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## NEWSLETTER

### Facilitation of intercountry adoption from the Czech Republic abroad

*In this article, the Central Authority of the Czech Republic presents recent developments that have come into effect in the country in the field of intercountry adoption.*

The Office for International Legal Protection of Children (hereinafter referred to as the "Office") is the central, and at the same time the only authority for facilitation of intercountry adoption in the Czech Republic under the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993). Since 2000, the Office has facilitated intercountry adoption for 754 children from the Czech Republic. However, there have been many changes over the last few years in the field of facilitation of intercountry adoption, as well as in the field of alternative family care as a whole.

In accordance with the social policy of the Czech Republic, as well as with the general trends that can be observed abroad, the Czech Republic places increasing emphasis on the support of domestic alternative family care, both in the financial area and in the area of services provided to substitute (foster) families and the children entrusted to them. The current amendment to Act No. 359/1999 Coll., on Social and Legal Protection of Children and related regulations, aims to better reflect the current circumstances and needs of families and children at risk. The state financial contribution for foster parents should correspond to the real costs of foster families. The professional

support and the guarantee of accompanying services are emphasized, so that more foster parents will be able to provide a home for children with special needs, mental or physical disabilities, mental illness, but also for older children or larger sibling groups. One of the most outwardly significant changes is the ban on placing the youngest children in institutional care.

The above-mentioned changes also have a major impact on intercountry adoptions. A positive trend is that the number of children for whom it is possible to find foster or adoptive families in the Czech Republic is increasing, while the number of children for whom it is necessary to look for an adoptive family abroad is decreasing. Currently, the list of applicants suitable to become adoptive parents of a child from the Czech Republic exceeds the number of children registered in the list of the Office. Although it is not possible to predict in advance how many dossiers of children for facilitation of adoption abroad the Office will receive in a given year, the statistics clearly show that the Czech Republic follows the global trend of placing children within their country of origin more and more often, and therefore there is no need to look for adoptive families abroad.

Following the positive changes in the social and legal protection of children and the effort to provide the greatest possible support for foster families, the profile of children for whom it is necessary to find a foreign family has also changed over time. Children who are currently going abroad are usually over 5 years of age and have a more complex health or social history. There are also often larger sibling groups. In the case of younger children, who are exceptionally under the age of three, applicants for adoption must be very open to the various specific needs of childrens' medical or psychological history.

With regard to these new facts, the Office has decided to limit the number of countries with which it will cooperate in the area of intercountry adoption, or from which it will accept new applications of prospective adoptive parents who could become adoptive parents of a child from the Czech Republic. After long deliberations, the Office decided to maintain the existing cooperation with Italy, Spain and Sweden, and with Finland in a special regime.<sup>1</sup>

High requirements are and have always been placed on the countries with which the Czech Republic cooperates in the field of intercountry adoption, so that the quality of the entire process

is always ensured, that strict legislative conditions are adhered to, and that the best interest of each individual child is always the primary consideration. The countries with which the Office will continue to cooperate were selected based on several criteria. In particular, it was based on the number of children entrusted to them in the past, the openness of the applicants for adoption regarding the age of the children, their health and social history, and the openness to accept a larger sibling group. Another criterion was the quality of the post-adoption service provided, and the legal certainty of the adoption process and the speed of the adoption process in the given country.

In conclusion, the Office assures that the above-mentioned changes will have no impact on adoption applications from other countries that were submitted by the end of 2023. Cooperation with central authorities or properly functioning authorized organizations from other countries is maintained to the same extent as before (e.g. issuing decisions on consent to adoption after the expiry of pre-adoption care, collecting follow-up reports, providing information on search of origins, etc.). Therefore, the main change is that the Czech Republic will no longer accept new applications from prospective adoptive parents from these countries.



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<sup>1</sup> Originally, Denmark and Norway were among these countries, but in view of the suspension of the activities of accredited bodies, cooperation with them will have to be re-evaluated.