

Ministry: The Ministry for Social Affairs and the Interior

Amendments

File number: The Ministry for Social Affairs and the Interior, file no. 2015-6307

None

Executive Order on Adoption

In pursuance of Section 4 a(2), Section 8(1), first sentence, Section 8(5), Section 25, Section 25 b(5), Section 25 c(3), Section 25 d(3), Section 29 a, Section 29 b(3), Section 30 c, Section 30 e and Section 31 j of the Danish Adoption Act, cf. Consolidation Act No. 1821 of 23 December 2015, the following is laid down:

Part 1

Preamble

1. For the purposes of this Executive Order the following terms shall have the following meanings:
- (i) Partner: A person who has lived in non-marital cohabitation for a continuous period of, in principle, a minimum two and a half years (2½ years).
 - (ii) Stepchild adoption: An adoption where the applicant adopts the child of his or her spouse or partner, cf. Section 5 a of the Act.
 - (iii) Relative adoption, cf. Section 4 a(2) of the Act:
 - a) An adoption where the applicant adopts a grandchild, a niece or nephew or a sibling.
 - b) An adoption of a child under the age of 18 by parents to whom the applicant is particularly attached through long and close acquaintance.
 - c) An adoption of a child to whom the applicant is particularly closely attached.
 - d) An adoption of a child in foster care with the applicant and who is adopted under Section 9(4) of the Act.
 - (iv) Non-relative adoption: An adoption where the applicant adopts a child under the age of 18 where the adoption is conditional upon the applicant being approved as an adopter, cf. Section 4 a(1) of the Act.
 - (v) National adoption: An adoption where the applicant adopts a child that is residing in Denmark, and where the child has not come to Denmark with a view to adoption.
 - (vi) International adoption: An adoption where the applicant adopts a child that is residing in a country other than Denmark or a child that has come to Denmark with a view to adoption.
 - vii) Scope of approval: Description of the age as well as the physical and psychological state of health of the child the applicant is approved to adopt.
 - viii) Country of origin: The country in which the child resides prior to the adoption.
 - ix) An adoption agency: An organisation authorised by the Minister for Social Affairs and the Interior to receive requests for assistance in establishing contact between adoption applicants and children from other countries with a view to adoption and to carry out the adoption, cf. Section 30 of the Act.
 - x) The Hague Convention: The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption.
 - xi) Approved form: A form that has been approved by the National Social Appeals Board.

Part 2

Application for adoption etc.

The application

2(1). An application for adoption or for approval as an adopter must be filed with the State Administration.

(2). The application must be filed by means of the digital solution made available by the State Administration (digital self-service), cf. Section 29 c(1) of the Act. If the application is not to be filed through digital self-service, cf. Section 29 c(2) or (3) of the Act, the application must be filed by means of an approved form and signed by the applicant.

(3). The statements, documents etc. mentioned in the application must be attached to or enclosed with the application for adoption or for approval as an adopter. A copy of documents issued by Danish authorities may be attached or enclosed. The original foreign statements, certificates, transcripts of judgments etc. and any translations thereof, cf. Section 4, must be submitted to the State Administration, irrespective of whether the application is filed through digital self-service, cf. subsection (2), first sentence above, or by means of an application form, cf. subsection (2), second sentence above. For use for an application for a non-relative adoption, a health certificate issued by the usual general practitioner of the applicant by way of an approved form must also be attached or enclosed. If the certificate is issued by another medical doctor, the applicant must state a reasonable cause. When the application is submitted, the health certificate may not be older than three (3) months.

(4). The application shall not be deemed to be submitted until the State Administration has received the statements, documents etc. mentioned in the application.

(5). Married couples or cohabiting partners file a joint application, unless the application is for a stepchild adoption. This does, however, not apply if the spouse or partner is in a state of health covered by Section 5(1) of the Act.

3. An application for approval as an adopter in a non-relative adoption cannot be filed until minimum six (6) months have passed since the most recent addition to the family, unless special circumstances prevail.

Translations

4. A person applying for adoption or for approval as an adopter shall, upon request, procure a translation into Danish of statements, certificates, transcripts of judgments etc. prepared in other languages than Danish, Greenlandic, Faroese, Norwegian, Swedish, Finnish, Icelandic, English or German. Such translation must be certified by a public authority of the country in question or by a qualified translator or the like in Denmark.

Part 3

Consent and statement etc.

Consent from parents or legal guardian

5(1). Consent from the child's parents or the child's legal guardian, se Section 7 of the Act, must be provided by personal appearance before the State Administration, but see subsections (2) and (3) below.

(2). Where a parent or legal guardian is residing or staying in Greenland or the Faroe Islands, the State Administration may request that the High Commissioner in Greenland or the High Commissioner in the Faroe Islands summon such person to appear in person to provide the consent.

(3) Where a parent or legal guardian is residing or staying abroad for a prolonged period, the State Administration may request that a Danish representation summon such person to appear in person to provide the consent.

(4). Before the parents or the legal guardian provide their consent, they must be advised of the legal effects of the adoption and the consent, including in regard to Parts 2 and 3 of the Act, and, unless the application is for a stepchild adoption, in regard to Section 9(1) of the Act.

(5). The consent must be unconditional, and it must be provided by means of an approved form.

6. Consent from the child's parents or the child's legal guardian, cf. Section 7 of the Act, to a national non-relative adoption of the child may be granted for an adoption of the child by the person appointed by the National Board of Adoption.

7. For an international non-relative adoption arranged through an authorised adoption agency where the parents' consent to the adoption has been provided to a foreign authority or institution and where there is no foreign adoption order that is recognised in Denmark according to Section 28(2) of the Act, the State Administration shall decide whether such consent shall be deemed to be comparable with a consent provided to a Danish authority.

Submission of a statement concerning adoption

8(1). A statement from parents, cf. Section 13 of the Act, and a statement from the legal guardian of the child, cf. Section 14 of the Act, must be submitted by means of an approved form and be signed in person.

(2). The State Administration must ensure that the parents and the legal guardian have been advised of the legal effects of the adoption, including Parts 2 and 3 of the Act, before submitting the statement.

(3). Where circumstances so dictate, the State Administration may demand that the statement be submitted by the person in question appearing in person before the State Administration.

(4). Where a parent or legal guardian is residing or staying in Greenland or the Faroe Islands, the State Administration may request that the High Commissioner in Greenland or the High Commissioner in the Faroe Islands summon such person to appear in person to provide the statement.

(5) Where a parent or legal guardian is residing or staying abroad for a prolonged period, the State Administration may request that a Danish representation summon such person to appear in person to provide the statement.

Consent from the child and information about the child's view on the adoption

9(1). The consent of the child, cf. Section 6(1) of the Act, must be provided by the child appearing in person before the State Administration.

(2). Where a child is residing or staying in Greenland or the Faroe Islands, the State Administration may request that the High Commissioner in Greenland or the High Commissioner in the Faroe Islands summon the child to appear in person to provide the consent.

(3) Where the child is residing or staying abroad for a prolonged period, the State Administration may request that a Danish representation summon the child to appear in person to provide the consent.

(4). The consent must be provided in writing or orally. If the consent is provided in writing, an approved form must be used. If the consent is provided orally, a statement will be drawn up documenting that consent was provided.

(5). Before consenting, the child must be advised of the effects of the adoption and the consent, including of Parts 2 and 3 of the Act.

(6). Section 7 shall apply *mutatis mutandis*.

10. Consent shall not be required if the child is under the age of 18 and obtaining such consent is found to be detrimental to the child.

Part 4

Stepchild and relative adoptions

General provisions

11. The State Administration must ensure that the person applying for a stepchild or relative adoption has received guidance to the necessary extent.

12. The State Administration will submit an application for a stepchild or relative adoption to the National Social Appeals Board in the following situations:

- i) Where consent to the adoption has been provided before a foreign authority or institution and there is no foreign adoption order that is recognised according to Section 28(2) of the Act. If the adoption is an adoption with assistance from an adoption agency, the case shall, however, not be so submitted.

- ii) Where the case involves a suspicion of violation of Section 31(1) (illegal adoption assistance) or Section 233 (illegal provision of surrogacy services) of the Act.
- iii) Where the case otherwise warrants the consideration of the National Social Appeals Board.

Special provisions governing relative adoptions

13. If the application is for a national relative adoption of a child that has not attained the age of 18, the State Administration will obtain a statement from the municipal council as to whether or not the applicant meets the conditions for fostering a child according to the rules of the Danish Social Services Act. The municipal council must state on what examinations the statement is based and whether there have been any special circumstances that may raise doubts as to whether an adoption is in the child's best interests. If that is the case, the material available to the municipal council must accompany the statement forwarded to the State Administration.

14(1). If the application is for an international relative adoption covered by the Hague Convention and if the State Administration finds the adoption to be in the best interests of the child, the State Administration will forward the application to the authority designated central authority of the country of origin or another relevant authority. A report must be enclosed with the application, such report describing the applicant and including the State Administration's reasoned opinion that the applicant is considered to be suitable to adopt the child based on the information available.

(2). If, based on the information received about the child from the country of origin, the State Administration finds that the adoption may be carried out, the State Administration will give an agreement by way of an approved form in compliance with article 17 c of the Convention and send such agreement to the central authority of the country of origin or the authority authorised by the central authority to receive or give such agreement. The State Administration will ensure that the country of origin also gives an agreement as per article 17 c to the State Administration.

(3). If the application is for an international relative adoption not covered by the Hague Convention, the State Administration must submit the adoption case to the authorities of the country of origin.

(4) In cases covered by subsections (1) and (3) above, the State Administration may demand that the applicant register with an adoption agency if the legislation of the country of origin requires the application to be filed by such agency, or if otherwise deemed expedient.

15. The State Administration will summon the applicant for an interview concerning the adoption and its effects, unless the applicant has already received sufficient guidance from another authority.

16(1). The State Administration will obtain a complete criminal record certificate for the applicant immediately before the relative adoption order is issued, unless the person whose adoption is sought has attained the age of 18.

(2). If the information received by the State Administration concerning the applicant's physical or mental health gives rise to doubts as to whether the adoption is in the best interests of the child, the State Administration may obtain the opinion of the National Board of Adoption as to whether the adoption concerned is inadvisable based on the information.

Part 5

Approval as an adopter

The approval

17(1). Joint Council of Adoption 1 or Joint Council of Adoption 2 makes a decision on whether or not to approve an applicant as an adopter, cf. Section 4 a(1) of the Act.

(2). The State Administration provides secretariat services to the joint councils of adoption. The secretariat distributes the cases among the joint councils of adoption.

18(1). An adopter may be approved:

- i) to adopt a specific child (specific approval) or
- ii) to adopt a child proposed by a Danish or foreign adoption authority or agency (general approval).

(2). The joint council of adoption determines the contents of a general approval (the scope of approval).

19(1). An applicant may be approved as an adopter when the applicant meets the conditions in Sections 20-23 below and the applicant is otherwise found to be suitable to raise an adopted child alone or together with his or her spouse or partner if the applicant is married or has a cohabiting partner, cf. subsection (2) below.

(2). An applicant who is married or has a cohabiting partner may only be approved as an adopter if his or her spouse or partner is approved as an adopter at the same time, cf. Section 5(1) of the Act. However, this does not apply if the spouse is in a state of health covered by Section 5(1) of the Act.

20(1). Married couples or cohabiting partners can only be approved as adopters if they have lived together for minimum two and a half years (2½) at the time of application, but see subsections (2) and (3) below.

(2). However, cohabiting partners may be approved as adopters if they have lived together for minimum one and a half years (1½) at the time of application and one of the applicants has already been approved as an adopter, but see subsection (3) below.

(3). If special circumstances prevail, the requirements of subsections (1) and (2) above may be dispensed with.

21(1). It is a condition for being approved as an adopter that the age of the adopter at the time of application does not exceed the age of the child by more than 42 years.

(2). The condition in subsection (1) above may be dispensed with where:

- i) the applicant applies for approval as the adopter of yet another child within a reasonable time after having received an adopted child or
- ii) if special circumstances prevail.

22. Furthermore, it is a condition for being approved as an adopter that:

- i) the physical and mental health of the applicant does not reduce the possibilities of the adoption being in the best interests of the child;
- ii) the applicant has a home that is suitable for raising the child;
- iii) the applicant is in sound financial circumstances and
- iv) the applicant does not have a criminal record that causes reasonable doubt as to the applicant's suitability as an adopter.

23(1). Participation in an adoption preparation course is a condition for an applicant who has not previously adopted a child being approved as an adopter.

(2). The joint council of adoption may, until a decision has been made under Section 29 below, decide that an applicant who has previously adopted a child be required to participate in an adoption preparation course to be approved again.

24(1). The approval as an adopter is valid for four (4) years from the time of approval, but see subsection (3) below.

(2). The joint council of adoption may extend an approval by two (2) years if the applicant meets the conditions in Sections 20 and 22 above and the adopter is otherwise found to be suitable to raise an adopted child, but see subsection (3) below.

(3). An approval is only valid and extendable until the applicant's age exceeds the age of the adopted child by more than 47 years, but see subsection (4) below.

(4). If the applicant has been granted an exemption for his or her age according to Section 21(2) above, the approval is valid for four (4) years. The approval may be extended until the applicant's age exceeds the child's age by more than 47 years.

25. The age of the child in Sections 21 and 24 is the lowest age possible according to the scope of the approval where the application is for a general approval as an adopter, cf. Section 18(1)(ii) above.

The examinations and approval procedures at the State Administration

26(1). The examinations at the State Administration are divided into two (2) phases. The first phase of the examinations (Phase 1) commences when the State Administration receives an application for approval as an adopter. The last phase of the examinations (Phase 3) commences upon the applicant's request when the State Administration or the joint council of adoption has made a decision to the effect that the examinations and approval procedure may proceed, cf. Section 28 below, and the applicant has participated in an adoption preparation course (Phase 2), if required, cf. Section 23 above.

(2). Prior to Phase 3 the applicant must procure a confirmation of the following:

- i) The applicant has participated in an adoption preparation course, if required.
- ii) The application is registered with an adoption agency, cf. Section 44 below, or the applicant has expressed a wish to the National Board of Adoption to carry out a national adoption. This does, however, not apply if the adoption sought is of a specific child in a national adoption.

(3). A request for commencement of Phase 3 must be filed within three (3) months after the State Administration or the joint council of adoption has made a decision under Section 28 below to the effect that the examinations and approval procedure may proceed. If the applicant is required to participate in an adoption preparation course, the request must be filed within one (1) year after the decision under Section 28 above. In special cases the joint council of adoption may dispense with the time limits.

(4). If the applicant wishes to carry out an international adoption without being registered with an adoption agency, the applicant must, prior to Phase 3, file a confirmation documenting that the applicant has received the National Social Appeals Board's permission under Section 45 below.

27(1). In Phase 1 the State Administration procures the information necessary to make a decision as to whether or not the applicant meets the general conditions in Sections 20-22, cf. Section 28 below.

(2). In Phase 3 the State Administration prepares an individual description of the applicant for use for the joint council of adoption's decision under Section 29.

(3). In very exceptional cases, a detailed examination may be made of the applicant's individual resources in Phase 1.

(4). A decision to carry out a medical, psychiatric, psychological or other special examination is made by the joint council of adoption. This shall also apply where the applicant agrees to such examination.

(5). The State Administration must ensure that an applicant who is eligible for approval without participating in an adoption preparation course receives guidance to the requisite extent.

28(1). In Phase 1 the joint council of adoption will make a decision as to whether the examinations and approval procedure may proceed, but see subsection (3) below.

(2). If a detailed examination of the applicant's individual resources in Phase 1, cf. Section 27(3) above, shows that the applicant is not suitable to raise an adopted child, the joint council of adoption may reject the application for approval as an adopter in Phase 1 for this reason.

(3). If the State Administration finds that the applicant unquestionably meets the general conditions in Sections 20-22 above for being approved as an adopter, the State Administration will make a decision to the effect that the examinations and approval procedure may proceed without submitting the case to the joint council of adoption.

29(1). In conclusion of the examinations and approval procedure the joint council of adoption makes a decision in Phase 3 as to whether the applicant, based on an individual assessment, is found to be suitable to raise an adopted child alone or, if the applicant is married or has a cohabiting partner, together with his or her spouse or partner.

(2) If, based on an individual assessment, the applicant is found to be suitable to raise an adopted child, the applicant is approved as an adopter in Phase 3.

The adoption preparation course

30. The National Social Appeals Board plans and offers the adoption preparation course mentioned in Section 23 above, which is included as a separate phase in the examinations and approval procedure (Phase 2).

31(1). The applicant cannot participate in the course until:

- i) the State Administration or the joint council of adoption has made a decision that the examinations and approval procedure may proceed, cf. Section 28 above and
- ii) the amount mentioned in Section 34 below has been paid.

(2). The applicant enrolls in the course with the National Social Appeals Board when the condition in subsection (1)(i) above has been met.

32(1). The applicant shall be deemed to have completed an adoption preparation course when the applicant has completed the entire course.

(2). Spouses and cohabiting partners must participate in the course at the same time.

33. Information may not be used for the joint council of adoption's decision on whether or not to approve the applicant as an adopter where such information is obtained in connection with the participation in an adoption preparation course, nor may such information be passed on to the State Administration or the joint council of adoption by the course director or by any other persons.

34(1). A fee of DKK 2,500 is payable for participation in an adoption preparation course.

(2). The amount falls due for payment upon enrolment in the course.

(3). The fee will not be reimbursed in case of cancellation of participation in a course later than fourteen (14) days prior to the course. If the applicant enrolls in another course, the fee is payable again.

The approval

35. It must appear from the approval whether:

- i) it is for an adoption arranged by an adoption agency or the National Board of Adoption;
- ii) for a national adoption of a specific child or
- iii) for an adoption the adopter is permitted to carry out without being registered with an adoption agency, cf. Section 45 below.

36. If an applicant with a general approval as an adopter under Section 18(1)(ii) above applies for a national non-relative adoption, the State Administration will submit the case to the National Board of Adoption, cf. Section 65 below.

37. For an applicant with a specific or general approval, cf. Section 18(1) above, wishing to adopt a foreign child, the State Administration will prepare a report concerning the applicant's circumstances based on the individual description of the applicant, such report to be submitted to the foreign adoption authorities. The State Administration will submit the report to the adoption agency with which the adopter is registered, cf. Section 44 below, or to the foreign adoption authority or agency, cf. Section 45 below.

Withdrawal of approval as an adopter

38(1). The joint council of adoption may make a decision to withdraw an approval of an adopter where:

- i) the conditions for being approved as an adopter are no longer fulfilled or
- ii) the applicant is otherwise not considered to be suitable as an adopter, cf. Section 25 a(2) of the Act.

(2). The applicant shall be obliged to notify the State Administration in case of relevant changes in the applicant's circumstances.

Follow-up on the adoption and the adoption counselling

39(1). Future adopters must receive adoption counselling according to Section 25 d(1) of the Act immediately prior to the arrival of the child in the new family, and within a short period after the child has arrived in the family.

(2). If it is not possible to provide counselling before the child arrives in the new family, due to the urgent nature of the matter or out of consideration for the child, the National Social Appeals Board may dispense with the requirement under subsection (1) above concerning the provision of adoption counselling immediately prior to the adoption.

40. Adoption counselling under Section 25 d(2) of the Act is, in principle, limited to two (2) periods. One of these must, in principle, be within a period of five (5) years after the child arrived in his or her new family, while the other may be any time before the child attains the age of 18.

41(1). Adoption counselling under Sections 39 and 40 above applies to national as well as international non-relative adoptions.

(2). The National Social Appeals Board organises such counselling and provides it via the psychologists affiliated with the Board.

(3). A fee of DKK 100 per hour is payable for adoption counselling under Section 25 d(2) of the Act. The amount is payable directly to the psychologist providing the counselling.

42. The State Administration must offer guidance and home visits to the adopters when the child has arrived in the family.

43. The State Administration must assist in the preparation of statements and follow-up reports when so requested by authorities in Denmark or abroad.

Part 6

International non-relative adoption

International adoption assistance

44. An applicant who has been approved as an adopter, and who wishes to have a child assigned in an international adoption must register with an adoption agency accredited by the Minister for Social Affairs and the Interior, but see Section 45 below. Such registration must take place prior to the commencement of Phase 3.

45(1). The National Social Appeals Board may dispense with the requirement of the applicant having to be registered with an adoption agency, if the applicant has particular prior knowledge of the child or the relatives of the child, or if other special circumstances prevail.

(2). An applicant covered by subsection (1) above must document:

- i) that the applicant's connection with the child or its relatives came into existence in a lawful way according to Danish rules as well as according to the rules in the child's country of origin;
- ii) that the connection was not established with a view to adoption;
- iii) that it is presumed that the adoption can be carried out in a legal and ethical way and
- iv) that no adoption agencies are co-operating or negotiating co-operation with the foreign adoption authority or agency.

(3). There must be a statement from the foreign adoption authority or agency to the effect that such authority or agency will be forwarding the information requested by the Danish adoption authorities, directly to the authorities in question.

(4). Upon request, the applicant must cover any expenses for translation and legalisation of documents, legislation etc., such translation to be certified by a public authority or by a qualified translator or the like.

Proposed foreign child (receiving a match)

46. When a specific child is proposed to the applicant through the adoption agency with which the applicant is registered (a match), the adoption agency compares the child and the scope of the applicant's approval.

47(1). If the adoption agency finds that the proposed child is obviously within the scope of the applicant's approval, the agency will immediately send the match to the National Social Appeals Board.

(2) The agency must send the information about the child received from the child's country or original as well as the paediatrician's assessment made by the agency to the National Social Appeals Board. Furthermore, the agency's information about the applicant with whom the child has been matched must be sent to the Board.

(3). If the National Social Appeals Board finds that the adoption may proceed, the Board will notify the agency. The agency will then request the applicant to state whether the applicant wishes to adopt the proposed child.

(4). The National Social Appeals Board's assessment of the match pursuant to article 17 c of the Hague Convention, cf. Section 52 below, must be made within one (1) week after the case was received by the Board, unless special circumstances prevail.

48(1). If the adoption agency finds that the proposed child is not within the scope of the applicant's approval, the agency will immediately send the match to the joint council of adoption.

(2) The agency must send the information about the child received from the child's country of original as well as the paediatrician's assessment made by the agency to the joint council of adoption.

(3). The joint council of adoption will make a decision on the child based on the applicant's approval and on whether or not the adoption should proceed.

(4). If the child is within the scope of the applicant's approval and the adoption may proceed, the joint council of adoption will notify the agency. The agency will then request the applicant to state whether the applicant wishes to adopt the proposed child.

(5). If the child is not within the scope of the applicant's approval, but there is otherwise nothing to prevent the adoption from proceeding, the joint council of adoption will notify the applicant about this and about the possibility of applying for an extension of his or her approval so that the specific child is covered. In such case, the joint council of adoption will make a decision on whether or not to grant the applicant's request to have his or her approval extended to cover the proposed child.

(6). If the information about the processing of the adoption case in the child's country of origin gives cause for concern, the case will be submitted to the National Social Appeals Board.

49. If the National Social Appeals Board finds that the proposed child is not obviously within the scope of the applicant's approval, the Board will submit the case to the joint council of adoption and notify the agency. Section 48 above shall also apply *mutatis mutandis* in this situation.

50. The time of notifying the applicant, cf. Sections 47 and 48 above, may be dispensed with in cases where this is necessary due to a time limit fixed by the child's country of origin or due to other special circumstances.

51(1). Where the authorities in the country of origin have not proposed the child to a specific applicant, the adoption agency will propose the child to a specific applicant. Subsequently, the joint council of adoption will make a decision on whether or not the child is within the scope of the applicant's approval, but see subsection (2) below.

(2). If the adoption agency has proposed the child to the applicant at the top of the waiting list approved for a child of the age in question, the National Social Appeals Board will consider the match if the child is otherwise found to be within the scope of the applicant's approval.

(3). Sections 47, 48 and 50 above shall apply *mutatis mutandis* to the consideration of cases under subsections (1) and (2) above.

52. When a child from a country other than Denmark is proposed to the National Social Appeals Board for the applicant, cf. Section 45 above, the joint council of adoption will determine whether the proposed child is within the scope of the applicant's approval and whether the adoption may proceed. The joint council of adoption will notify the applicant of its decision and at the same time forward the information about the child to the applicant. Section 48 above shall apply *mutatis mutandis*.

53(1). The joint council of adoption may fix a reasonable time limit for the receipt of the applicant's decision under Sections 48, 51 or 52 above.

(2). If the applicant does not wish to adopt a given child within the scope of his or her approval, the joint council of adoption will decide whether or not the applicant's approval should be withdrawn, cf. Section 38 above.

(3). An applicant's decision not to adopt a child within the scope of the applicant's approval must be in writing and state the reason for the decision.

54(1). When a child is proposed for an adoption covered by the Hague Convention, and when the child is within the scope of the applicant's approval, cf. Section 47 and Section 51(2) above, and the applicant wishes to adopt the proposed child, the National Social Appeals Board will give an agreement pursuant to article 17 c of the Convention to the foreign central authority to the effect that the adoption may proceed.

(2). In case the match is to be submitted to the joint council of adoption, cf. Sections 48, 51 and 52 above, an agreement under article 71 c must be given by the joint council of adoption.

(3). An agreement under subsections (1) and (2) above must be given by means of an approved form.

55. The State Administration will obtain a complete criminal record certificate for the applicant immediately before the child is given to the adopter. If the child is already staying with the applicant, the State Administration will obtain a complete criminal record certificate for the applicant immediately before the adoption order is issued.

56. Where the case gives rise to a suspicion of violation of Section 31(1) of the Adoption Act (illegal adoption assistance), it must be submitted to the National Social Appeals Board.

Adoption agencies

57(1). The executive committee of an adoption agency must include members with medical, financial and legal expertise and members with expertise in social work and international adoption assistance. The National Social Appeals Board must be notified about any changes in the executive committee of an agency.

(2). Among the agency's employees must be an employee holding a master's degree in law and an employee qualified and with experience in economy and bookkeeping.

(3). The agency's employees must attend specialist courses offered by the National Social Appeals Board, of relevance to international adoption assistance.

58(1). Adoption fees may only be used to cover costs directly associated with the operation of the agency's adoption assistance activities in Denmark and abroad, including expenses for child welfare work related to the adoption assistance activities.

(2). An agency may carry out regular adjustment of adoption fees, such adjustment to be made based on objective criteria approved by the National Social Appeals Board.

(3) If the circumstances so require, the agency may carry out extraordinary increases of the fee. If a more permanent decline in the agency's expenses takes place, without a corresponding decline of the level of earnings, the agency shall carry out an extraordinary reduction of the fee.

(4). The agency must keep the National Social Appeals Board informed about the amount of the fee, and information about the amount and composition of the fee must be available to the general public. In case of extraordinary fee changes, the National Social Appeals Board must be notified not later than four (4) weeks before the change takes effect for the adoption applicants.

59(1). An adoption agency may only carry out aid work relating to adoption assistance. Such aid work must be approved by the National Social Appeals Board, but see subsections (2) and (3) below.

(2). The assessment of aid work and donations to be provided by foreign agencies under the rules of the country with which Denmark is co-operating as a condition for being able to assist in adoptions from this country will be made in connection with making a decision on a Danish agency's application for authorisation to co-operate with such country.

(3). Aid work of limited scope and one-off donations below DKK 50,000 only need to be notified to the National Social Appeals Board.

(4). An agency's expenses for aid work and donations must appear from the agency's financial statements in such a way that the scope of the aid work is clear.

60(1). In connection with the audit of the financial statements of an agency, it must appear from the auditor's report that the financial statements have been audited according to applicable accounting principles and the legislation, including the legislation regarding foundations. It must also appear that the auditor has checked that the applicable terms of accreditation are complied with.

(2). The agency must prepare auditing instructions that observe the obligations to which the agency is subject. The auditing instructions and any amendments are subject to the approval of the National Social Appeals Board.

Part 7

National adoption

Application for release of a child for adoption

61(1). A case involving the release of a child residing in Denmark for a national adoption is determined by the State Administration.

(2). The State Administration submits the case to the National Social Appeals Board if there is information that gives reason to suspect a violation of Section 31(1) of the Adoption Act (illegal adoption assistance).

62(1). If the municipal council receives an enquiry from parents wishing to give up their child for national adoption, the parents will receive guidance on the possibilities of receiving support under the social legislation if they choose not to give the child up for adoption. If they maintain their wish to give the child up for adoption, the case will be submitted to the State Administration as soon as possible, if possible not later than at the birth of the child.

(2). The State Administration will provide guidance to the parents in the same way as in subsection (1) above, if such guidance has not already been provided by the municipal council.

(3). If the wish to give up the child for adoption is maintained, the State Administration will ensure that the necessary examinations of the child's and the parents' circumstances are carried out.

63(1). Enquiries concerning the adoption of a child residing in Denmark by an applicant residing in another state that has acceded to the Hague Convention must also be addressed to the State Administration.

(2). The State Administration will submit such case to the National Social Appeals Board.

National non-relative adoption

64. Where a child is released for national non-relative adoption with or without the consent of the parents, the State Administration will send the case to the National Board of Adoption. If the consent to give the child up for adoption is provided with a view to adoption by a specific applicant, the case will, however, first be considered by the State Administration.

65(1). Where a child is proposed by the National Board of Adoption, cf. Section 64, first sentence above, the National Board of Adoption will choose the applicant found to be best suitable to adopt the child in question from among the applicants whose cases have been sent to the National Board of Adoption, cf. Section 36 above.

(2) If the child proposed by the National Board of Adoption is not within the scope of the applicant's approval, the joint council of adoption will make a decision on whether or not an application for an expansion of the approval to cover the proposed child may be granted.

66. The State Administration will obtain a complete criminal record certificate for applicants with a general approval, cf. Section 18(1)(ii) above, immediately before the child is given to the applicant. Similarly, the State Administration will obtain a complete criminal record certificate for applicants with a specific approval, cf. Section 18(1)(i) above, immediately before the adoption order is issued.

67. Where the joint council of adoption approves an applicant for a national adoption of a specific child, cf. Section 18(1)(ii) above, the case must be notified to the National Social Appeals Board.

Reporting of cases concerning adoption without consent

68. The State Administration will inform the municipality and the National Social Appeals Board about its decision in cases brought before it under Section 9(2)-(4) of the Act.

Part 8

The adoption order

69(1). The State Administration will issue the adoption order by means of an approved form. A copy of the order shall be kept by the State Administration.

(2). Where the State Administration issues an adoption order in connection with an adoption covered by the Hague Convention, the State Administration must certify that the adoption is in compliance with the Convention, cf. article 23 of the Convention. Such compliance certificate must be issued by means of an approved form and be given to the adopter. A copy of the compliance certificate shall be sent to the country of origin.

70. If the adoption is carried out by means of a foreign adoption order recognised in Denmark, cf. Section 28(2) of the Act, no adoption order is issued, but the State Administration shall issue a written confirmation to the effect that the foreign adoption order is recognised.

71. The State Administration notifies the National Social Appeals Board about the adoption orders issued and about foreign adoption orders recognised under Section 28(2) of the Act.

Part 9

Changing the legal effects of old adoptions

72. An application under Section 39(2) of the Act is filed with the National Social Appeals Board.

73(1). The application must be signed by the applicant in person and include information about whether contact has been maintained between the child and its original parents after the adoption.

(2). The following must be filed together with the application:

- i) The original adoption order or, if lost and not prepared by the Ministry of Justice, a certified copy of the order.
- ii) A statement from the parent that contact between the child and its original parents has been maintained after the adoption.
- iii) The child's consent to the application.
- iv) Documentation of the death where one of the adopters is dead.
- v) Documentation of the death where one of the child's original parents is dead and contact between the child and the parents was maintained after the adoption.

Part 10

Supervision and complaint

74(1). The National Board of Adoption supervises the joint councils of adoption and considers complaints concerning decisions made by the joint councils of adoption.

(2). A complaint concerning the decisions of a joint council of adoption must be filed with the joint council of adoption, which will forward the complaint and the documents of the case to the National Board of Adoption.

75(1). The National Social Appeals Board considers complaints concerning the State Administration's decisions under Section 29 b(1) and (2) of the Act. A complaint is filed with the State Administration, which will forward the complaint and the documents of the case to the National Social Appeals Board.

(2) A complaint concerning the State Administration's decisions on adoption without consent under Section 9 of the Act must be filed with the State Administration, which will bring the case before the court.

76(1). The State Administration may reopen a decision when a complaint has been submitted under Section 75(1) where:

- 1) the complaint concerns an application not considered by the State Administration;
- 2) the complaint includes important new information;
- 3) important information is available, which the State Administration has not considered or
- 4) in case of irregularities in the procedure which may be of relevance to the decision.

(2). The complainant may submit a complaint to the National Social Appeals Board concerning the State Administration's decision on whether or not to reopen the case.

77(1). An adoption agency must notify the National Social Appeals Board about the completion of an adoption, so that the National Social Appeals Board may send a questionnaire to the adopter concerning the adoption procedure, to be used in its supervision.

(2). The questionnaire may concern information about other issues than the adoption procedure when adopters are particularly well placed to provide such information.

78. The State Administration will notify the National Social Appeals Board if the State Administration obtains knowledge about issues concerning the activities of an adoption agency, which may give rise to considering imposing various measures on the agency.

79(1). An adoption agency must submit quarterly reports to the National Social Appeals Board regarding the agency's keeping of its budget.

(2). The National Social Appeals Board may decide that the quarterly report must include information about the agency's financial and administration circumstances additional to the information mentioned in subsection (1) above.

80(1). The National Social Appeals Board must in its supervision of the financial circumstances of an agency under Section 31 e of the Act seek the assistance of persons with special financial and bookkeeping qualifications.

(2) The Board must describe the financial supervision in its annual review.

Part 11

International co-operation

81. The National Social Appeals Board is the central authority for Denmark under the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption.

82. As the central authority the National Social Appeals Board must:

- i) co-operate with the central authorities of the other states that have acceded to the Hague Convention and
- ii) perform the tasks incumbent on the central authority according to the Hague Convention

83. Any authority or agency assisting in the completion of adoption cases and which ascertain that a provision of the Hague Convention has not been complied with, or that there is a serious risk of such non-compliance, must immediately notify the central authority.

Part 12

Commencement and transitional provisions etc.

84(1). This Executive Order shall come into force on 1 January 2016.

(2). Executive Order No. 1125 of 24 September 2015 on adoption shall be repealed.

(3) Applications for approval as an adopter under Section 4 a of the Act, submitted prior to 1 July 2012 shall be completed in accordance with Executive Order No. 919 of 28 September 2009 on approval as an adopter. However, the rules of this Executive Order shall be applied if they improve the applicant's legal position.

(4). Applications for approval as an adopter submitted prior to 1 January 2016 shall be completed in accordance with the rules of Executive Order No. 1125 of 24 September 2015 on adoption. However, the rules of this Executive Order shall be applied if they improve the applicant's legal position.

(5). Applications for adoption submitted prior to 1 January 2015 by an applicant who has a partner shall be completed in accordance with the rules of Executive Order No. 807 of 21 June 2013 on adoption.

(6). The validity period of an approval as an adopter under Section 4 a of the Act issued prior to 1 July 2012 may be changed from three (3) to four (4) years if the applicant so desires. When such an approval expires, the rules in Section 24 of this Executive Order on the extension of an approval as an adopter shall apply.

The Ministry for Social Affairs and the Interior, 23 December 2015

KAREN ELLEMANN

/ Malene Vestergaard