

NB: Unofficial translation

Adoption Decree

(508/1997)

Chapter 1— **Adoption Counselling**

Section 1

- (1) When providing adoption counselling, special attention shall be paid to the ascertainment of whether there can be created between the adoptee and the adopter a lasting parent-child relationship which is positive to the child. For this purpose, providers of adoption counselling shall personally discuss the adoption with minor adoptees, if this is possible in view of their age and stage of development. In the discussion the attitude of the child to the adoption should be ascertained and the stability and permanence of his/her opinions assessed.
- (2) At the end of the discussion, an adoptee who has attained the age of 12 years shall be reserved an opportunity to consent to the adoption, as provided in section 11 of the Adoption Act (153/1985).

Section 2

The consent of a parent to adoption shall be personally received by the official of the body referred to in section 10(1) of the Adoption Act (*municipal welfare body*) who provides adoption counselling in the municipality or by the appropriate employee of an adoption agency.

Section 3

If, during the adoption counselling, it becomes evident that the matter may concern adoption referred to in section 19(1)(1) of the Adoption Act, the adopter shall be directed to request inter-country adoption service from a service provider referred to in section 21(1) of the Act.

Section 4

- (1) For purposes of submitting a petition for the granting of adoption, a certificate shall be issued to the effect that adoption counselling has been provided in accordance with the Adoption Act. The certificate shall further contain the information which according to the Act is a prerequisite for the granting of adoption. The certificate shall be issued by the municipal welfare body or the adoption agency which provided the adoption counselling. The certificate shall be valid for one year from the date of issue.
- (2) The provider of adoption counselling shall assist in the submission of the petition for the granting of adoption, if he/she deems this to be in the best interests of the child and the adoption is not against the will of the child or a parent.

Section 5

- (1) When adoption counselling is being provided to an adopter habitually resident in Finland, and the adoptee is under 18 years old and habitually resident abroad, a detailed dossier shall be compiled on the adopter, containing information on his/her identity, his/her eligibility and suitability as an adopter, his/her background, family, health and pertinent circumstances, his/her social environment and the reasons for adoption, as well as the suitability of the adopter in terms of inter-country adoption. The dossier shall include an assessment on the age and, where necessary, the other characteristics of any prospective adoptee.
- (2) The dossier referred to above in paragraph (1) shall be sent directly to the service provider who has provided the adopter with inter-country adoption service.

Section 6

- (1) If the provider of adoption counselling notices that the placement of a child brought from abroad with an adopter is not in the best interests of the child, it shall together with the service provider arrange to the child a new placement for the purpose of adoption or undertake the other measures necessary for the arrangement of proper care for the child or for the return of the child to the state from where he/she was brought, if such return is in the best interests of the child.
- (2) A person who as the provider of adoption counselling or as a representative for a municipal welfare body performs a task referred to in paragraph (1) shall discuss all measures referred to therein with the child, if the child has attained the age of 12 years or is mature enough for his/her will to be taken into account.

Section 7

- (1) If a Finnish citizen who is not habitually resident in Finland intends to adopt abroad a child under 18 years of age, a municipal welfare body or an adoption agency may on the request of the competent authority of the foreign state give it information on the adopter, if the adopter consents to it. This information may on request be given also to the adopter, if he furnishes reliable proof of being habitually resident abroad.
- (2) Before giving information referred to above in paragraph (1) the municipal welfare body or the adoption agency may request the statement of the Finnish Board of Inter-Country Adoption Affairs (*the Finnish Adoption Board*) on the matter.

Section 8

- (1) If a child under 18 years of age habitually resident in Finland is intended to be given up for adoption

to an adopter habitually resident abroad, the provider of adoption counselling shall compile a detailed dossier on the child, said dossier to contain information on the his/her identity, his/her adoptability, his/her background, social environment, family, the medical history of him/her and his/her family, the pertinent circumstances and his/her special needs.

- (2) The dossier referred to in paragraph (1) above shall be sent directly to the Finnish service provider who is arranging an adopter for the child.

Section 9

- (1) If an adopter is habitually resident abroad, a municipal welfare body or an adoption agency may decide on the placement of a child with the adopter or issue a statement referred to in Article 12 of the Convention of Finland, Denmark, Iceland, Norway and Sweden on Rules of Private International Law relating to Marriage, Adoption and Guardianship (*TrS*, 20/1931) only if the Finnish Adoption Board has granted permission for the adoption.
- (2) If an adopter is habitually resident in a foreign state which is a contracting state of the Convention done at The Hague on 29 May 1993 on the protection of children and co-operation in respect of intercountry adoption (*the Hague Convention*), a municipal welfare body or an adoption agency may decide on the placement of a child with the adopter or issue a statement referred to in paragraph (1) only if it, in addition to the permission referred to in paragraph (1), has been presented with a certificate issued by a service provider to the effect that both the Finnish service provider and the foreign service provider have agreed that the adoption may proceed.

Chapter 2— **Inter-Country Adoption Service**

Section 10

- (1) A service provider providing inter-country adoption service shall:
 - (1) co-operate with foreign service providers for the purpose provided in section 19 of the Adoption Act;
 - (2) give information on the prerequisites for inter-country adoption to a person intending to adopt a child under 18 years of age from abroad;
 - (3) see to that the adopter requests adoption counselling in accordance with section 28 of the Adoption Act;
 - (4) assist the adopter in the acquisition of the documents and certificates necessary for inter-country adoption and in having them translated;
 - (5) see to the sending of the necessary documents abroad;
 - (6) grant the approvals referred to in Article 17, subparagraph (c) of the Hague Convention and

perform the tasks referred to in Article 17, subparagraph (b), Article 19 and Article 21(1), subparagraphs (b) and (c) of the Hague Convention;

- (7) assist in the measures relating to bringing the child to Finland;
 - (8) monitor, together with the provider of adoption counselling, the success of the placement and send the pertinent reports to the foreign service provider and, if the placement fails, assist the municipal welfare body or the adoption agency in measures relating to the child;
 - (9) see to that the adopter without delay undertakes measures to have the adoption granted and, if the matter concerns an adoption governed by the Hague Convention, to have it certified accordingly;
 - (10) forward the fees collected in Finland and abroad from the adopter in accordance with section 23(2) of the Adoption Act;
 - (11) notify the foreign service provider and the Finnish Adoption Board of an adoption granted in Finland;
 - (12) notify the Finnish Adoption Board and the Population Register Center of an adoption granted abroad; and
 - (13) perform the other tasks assigned to it by the Ministry of Social Affairs and Health.
- (2) A service provider may discontinue the provision of service to an adopter, if the adopter does not fulfil the requirements set by the foreign service providers co-operating with it or if it is otherwise evident that the service cannot result in adoption.
 - (3) A service provider shall grant the approvals referred to in subparagraph (1)(6) only if the Finnish Adoption Board has granted the adopter a permission for the adoption.

Section 11

For purposes of applying for a permission referred to in section 25(1) of the Adoption Act, the service provider shall issue a certificate to the effect that inter-country adoption service has been provided. A copy of the dossier referred to in section 5 shall be annexed to the certificate.

Section 12

For purposes of submitting a petition for the certification of adoption, as referred to in section 47a of the Adoption Act, the service provider shall issue the adopter with a certificate to the effect that the approvals referred to in Article 17, subparagraph (c) of the Hague Convention have been granted.

The certificate shall indicate the adopters and the adoptee, as well as the date when the approvals have been granted and which Finnish and foreign authorities have granted them.

Section 13

The fee collected for inter-country adoption service in accordance with section 23(1) of the Adoption Act shall not be set to a higher amount than what corresponds to the actual costs incurred by the service provider in its activities. When setting the fee, any subsidy from the state, a municipality or the national slot machine monopoly shall first be subtracted from the actual costs.

Section 14

- (1) The costs referred to in section 23(2) of the Adoption Act are:
 - (1) the charges and fees paid for the acquisition, translation, notarisation and delivery of the documents necessary for inter-country adoption service and the granting of adoption;
 - (2) the charges and fees for judicial measures relating to adoption and undertaken abroad;
 - (3) the charges and fees paid for the procurement, translation, notarisation and delivery of the adoption decision and other decisions and documents necessary in the matter;
 - (4) the interpretation charges and fees;
 - (5) the charges, fees and travel expenses of the service provider's contact person abroad and the fees for the measures undertaken by the foreign service provider;
 - (6) the expenses incurred by the care and maintenance of the adoptee; and
 - (7) the travel expenses of the child, the adopter or an escort and the other travel expenses necessary in the matter.
- (2) The service provider may demand that the costs be covered in advance or that an acceptable security for them be given.
- (3) On the request of the adopter, the service provider shall give him/her a written estimate on the costs likely to be incurred in the matter.

Section 15

When applying for a license referred to in section 50(2) of the Adoption Act, the service provider shall enclose the following documents to the application:

- (1) the by-laws of the association, if the service provider is a registered association;
- (2) an account on the number of personnel, their education, experience and status in the activities of the service provider;
- (3) an annual plan and a budget;
- (4) if the service provider has provided inter-country adoption service by virtue of a license granted earlier;
- (5) an estimate of the costs referred to in section 14(1) over the next license period, tabulated by state and nature of cost; and

- (6) the other necessary accounts.

Section 16

When a service provider hands documents over to be archived by a municipal welfare body or an adoption agency, in accordance with section 49a(2) of the Adoption Act, it shall keep a register on where the documents have been sent.

Chapter 3— **Miscellaneous Provisions**

Section 17

If the interest of an adoptee who is a minor is in conflict or may be in conflict with the interest of his/her custodian or guardian when the adoption matter is being heard before a court, the court shall *ex officio* see to the appointment of a trustee to promote the interest of the adoptee in the matter.

Section 18

After having received a notification from the Population Register Center on the adoption of a child, the municipal welfare body or the adoption agency shall without delay notify the same to the earlier parents of the child or, if inter-country adoption service has been provided in the matter, to the service provider.

Section 19

The following documents shall be annexed, as originals or certified copies, to a petition referred to in section 42 of the Adoption Act:

- (1) the decision on adoption or the revocation of adoption or the other accounts on adoption or revocation of adoption;
- (2) an account on the habitual residence or domicile and citizenship of the adopters and the adoptee at the time of adoption; and
- (3) the other necessary accounts.

Section 20

- (1) When an adoption is notified for entry into the population register, said adoption being valid without further measures in accordance with section 38(1) of the Adoption Act, the following documents shall be annexed to the notification as originals or certified copies:

- (1) the decision on adoption or the other accounts of adoption; and

- (2) an account of both adopters having been, at the time of adoption, habitually resident or domiciled in the state where the adoption was granted, or citizens of that state, or that the adoption is valid in the state where the adopters have been, at the time of adoption, habitually resident or domiciled.
- (2) The notification shall further include the necessary accounts required by the civil or ecclesiastical register authorities.
- (3) The provisions in paragraphs (1) and (2) apply, where appropriate, also when a revocation of adoption which according to section 39(1) of the Adoption Act is valid in Finland without further measures is being notified for entry into the population register.

Section 21

- (1) The Ministry of Health and Welfare shall notify the Secretariat of the Hague Conference on Private International Law of the name and address of a service provider when said service provider is licensed, in accordance with section 50(2) of the Adoption Act, to provide inter-country adoption counselling.
- (2) The Ministry shall also notify the Secretariat of the expiry of the license of a service provider. A corresponding notification shall be made also when the license of a service provider is cancelled in accordance with section 52 of the Adoption Act.

Section 22

- (1) The Ministry of Justice shall lay down forms for the following documents:
 - (1) the document containing the consent of the parent(s) to give the child into adoption, as referred to in section 11 of the Adoption Act;
 - (2) the certificate referred to in section 4;
 - (3) the petition referred to in section 29(2) of the Adoption Act;
 - (4) the certification referred to in section 47a of the Adoption Act.
- (2) A municipal welfare body, an adoption agency and a service provider will be issued with the forms referred to in subparagraphs (1)(1)—(3) free of charge by Edita Oy.

Section 23

Where necessary, the Ministry of Justice shall issue guidelines on the implementation of this Decree.

Section 24

- (1) This Decree enters into force on 1 July 1997.
- (2) This Decree repeals the Adoption Decree (154/1985).
- (3) Measures necessary for the implementation of this Decree may be undertaken before its entry into force.