



## **PROTOCOL ON COOPERATION**

**BETWEEN**

**THE CENTRE FOR THE INTERNATIONAL LEGAL PROTECTION OF CHILDREN AND  
YOUTH OF THE SLOVAK REPUBLIC**

**AND**

**THE INSTITUTO DA SEGURANÇA SOCIAL, I.P., IN QUALITY OF CENTRAL  
AUTHORITY FOR INTERCOUNTRY ADOPTION OF THE PORTUGUESE REPUBLIC,**

**CONCERNING COOPERATION IN RESPECT OF INTERCOUNTRY ADOPTIONS**

The Centre for the International Legal Protection of Children and Youth and the Instituto da Segurança Social, I.P., on behalf of the Central Authority for Intercountry Adoption, designed under Article 6 of the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption (hereinafter referred to as “Convention”) as well under Article 3, Paragraph 2 x) of the decree of Law n° 83/2012, of 30 March, in the interest of effective implementation of the Convention, will respect the following administrative procedure in the process of international adoptions.

### **Part I**

#### **General Provisions**

1. The Centre for the International Legal Protection of Children and Youth (hereinafter referred to as “the Centre”) has been designated the Central Authority of the Slovak Republic, the State of origin, as competent to discharge the duties referred to in Article 6 of the Convention.
2. The Centre is competent to issue certificates in accordance with Article 23 of the Convention if adoption proceedings take place at the relevant court in the Slovak Republic. The Centre issues certificates in the English language.



3. The Instituto da Segurança Social, I.P. (hereinafter referred to as “ISS, I.P.”) has been designated the Central Authority of Portugal, the receiving State, in accordance with Article 6 of the Convention.
4. The ISS, I.P. is competent to issue certificates in accordance with Article 23 of the Convention if adoption proceedings take place at the relevant court in Portugal. The ISS, I.P. issues certificates in the English language.
5. The ISS, I.P. ensures the emission of permits for entry and permanent residence for the children entrusted in pre-adoptive care within the territory of Portugal.
6. The Centre cooperates with ISS, I.P. in seeking a suitable alternative family environment, which meets the personal, social, and health needs of the child in whose case it is possible to mediate in intercountry adoption.
7. The Centre communicates solely with ISS, I.P. matters relating to mediation in intercountry adoptions.
8. The Centre and the ISS, I.P. guarantee that the intercountry adoption will only take place if it is in the child’s best interests.
9. The Centre and the ISS, I.P. resolve disputes related to the application or interpretation of the Protocol on cooperation between the Centre and the ISS, I.P. concerning cooperation in respect of intercountry adoptions (hereinafter referred to as “Protocol”) only by mutual agreement. Such disputes will not be referred to any national or international judicial body.
10. In accordance with the subsidiarity principle, an intercountry adoption may only take place if the competent authorities cannot find a suitable alternative family for the child in the Slovak Republic.
11. In accordance with the Portuguese legislation concerning intercountry adoptions, the maximum age of a child to be adopted is 15 years, and in exceptional cases 18 years. Nevertheless, as determined by the practice, the maximum age of a child to be internationally adopted is 15 years.
12. The Centre and the ISS, I.P. will take all necessary measures to afford the Slovak child, who have come to Portugal for a pre-adoptive care with a view to adoption, the same protection as the Portuguese children receive.
13. Should the rights of a child be violated, the Centre will suspend cooperation with the ISS, I.P. for at least six months. This period will begin on the day that the Centre notifies the ISS, I.P. of the specific circumstances leading to the suspension. Cooperation can only be resumed on the basis of a request from ISS, I.P. after the violations in question have been remedied. The Centre and ISS, I.P. will resume cooperation on the basis of a supplement to this Protocol.
14. The Centre and ISS, I.P. will agree on the procedure for drafting and sending pre-adoptive and post-adoptive home study reports concerning the child’s development during the suspension of cooperation.
15. The Centre will send to ISS, I.P. models of social reports relating to children in the pre-adoption and post-adoption period.



16. The Centre will provide the ISS, I.P. with contact on the Slovak Bar Association which manages the list of lawyers who specialize in family law (hereinafter referred to as 'list of lawyers').
17. The ISS, I.P. is committed to ensure and mediate a visit of a child's family which was provided with an international adoption, on the basis of a written request of the Centre and through its employees. The ISS, I.P. is obliged to react on the written request of the Centre within 3 working days from a delivery of this request.

## Part 2

### The Centre

1. In the process of mediation in intercountry adoptions, the Centre keeps a list of applications from foreign applicants to adopt children who are habitually resident in the Slovak Republic ('list of applicants'). Applicants are entered in the list of applicants only after approving of the completeness and up-to-date of their documentations, in consecutive order according to the date of the delivery of their applications to the Centre.
2. The Centre accepts applications from applicants habitually resident in Portugal to adopt a child who is habitually resident in the Slovak Republic ('adoption applications') only from ISS, I. P.. The number of applications of applicants residing in Portugal is not limited.
3. The Centre inspects adoption application within one month of its receipt and ascertains whether the requirements under this Protocol and Article 15 of the Convention have been fulfilled.
4. If the adoption application is not complete or up-to-date, the Centre asks the ISS, I.P. to update or complete it. The ISS, I. P. will send the required documents to the Centre within two months of the date of receipt of the request of the Centre. The Centre may extend this time limit, if there are good grounds for doing so, on the basis of a request from ISS, I. P.. If the required documents are not sent to the Centre on time, the Centre returns the incomplete or outdated adoption application to ISS, I. P. and does not enter the applicants in the list.
5. If the adoption application is complete and up-to-date, the Centre sends to ISS, I.P. a confirmation that the application has been accepted.
6. The Centre also keeps a list of children in whose case mediation in an intercountry adoption is possible. Children are entered in the list according to the date on which the Centre receives their documents.
7. When the Centre finds suitable applicants for the child, it informs ISS, I. P. accordingly, enclosing a complete written documentation of the child in accordance with Article 16 of the Convention elaborated in the Slovak language.
8. If the applicants refuse the proposed child, the Centre assesses the reasons for the refusal as set out in the statement of the applicants and of ISS, I.P.. The Centre will inform the ISS, I.P. of any measures taken within two months of the receipt of the notification on refusal.



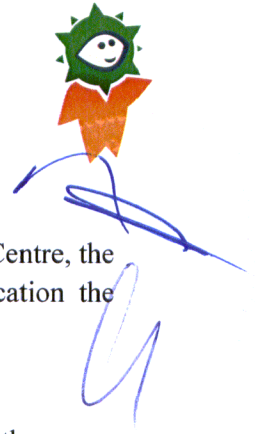
9. When the applicants agree to adopt the proposed child, the Centre sends to ISS, I.P. the statement of agreement in accordance with Article 17, sub. c) of the Convention, after ISS, I.P. delivers to the Centre the agreement signed by both applicants and the statement of agreement of the Portuguese Central Authority.
10. After the receipt of the power-of-attorney for an attorney representing the applicants at the court proceedings in the matter of entrusting of the child into pre-adoptive care, the Centre sends the empowered attorney the complete documentation of the applicants for the purpose of elaboration and filing a petition at the competent court in the Slovak Republic.
11. The Centre will notify ISS, I.P. of the date of the court proceedings and the date of the first meeting between the applicants and the child in the Slovak Republic.
12. If complications arise during the first meeting of the applicants and the child, the Centre works together with ISS, I.P. to solve the problems.
13. In accordance with the Slovak legislation, the pre-adoptive care is provided within the family of the prospective adoptive parents in the territory of Portugal and lasts for at least nine months. This period cannot be reduced.
14. The Centre monitors the child's integration in the new family environment in Portugal on the basis of social reports on the child, which are delivered regularly by ISS, I.P. at agreed intervals according to the Part III, articles 23 and 24 of this Protocol.
15. In the matter of a child-adoption, the delivery of the social reports on the child is divided in two parts, while the first relates to the period of pre-adoptive care and the second relates to the period following the legal adoption of the child.
16. The Centre sends the social reports to the competent welfare body in the Slovak Republic with a view to monitoring the child's situation.
17. If the social report contains information or an indication requiring measures to be taken to protect the child, the Centre proposes to ISS, I.P. acceptance and subsequent enforcement of these measures.
18. If the adoption proceedings take place before the relevant court in the Slovak Republic, the Centre issues the certificate in accordance with Article 23 of the Convention and sends it to ISS, I. P..
19. The Centre informs adoptive parents through the accredited body of the child's financial situation only after a delivery of a valid and enforceable court decision in the matter of adoption.
20. In accordance with Article 30 of the Convention, the Centre provides to the adopted child information on his/her origin to extend imposed by domestic legislation of the Slovak Republic.
21. The Centre is authorized in accordance with domestic legislation and administrative procedures concerning intercountry adoptions to operate actively in best interest of the child and asks ISS, I. P. for cooperation when searching for a suitable substitute family. The Centre will provide ISS, I. P. with brief characteristics about the health condition, photo documentation, possibly an audio visual recording of child/children. These items are addressed to the ISS, I. P. exclusively for the purpose of the search of a suitable alternative family and are not made public.



### Part 3

#### The ISS, I.P.

1. The ISS, I.P. issues the Consent under Article 17, sub. C) of the Convention.
2. The ISS, I.P. supports activities aimed at the exchange of the experiences between employees in the field of alternative family care in the Slovak Republic and in Portugal.
3. The ISS, I. P. sends the adoption applications with accompanying documents to the Centre only after it ascertains that the application and the documents meet the conditions set out in this Protocol and in the Convention.
4. The ISS, I.P. sends to the Centre the adoption application signed by the applicants and the following documents:
  - a) the decision pursuant to Article 15 of the Convention, where ISS, I.P. states that the applicants are suitable to adopt a child from abroad;
  - b) a comprehensive and up-to-date home study report elaborated by the local social welfare committee, dated no earlier than six months;
  - c) birth certificates of the applicants;
  - d) a marriage certificate of the applicants;
  - e) copies of the applicants' passports;
  - f) extracts from the criminal records of the applicants, dated no earlier than three months;
  - g) up-to-date medical reports regarding health state of the applicants, dated no earlier than three months;
  - h) statements of employers of the applicants regarding their annual income;
  - i) extracts from the tax register;
  - j) photographs, video and sound recording on DVD of the applicants and their family environment, made no earlier than six months;
  - k) completed and signed questionnaire for applicants for adoption of a child from the Slovak Republic;
  - l) form signed by the applicants giving their consent to the processing of their personal data for the purpose of mediation of intercountry adoption, including the drafting of pre-adoptive and post-adoptive reports.
  - m) statement designating a social welfare office responsible for delivering pre-adoptive and post-adoptive reports.



5. If the application is not processed in the calendar year in which it was delivered to the Centre, the ISS, I.P. delivers to the Centre within a one year since the delivery of the application the following documents:
  - a) an update of the home study report, dated no earlier than three months;
  - b) medical reports on the health state of the applicants, dated no earlier than three months;
  - c) extracts from the criminal records of the applicants, dated no earlier than three months.
6. The ISS, I.P. delivers to the Centre an extension to the decision of the competent social welfare office pursuant to Article 15 of the Convention regarding the suitability of the applicants to adopt a child from abroad, if the original decision's validity expires while the Centre is processing the application.
7. The ISS, I.P. sends to the Centre the documents indicated in paragraphs 4, 5 and 6, either as originals or if necessary as certified copies, in duplicate, together with their certified translation to the Slovak language.
8. The ISS, I.P. informs the applicants of the conditions applying to the completion and updating of their documentation.
9. If the ISS, I.P. does not send the updated documents to the Centre in the specified time limit, the Centre will return the application in question to the ISS, I.P. and remove the applicants from the list of applicants.
10. The ISS, I.P. may ask the Centre to extend the time limit for updating documents if there are good reasons for doing so. The Centre assesses the reasons and informs the ISS, I.P. of its conclusions.
11. The ISS, I.P. informs the Centre immediately, preferably by email, of any change in the applicants' situation, which may influence the mediation of child adoption.
12. The ISS, I.P. informs the applicants of the documentation concerning the child sent by the Centre.
13. If, after review of the documentation of the child, the applicants decide they do not wish to adopt the child in question, the ISS, I.P. immediately informs the Centre of their decision, preferably by email. At the same time, it sends the Centre the following documents together with their translation to the Slovak language:
  - a) statement of the applicants giving all their reasons for deciding not to adopt the child;
  - b) statement of the ISS, I.P. to the refusal and to the reasons which the applicants gave for their decision.
14. The ISS, I.P. delivers to the Centre the documents referred to in the previous paragraph together with the complete child's documentation within six weeks from the receipt of the documentation.
15. If the applicants agree to adopt the proposed child, the ISS, I. P. sends to the Centre, in a period of six weeks from the receipt of a complete child's documentation, the following documents together with their translation to the Slovak language:
  - a) the agreement of the applicants pursuant to Article 17, sub. A) of the Convention with their signatures;



- b) the agreement of ISS, I.P. pursuant to Article 17, sub. C) of the Convention;
  - c) an up-to-date power-of-attorney for the chosen attorney with the signatures of the applicants.
16. The ISS, I.P. informs the applicants of current legislation and administrative procedures in the Slovak Republic relating to intercountry adoptions.
17. The ISS, I.P. informs the applicants that in the mediation process in intercountry adoption they may act only through ISS, I.P., which works with the Centre on their behalf.
18. The ISS, I.P. informs the applicants that:
- a) the Centre offers legal assistance free of charge;
  - b) the offices of labour, social affairs and family and children's homes provide social consultation services free of charge;
  - c) court proceedings in intercountry adoption matters are free of the court fees.
19. The ISS, I.P. informs the applicants of the costs related to their stay in the Slovak Republic and their legal representation, including the costs of issuing documents for the child.
20. On the basis of information received from the Centre, the ISS, I.P. informs the applicants of the following:
- a) the date of the first interaction (meeting with the child), which will take place in the children's home in the Slovak Republic where the child resides;
  - b) the date of the court proceedings and the location of the competent court in the Slovak Republic, which will act in the matter of placement of the child to pre-adoptive care of the prospective adoptive parents.
21. The interaction takes place before the set date of the court hearing as follows:
- a) in case of a child up to three years old, the interaction has a duration of at least two weeks (14 days);
  - b) in case of a child over three years old and in the case of siblings the interaction has a duration of at least three weeks (21 days).
22. Before the applicants travel to the Slovak Republic for their first meeting with the child, the ISS, I.P. gives them a questionnaire and an envelope with a pre-printed addressed of the Centre. The ISS, I.P. will ask them to complete the questionnaire during their stay in the Slovak Republic, personally, without assistance from others, and to send it to the Centre before they leave the Slovak Republic. The information thus obtained will be used by Centre to improve the administrative processes connected with intercountry adoptions.
23. The ISS, I.P. monitors the child's integration in the new family environment in Portugal by the means of social reports on the child, which it delivers regularly to the Centre during the period of pre-adoptive care as follows:
- a) the first report no later than by the end of the first month from the child's arrival in Portugal;



- b) the second and all subsequent reports regularly once every three months until the relevant court issues a decision on adoption of the child.
24. Once the child has been legally adopted, the ISS, I.P. delivers post-adoptive social reports on the child to the Centre regularly before 31<sup>st</sup> December of the calendar year according to the following:
- a) every year until the child reaches the age of 10;
  - b) the subsequent report in the year in which the child reaches the age of 12;
  - c) the subsequent report in the year in which the child reaches the age of 14, this report includes also up-to-date medical report of the child and DVD of the child with his family;
  - d) the subsequent report in the year in which the child reaches the age of 16;
  - e) the last report in the year in which the child reaches the age of majority.
25. The ISS, I.P. sends the pre-adoptive and post-adoptive social reports on the child to the Centre in duplicate, each with a certified translation to Slovak language.
26. The pre-adoptive and post-adoptive reports on the child are elaborated by the ISS, I.P., which bears full responsibility for their contents.
27. Within one month after pre-adoptive care period is over, the ISS, I.P. informs the Centre whether the court proceedings in the matter of adoption of the child are to take place in Portugal or in the Slovak Republic.
28. If the prospective adoptive parents file the petition to adopt the child at the relevant court in Portugal, the ISS, I.P. sends the Centre a copy of the petition within the two months of its filing.
29. Once the procedure as referred to in the previous paragraph has been completed, the ISS, I.P. delivers the Centre four copies of the valid and enforceable court decision within six weeks of its entering into effect.
30. Each copy of the court decision on adoption of the child must contain the following:
- a) a specific clause stating that it is valid and enforceable;
  - b) a certification with an Apostille;
  - c) certified translation to the Slovak language.
31. Together with the court decision, the ISS, I.P. delivers to the Centre two copies of the certificate according to Article 23 of the Convention.
32. If the prospective adoptive parents decide to file the petition to adopt a child in the Slovak Republic, the ISS, I.P. will send to the Centre an up-to-date power-of-attorney signed by the prospective adoptive parents within one month after the pre-adoptive care period is over.





#### **Part 4**

#### **Special provisions**

1. The Centre and the ISS, I.P. inform each other about all changes to domestic legislation and administrative procedures in the field of intercountry adoptions.
2. The ISS, I.P. accepts the forms used by the Centre, which are drawn up on the basis of the recommendations of the special committees of the Hague Conference on Private International Law to the Convention.
3. This Protocol is accompanied by the following annexes:
  - a) the selected provisions of domestic legislation of the Slovak Republic regulating the field of child-adoption, including intercountry adoption;
  - b) the selected provisions of domestic legislation of Portugal regulating the field of child-adoption, including intercountry adoption;
  - c) the form of the questionnaire for applicants for adoption of a child from the Slovak Republic;
  - d) the form of the certificate according to Article 23 of the Convention;
  - e) the form by which applicants give their consent to the processing of their personal data for the purpose of mediation in an intercountry adoption, including the drafting of pre-adoptive and post-adoptive social reports.

#### **Part 5**

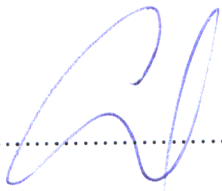
#### **Final provisions**

1. The Protocol is signed for an indefinite time. Each one of the Centre and the ISS, I. P. may terminate the Protocol in writing.
2. The notice period for termination is three months and begins on the day after the day of the delivery of the written termination to the other central authority.
3. With terminating the Protocol, the Centre and the ISS, I.P. will reach a written understanding concerning the procedure relating to post-adoptive services and the monitoring of adopted children in Portugal. Most importantly, they will establish a competent body that will be responsible for continuity in the implementation of the Convention and for drafting and delivery of pre-adoptive and post-adoptive social reports to the Centre.
4. The Centre and the ISS, I.P., by means of supplements to the Protocol, may take measures to improve administrative cooperation. The supplement will be elaborated in writing, accepted by both parties and signed by the statutory representatives of the Centre and of the ISS, I.P.
5. This Protocol will come into effect on the day of its signing.



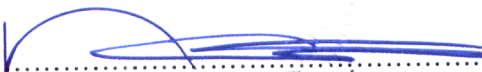
Done in BRATISLAVA on 01 APR. 2014 in two original copies, each in the Slovak, English and Portuguese languages, whereby both versions shall have equal validity. In the case of differences in interpretation, the English version is crucial.

For the Central Authority of the Slovak Republic



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For the Central Authority of the Portuguese Republic



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*Mariana Ribeiro Ferreira*  
Presidente do CD