

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: United Kingdom (Scotland)

PROFILE UPDATED ON: April 2018

PART I: CENTRAL AUTHORITY

1. Contact details²

Name of office:	Scottish Government
Acronyms used:	Looked After Children Unit
Address:	Area 2A South, Victoria Quay, Edinburgh EH6 6QQ
Telephone:	+44(131) 244 5479
Fax:	+44(131) 244 0978
E-mail:	intercountryadoption@gov.scot
Website:	www.scotland.gov.uk/Topics/People/Young-People/protecting/lac/adoption/incountryadoption
Contact person(s) and direct contact details (please indicate language(s) of communication):	Dominic Brack English

If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	1 June 2003
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>The Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003 - date of entry into force: 1 June 2003</p> <p>The Adoption and Children (Scotland) Act 2007 - date of entry into force: 28 September 2009</p> <p>The Adoption Agencies (Scotland) Regulations - date of entry into force: 28 September 2009</p> <p>The Adoptions with a Foreign Element (Scotland) Regulations 2009 - date of entry into force: 28 September 2009</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify): Although intercountry adoption is devolved to Scotland, immigration and the issue of a visa are a reserved matter determined by the Home Office.</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Scottish Government is the Central Authority responsible for Intercountry adoption applications processed in respect of prospective adopters residing in Scotland. The Scottish Government fulfills the following roles: collates all the necessary documentation (eg. home study report, passports, references,</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<p>birth certificates etc) and makes a copy of each document. Thereafter the papers are sent to the Care Inspectorate to await their acceptance of whether good social work practice has been followed in respect of the homestudy. If the Care Inspectorate confirm acceptance, The Scottish Government creates a Certificate of Eligibility. The papers are then sent for notarisation and thereafter to The Foreign and Commonwealth Office for the Certificate of Eligibility to be legalised. On receipt from the FCO, the papers are sent to the overseas country. On receipt of matching information, The Scottish Government forwards this to the social worker of the PAPs for consideration. An overseas visit is thereafter arranged and the Scottish Government compiles a 17(c) agreement letter and forwards this to the state of origin.</p> <p>Once the child is in Scotland, post adoption reports are requested from adoption agencies if the state of origin request them. The Scottish Government then requests an Article 23 from the State of origin and on receipt, sends this to the PAPs.</p>
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5. Public and competent authorities

Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.

See Arts 4, 5, 8, 9, 12, 22, 23 and 30.

Public authorities undertake the assessment and preparation of the prospective adopter and as well as the continued support of the adoptive placement. They are also responsible for Article 21 in considering whether the continued placement of the child with the prospective adoptive parents is not in the child's best interests and the withdrawal and accommodation of that child in these circumstances.

6. National accredited bodies⁴

- a) Has your State accredited its own adoption bodies?

See Arts 10-11.

N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵

☒ Yes

☐ No – **go to Question 8**

- b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶

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- c) Please briefly describe the role of national accredited bodies in your State.

Agencies involved in making arrangements in connection with the adoption of children in Scotland.

6.1 The accreditation procedure (Arts 10-11)

- a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?

The Care Inspectorate

- b) Please briefly describe the *procedure* for granting accreditation and the most important accreditation *criteria*.

All adoption services operating in Scotland are required by law to register with the Care Inspectorate. Services must comply with the Public Services Reform (Scotland) Act 2010, National Care Standards and other relevant legislation regarding adoption services. Perhaps the most important accreditation criteria is the service's provision for care systems and quality of care.

- c) For how long is accreditation granted in your State?

To stay registered with the Care Inspectorate, bodies must continue to deliver a standard of care that meets the National Care Standards and which complies with current

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 et seq.

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

	legislation and other good practice guidelines.
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	In order for the accreditation of a national adoption body be renewed, bodies must continue to deliver a standard of care that meets the National Care Standards and which complies with current legislation and other good practice guidelines.
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	The Care Inspectorate

b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	Ongoing inspections are undertaken. Services are assessed against a number of themes. Grades are awarded for the quality of care and support, the quality of staffing and the quality of management and leadership. Grades are awarded on a scale from 1 (unsatisfactory) to 6 (excellent).
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	Where there is evidence of sustained underperformance, the Care Inspectorate has the power to take enforcement action. This includes imposing emergency conditions or issuing formal improvement notices. If a service does not comply with an improvement notice it will face closure.
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): See above regarding the imposition of emergency conditions or issuing formal improvement notices. <input type="checkbox"/> No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁸	
7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	The Care Inspectorate
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input checked="" type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work	<input checked="" type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

⁸ In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁹</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	All providers must provide a statement of function and purpose when applying to register their service. The Care Commission determines which standards will apply to the service that the provider is offering.

e) For how long is authorisation granted?	1 year
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	Annual inspections. The standards are used to monitor the quality of care services and their compliance with the Public Services Reform (Scotland) Act 2010 and associated secondary legislation.

7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States

<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>If any concerns about the service are identified via inspections or complaints, the Care Commission will take the standards into account in any decision on whether to take enforcement action and what action to take.</p> <p>If the standards are not being fully met the Care Commission notes this on the inspection report and requires the agency to address this. The Care Commission could impose an additional condition on the agency's registration if the agency persistently, substantially, or seriously failed to meet the standards or breached a regulation.</p>
<p>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>If a voluntary or independent agency does not then meet the condition set out in 7.2(a), the Care Commission could issue an improvement notice detailing the required improvement to be made and the timescale for this. Alternatively, the Care Commission could move straight to an improvement notice. The Care Commission would move to cancel the</p>

⁹ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

	<p>registration of any voluntary or independent agency if the improvement notice does not achieve the desired result. In extreme cases, the Care Commission could take immediate steps to cancel the registration of a voluntary or independent agency without issuing an improvement notice.</p> <p>If the Care Commission determines that the services provided by a local authority adoption agency are consistently failing to meet the standards, the Commission will bring this to the attention of the Scottish Government.</p> <p>Regulations must be followed. In some cases not meeting a regulation is an offence and the provider may be prosecuted. Breaking or not meeting any regulation is a serious matter. Decisions by the Care Commission on what to do when standards or regulations are not met will take account of all the relevant circumstances and be proportionate.</p>
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8. Approved (non-accredited) persons (Art. 22(2))¹¹

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	<p><input checked="" type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role: The Scottish Government will be responsible for certifying that a Convention adoption order has been made in accordance with the Convention in respect of adoptions made in Scotland.</p> <p><input type="checkbox"/> No</p>
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PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4 a))

Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied <i>in addition to</i> the requirements of the State of origin?	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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10. The best interests of the child and subsidiarity (Art. 4 b))

Does your State request information / evidence from the State of origin to satisfy	<input checked="" type="checkbox"/> Yes – please specify: We would expect states of origin to have satisfied
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¹¹ See GGP No 2, *supra*, note 4, Chapter 13.

¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

itself that the State of origin has respected the principle of subsidiarity (<i>i.e.</i> , proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?	themselves in respect of this and to provide evidence where available. <input type="checkbox"/> No
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11. Children with special needs

Does your State have its own definition of the term "special needs children" which is applied in intercountry adoption cases?	<input type="checkbox"/> Yes – please provide the definition used in your State: <input checked="" type="checkbox"/> No – the definition used in the State(s) of origin is determinative.
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12. The nationality of children who are adopted intercountry¹³

Do children who are adopted intercountry to your State acquire the nationality of your State?	<input checked="" type="checkbox"/> Yes, always. Please specify: <ul style="list-style-type: none"> (i) At what stage nationality is acquired by the child: The timescale can vary and is dependant on the issue of an Article 23 by the state of origin (following the requested amount of post adoption placement reports being submitted); and (ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i>, the making of the final adoption decision): British citizenship is at the discretion of the Home Office therefore we cannot comment on this aspect. <input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i> , the nationality of the prospective adoptive parents ("PAPs"), whether the child loses his / her nationality of the State of origin): <input type="checkbox"/> No, the child will never acquire this nationality.
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PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

13. Limits on the acceptance of files

a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<input checked="" type="checkbox"/> Yes, please specify whether any limits are applied: The Scottish Government however strongly advises against concurrent applications <input type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.

¹³ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, "GGP No 1"), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption ¹⁴ (Art. 5 a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples:</p> <p><input checked="" type="checkbox"/> Married, same-sex couples:</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men:</p> <p><input checked="" type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: 21 years</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input type="checkbox"/> Difference in years required between the PAPs and the child:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): If PAPs have expressed an interest in a special needs child then they would have further assessments individually. For example, assessments are carried out in group sessions of 8-10 sessions. For special needs applicants they will have another 2-3 sessions individually.</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

¹⁴ I.e., this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

14.2 Suitability assessment¹⁵	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	Local Authorities and registered Adoption Agencies are responsible for confirming that PAPs are suitable to adopt. The Scottish Government also ask the Care Inspectorate (http://www.careinspectorate.com/) to confirm that good social work practice has been carried in respect of the Home Study before issuing a Certificate of Eligibility
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	<p>The PAPs must complete a Home Study Assessment completed by a social worker. The assessment process takes place over a number of interviews, normally over a period of several weeks. Applicants must be seen separately and together and any other members of the household must also be interviewed. Applicants must be prepared to provide evidence of their abilities and how their life experiences, present knowledge and skills that will help them to be successful adopters.</p> <p>Information requested on Homestudy form covers the areas such as:</p> <ul style="list-style-type: none"> • Applicants personal details • Agency enquiries – covers Disclosure Police checks and Overseas Police checks, Medicals, Health, Accommodation, Local social services / social work department, independent referees, family referees • Details of child to be adopted (where child is already identified or age and gender preference if not) • Application, preparation groups and assessment • Motivation for intercountry adoption application and individual profiles of each applicant • Family lifestyle and supporting networks and care arrangements • Support networks • Placement considerations including choice of country • Developmental and behavioural issues • Cultural, spiritual and religious needs of the child • Social worker's assessment and conclusions
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	An adoption panel will review the Home Study Assessments, highlighting any areas for clarification. The panel will then interview the PAPs and make a final recommendation on suitability to adopt. If the panel recommend that the PAP's are suitable, this will then be signed off by the Adoption Agency Decision Maker.

¹⁵ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

15. Preparation and counselling of PAPs (Art. 5 b))	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: No but PAPs are invited to attend these - At what stage of the adoption procedure they are offered: Before the process and during if required - Who provides the courses: Adoption Agency whether Local Authority run or independent - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): Collectively although for special needs additional individual courses are run - Whether they are provided "in person" or electronically: "in person" - How many hours the courses last: preparation days are a 3 day training course - The content of the courses: To inform and prepare PAPs to deal with issues that are usual when adopting children. For instance, learning about children's early experiences and the effects these can have on their behaviour and their ability to make new attachments. Process and procedure Key parenting tasks Attachment and institutionalisation Helping children in the transitional phase Loss in adoption The birth parent perspective Health and development of children adopted from overseas Resilience Managing children's behaviour positively Exploring adoption with children Identity, race and culture Managing racism Personal perspectives of an intercountry adoptee - Whether there are specific courses for PAPs wishing to adopt a child with special needs: Assessments are covered within the Home Study, however, if prospective adopters have expressed an interest in a special needs child then they would have further assessments individually. - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: Not applicable <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or</p>	<p>Adoption agencies and Voluntary Adoption Agencies provide advice throughout the</p>

<p>preparation is provided to individual PAPs (e.g., meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>adoption process and counselling. PAPs are encouraged by adoption agencies to source and meet with local groups of parents who have already adopted. PAP's are also provided with guidance and links to various websites to assist and support them.</p> <p>(i) It is not mandatory but is recognised as best practice</p> <p>(ii) Adoption Agencies and Voluntary Adoption Agencies</p> <p>(iii) This service is provided before the Home Study.</p>
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>Intercountry adoptions are only permitted through registered adoption agencies. A prospective adopter contacts their local authority adoption agency or a private adoption agency registered to handle intercountry adoptions.</p> <p>A home study using a BAAF Form F3 is carried out involving in-depth interviews with a social worker, as well as medical, financial and police checks.</p> <p>On completion of this process, applications are considered by the agency's adoption panel who make a recommendation on whether applicants are suitable to adopt. An approval decision, informed by the panel's recommendation is then made by a senior manager in the agency.</p>
<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p>

¹⁶ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

	<input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Proof of no criminal record <input checked="" type="checkbox"/> Other(s): please explain Some countries may also seek a psychological assessment on the PAP'S as well as a report that confirms there is no narcotics/alcohol dependency.
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i> , for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure): <p>Intercountry adoptions are only permitted through registered adoption agencies. All prospective adopters must be assessed as suitable to adopt by an adoption agency. The assessment - often referred to as a 'home study' using the BAAF Form F3, which involves in-depth interviews with a social worker, as well as medical, financial and police checks. This ensures that prospective adopters are able to provide the child with a safe, secure and stable home.</p> <p>When the assessment process is complete, applications are considered by the agency's adoption panel, who make a recommendation on whether the applicant(s) are suitable to adopt. An approval decision, informed by the panel's recommendation, is then made by a senior manager in the agency.</p> <input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<input type="checkbox"/> Yes <ul style="list-style-type: none"> <input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption): <input type="checkbox"/> A contract signed by the accredited body and the PAPs: <input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may

¹⁷ See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

	undertake intercountry adoptions: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
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17. The report on the PAPs (Arts 5 a) and 15(1))

a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.	Adoption agencies or voluntary adoption agencies.
b) Is a "standard form" used for the report on the PAPs in your State?	<input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it:
c) For how long is the report on the PAPs valid in your State?	There is no specific timescale.
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	Not applicable

18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	The Scottish Government
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	Please see the answer to 18 (a). The Scottish Government would compile and transmit the application on behalf of the PAPs. <input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?	The Scottish Government Prospective adopters and adoption agencies do occasionally receive the matching information directly from foreign authorities in Hague Convention cases. In such instances, the prospective adopters or the agency must immediately notify the Scottish Government and forward on any
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	information or documentation to the Intercountry Adoption team.
19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): and - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): <p style="text-align: center;"><u>Go to Question 19.2 b)</u></p> <input checked="" type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin: The Scottish Government pass the report to the Adoption Agency. A meeting is arranged between the PAPs and the Adoption Agency to discuss the match before agreement is reached to proceed. The Adoption Agency advise Scottish Government whether PAPs wish to proceed, Scottish Government then notifies the State of Origin. <u>Go to Question 19.2 c)</u>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The Scottish Government expect the social worker of the PAPs to meet and discuss the matching information. The social worker will then confirm in writing that they have meet with the PAPs and whether they wish to proceed.
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: <input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): Their social worker will provide appropriate support and the Scottish Government can advise on the process/next steps. <input type="checkbox"/> No

20. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	Central Authority: Scottish Government

b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input checked="" type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR <input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR <input type="checkbox"/> Other (please specify):
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21. Travel of the PAPs to the State of origin¹⁸	
a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input checked="" type="checkbox"/> Yes, please specify the additional requirements / restrictions: No. <input type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)

a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	The Certificate of Eligibility and Approval issued by the Scottish Government to the Central Authority in the child's State of Origin confirms that, following the agreement under Article 17(c) of the Convention that (i) in the case, where the requirements specified in section 1(5A) of the British Nationality Act 1981 are met that the child will be authorised to enter and reside permanently in the United Kingdom OR (ii) in any other case, if entry clearance and leave to enter and remain, as may be necessary is granted and not revoked or curtailed and a Convention adoption order or Convention adoption is made, the child will be authorised to enter and reside permanently in the United Kingdom. The PAP will apply for entry clearance for the child at the relevant British Diplomatic Post (BDP) in the child's State of Origin. The BDP may contact the Scottish Government for confirmation that procedures have been followed.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	Please see the answer at 12 (ii)
c) Which of the documents listed in response to Question 22 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	Please see the answer at 12 (ii) this is not something we are involved in.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	We expect PAP's or their adoption agency to notify us of the relevant details.

23. Final adoption decision and the Article 23 certificate

<p>a) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the final adoption decision; and</p> <p>(ii) Issues the certificate under Article 23?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available</p>	<p>(i) This will be made by the state of origin</p> <p>(ii) The state of origin</p>
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<p>on the Intercountry Adoption Section of the Hague Conference website.</p>	
<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</i></p>	<p>Not applicable - we do not make children available for outward intercountry adoption although there may be instances where a relative living abroad would like to adopt a child living in Scotland. In these instances, regional local authorities undertake a court action which we do not have any direct involvement in.</p>

d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The Scottish Government receive the original and forward it to the PAPs as well as and sending a copy to adoption agency or registered adoption service.
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	An adoption will be classified as "intra-family-adoption" in the case of an adopted child having a legal relationship with the PAPs. This can be one of the following: mother, father, grandparent, brother, sister, uncle or aunt whether of full blood or half blood my marriage. The procedure is the same as for the adoption of any child.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? <i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – go to Question 25 <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25 <input type="checkbox"/> No – go to Question 24 c)
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

25. Simple and full adoption	
a) Is "full" adoption permitted in your State? <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances only – please specify: <input type="checkbox"/> Other (please explain):

¹⁹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases:</p> <p><input checked="" type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>Adoption Agencies and Registered Adoption Services</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>The agency must keep the child's case record and the prospective adopter's case record for 100 years where an adoption order has been made, or where an adoption order is not made, for a prospective adopters for 10 years. Information must at all times be kept in secure conditions and in particular all appropriate measures are taken to prevent the theft, unauthorised disclosure, loss or destruction of, or damage to, the case record or its contents.</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: The Registrar General may disclose an adopted person's original birth certificate relating to their family to said adopted person, provided the adopted person is aged 16 or over.</p> <p><input type="checkbox"/> No</p>

<p>(iii) the birth family; and / or (iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: An adoption agency must provide prospective adopters with written information about the child's background, parentage, health and mental and emotional development and a copy of a report regarding the health of the child. There is no criteria for this as it is the adoption agency's duty to provide this information to prospective adopters. <input checked="" type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: The Registrar General may disclose an adopted person's original birth certificate relating to their birth family to a local authority, Board, registered adoption society or relevant adoption society which is providing counselling for such an adopted person. Such a birth certificate may also be disclosed under an order of the Court of Session or a sheriff. <input type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The Adoption and Children (Scotland) Act 2007 makes post adoption support available for all adopted people and people affected by adoption in Scotland. This can include counselling, guidance about adoption and any other assistance that agency considers appropriate. <input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Some adoption agencies and registered adoption services provide counselling and birth origins information to adults who were adopted as children. Most agencies do not provide a service whereby adopted adults may contact birth relatives or vice versa, but will however give advice about other agencies who undertake this work. PAPs are also given guidance on how to deal with possible future questions which may arise and the importance in supply answers to these questions. PAPs are also encouraged to find out as much as possible about their adopted child's background and history at the time the child is adopted to help their child when he/she wants to talk about his/her origins. <input type="checkbox"/> No</p>

27. Post-adoption reports	
a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	The adoption agency is responsible for writing the post adoption reports. Reports are submitted to The Scottish Government who then forward it to State of Origin.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy): <input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child’s development, schooling): Attachment and Bonding, Health, Physical Development, Education, Citizenship, Language skills and ability
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	If certain criteria has been set by the State of Origin then Scottish Government would request this information from the Adoption Agency or Registered Authority.

28. Post-adoption services and support (Art. 9 c))	
<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>(1) Subject to the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 any information, reports, recommendations or decisions referred to in regulation 27(2) must be treated by the adoption agency as confidential.</p> <p>(2) The adoption agency must ensure that all case records, together with the indexes to them, are at all times kept in an accessible form in secure conditions and in particular that all appropriate measures are taken to prevent theft, unauthorised disclosure, damage, loss or destruction.</p> <p>(3) Subject to the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009, an adoption agency must–</p> <p>(a) preserve the indexes to all its case records and the case records in respect of those cases in which an adoption order is made in secure conditions for at least 100 years;</p> <p>(b) preserve the case records in respect of a prospective adopter, in relation to whom an adoption order is not made, for at least 10 years; and</p> <p>(c) preserve other case records in secure conditions for so long as it considers appropriate.</p> <p>(4) Case records and indexes to them may be preserved on computer records or such other system as reproduces the total contents of the case record or index.</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.

29. The costs ²¹ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: The cost of a Home Study or their services are set at the discretion of adoption agencies although these must be reasonable and the agency cannot make a profit. We also charge a fee for our service under section 66 of the Adoption and Children (Scotland) Act 2007 which is means tested. <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: We monitor the payments The Scottish Government receive through an internal database and for the relevant financial year. <input type="checkbox"/> No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves? <i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i>	<input type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input checked="" type="checkbox"/> Other (please explain): PAP's would arrange payment directly to the adoption agency for the home study etc. They would also pay the fee directly to Scottish Government for our services.
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? <i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i>	<input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain): We generate an invoice which can be paid at either a bank or online. We do not accept cash directly.
e) Which body / authority in your State receives the payments?	The Scottish Government
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?	<input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: Through our website at http://www.gov.scot/Topics/People/Young-People/protecting/lac/adoption/incountryadoption <input type="checkbox"/> No

²⁰ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²¹ See the definition of "costs" provided in the harmonised Terminology, *ibid*.

N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).

30. Contributions, co-operation projects and donations²²

<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): - What donations are intended to be used for: - Who is permitted to pay donations (<i>e.g.</i>, only accredited bodies or also PAPs):

²² See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

²³ See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	<ul style="list-style-type: none"> - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input checked="" type="checkbox"/> No</p>
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31. Improper financial or other gain (Arts 8 and 32)

a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Scottish Government, Adoption Agencies and Police Scotland
b) What measures have been taken in your State to prevent improper financial or other gain?	Section 72 of the Adoption and Children (Scotland) Act 2007, prohibits any payment in consideration of the adoption of a child and is guilty of an offence liable to three months imprisonment, a fine or both.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Please see the answer to 31 b above.

PART XI: ILLICIT PRACTICES²⁴

32. Response to illicit practices in general

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁵	The information received would be considered and Police Scotland notified for further action if necessary.
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33. The abduction, sale of and traffic in children

<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	Section 60 of the Adoption and Children (Scotland) Act 2007 makes it an offence for any person to take or send (or who takes part in such arrangements) a child who is habitually resident in the UK or is a Commonwealth citizen out of Great Britain to any place outwith the British Islands with a view to the adoption of the child by any person. It is not an offence if the child is so taken out of the country by certain court orders prior to an adoption abroad. Section 58 of the Adoption and Children (Scotland) Act 2007 makes it an offence for any person
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²⁴ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net >).

²⁵ *Ibid.*

	to bring or cause to bring a child into the United Kingdom for the purpose of adoption by a British resident without having applied to an adoption agency to be assessed for the purposes of such an adoption or provided sufficient information for such an assessment to take place.
b) Please explain how your State monitors respect for the above laws.	Through the Scottish Government and if required, Police Scotland
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	A person who commits an offence under section 60 are liable to imprisonment for up to 6 months or a fine or both; or to imprisonment for up to 12 months or a fine or both.

34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

- ☐ Private adoptions are permitted – please explain how this term is defined in your State:
- ☐ Independent adoptions are permitted – please explain how this term is defined in your State:
- ☒ Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)

- a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.

- ☐ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:
- ☐ No

- b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.

- ☐ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:
- ☐ No

- c) If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an *intercountry* adoption under the 1993 Convention, how does your State deal with this situation?

Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.

Please note that for this section we do not determine habitual residence therefore we cannot answer a, b or c.

²⁶ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

²⁷ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	Not applicable. As a receiving state however we do work closely with the Intercountry Team in England sharing information and practice where possible.
b) How does your State determine with which States of origin it will partner? In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention. <i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i>	We are a receiving state primarily and welcome working opportunities with all states of origin on Intercountry adoption applications.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ²⁹	<input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement ³⁰ with that State of origin)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³¹ <input checked="" type="checkbox"/> No

²⁸ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

²⁹ See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³¹ *Ibid.*