

## STATE OF ORIGIN

**COUNTRY NAME:** Republic of Moldova

**PROFILE UPDATED ON:** May 10, 2024

### PART I: CENTRAL AUTHORITY

| 1. Contact details <sup>1</sup>  |  |
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| Name of office:  | Ministry of Labor and Sociale Protection   |
| Acronyms used:   | MLSP   |
| Address:   | 1, Vasile Alecsandri str., Chişinău, MD - 2009   |
| Telephone:   | +373 22 804 402  |
| Fax:   | +373 22 804 496  |
| E-mail:  | secretariat@social.gov.md  |
| Website:   | https://social.gov.md  |
| Contact person(s) and direct contact details (please indicate language(s) of communication):   | Igor Chişcă, e-mail: igor.chisca@social.gov.md<br>Anastasia Gruzin, e-mail: anastasia.gruzin@social.gov.md<br>Communication language - English |
| <i>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.</i> |  |

### PART II: RELEVANT LEGISLATION

| 2. The 1993 Adoption Convention and domestic legislation                 |                |
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| a) When did the 1993 Adoption Convention enter into force in your State? | August 1, 1998 |

<sup>1</sup> Please verify whether the contact details on the “Adoption Section” of the HCCH website < [www.hcch.net](http://www.hcch.net) > under “Central Authorities” are up to date. If not, please e-mail the updated contact information to < [secretariat@hcch.net](mailto:secretariat@hcch.net) >.

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| <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>  |  |
| <p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption 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>Law No 99 from May 28, 2010 on legal regime of adoption. The Law entered into force at January 30, 2011.<br/> <a href="https://www.legis.md/cautare/getResults?doc_id=138813&amp;lang=ro">https://www.legis.md/cautare/getResults?doc_id=138813&amp;lang=ro</a></p> |

| 3. Other international agreements on intercountry adoption <sup>2</sup>  |   |
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| <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 type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> Regional agreements (please specify): Convention on the legal assistance and the juridical reports in civil, family and criminal matters from January 22, 1993 from Minsk, and from which take part countries as Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, the Republic of Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.</p> <p><a href="https://www.legis.md/cautare/getResults?doc_id=116625&amp;lang=ro">https://www.legis.md/cautare/getResults?doc_id=116625&amp;lang=ro</a></p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> |

<sup>2</sup> 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).

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|  | <input type="checkbox"/> Other (please specify):<br><input type="checkbox"/> No |
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### PART III: THE ROLE OF AUTHORITIES AND BODIES

| 4. Central Authority(ies)  |   |
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| <p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption 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 Ministry of Labor and Social Protection represents the Central Authority in the adoption field, and has the following duties: a) accomplishes the assignments of the central authority foreseen by the Hague Convention and other international agreements; b) elaborates projects of legal and normative acts, methodology in the adoption field; c) coordinates the activity in the adoption field of the territorial authorities; d) collects, examines and protects the information about the national and international adoptions; e) monitors if the child's rights in pre and post international adoption are respected; f) keeps the state Register of the adoption; g) authorizes foreign organizations with duties in the field of international adoption; h) examines the complaints and the appeals to the documents issued by the territorial authorities; i) accomplishes other duties concerning the adoption foreseen by the national legislation or the international agreements and bilateral treaties to which the Republic of Moldova is a part; j) concludes cooperation agreements and collaborates with the authorities of central and local public administration, with the public institutions from the country and abroad, with other legal persons from the country and abroad who have duties in the field of adoption; k) ensures the access of persons or institutions authorized by law to information on adoptable children.</p> |

| 5. Public and competent authorities   |   |
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| <p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p> | <p>1. Territorial social assistance structures and the General Department for the protection of child's rights Chisinau and the General Directorate of Health and Social Protection, UTA Gagauzia represent the tutelary territorial authorities, and in the adoption field has the following duties: a) collects and examines the information, keeps the records of the adopters and adoptable children within its territory; b) evaluates the capacity to adopt</p> |

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|  | <p>of the adopters within the area of competence and issues certificates of adopters; c) informs and prepares the adopters for the adoption according to the requirements established by the central authority; c1) informs the child about the establishment of his adoptable status and prepares him for adoption, taking into consideration his age and level of maturity; d) assures the matching of the adopters; e) monitors the child's development and the relation between him and adopters during the pre adoption period; f) exposes through notice on the compatibility of the adopter with the adoptable child, if adoption corresponds to the courts judicial procedures related to approval of an adoption; h) monitors the child situation during the post - adoption; i) accomplishes other duties regarding the adoption foreseen by law.</p> <p>2. Besides the Central Authority was created the Advisory Council for Adoption, whose composition and activity regulation is approved by the Government and has the following duties: a) preliminary approval of the proposals of the central authority regarding the selection of the adopter suitable for the adoptable child upon the criteria approved by the central authority within the procedures of international adoption; b) examination of Central Authority and Territorial Tuthelary Authority proposals regarding the opportunity of sibling separation by national and international adoption of children whom was established the status of child left without parental care and/or status of adoptable children and issues approval in this matter.</p> <p>3. The diplomatic missions and consular offices of the Republic of Moldova, have the following duties: a) spread informative materials regarding the child's rights in the Republic of Moldova, received from the central authority , legal regulations concerning the protection of the child by adoption in the Republic of Moldova; b) keeps the consular evidence of the children of the Republic Moldova adopted by the foreign citizens or Moldovan citizens residing abroad; c) keep the evidence of the organizations from these countries with responsibilities in the field of international adoption accredited in the Republic of Moldova and presents to the central authority information about these organizations; d) based on Central Authority request, ensure the</p> |
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|  | <p>monitoring of conditions of the children from the Republic of Moldova adopted abroad, informs the central authority about the results; e) exerts other duties in the field according to their status.</p> <p>4. The Courts from the child's place of residence examines the requests and decides on the adoption, upon the agreement to continue the adoption process, issued by the central authority and report of the territorial authority regarding the matching of the adopter with the adoptable child and the adoption corresponds to the interest of the child.</p> |
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| 6. National accredited bodies <sup>3</sup>  |   |
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| <p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><b>N.B.</b> the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).<sup>4</sup></p> | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 7</b></p> |
| <p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>5</sup></p>   |   |
| <p>c) Please briefly describe the role of national accredited bodies in your State.</p>   |   |
| 6.1 The accreditation procedure (Arts 10-11)  |   |
| <p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>  |   |
| <p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>   |   |
| <p>c) For how long is accreditation granted in your State?</p>  |   |
| <p>d) Please briefly describe the criteria and the procedure used to determine</p>  |   |

<sup>3</sup> "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* ("GGP No 2"), available on the [Adoption Section](#) of the HCCH website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>4</sup> *Ibid.*, Chapter 3.2.1 (para. 111).

<sup>5</sup> *Ibid.*, Chapter 3.4.

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| whether the accreditation of a national adoption body will be <i>renewed</i> .   |  |
| <b>6.2 Monitoring of national accredited bodies<sup>6</sup></b>  |  |
| a) Which authority is competent to monitor / supervise national accredited bodies in your State?<br><br><i>See Art. 11(c).</i>                                     |  |
| b) Please briefly describe how national accredited bodies are monitored / supervised in your State ( <i>e.g.</i> , if inspections are undertaken, how frequently). |  |
| c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked ( <i>i.e.</i> , withdrawn).                                       |  |
| d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?                                      | <input type="checkbox"/> Yes, please specify possible sanctions ( <i>e.g.</i> , fine, withdrawal of accreditation):<br><br><input type="checkbox"/> No |

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| <b>7. Authorised foreign accredited bodies<sup>7</sup> (Art. 12)</b>  |   |
| a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?<br><br><i>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH.</i> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No – <b>go to Question 8</b>  |
| b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number. <sup>8</sup>   | <p>Currently in the Republic of Moldova there are 2 foreign organizations ( from Italy) with responsibilities in the field of international adoption.</p> <p>The number of the foreign organizations with responsibilities in the field of adoption which can be authorized is not limited.</p> |
| c) Please briefly describe the role of authorised foreign accredited bodies in your State.  | <p>The foreign organizations with responsibilities in the field of international adoption can perform the following activities:</p> <p>a) To inform the competent authority, the adoption applicants and adopters upon the</p>  |

<sup>6</sup> *Ibid.*, Chapter 7.4.

<sup>7</sup> “Authorised foreign accredited bodies” are adoption bodies based in another Contracting State to the 1993 Adoption Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *ibid.*, Chapter 4.2.

<sup>8</sup> See GGP No 2, *ibid.*, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

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|  | <p>provisions of the legislation of the Republic of Moldova and the procedures in the field of adoption, inclusively about the modifications operated in the field, as well as about the history, culture and traditions of the Republic of Moldova.</p> <p>b) To make available to applicants the detailed information regarding the prices related to the international adoption procedures.</p> <p>c) The translation, legalization and circulation of documents between the Ministry of Labor and Social Protection, central authority and other authorities or institutions from the receiving State, foreign organization and adopters within the performance of international adoption procedure.</p> <p>d) Intermediation of submitting the request for international adoption to the court.</p> <p>e) To present the post - adoption evaluation reports.</p> <p>f) Preliminary verification of compliance with the requirements of Moldovan legislation of the documents which shall be submitted to the competent authorities and institutions.</p> <p>g) Taking measures to facilitate the development and the consolidation of cooperation between the central authorities in the field of adoption from the Republic of Moldova and receiving states, inclusively to improve procedural, institutional and legal framework to promote children's rights.</p> |
| <p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p> | <p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): <b>OR</b></p> <p><input checked="" type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: <b>OR</b></p> <p><input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: <b>OR</b></p> <p><input type="checkbox"/> Other (please specify):</p>  |

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|  | <input type="checkbox"/> No |
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| 7.1 The authorisation procedure   |   |
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| a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?  | The foreign organizations with responsibilities in the international adoption field in the Republic of Moldova are non - commercial organizations, legally established in the receiving state which are authorized by the central authority from the Republic of Moldova (Ministry of Labor and Social Protection) and subsequently registered as legal entities at the Ministry of Justice of the Republic of Moldova, according to the legislation.   |
| b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>9</sup><br>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. | <p>Authorisation in the Republic of Moldova of the foreign organizations with responsibilities in the field of international adoption are done according to the following documents and information:</p> <ol style="list-style-type: none"> <li>1) documents (licenses, authorizations and certificates issued by the competent bodies from the receiving state, which confirm the right of the foreign organization to activate in the field of international adoption, inclusively on the territory of the Republic of Moldova, if the legislation of the receiving state foresees such procedure, as well as the documents which certify that the organization accomplishes the qualification criteria necessary to activate under the conditions and provisions of Hague Convention, if the receiving state is a part of this Convention)</li> <li>2) the status and the structure of the organization in the receiving state;</li> <li>3) the documents which certify the qualification of the organization staff which activate on the territory of the receiving state and confirm its work experience in the field of the international adoption;</li> <li>4) history of the organization's activity in the field of international adoption, description of the assistance and cooperation programs in the field of child's rights protection, implemented in the receiving state and countries of origin;</li> <li>5) information regarding the number of the adopted children in the last 10 years by the procedure of international adoption,</li> </ol> |

<sup>9</sup> In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.



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|  | <p>specifying the number of children with special needs;</p> <p>6) information regarding the working methodology in the field of international adoption on the territory of the receiving state, inclusively the detailed description of the stages that the applicant shall cover:</p> <p>a) submission and examination of the request;</p> <p>b) multilateral evaluation criteria of the adopters (psycho-emotional condition, health, financial situation and living conditions, social environment);</p> <p>c) procedure and the training program of the adopters;</p> <p>d) the assistance provided to adopted children and adoptive parents in post-adoption period;</p> <p>7) information on any warnings, suspensions or revocation of accreditation/authorization in the receiving state or other states where activates the organization or activated, as well as their reasons, either the written declaration, on their own responsibility, regarding their absence;</p> <p>8) the file of the person proposed to activate as a representative of the foreign organization in the Republic of Moldova, which must contain:</p> <p>a) copy of the identity card;</p> <p>b) copy of diploma of higher education institution in the field of social assistance, psychology, pedagogy, sociology, medicine or law;</p> <p>c) Curriculum Vitae;</p> <p>d) copy of labour records or other documents which certify the activity and professional experience;</p> <p>e) criminal record;</p> <p>f) copy of the certificates which certify the training in the field of protection child's rights, inclusively in the adoption field;</p> <p>g) medical certificate concerning the health condition of the person;</p> <p>9) the document which confirms the authorization of the person proposed to activate as a representative of the foreign organization in the Republic of Moldova in order to accomplish the international adoption procedure, issued by the concerned organization.</p> |
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|  | <p>Can activate as representatives of foreign organizations only people who have Moldovan citizenship and residence on the territory of the Republic of Moldova.</p> <p>All the documents submitted for authorisation shall be translated in the official language and legalized, then submitted to the central authority, namely the Ministry of Labor and Social Protection, till January 31 of the current year. Applications for accreditation shall be examined by the central authority by 1 March.</p>  |
| c) For how long is authorisation granted?  | The accreditation certificate is valid for one year from the date of the last registration regarding the extension of accreditation.   |
| d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> . | <p>The request to extend the authorisation, should be submitted to the central authority till February 15 of the year coming after the year for which the organisation was authorized, together with following translated and legalised documents:</p> <ol style="list-style-type: none"> <li>1. activity report on the previous year prepared and which will include information about: <ol style="list-style-type: none"> <li>a) the activity of the foreign organization in the field of international adoption on the previous year in the receiving state and in the Republic of Moldova, inclusively information about:</li> <li>b) the number of the accomplished international adoptions;</li> <li>c) profile of the adopted children, the programs implemented to prepare the adopters;</li> <li>d) assistance provided to the adopted children and adoptive parents in the adoption process and post-adoption period;</li> <li>e) cooperation programs in the filed of promoting children's rights;</li> </ol> </li> <li>2. The costs of each international adoption accomplished on the territory of the Republic of Moldova, by deciphering the amounts paid by adopters, directly or indirectly, to the foreign organization, authorities, institutions and service providers from the receiving state, as well as the amounts paid by the representative of the foreign organization in the Republic of Moldova, to the authorities, institutions and service providers from the Republic of Moldova in the adoption process, the cost of the medical examination of the adoptable child, the costs of the travel and</li> </ol> |

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|   | <p>stay in the Republic of Moldova, the taxes to cover the operating costs of the foreign organization, the fees for the representative services in the Republic of Moldova .</p> <p>The requests of extension of the authorisation of foreign organization are examined by the central authority till March 1<sup>st</sup> of each year.</p> <p>If the authorisation is prolonged, appropriate entry is made in the certificates of authorisation.</p> <p>If the agreement of foreign organisation with its representative in the Republic of Moldova is terminated, the foreign organization is obliged to inform about this fact the central authority from the Republic of Moldova during 3 woking days.</p>  |
| <b>7.2 Monitoring of authorised foreign accredited bodies</b>   |   |
| a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? <sup>10</sup>  | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No – <b>go to Question 8</b>  |
| b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?  | Central Authority   |
| c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently). | <p>The Central Authority monitors the activity of the foreign organizations with responsibilities in the international adoption field especially by evaluating the activity reports on the previous year of these organizations which include:</p> <ul style="list-style-type: none"> <li>a) the number of the accomplished international adoptions ;</li> <li>b) the profile of the adopted children;</li> <li>c) the programs implemented to prepare the adopters ;</li> <li>d) assistance provided to adopted children and adoptive parents in the adoption process and in the post-adoption period;</li> <li>e) cooperation programs in the field of promoting the child's rights.</li> </ul> <p>At the same time we mention that there are no planned inspections of the organizations, but if the Central Authority is notified about some abusive or illegal activities of the organization, it will notice the competent authorities in order to examine those notices.</p> |

<sup>10</sup> *Ibid.*, Chapter 7.4 and, in particular, para. 290.

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| <p>d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p> | <p>The Central Authority suspend the authorisation of foreign organizations with responsibilities in the field of international adoption in following cases:</p> <ul style="list-style-type: none"> <li>a) presentation of activity reports without respecting the established requirements;</li> <li>b) presentation of the false reports or of the information concerning the international adoption of children residing in the Republic of Moldova;</li> <li>c) notification of law enforcement or financial control bodies;</li> <li>d) starting a prosecution regarding the foreign organization;</li> <li>e) at the request of the central authority with responsibilities in the field of international adoption from the receiving state.</li> </ul> <p>2. Central authority requests the court to withdraw the authorisation of the foreign organization with responsibilities in the field of international adoption in the following cases:</p> <ul style="list-style-type: none"> <li>a) if they do not present the activity report on the previous year till February 15;</li> <li>b) withdrawal of accreditation of the foreign organization by the competent authorities from the receiving state;</li> <li>c) reorganization and/or modification of the foreign organization status, if this fact leads to breach of accreditation conditions;</li> <li>d) non-presentation of post-adoption evaluation reports according to the provisions of this law.</li> </ul> |
| <p>e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?</p>       | <p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of authorisation): Central Authority from the Republic of Moldova can inform the Central Authority from the receiving state about the violations or abuses identified during its activity on the territory of the Republic of Moldova, requesting disciplinary measures foreseen by the legislation of that state.</p> <p>At the same time, the Central Authority will inform the Central Authority from the receiving state about the suspension or withdrawal of authorisation of organization on the territory of the Republic of Moldova.</p> <p><input type="checkbox"/> No</p>  |

| 8. Approved (non-accredited) persons (Art. 22(2)) <sup>11</sup>   |  |
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| <p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p><i>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 <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>12</sup></i></p> | <p><input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No</p>  |
| <p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p><i>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p>   | <p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p> |

#### PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

| 9. The profile of children in need of intercountry adoption   |  |
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| <p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (<i>e.g.</i>, age, sex, state of health).</p> | <p>In the list of the children with status of international adoption are included children who have not been adopted by national adopters. Currently, all children who are available for international adoption are children with special needs, namely, children older than 7 years, siblings, children who have medium or serious health problems, incurable or which are difficult to recover, or which recovery needs expensive, complex and highly specialized medical interventions.</p> |
| 10. The adoptability of a child (Art. 4(a))   |  |
| <p>a) Which authority is responsible for establishing that a child is adoptable?</p>  | <p>The guardianship authority at the child's place of residence, in the Republic of Moldova, there are 33 Territorial Social Assistance Structures which are organized under 9 Territorial Agencies of Social Assistance) and 2 General</p>  |

<sup>11</sup> *Ibid.*, Chapter 13.

<sup>12</sup> *Ibid.*, Chapter 13.2.2.5.

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|   | Directorates for the Protection of Children's Rights at Chisinau and UTA Gagauzia   |
| b) Which criteria are applied to determine whether a child is adoptable?  | <p>Adoptability status is established only for the children who have the status of child left without parental care.</p> <p>The status of child left without parental care is assigned to children whose parents:</p> <ul style="list-style-type: none"> <li>a) are deceased, fact confirmed by a death certificate;</li> <li>b) were deprived from parental rights, fact confirmed by a court decision;</li> <li>c) were declared legal capacity, fact confirmed by a court decision;</li> <li>d) were declared disappeared without trace, fact confirmed by a court decision;</li> <li>e) were declared deceased, fact confirmed by a court decision;</li> <li>f) have abandoned them, fact confirmed by a court decision.</li> </ul> |
| <p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (<i>e.g.</i>, search for the child's birth family).</p> <p><i>N.B. the issue of consent is dealt with at Question 12 below.</i></p> | <p>Determination of the child's adoptability is directly connected with the fact that the child obtain the status of child left without parental care mentioned at point b), respectively after all measures of support for the child's maintenance or reintegration in the biological or extended family have been exhausted.</p>  |

| 11. The best interests of the child and subsidiarity (Art. 4(b))   |  |
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| <p>a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (<i>e.g.</i>, through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).</p> | <p>The tutelary authority is obliged to take action and /or to receive and to register the complaints regarding the children being in risk situation. When the child is detected is necessary to evaluate his situation and to take all the measures of family support in order to prevent the separation of child from parents.</p> <p>Tutelary authority elaborates an individual plan of assistance of a child and his family in order to identify and offer all measures of support to prevent separation and/or reintegration of the child in his biological or extended family.</p> <p>However, if a child is separated from his family, he is placed as a priority in a) extended family, b) foster care, c) community based placement, d) residential institutions-solution of last resort.</p> <p>The territorial tutelary authority undertakes all the necessary actions for the child</p> |

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|   | reintegration in family or to establish the status of the child, actions which cumulative will not exceed 6 months.  |
| b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?   | The status of adoptable child is established by the territorial tutelary authority, which transmits to the Central Authority: a) decision of establishing the status of adoptable child and b) the report concerning the situation of the adoptable child. Evidence of all adoptable children is kept by the Central Authority, which includes the depersonalized data of children in the list of children available for international adoption.   |
| c) Please briefly explain how that decision is reached ( <i>e.g.</i> , whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure. | <p>The adoptable child without special needs is adopted by the adopter residing abroad if he/she was not requested for national adoption or in guardianship or trusteeship during a year from the moment he /she was taken to evidence as adoptable child.</p> <p>The adoptable child with special needs is adopted by the adopter residing abroad if he/she was not requested for national adoption or in guardianship or trusteeship for 6 months from the moment he/she was taken to evidence as adoptable child.</p> <p>During the procedures of international adoption the Advisory Council for Adoption preliminary notices the decision of central authority regarding the selection of the adopter suitable for the adoptable child upon the criteria approved by the Central Authority.</p> |

| 12. Counselling and consents (Art. 4(c) and (d))  |   |
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| <p>a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where:</p> <p>(i) Both parents are known;</p> <p>(ii) One parent is unknown or deceased;</p> <p>(iii) Both parents are unknown or deceased;</p> <p>(iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and</p> | <p>(i) FOR all cases can be adopted in the Republic of Moldova only children which have the status of child without parental care, legally established by a decision of court or of guardianship authority so that the consent of parents is not required.</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p> |

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| <p>responsibilities which attach to being a parent).</p> <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p> |  |
| <p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.<sup>13</sup></p>  | <p>(i) About the decision regarding the establishment of status of adoptable child, the territorial authority informs the biological parents, inclusively those who have been deprived from parental rights. The biological parents are also informed about the process of reestablishment in parental rights and necessity to inform tutelary authority about this fact.</p> <p>(ii) There are not "Simple" adoptions in the Republic of Moldova.</p>   |
| <p>c) Does your State use the model form "<i>Statement of consent to the adoption</i>" developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the <a href="#">Adoption section</a> of the HCCH website.</i></p>  | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose: It's not required a consent for adoption, this why we don't use a model form.</p>  |
| <p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4(d)(2).</i></p>   | <p>In order to approve an adoption, the consent of the adoptable child is required. To express his consent, the child receives counseling and information, provided by the territorial guardianship authority, on the aim, stages and effects of adoption, taking into account the child's opinion, wishes and feelings depending on his age and degree of maturity. The child expresses his / her written consent (or, as the case may be, verbally, in the presence of the psychologist and the representative of the territorial guardianship authority, who confirms in writing the child's consent) to be:</p> <p>a) visited by the adopter;</p> <p>b) entrusted for adoption;</p> <p>c) adopted.</p> |
| <p>e) Please briefly describe the circumstances in which a child's <u>consent</u></p>   | <p>The provisions indicated above are general for national or international adoption.</p>  |

<sup>13</sup> See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Adoption Convention.



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| <p>to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4(d)(1).</i></p> |  |
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| <b>13. Children with special needs</b>   |  |
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| <p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p> | <p>The adoptable child with special needs is the child:</p> <p>a) who is framed in disability degree or who present an increased risk of further development of the hereditary illness and/or a hereditary anamnestic/genetically aggravated;</p> <p>b) who has reached the age of 7 years;</p> <p>c) siblings.</p>  |
| <p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>                  | <p>The adoptable child without special needs is adopted by the adopter residing abroad if he/she was not requested for national adoption or in guardianship or trusteeship during a year from the moment he /she was taken to evidence as adoptable child.</p> <p>The adoptable child with special needs is adopted by the adopter residing abroad if he/she was not requested for national adoption or in guardianship or trusteeship for 6 months from the moment he/she was taken to evidence as adoptable child.</p> |

| <b>14. The preparation of children for intercountry adoption</b>                                   |  |
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| <p>Is there a special procedure in your State to prepare a child for an intercountry adoption?</p> | <p><input type="checkbox"/> Yes, please provide details (e.g., the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used):</p> <p><input checked="" type="checkbox"/> No</p> |

| 15. The nationality of children who are adopted intercountry <sup>14</sup>   |   |
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| Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality? | <input checked="" type="checkbox"/> Yes, always<br><input type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State):<br><input type="checkbox"/> No, the child will never retain this nationality |

## PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

| 16. Limits on the acceptance of files  |   |
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| Does your State place any limit on the number of PAPs’ files which are accepted from receiving States? <sup>15</sup> | <input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:<br><input checked="" type="checkbox"/> No |

| 17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State <sup>16</sup>  |   |
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| <p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria 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> | <input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:<br><input checked="" type="checkbox"/> Married, heterosexual couples: Adoption of the child by the spouses is allowed only if their marriage lasts at least 3 years before the time of application for adoption.<br><input type="checkbox"/> Married, same-sex couples:<br><input type="checkbox"/> Heterosexual couples in a legally registered partnership:<br><input type="checkbox"/> Same-sex couples in a legally registered partnership:<br><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:<br><br><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:<br><input checked="" type="checkbox"/> Single men:<br><input checked="" type="checkbox"/> Single women:<br><input type="checkbox"/> Other (please specify): |

<sup>14</sup> Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](#) of the HCCH website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

<sup>15</sup> See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

<sup>16</sup> I.e., this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Adoption Convention.

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|  | <input type="checkbox"/> No, there are no relationship status criteria for PAPs.   |
| b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?                                | <input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Minimum age requirements: 25 years</li> <li><input type="checkbox"/> Maximum age requirements:</li> <li><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: Adoption is allowed only for people who have full legal capacity, have reached age of 25 and are with at least 18 years older than the child who they want to adopt, but not more than 48 years. By derogation, the court can approve the adoption even if the age difference between the child and the adopter is less than 18 years, but in no case less than 16 years. In case of adoption it is enough that only one of the spouses have the age of 25 years old or not to be older than 48 years old.</li> <li><input type="checkbox"/> Other (please specify):</li> </ul> <input type="checkbox"/> No   |
| c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil? | <input type="checkbox"/> Yes: <ul style="list-style-type: none"> <li><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</li> <li><input type="checkbox"/> Couples must supply evidence of infertility:</li> <li><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</li> <li><input checked="" type="checkbox"/> Other (please specify): Cannot adopt children people who:             <ul style="list-style-type: none"> <li>a) have been deprived from the parental rights;</li> <li>b) whose health status do not permit them proper performance of the obligations and responsibilities regarding raising and education of children;</li> <li>c) who avoid to exercise the parental duties, inclusively from the payment of alimony for the biological children;</li> <li>d) who are in process regarding the deprivation of parental rights or the child is taken out of their care upon a court decision, without deprivation of rights;</li> </ul> </li> </ul> |

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|  | <p>e) released from the obligations of tutor or trustee due to improper performance of obligations;</p> <p>f) who presented false documents or information in order to receive the adoption;</p> <p>g) who have been convicted for the commission of some intentional crimes: against the life and health of the person, against the freedom, honor and dignity of the person, related to the sexual life against family and children.</p> <p><input type="checkbox"/> No</p> |
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| <b>18. Preparation and counselling of PAPs (Art. 5(b))</b>  |  |
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| <p>Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i>?</p> | <p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: The request of the adopter residing abroad who wants to adopt a child from the Republic of Moldova is taking to evidence by the central Authority from the Republic of Moldova only if the authorities/organizations with responsibilities in the field of international adoption from the receiving state certify that the adopter is acquainted with the legislation regarding the adoption in the Republic of Moldova and benefited in the receiving state from information and necessary training concerning the international adoption.</p> <p><input type="checkbox"/> No</p> |

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

| <b>19. Applications</b>   |  |
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| <p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p>                      | <p>Ministry of Labor and Social Protection</p>   |
| <p>b) Please indicate which documents must be submitted with an application:</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 in the receiving State</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the “home study” and other personal assessments (see Art. 15)</p> |

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|  | <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents<br><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates<br><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs<br><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):<br><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): The health status confirmed by an original medical certificate, separately for each adopter, and if the adopter suffers from an illness or a disorder, additional information on the extent to which the disease or disorder of the adopter limits his ability to fulfill properly the duties and responsibilities regarding the care and education of children<br><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): The personal, familial and material situation of the adopter, confirmed by documents which attest property right or use of a house, other documents which confirm the income;<br><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Certificate from the workplace concerning the held position and the received amount.<br><input checked="" type="checkbox"/> Proof of no criminal record<br><input checked="" type="checkbox"/> Other(s): please explain<br>- Social environment of the adopter;<br>- The reasons which determine the adopter to adopt a child from the Republic of Moldova, as well as information regarding the child or children for whom he has the capacity to adopt;<br>- Declaration concerning the right of the adoptable child to keep the citizenship of the Republic of Moldova till he/she reaches the age of majority;<br>- The consent to the adoption of the spouse of the person that wishing to adopt alone, if married - in the case of a relative of the |
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|   | <p>child up or of the person with whom the child has established close relations;</p> <ul style="list-style-type: none"> <li>- Declaration of the adopter that accepts the post-adoption monitoring actions;</li> <li>- Socio-economic and legal guarantees that will benefit the child in the case of international adoption.</li> </ul>   |
| <p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>          | <p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.<sup>18</sup> Please also 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 your State, for all stages of the procedure): Foreign citizens or stateless persons residing abroad who wish to adopt a child domiciled in the Republic of Moldova can submit a request for international adoption only through foreign organizations active in the field of international adoption in Moldova and which are non-profit organizations, legally established in the receiving State, which are accredited by the central authority. Representative of this organization will assist the PAPs during entire procedure of adoption.</p> <p><input type="checkbox"/> No</p> |
| <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> | <p><input type="checkbox"/> Yes</p> <p><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):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>  |

<sup>17</sup> See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

<sup>18</sup> See the definitions provided at notes 3 and 7 above.

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| e) Please specify the language(s) in which any documents must be submitted:   | International adoption request and the documents provided are submitted to the Central Authority of the Republic of Moldova, accompanied by their translation authenticated in Romanian. |
| f) Do any of the required documents need to be legalised or apostilled?   | <input checked="" type="checkbox"/> Yes, please specify which documents:<br><input type="checkbox"/> No – <b>go to Question 20</b>   |
| g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Apostille Convention)?<br><br><i>This information is available on the <a href="#">Status Table</a> for the Apostille Convention (see the <a href="#">Apostille Section</a> of the HCCH website).</i> | <input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: March 16, 2007<br><br><input type="checkbox"/> No    |

| <b>20. The report on the child (Art. 16(1)(a))</b>   |  |
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| a) Who is responsible for preparing the report on the child?   | After determining the status of the adoptable child, the territorial authority in whose area the child resides, within 30 days, prepares and submits to the Central Authority the report on the situation of adoptable child, according to the model approved by the Central Authority.  |
| b) Is a “standard form” used for the report on the child?  | <input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy:<br><input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: |
| c) Does your State use the “ <i>Model Form – Medical Report on the Child</i> ” and the “ <i>Supplement to the general medical report on the child</i> ”?<br><br><i>See GGP No 1 – Annex 7, available <a href="#">here</a>.</i> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No   |

| <b>21. The report on the PAPs (Art. 15(2))</b>                 |   |
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| a) For how long is the report on the PAPs valid in your State? | There is no limit, as long as the adopter meets the formal eligibility criteria and annually updates the information in the report, if the situation changed. |

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| <p>b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it.<br/><i>E.g.</i>, does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</p> | <p>The adopter is obliged to update annually the information in the documents attached to the request for international adoption or, if necessary, to confirm in written form that this information has not changed.</p> <p>Depending on the changes, the adopter will present documents where changes have occurred.</p> |
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| <b>22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))</b>  |  |
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| <b>22.1 The authorities and the matching procedure</b>   |  |
| a) Who is responsible for the matching of the child and the PAPs in your State?  | Central Authority  |
| b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?   | Under the law, besides the Central Authority is established the Advisory Council for Adoption, which activity Rules are approved by the Government.  |
| c) What methodology is used for the matching in your State?  | <p>Specialists from the Central Authority prepare:</p> <p>a) depersonalized reports on the situation of the adoptable child (including the child's history, data about the psycho-emotional development and child health);</p> <p>b) depersonalized card-indexes of evaluating the files of adopters which contain data on age, education, experience, social environment, living conditions, infrastructure, etc. According to an evaluation grid (approved by the Central Authority) for each data type is assigned a score, receiving a total score.</p> <p>Depersonalized reports on the situation of adoptable children and sheet / sheets (in case when for one child are qualified more adopters) are presented during the Adoption Advisory Council meetings and upon the deliberations on the advantages / disadvantages of the situation for each adopter is selected the adopter whose evaluation sheet formally corresponds with child needs best. Based on the decision of the Consultative Council, the Central Authority approves the pre-matching of the adopter with the adoptable child.</p> |
| d) Is any preference given to PAPs who have a close connection with your State ( <i>e.g.</i> , nationals of your State who have emigrated to a receiving State)? | <input checked="" type="checkbox"/> Yes, please specify: One of the principles included in the national law regarding the adoption consists in the continuity in growing and education of the child, taking  |



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|   | <p>into consideration the ethnic, cultural and linguistic origin. If in the file of the adopter is information which denotes that this adopter will assure to a larger extent the compliance of the mentioned principle, then this will be an advantage. Thus this is a relative advantage, so that if an adopter will prove qualities and conditions which will better correspond to the most important needs of the child, definitely this adopter will be chosen.</p> <p><input type="checkbox"/> No</p>  |
| e) Who is responsible for notifying the receiving State of the matching?  | Central Authority  |
| f) How does your State ensure that the prohibition on contact in Article 29 is respected?                             | <p>All the information about the adoptable children is depersonalized, and the status of adoptable child is established after what the requirements of article 4, letter a), c) of the Convention are accomplished.</p> <p>The Central Authority from the Republic of Moldova, selects, according to the established criteria, the appropriate adopter for the adoptable child and transmits to the selected adopter the report concerning the situation of the adoptable child, without revealing the child's identity and his birth and residence place, asking him to express his consent or disagreement concerning the adoption of this child.</p>  |
| <b>22.2 Acceptance of the match</b>   |  |
| a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State? | <p><input checked="" type="checkbox"/> Yes, please provide details of the required procedure: The Central Authority from the Republic of Moldova requires the appropriate adopter to express his consent or disagreement concerning the adoption of this child.</p> <p>After obtaining the agreement from the adopter, the Central Authority from the Republic of Moldova requires the Central Authority in the field of adoption from the receiving state to comment on the possible adoption.</p> <p>Upon the agreement of the Central Authority in the field of adoption from the receiving state concerning the continuation of adoption procedure of the child, the Central Authority from the Republic of Moldova submits for the territorial authority from the domicile of the child a</p> |

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|   | demarche in order to continue the matching procedure of the adopter.<br><input type="checkbox"/> No                                       |
| b) How much time is the receiving State given to decide whether to accept a match?  | There is no deadline in this respect. In practice this process takes about a month.   |
| c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?  | In this case the child can be proposed to another adopter.  |
| <b>22.3 Information following acceptance of the match</b>   |   |
| Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development ( <i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)? | <input type="checkbox"/> Yes, please specify who is responsible for providing this information:<br><input checked="" type="checkbox"/> No |

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| <b>23. Agreement under Article 17(c)</b>   |  |
| a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)? | Central Authority  |
| b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?             | <input type="checkbox"/> Our State sends the Article 17(c) agreement to the receiving State with the proposed match; <b>OR</b><br><input checked="" type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17(c) agreement; <b>OR</b><br><input type="checkbox"/> Other (please specify): |

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| <b>24. Travel of the PAPs to your State<sup>19</sup></b>  |  |
| a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point? | <input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> <li>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State:</li> <li>- Upon a the agreement of the Central Authority in the field of adoption from the receiving state concerning the continuation of adoption procedure of the child, the Central Authority from the Republic of Moldova submits to the territorial authority from the domicile of the child a demarche in order to continue the matching procedure of</li> </ul> |

<sup>19</sup> See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

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|   | <p>the adopter. The territorial authority issues for the adopter a permit to visit. Adopter visits the child with the mandatory involvement of the representative of the territorial authority from the domicile of the child and of the case manager. The number of the necessary visits in order to establish the compatibility is arranged by the territorial authority together with the case manager. The presence of the adopter is also mandatory in the examination process of the adoption request in the court. After the adoption approval and after what the period passes in order that the court decision become irrevocable, the adopter comes to take the child to his country.</p> <ul style="list-style-type: none"> <li>- How many trips are required to complete the intercountry adoption procedure: Three</li> <li>- How long the PAPs need to stay for each trip:</li> <li>- The first visit is done for a period from one month from the date the child visit permit was issued. The second visit lasts 3-5 days to examine the request of approval of adoption in the court. The third visit lasts 3-5 days to perfect the travel documents and the accompanying of the child to the state of residence of the adopter.</li> <li>- Any other conditions:</li> </ul> <p><input type="checkbox"/> No</p> |
| b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances? | <p><input type="checkbox"/> Yes, please specify in which circumstances:</p> <p><input checked="" type="checkbox"/> No</p>   |

| <b>25. Entrustment of the child to the PAPs (Art. 17)</b>  |   |
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| <p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (<i>e.g.</i>, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p> | <p>Upon the agreement of the Central Authority in the field of adoption from the receiving state regarding the continuation of adoption procedure of child, the Central Authority from the Republic of Moldova submits to the territorial authority from the domicile of the child a demarche in order to continue the matching procedure of the adopter.</p> <p>The territorial authority issues to the adopter a visit permit. The adopter visits the child</p> |

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|  | <p>with the mandatory involvement of the representative of territorial authority from the domicile of child and case manager. The number of necessary visits in order to establish the compatibility is arranged by the territorial authority together with the case manager. Visits are done for a period from one month from the date when the visit permit was issued. During the matching period, upon the agreement of the territorial authority, the child can be together with the adopter in the dwelling where the adopter was during his staying in the Republic of Moldova.</p> |
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| 26. Transfer of the child to the receiving State (Arts 5(c) and 18)   |   |
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| a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (e.g., passport, visa, exit permit)?  | international passport of the child   |
| b) Which of the documents listed in response to Question 26 a) above does your State issue?<br><br>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.               | international passport of the child   |
| c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State? | <input type="checkbox"/> Yes, please specify:<br><input checked="" type="checkbox"/> No |

| 27. Final adoption decision and the Article 23 certificate   |   |
|--|---|
| a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?  | <input checked="" type="checkbox"/> In our State – <b><u>go to Question 27 c)</u></b><br><input type="checkbox"/> In the receiving State – <b><u>go to Question 27 b)</u></b> |
| b) Following the making of the final adoption decision in the receiving State:<br>(i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)? | (i)<br>(ii)<br><b><u>Go to Question 28</u></b>  |

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|--|--|
| (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?  |  |
| <p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Adoption Convention?</p> <p><i>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 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</i></p> <p><i>The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (under "Authorities"), available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p> | <p>(i) The Court</p> <p>(ii) Central Authority</p>   |
| <p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p><i>See GGP No 1 – Annex 7, available <a href="#">here</a>.</i></p>   | <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>  |
| <p>e) 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 receiving State?</i></p>  | <p>Under the irrevocable court decision regarding the approval of adoption presented to the Central Authority, it issues, in a 5-day period, a certificate which attests the fact that the adoption conforms to the rules of the Hague Convention. The conformity certificate is given to the foreign organization's representative who performing its translation, legalization, and which is further given to the adopter.</p> |

| 28. Duration of the intercountry adoption procedure  |   |
|--|---|
| <p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> | <p>(i) The period starting from the delivery of information about the child to the adopter (after pre-matching within the Advisory Council for Adoptions meeting) and receipt of the agreement of the intercountry adoption procedure continuance on behalf of the Central Authority from the receiving State is 2 months.</p> <p>(ii) The period of visiting and physical matching of the adopter with the adoptable child is 1 month.</p> |

|   |                         |
|---|-------------------------|
| (iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i> , if the final adoption decision is made in your State and not in the receiving State). | (iii) It takes 1 months |
|---|-------------------------|

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

| 29. 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.  | The Law of the Republic of Moldova do not stipulate the definition of "intra-family" adoption.  |
| b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?<br><br><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption 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 – <b>go to Question 30</b><br><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . <b>Go to Question 30</b><br><input type="checkbox"/> No – <b>go to Question 29 c)</b> |
| 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:<br>(i) The counselling and preparations which PAPs must undergo in the receiving State;<br>(ii) The preparation of the child for the adoption;<br>(iii) The report on the PAPs; and<br>(iv) The report on the child. | (i)<br>(ii)<br>(iii)<br>(iv)  |

## PART VIII: SIMPLE AND FULL ADOPTION<sup>20</sup>

| 30. Simple and full adoption                   |  |
|--|--|
| a) Is "full" adoption permitted in your State? | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

<sup>20</sup>

According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.8.8.

|   |   |
|---|---|
| <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>  | <input type="checkbox"/> In certain circumstances only – please specify:<br><input type="checkbox"/> Other (please explain):  |
| <p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No – <b>go to Question 31</b><br><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:<br><input type="checkbox"/> Other (please explain): |
| <p>c) If a “simple” adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family’s consent(s)<sup>21</sup> to a “full” adoption where this is in the child’s best interests (i.e., so that a “conversion” of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1)(b) and Art. 4 (c) and (d).</i></p> | <input type="checkbox"/> Yes – please provide details of how this is undertaken:<br><input type="checkbox"/> No   |
| <p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child’s birth mother / family<sup>22</sup> to the conversion of a “simple” adoption into a “full” adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>  |   |

#### PART IX: POST-ADOPTION MATTERS

| 31. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child  |   |
|---|---|
| a) Which authority is responsible for preserving information concerning the child’s origins, as required by Article 30?   | Central Authority   |
| b) For how long is the information concerning the child’s origins preserved?  | for 75 years  |
| <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>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adoptee has the right to obtain from the Central Authority excerpts from the State Register of Adoptions, which contents its date and place of birth, but do not expressly disclose the adoption and not even the identity of the adoptee's</p> |

<sup>21</sup> Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.

<sup>22</sup> *Ibid.*

- (ii) the adoptive parents;
- (iii) the birth family; and / or
- (iv) any other persons?

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)?

*See Art. 9(a) and (c) and Art. 30.*

biological parents. The latter's identity can be disclosed before he/she obtains the full legal capability only for medical purposes, with the court instance's authorization, on request of any of the adopting parents, of the adoptee, territorial authority or medical institution representative. After obtaining full legal capability, the adoptee can request the court from the Republic of Moldova to authorize the access to data regarding his/her biological parents' identity, kept by the Central Authority or Offices of Civil Status. The court summons the Central Authority, as well as any other person, whose professional knowledge can be useful for the request's solving, and accepts the request if, according to the existing evidence, it establishes that the access to the requested data is not injurious to the requester's psychic integrity and whether this adoptee was provided with guidance from compe

☐ No

- (ii) ☒ Yes – please explain any criteria: The adoptive parent has the right to obtain from Central Authority excerpts from the State Register of Adoptions, which contents date and place of child's birth, but do not expressly disclose the adoption and not even the identity of the adoptee's biological parents. The latter's identity can be disclosed before he/she obtains the full legal capability only for medical purposes, with the court instance's authorization, on request of any of the adopting parents, of the adoptee, territorial authority or medical institution representative

☐ No

- (iii) ☒ Yes – please explain any criteria: If a request comes from the biological parents of the adopted child to obtain data regarding the latter, and if there is an intercountry adoption, the Central Authority will minutely examine the adopted child's case and will request the report of the Central Authority in the field of adoption from the receiving State on the opportunity/inopportunity of establishing the bond between the biological family and the adopted child.



|   |   |
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|   | <input type="checkbox"/> No<br>(iv) <input type="checkbox"/> Yes – please explain any criteria:<br><input checked="" type="checkbox"/> No   |
| d) Where access to such information is provided, is any counselling or other guidance / support given in your State?  | <input type="checkbox"/> Yes – please specify:<br><input checked="" type="checkbox"/> No  |
| 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)? | <input checked="" type="checkbox"/> Yes – please specify: The Central Authority in the field of intercountry adoption is also the Central Authority in the field of child protection, so that it will offer all the available information and assistance within its functional responsibilities.<br><input type="checkbox"/> No |

| 32. Post-adoption reports   |  |
|---|--|
| a) 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):<br><input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (e.g., medical information, information about the child's development, schooling): The Central Authority requests in post-adoption reports a detailed description of the child's physical and psycho-emotional development, his/her integration in a new family and social environment, each report representing a continuity of the previous report. Thus there are described the child's accomplishments and the way barriers /issues were faced. |
| b) What are the requirements of your State in relation to post-adoption reports?<br>Please indicate:<br>(i) How frequently such reports should be submitted (e.g., every year, every two years);<br>(ii) For how long (e.g., until the child is a certain age);<br>(iii) The language in which the report must be submitted;<br>(iv) Who should write the reports; and<br>(v) Any other requirements. | (i) The monitoring of the child's post-adoption situation is to be accomplished by authorities which keep the child's records, for a 5-year period from the adoption's approval, with the following periodicity: a) first year – 4 reports (at 1, 3, 6 and 12 months); b) second year – 2 reports (at 6 and 12 months).<br>(ii) During a 5-year period after adoption.<br>(iii) The presented reports shall be translated and authenticated in Romanian language.<br>(iv) The monitoring of the child's post-adoption situation is to be accomplished  |

|  |  |
|--|--|
|  | <p>by central authorities in the field of adoption from the receiving state, which keep the child's records (or if appropriate by authorities or organizations authorized in accomplishing these responsibilities).</p> <p>(v) In the case of an intercountry adoption, post-adoption evaluation reports are being presented to the Central Authority from the Republic of Moldova by the Central Authority in the adoption field from the receiving state or through foreign organizations from the receiving country, which are authorized and registered in the Republic of Moldova. The Central Authority from the Republic of Moldova requests, if it is necessary, from diplomatic missions and consular offices of the Republic of Moldova in the receiving states data regarding accomplished post-adoption monitorings.</p> |
| <p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p> | <p>(i) If post-adoption evaluation reports are not submitted, according to law stipulations, the Central Authority can request the court to withdraw the authorization of the foreign organization with responsibilities in intercountry adoption.</p> <p>(ii) There are no consequences, but an amiable overcoming of the situation shall be tried.</p>   |
| <p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p>   | <p>Post-adoption evaluation reports are used in order to establish if the adoption had beneficial consequences for the child. If issues appear after child's adoption, generated by deficient quality of the adoption process, measures will be taken in future to eliminate the causes which generated or contributed to the appearance of these issues.</p>  |

## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>23</sup>

*States of origin are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.*

### 33. The costs<sup>24</sup> of intercountry adoption

<sup>23</sup> See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH website: *i.e.*, the *Terminology 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*.

<sup>24</sup> See the definition of “costs” provided in the Terminology, *ibid*.

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|---|---|
| <p>a) Are the costs of intercountry adoption regulated by law in your State?</p>  | <p><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: Along with the submission of the intercountry adoption request, the adopter, personally or by the foreign organization's representative with responsibilities in the intercountry adoption field in the Republic of Moldova, pays to the account of the Central Authority from Moldova a single and fixed tax for the accomplishment of intercountry adoption procedures on the territory of the Republic of Moldova in the amount of 3000 MDL (aprox. 150 Euro). The tax represents the counter value of expenses for translation and fast international correspondence, incurred by the Central Authority in the process of accomplishing the intercountry adoption procedure on the territory of the Republic of Moldova. If the adopter withdraw his files from the Central Authority, the tax paid by him is also refunded. <a href="https://www.legis.md/cautare/getResults?doc_id=125028&amp;lang=ro">https://www.legis.md/cautare/getResults?doc_id=125028&amp;lang=ro</a> Taxes for examining the adoption request in the court, visa, registering identity documents, translation and legalization of documents are also stipulated in the legislation. Regarding costs of professionals' services (attorneys, doctors, psychologists, translators) - they can vary depending on the service provider's legal form of organization and volume of the offered assistance.</p> <p><input type="checkbox"/> No</p> |
| <p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>  | <p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: In order to prolong the authorisation in the Republic of Moldova of the foreign organization with responsibilities in the intercountry adoption field, the Central Authority annually requests to present the activity report of the organization for the previous year, which compulsorily must include costs of each intercountry adoption accomplished on the territory of the Republic of Moldova with the interpretation of amounts paid by adopters, directly or indirectly, to the foreign organization, authorities, institutions and providers from the receiving state, as well as amounts paid to the foreign organization's representative in the Republic of Moldova, to authorities, institutions and service providers from the Republic of Moldova in the adoption process, including costs and taxes covered by adopters during the preadoption period, the cost of the adopted child's medical examination, costs regarding travel and residence in the Republic of Moldova, taxes for covering foreign organization's operational costs, taxes for representative's services in the Republic of Moldova.</p> <p><input type="checkbox"/> No</p>  |
| <p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular</p> | <p><input checked="" type="checkbox"/> Through the accredited body:</p> <p><input checked="" type="checkbox"/> Directly by the PAPs:</p> <p><input type="checkbox"/> Other (please explain):</p>  |

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| <p>intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 86.</i></p>   |  |
| <p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 85.</i></p>  | <p><input checked="" type="checkbox"/> Only by bank transfer:<br/> <input type="checkbox"/> In cash:<br/> <input type="checkbox"/> Other (please explain):</p> |
| <p>e) Which body / authority in your State receives the payments?</p>   | <p>Application fee is received by Central Authority through the bank payments.</p>   |
| <p>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)?</p> <p><b>N.B.</b> Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</p> | <p><input type="checkbox"/> Yes – please indicate how this information may be accessed:<br/> <input checked="" type="checkbox"/> No</p>                        |

| 34. Contributions, co-operation projects and donations <sup>25</sup>  |  |
|---|--|
| <p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution<sup>26</sup> to your State if it wishes to engage in intercountry adoption in your 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"> <li>• What type of contribution is required:</li> <li>• Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body):</li> <li>• How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>   |
| <p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>   | <p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input checked="" type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> <li>• What type of co-operation projects are permitted: Usually there are projects in the field of child protection and humanitarian aid.</li> <li>• Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): Any natural or legal person, authorized in performing such projects in the Republic of Moldova according to the legislation.</li> <li>• Whether such projects are monitored by an authority / body in your State: Depending on the project, it can be monitored by the donator and/or by financial control bodies of the state.</li> <li>• How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the</li> </ul> |

<sup>25</sup> See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 23.

<sup>26</sup> See further the Terminology, *supra*, note 23, 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.

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|   | <p>intercountry adoption process: here is a legal comprehensive frame in the Republic of Moldova regarding personal data and their confidentiality, as well as sanctions for this legislation's violation. Also, the preliminary matching procedure is depersonalized, transparent and confidential. Thus no organization with responsibilities in the adoption field or no potential adopter can influence the process of the adopter's selection and matching, because these organizations or people, as well as the Advisory Council's members (except the Central Authority's employees), do not know the child's or adopter's identity data, as well as the name or country of origin of the foreign organization, through which the adopter's request was submitted. We also mention that the existence of cooperation projects is not compulsory, and that is why it is not a qualification criterion for a certain adopter, so that under any form the cooperation's existence or its volume is not taken into consideration while accomplishing adoption procedures.</p> <p><input type="checkbox"/> No</p> |
| <p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><b><i>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).</i></b></p> | <p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• To whom may donations may be made (e.g., to orphanages, other institutions and / or birth families): To different social institutions, but not to birth families or relatives of the child.</li> <li>• What donations are used for: For the needs of children placed in social services.</li> <li>• Who is permitted to pay donations (e.g., only authorised foreign accredited bodies or also PAPs): Both.</li> <li>• At what stage of the intercountry adoption procedure donations are permitted to be paid: Limitations are not in place yet.</li> <li>• How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: Hypothetically, we can think of situations when the donations could</li> </ul>  |

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|  | <p>influence the adoption process' integrity. But at this moment, after the coming into force of the new legislation in intercountry adoption, and safeguards of the preliminary matching process of the adopter with the adoptable child, such situations seem to not happen - a fact which is confirmed by postadoption reports. Also, it is worth mentioning that all adopted children have special needs, for whose adoption rarely appear competitor adopters.</p> <p><input type="checkbox"/> No</p> |
|--|--|

| <b>35. Improper financial or other gain (Arts 8 and 32)</b>  |   |
|--|---|
| a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention? | <p>The legislation in adoption field stipulates that competent authorities in this field must take all measures that are imposed for the prevention of illegal gain – financial or of any other type – that may be obtained in the adoption process, as well as for the restraint of any actions that interfere with the Hague Convention's objectives and national legislation in adoption. Practically, such tasks are accomplished by the Prosecutor's Office by sanctions, and recently by prevention and combating - by the National Integrity Council.</p>  |
| b) What measures have been taken in your State to prevent improper financial or other gain?                                    | <p>It is forbidden that the adopter, from his/her behalf or through interposed people, directly or indirectly, should offer any illegal financial gains to competent authorities in the adoption field or to officials from public institutions, involved in the adoption process. The receipt or offer of such gains can be punished by application of sanctions, stipulated by the legislation.</p>   |
| c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.                                   | <p>If there is established the violation of terms stipulated in this law, the Central Authority or the Prosecutor's Office will request from the court instance the cancelation or suspension of the authorisation of foreign organization with responsibilities in intercountry adoption field in the Republic of Moldova.</p> <p>The action of the parent, tutor or guardian of asking for or receiving, for himself/herself or for another person, money or other financial gains for the aim of child adoption, as well as for any type of their constraint to consent to adoption, shall be punished penally. The actions of the person, who, with no right,</p> |

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|  | intercedes or facilitates the child's adoption, with the aim of obtaining a financial bonus or another type of bonus, are also committed to penal responsibility. |
|--|---|

## PART XI: ILLICIT PRACTICES<sup>27</sup>

| <b>36. Response to illicit practices in general</b>  |  |
|--|--|
| Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>28</sup> | Such cases are very few. Usually the Central Authority notifies the Prosecutors Office or Court. |

| <b>37. The abduction, sale of and traffic in children</b>   |   |
|---|---|
| <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 State's 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> | <p>Law no. 99 from May 28, 2010 regarding the legal regime of adoption - transposes in the national legislation the safeguards for child adoption, contained in the Convention.</p> <p>Law no. 241 from October 20, 2005 regarding prevention and combating human trafficking.</p> <p>Criminal Code of the Republic of Moldova.</p> <p>Legislative acts are applied universally towards all physical persons, as well as legal entities, including those involved in adoption cases.</p>  |
| <p>b) Please explain how your State monitors respect for the above laws.</p>  | <p>Prevention and combating of child trafficking, protection and assistance of the child, which was a victim of human trafficking is a primary political, social and economic concern in the Republic of Moldova.</p> <p>The activity of public administration authorities and organizations with responsibilities in the field of prevention and combating human trafficking shall be based on child best interest.</p> <p>Special principles of combating child trafficking:</p> <p>a) strict compliance with child rights, stipulated in the UN Convention on child's rights, and the Law of the Republic of Moldova regarding child's rights; b) taking special measures of protection and assistance of the child, who was the victim of human trafficking; c) respect victim's opinion aged 10 and older in all actions which affect him/her, taking into account the</p> |

<sup>27</sup> "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 [Adoption Section](http://www.hcch.net) of the HCCH website < [www.hcch.net](http://www.hcch.net) >).

<sup>28</sup> *Ibid.*



|   |  |
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|   | <p>age, level of maturity and his/her best interest; d) informing the victim about the his/her situation and rights, measures of protection and assistance, available services, repatriation procedure and family reunion process; e) assuring the nondisclosure for any reason of the identity and details which will allow the victim's identification.</p>  |
| <p>c) If these laws are breached, what sanctions may be applied (<i>e.g.</i>, imprisonment, fine, withdrawal of accreditation)?</p> | <p>According to the Criminal Code: 1) Article 164. Abduction of a minor person shall be punished with imprisonment from 6 to 10 years. These actions, which: a) were committed by an organized criminal group or a criminal organization; b) caused by imprudence a serious injury to the bodily integrity or health or the victim's decease, shall be punished with imprisonment from 10 to 13 years. 2) Article 206. Child trafficking (1) Recruiting, transportation, transferring, housing or receiving a child, as well as giving or receiving payments or bonuses for obtaining a person's consent which controls the child, with the aim of: a) sexual, commercial and noncommercial abuse, prostitution or pornographic industry; b) labour abuse of forced services; b1) practice of beggary or other vile aims; c) slavery or abuse in conditions similar to slavery, including the case of illegal adoption; d) using in armed conflicts; e) using in criminal activity; f) taking of organs, tissues and/or human cells; h) selling or buying, shall be punished with imprisonment from 10 to 12 years, by deprivation of the right to be in certain office or to perform a certain activity for a 2- to a 5-year period, and the legal person shall be punished with a fine of 3000 to 5000 Euro, by deprivation of the right to perform a certain activity, or the legal person's liquidation. (2) The same actions accompanied by: a) physical and/or psychic violence, using fire arms or blackmailing with the latter's use; b) sexual abuse and/or violence; c) profiting of authority abuse or the child's vulnerable situation, blackmailing with disclosure of confidential data of the child's family or other people; f) taking of organs, tissues and/or human cells, shall be punished with imprisonment from 10 to 15 years, by deprivation of the right to be in certain office or to perform a certain activity for a 2- to a 5-year period, and the legal person shall be punished with a fine of 5000 to 7000 Euro, by deprivation of the right to perform a certain activity, or the legal person's</p> |

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|  | <p>liquidation. (3) Actions stipulated in paragraph (1) or (2):</p> <p>a) committed by a person who previously committed the same actions; b) committed towards two or more children; b1) committed by two or more people; c) committed by a public person, official, foreign public person or international official; d) committed by an organized criminal group or a criminal organization; d1) accompanied by contamination of the child with a venereal disease or AIDS; e) resulted in a serious injury of the child's bodily integrity or psychic disease, his/her decease or suicide; e1) committed towards a child who is taken care of, protected, brought up or treated by the criminal; f) committed towards a child in the age of up to 14 years shall be punished with imprisonment from 15 to 20 years, with deprivation of the right to be in certain office or to perform certain activities for a 3- to a 5-year period, or with life sentence, and the legal person shall be punished with a fine of 7000 to 9000 Euro, with deprivation of the right to perform certain activities, or the legal person's liquidation.</p> <p>(4) The victims of child trafficking is free from penal responsibility for the crimes he/she committed concerning this procedural quality.</p> <p>Article 207. Illegal taking out of children from the country Taking the child out of the country under false documents or in another illegal way, as well as his/her abandonment abroad with the aims no other than the ones indicated in article 206,</p> <p>shall be punished with imprisonment from 2 to 6 years.</p> <p>Concerning foreign organizations with responsibilities in the intercountry adoption, we mention that the Central Authority shall request the court instance to suspend accreditation, including: - on the intimation of legal bodies or financial control bodies; - in the case when criminal prosecution regarding foreign organization is started; - on the request of the Central Authority with responsibilities in the intercountry adoption field from the receiving state.</p> <p>Also, Central Authority requests the court to withdraw the foreign organization's authorisation with responsibilities in the intercountry adoption field when the latter's</p> |
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|  | accreditation is withdrawn by competent authorities from the receiving state. |
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| 38. Private and / or independent adoptions  |   |
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| <p>Are private and / or independent adoptions permitted in your State?</p> <p><b>N.B.</b> "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</p> <p>Please tick all which apply.</p> | <p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p> |

## PART XII: INTERNATIONAL MOBILITY

| 39. The scope of the 1993 Adoption Convention (Art. 2)  |  |
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| <p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p> | <p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>29</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Foreign citizens and stateless people who reside in the Republic of Moldova, can adopt children under the national legislation's terms, according to the national adoption procedure, if he/she resides in the Republic of Moldova for at least 3 years before submitting the adoption request.</p> <p>Foreign citizens or stateless people who are in the Republic of Moldova for a mission trip and reside on its territory for at least 2 years, and wish to adopt a child who resides in the Republic of Moldova, can submit the intercountry adoption request: - only by foreign organizations from the receiving state, authorised and registered in the Republic of Moldova, if there are such organizations in the receiving states; - directly or by central authorities in the adoption field of the receiving state, if there are no organizations with responsibilities in the intercountry adoption field in this state, authorised and registered in the Republic of Moldova.</p> <p><input type="checkbox"/> No</p> |

<sup>29</sup> According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.4.

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| <p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>                        | <p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: People who reside in the Republic of Moldova and desire to adopt children, who reside in other states, are committed to evaluation according to general regulations of the national legislation. Under an evaluation report, made by the territorial authority from these people's residence, the Central Authority from the Republic of Moldova issues a decision regarding the adopters' attestation, gives them a certificate of adopter and creates a report which certifies that: a) they have the capacity to adopt; b) they received necessary training for the aim of adoption; c) the child, which is to be adopted, is or will be authorized to enter and permanently reside on the territory of the Republic of Moldova.</p> <p>In such cases, the adoption is being accomplished by keeping the national legislation's terms, as well as the terms of the legislation in the adoption field from the child's residence country.</p> <p><input type="checkbox"/> No</p> |
| <p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p> | <p><input type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>30</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Citizens of the Republic of Moldova who reside abroad, and desire to adopt a child, who resides in the Republic of Moldova, can submit the adoption request: a) according to the intercountry adoption procedure; b) according to the domestic adoption procedure stipulated by law, by attaching to the adoption request, presented to the territorial authority, a set of confirmative documents, issued by competent authorities/institutions from the receiving state, if the latter's legislation stipulates the possibility of recognizing decisions of consent to domestic adoption, pronounced by the Republic of Moldova courts.</p> <p><input type="checkbox"/> No</p>  |

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According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>31</sup>

| 40. Selection of partners   |   |
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| a) With which receiving States does your State currently partner on intercountry adoption?  | There are no partnerships with certain receiving states, and also, there are no limitations regarding conclusion of partnerships with receiving states.   |
| b) How does your State determine with which receiving States it will partner?<br><br>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.<br><br><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i> |   |
| c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases. <sup>32</sup>  | <input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.         |
| d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State ( <i>e.g.</i> , the conclusion of a formal agreement <sup>33</sup> with that receiving State)?  | <input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: <sup>34</sup><br><input checked="" type="checkbox"/> No |

<sup>31</sup> In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

<sup>32</sup> See GGP No 1 (*op. cit.* note 14), 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”.

<sup>33</sup> See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

<sup>34</sup> *Ibid.*