

Adoption of Children

The procedure for adoption of children

Interstate Adoption in Ukraine is carried out only through direct participation of The Ministry of Social Policy of Ukraine.

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The adoption is carried out exclusively within his or her higher interests and is aimed to provide harmonically and stable life conditions for the child.

Adoption is an independent institute of the family law, the leading aim of which is the provision of parental care and safe conditions for the further education and development for children who have remained, due to those or other circumstances, without parental care and orphans.

Adoption is remaining a priority form for the placement of orphans and children deprived of parental care.

The inter-state adoption is an independent institute of private international law the main task of which is the establishment of the family conditions and long-awaited parents for children left without parental care. Hence, the inter-state adoption is considered as the basis for the emergence of family relations as a legal action with the participation of a foreign citizen.

When the process of adoption is completed, the child is considered as an equal to native children of adopter in terms of personal and property rights and as an equal to the relatives between whom are emerging the same rights and duties as between the relatives of origin (Article 232 of the Family Code of Ukraine).

Simultaneously, adopted children are losing any personal and properties rights, and relieved of their responsibilities towards their native parents and their relatives.

Any actions dedicated to generate any profit from the adoption are illegal and forbidden.

According to Article 24 of the Law of Ukraine "On the Protection of Childhood", the adoption of a child who is the citizen of Ukraine by the foreigners can be complete only after all options for allocation under the care or adoption of child by the Ukrainian citizens are extinct.

Any commercial and intermediary activities in terms of adoption of children and placement or transmission of children for further education, upbringing and care to the families of the Ukrainian citizens, foreigners and stateless individuals are forbidden.

Article 212 of the Criminal Code of Ukraine defines the list of individuals who cannot be adopters which includes:

- 1) individuals limited in capacity;
- 2) recognized as incapacitated;
- 3) deprived of parental rights, if these rights have not been renewed;
- 4) were adopters (guardians, caretakers, foster parents) of another child, but the adoption was canceled or invalidated (the custody, care or activity of the foster family or family-type orphanage was terminated) from their fault;
- 5) registered or treated in a psychoneurological or narcological clinic;
- 6) abusers of alcoholic beverages or narcotic drugs;
- 7) do not have permanent residence and permanent income (income);

- 8) suffering from illness, the list of which is approved by the Ministry of Health of Ukraine;
- 9) foreigners who are not married, except when adopter is a relative of the child;
- 10) were convicted of crimes against the life and health, freedom, honor and dignity, sexual freedom and sexual integrity of a person (individual), against public safety, public order and morality, in the sphere of circulation of narcotic drugs, psychotropic substances, their analogues or precursors, and also for crimes stipulated in Articles 148, 150, 150-1, 164, 166, 167, 169, 181, 187, 324, 442 of the Criminal Code of Ukraine, or have a remaining or not prosecuted in the manner prescribed by law other crimes;
- 11) in need for constant third-party care due to the state of health;
- 12) stateless persons;
- 13) are married to a person who, in accordance with paragraphs 3-6, 8 and 10 of this article, can not be an adopter.

In addition, other individuals whose interests are in conflict with the interests of the child can not be adoptive parents.

The adoption procedure of an orphan child and a child deprived of parental care residing in Ukraine by foreigners and Ukrainian citizens residing outside of Ukraine consists of the following steps:

1. Collection of documents in the country of residence.
2. Registration for submission of documents.
3. Submission of the documents to the Ministry of Social Policy.
4. Registration on the list of candidates for becoming adopters.
5. Receiving an interview invitation to get information about the children who are appropriate for the adoption.
6. Interview with the Department of Child Protection and the adoption of the Ministry of Social Policy. The introduction of information about children who may be adopted.
7. Getting of directions for future meetings and establishing of a contact with the child.
8. Meeting with the child at the place of residence.
9. The statement submission to the service of children's affairs on desire to adopt a child.
10. Obtaining an opinion on the appropriateness of adoption and compliance with his/her child's interests in the service of children's affairs.
11. Submission of documents to the Ministry of Social Policy for obtaining consent for the adoption of the child.
12. Obtaining the consent of the Ministry of Social Policy for the adoption of the child.
13. Submission of applications and documents to the court. Adjudication hearing.
14. Receiving a court decision on adoption of a child.
15. Registration of a new birth certificate of a child in civil registration bodies.
16. Child transmission to adopters.
17. Registration of travel documents for adopted child for permanent residency abroad (passport of a citizen of Ukraine for departure at the border).
18. Consular registration of adopted child in the new country of residence.

1. Adoption of child – resident of Ukraine by citizens of Ukraine residing outside of Ukraine and foreigners

Supervision and reckoning of Ukrainian citizens, who are residing outside the Ukraine and foreigners who are willing to adopt Ukrainian child are completely upheld by The Ministry of Social Policy of Ukraine.

The order and conditions on acceptance of Ukrainian citizens who are residing outside the Ukraine and foreigners who are expressing willingness to adopt a child-resident of Ukraine are defined by The Ministry of Social Policy of Ukraine.

Ukrainian citizens who are residing outside the Ukraine and foreigners who are expressing willingness to adopt a child-resident of Ukraine are applying to The Ministry of Social Policy of Ukraine the case, which consists of following documents:

- 1) the application for registration of candidates as the future adopters, notarial certified;
- 2) a copy of the passport or other document certifying the identity (four copies);
- 3) a conclusion of the competent authority of the country of residence, confirming the possibility of applicants for becoming adopters (in triplicate). The conclusion shall indicate the address, living conditions (number of bedrooms, availability of living conditions for the child), biographical data, family arrangement (number of persons living with the applicant, degree of family ties, the presence of their own children), attitude of applicants on adoption, adolescents' adoption training and previous upbringing, prior familiarization with the requirements for the adoption of an orphan child or a child deprived of parental care in Ukraine, information on previously adopted children, their health status, upbringing, education, accommodation, their stay in the family after adoption within the surveillance of social support services. The conclusion should include recommendations on the number, age and state of health of children who may be adopted by the applicants. Recommendations on the health of the child are indicated in the case when the applicants are recommended to adopt a disabled child, with a illness included in list of diseases approved by the Ministry of Health of Ukraine, which give the right for adoption of a child without observance of the terms of him/her being registered with the Ministry of Social Policy, as well as children under the age of five.

The conclusion also must indicate information on the existence (absence) of court decisions on the recognition of applicants incapacitated, the deprivation of their parental rights, the abolition of adoption or invalidation, the removal of their children, as well as the facts of any refusals of applicants from the upbringing of their own or adopted children.

In case of issuing a conclusion by a non-governmental body, the following documents must be added to it:

a notarized document certifying the accreditation of the agency for the adoption of children on the territory of a foreign state (if any);

a copy of the license (to each copy of the conclusion) for the implementation of such agency that activities are related to the adoption;

a notarized copy of the document confirming the fact of obtaining the agreement between the adopters and the relevant agency for the adoption of children in the territory of a foreign state (if any), indicating information on ensuring the agency and adopters are aware of a duty on timely reporting and informing the consular establishment or diplomatic mission of Ukraine about any emergencies, including changes in the place of residence of the child, the possibility of abolishing the adoption or transfer to the adopted child to other foreigners, institutions for orphans and children deprived of parental care, the removal of adopted child from the adopters, the violation of rights and legal interests of the child, accidents, death etc.

Foreigners permanently residing in Ukraine, as evidenced by a residence permit issued by Ukraine, issued by territorial bodies or units of the State Migration Service of Ukraine, the such conclusion is prepared by the children's affairs service at the place of their residence;

4) permission of the competent authority of the applicants' country of residence for the entry and future permanent residence of the adopted child, except for Ukrainian citizens residing outside Ukraine, and foreigners residing in the territory of the country with which Ukraine has a visa-free regime;

5) the applicant's obligation notarized (in duplicate) addressed to The Ministry of Social Policy and the consular establishment or diplomatic mission of Ukraine;

6) notarized written consent of the second spouse for the adoption of the child, indicating the reasons for adoption by only one of the spouses (in case of adoption of the child by one of the spouses), unless otherwise provided by law;

- 7) a certificate from the placement of work on the salary for the last six months or a copy of the declaration of income for the previous calendar year, certified by the authority that issued it or notarized;
- 8) notarized copy of the marriage certificate registered with the competent authorities of the country (in duplicate);
- 9) a conclusion on the health of each applicant, drawn up in accordance with appendix 3 of the Procedure;
- 10) certificate of verification in the territory of the country of residence of the presence or absence of convictions for each applicant issued by the competent authority of the country of residence;
- 11) notarized copy of the document confirming the right of ownership or use of the apartment, withing the indication of its total and living space and the number of bedrooms

In the case of adopting a child by one of the spouses, the documents provided in subparagraphs 2, 9, 10, 12 and 13 of this paragraph shall be submitted by each spouse.

Other applications except of notarized statements on the size of salary or other income of the applicants, the possession of their property or the right to use the property do not replace the documents specified in this paragraph.

The case is accepted by the Ministry of Social Policy if it contains all the documents specified in paragraph 33 of the Procedure.

Documents that are provided in subparagraphs 1, 3, 5-7, 9, 10, 12-14 of paragraph 33 of the Procedure, must be submitted in originals. In the case where the original of the document is kept by the authority that issued it (as to be indicated in the document itself), a copy of it should be submitted and notarized.

Documents that are provided in paragraph 33 of the Procedure should be issued and drawn up in the country of residence of the applicants. Foreigners who are permanently reside in Ukraine, as evidenced by a permanent residence permit in Ukraine issued by the territorial authorities or units of the State Migration Service of Ukraine, should obtain required documents in the territory of Ukraine. Foreigners who are temporarily residing in Ukraine must obtain their documents in the country of permanent residence.

Each document (except for a copy of the passport or other identity document) specified in paragraph 33 of the Procedure, as well as any application from the citizens of Ukraine residing outside Ukraine and foreigners on issues related to adoption, must be legalized in the relevant foreign diplomatic institution of Ukraine, unless otherwise provided by Ukrainian international treaties, and submitted to the Ministry of Social Policy, together with their translation into the Ukrainian language, which is certified in accordance with the established procedure.

Applications and requests of foreigners who are legally residing in Ukraine should be obtained in Ukrainian language and certified by a notary public.

Applications, appeals and requests that are not meeting with the requirements of 33 paragraph of the Procedure, are not considered by The Ministry of Social Policy.

The validity period of the documents mentioned in paragraph 33 of the Procedure, in addition to the documents specified in clauses 12 and 13 of this Procedure, is one year from the date of their issue, unless otherwise provided by the legislation body of the country (as indicated in the document) in which they are issued.

At the date of submission of documents to The Ministry of Social Policy, the term of their subsequent legitimacy must be not less than six months.

In the case where the validity period of the documents according to the legislation body of the country that issued them is less than six months, they must be valid on the day they are submitted to **The Ministry of Social Policy**. After the case has been formed, applicants must register personally or through a representative, to submit it. **The registration is undergoing at Ministry of Social Policy of Ukraine: Kyiv, Str. Esplanadna, 8/10, 01601; Tel.: 044 226-24-45; Fax : (044) 289-00-98; E-mail: info@mlsp.gov.ua ; official website: <http://www.msp.gov.ua>**, within the presence of approval issued by the competent authority of the country of residence, which confirms the possibility of applicants to be adopters (paragraph 3 of the above list of the required documents). On the day of the mentioned registration, the applicants or their representatives shall be informed on the date when case can be submitted for further consideration.

The case is then handed personally by the applicants or their representative at ***The Ministry of Social Policy*** at the above-mentioned address. Please note that the case must be submitted in a separate folder, the title page of which should contain the country of residence, full names and surnames of the applicants, and on the back of the cover page - a list of submitted documents signed by the applicants or their representative. In the upper right corner of the first page of each document, the serial number of this document should be listed in accordance with the table of contest on the cover page. For ease of use and proper storage facility, the files are presented in folders of the same color: Israel, Canada - white, Spain - blue, Italy - green, Germany - blue, USA - red, France - yellow, other countries - purple.