). In addition, an authorised person in the receiving state will visit the family and conduct survey.

The Office prefers if the survey is carried out in the natural environment of the child, and not at the office or in the organisation. The authorised person will draw up a report of the results of the survey, to which an up-to-date health report, report from pre-school or school establishment and photos of the child together with other family members will be attached. The requirements of the development reports including a list of annexes are given in Annex 9. The development reports that do not meet any of the prescribed requirements and are not drawn up by an authorised person, will not be accepted by the Office, and as such may not serve as the basis for the issuance of the decision by the Office Authority to grant consent with the adoption. Any reports regarding the situation of the child in the family are considered by the Office to be of subsidiary nature to the report drawn up by the authorised person, and as such they cannot be considered to constitute a proper development report. At first, reports in the following intervals will be sent to the Office:

1. After 1 month of the stay of the child in the receiving state,
2. After 3 months of the stay of the child in the receiving state,
3. After 6 months of the stay of the child in the receiving state,
4. After 12 months of the stay of the child in the receiving state,
5. After 24 months of the stay of the child in the receiving state,

Once the Report No. 5 is sent, the Office will receive further reports depending on the age of the child. If the age for the provision of the development report overlaps with the chronological age of the child (in the 6 months interval), only one report will be sent. For example, if the child has reached 7 years of age and at the same time has been in the family for 24 months in the same year, only one development report is sent. Additional reports are sent in the following order:

6. When the child reaches 7 years of age,
7. When the child reaches 11 years of age,
8. When the child reaches 14 years of age,
9. When the child reaches 18 years of age.

The final number of reports will thus depend on the age of the child. The higher the age when the child is adopted, the less development reports need to be sent.

Reports 8 and 9 will not be required, if they cannot be obtained pursuant to legal regulations of the receiving state, particularly with regard to the protection of privacy of the adopted child. In such case, the central authority or authorised body will send a statement with grounds why reports 8 and 9 will not be sent.

If a group of siblings is adopted (either simultaneously or gradually), the provision of development reports will combine, and the development reports will be sent based on the age of the youngest adopted child. For older children, less than nine reports may be received. Such combined development reports will always give details of all children.

Annex to the development report - health report, report from the school establishment and photos -
to be specified in more detail in Annex No 9.

Unless agreed otherwise, the reports are sent by the central authority or authorised body of the receiving state to the Office. The reports must be submitted in the Czech language (original translation). If the reports are not in the Czech language, the original document or certified copy of the original document and the Czech translation must be submitted, unless specified otherwise by the central authority or authorised body of the receiving state.

Should the receiving state establish during the investigation that the placement of the child into care before the adoption is not in the best interest of the child, the central authority or authorised body of the receiving state shall immediately inform the Office and will take any measures that are necessary to protect the child (Article 21 of the Hague Convention).

After six months from the placement of the child in the receiving state and once three reports are submitted, the persons to the care of whom the child is placed before the adoption, may file a petition with the Office to take a decision to grant consent with the intercountry adoption (Section 35 (2) (i) of ZOSPOD). The original copy of the petition in the Czech language signed by both prospective adoptive parents shall be submitted through the competent central authority or authorised body of the receiving state (Annex No 7). The legal counsel of the Office will inform the central authority or authorised body of the receiving state that he/she has received the application. The Office will take the decision to grant consent if the conditions under the Czech laws and regulations required for adoption of minor children have been complied with and it follows from the provided development reports that the adoption of the minor by the applicant is in the best interest of the child.

The decision granting the consent shall be sent by the Office to the applicants into their own hands. If such instrument cannot be served in the manner above, the Office will appoint a guardian in accordance with Section 32 (2) (d) for the applicants who will be delivered the deed in lieu of the applicants. The central authority or the authorised body of the receiving state are informed by the office of the issuance of the decision and of its content.

Once the child is adopted abroad, the receiving state will inform the state of origin of this by sending an original copy of a document within the meaning Article 23 of the Hague Convention, that will confirm that the adoption was carried out in accordance with the Hague Convention (Annex 8). The legal counsel of the Office must inform the entities referred to in Section 25 (9) of ZOSPOD of the intercountry adoption of the child. If the competent authority for social and legal protection of children is different from the tutor, also the tutor is informed of this.

The adoptive parents will provide the Office with the following documents of a minor child:

- a) original copy of the birth certificate with the name of the child before the adoption,
- b) travel document with the original name of the child,
- c) health insurance card with the original name of the child

12 List of Annexes

This methodological recommendation includes the following samples, or rules specified in the following annexes:

1. Application seeking an entry into the register of prospective adoptive parents
2. A. Recommended framework for assessment of applicants from the psychological point of view
B. Recommended framework for assessment of applicants from the social point of view
3. A. Questionnaire for the health assessment of applicants completed by a physician
B. Questionnaire for the health assessment of applicants completed by the applicant
4. Consent to the inspection of a child entrusted into the pre-adoptive care and of an



adopted child

5. Questionnaire for the applicants for the adoption of the child
6. Consent with continuation of the proceedings
7. Application for issuing a decision on consent to the adoption
8. Certificate of conformity of intercountry adoption
9. Recommended framework for the preparation of a development report
10. Request for withdrawal from the registry
11. A. Confirmation of the ongoing process regarding intercountry adoption of children from an institution facility
B. Confirmation of the ongoing process regarding intercountry adoption of children from temporary foster care

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