

Adoption

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On December 16, 2021, the Saeima of the Republic of Latvia adopted amendments to the regulatory framework, which provides with changes to the adoption of children abroad.

The amendments adopted provide that the rights to adopt children abroad will remain to those countries that are bound by the Hague Convention of 29 May 1993 on the Protection of Children and Cooperation in Interstate Adoption (hereinafter – the Convention) , as well as the Convention on the Rights of the Child of 20 November 1989 (hereinafter – the Child rights) and country in question has entered into a bilateral Agreements on Legal Cooperation in the field of Adoption with the Republic of Latvia. Adopters will be able to adopt children abroad if the Orphan's Court, which has decided on out-of-family care, receives an opinion of the Foreign Adoption Commission, which includes the conclusion that the adoption process to a foreign state conforms to the principles for the protection of the rights of the child and the best interests of the child specified in the regulatory framework.

Changes to the regulatory framework entered into force on July 1, 2022. In cases of the foreign adoption process initiated by June 30, 2022, the regulatory enactments in force at the time of the initiation of this process shall apply. Cases of the adoption process initiated are cases providing information on the child to be adopted.

Countries where the Convention is binding, their Central Authorities and authorities officially recognized for work in the field of adoption in Latvia (hereinafter – the competent authority) (web site):

<https://www.hcch.net/en/instruments/conventions/authorities1/?cid=69>

Countries where the Child rights is binding: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en

Republic of Latvia has signed the bilateral agreements with the following countries

Russian Federation;
Republic of Moldova;
Republic of Kirghizia;
Republic of Uzbekistan;
Ukraine;
Republic of Poland;
Belarus;
Republic of Estonia;
Republic of Lithuania.

Intercountry adopters are foreigners, who do not have permanent residence permit for staying in Latvia or citizens of Republic of Latvia living abroad.

Foreign citizen can adopt as a local adopter if he/she has a permanent residence permit and if his/her place of residence is Latvia. This criterion applies only to single adopters. If a married foreign couple wants to adopt, both need to have permanent residence permit. These rules do not apply for diplomatic and consular personnel and also to foreigners, who have received registration card as a citizen of the EU, EEZ or Confederation of Switzerland.

The only exception is in a case if the foreign citizen is married to the Latvian citizen or resident. The couple can adopt as local adopters if the place of residence is Latvia and if a spouse (foreigner) has at least temporary resident permit.

The Latvian citizens who permanently reside abroad can adopt as intercountry adopters by implementing all the required procedures as for foreign adopters. Latvian citizens or permanent residents must stay in Latvia for the adoption process in order to adopt as local adopters. According to procedures of adoption the initial home study for suitability of the adoption is at least 6 months long. The Orphan's Court can shorten this period if there is adequate reason for that as for example in case of adoption of spouse's child, or when the Orphan's Court has gained enough confidence about the family in shorter period of time. After procedure of family's assessment the child can be given for pre-adoption care for the period that is not longer than 6 months. Usually this period takes around 3 months. If a family wants to adopt a child under 5 without health problems one has to take in consideration that Latvian adopters have to wait for several years until they receive information on adoptable child. Finally, adoption is approved by the Court which takes around 3 months.

Adopter must be at least 25 years old and at least 18 years older than adoptable child The same rule applies to married couples.

Exceptions:

- adoption of spouses' child – adopter must be at least 21 years old;
- adopter and adoptee have established parent-child relationship.

In accordance with Article 59 of the regulation No.667 of the Cabinet of Ministers dated 30th of October, 2018 „Procedure of Adoption” (hereinafter – the Regulations), if the child to be adopted is being adopted to a foreign state:

on which the Convention is binding, the documents of the foreign adopter must be submitted to the Ministry of Welfare (hereinafter – the Ministry) by the Central Authority of the Convention or by the competent authority;

with which Latvia has signed a bilateral agreement on legal cooperation in the field of adoption, the documents must be submitted to the Ministry by the foreign adopter, appending a certification of the relevant foreign competent authority thereto that it agrees to adoption of the particular child and adoption will be recognized in this foreign state.

According to the Convention, only the Central Authority or a competent authority can submit the adoption file in the Ministry.

Foreigner (also – citizen of Latvia and resident living abroad) willing to adopt in Latvia must submit the adoption documents in the Central Authority or the competent authority of the residing state and only if the competent authority has confirmed the person suitable to adopt in Latvia, the adoption files will be sent to the Ministry for evaluation.

Children to whom foreign adopters are being searched for

Child is adoptable abroad only if it is not possible to ensure the care and education in the family in Latvia and the Orphan's Court has made such decision.

Foreigners, who do not have permanent residence permit, or a person residing abroad can adopt:

- a child of the other spouse;
- a child from the family of the guardian or a foster family, if the child is being adopted by his or her relatives;
- a child who resides in a child care institution, if adequate upbringing and care of him or her cannot be provided in a family in Latvia.

To assist foreign adopters, the Ministry would like to provide a deeper insight on children to whom mainly foreign adopters are being searched for, as well the Ministry asks for adoption agencies to draw attention of the adopters that in most cases children who are adoptable to foreign countries up to 4 years of age have moderate to severe health problems some of (from frequently several) diagnoses that have been defined for children are, for example, premature birth, low birth weight, HIV and/or HCV exposure, state after syphilis, congenital or acquired heart disease, encephalopathy, perinatal hypoxia, frequent respiratory illnesses, CNS damage, lack of protein energy, cow's milk protein intolerance, moderate to severe vision problems, surgically

correctable health problems, such as but not limited to - hydrocele, syndaktylia, cleft lip, etc.

Children who are adoptable to foreign countries from 4 to 9 years of age have mild-moderate health problems, for example, mild mental development delay, learning and behavioural disorders, speech development delay and disorders, language development delay, attention deficit and hyperactivity disorders, emotional and attachment disorders. Often children in this age have enrolled in a specialized pre-school educational institution or specialized educational institution for children with mental disorders, speech development disorders, vision disorders etc. Mostly these children, alongside to already mentioned diagnoses, might also have correctable surgical problems, state after tuberculosis, celiac disease, sugar diabetes, bronchial asthma, epilepsy, moderate to severe vision problems, effects after undergone physical and/or sexual abuse etc.

As well it should be noted that the biological parents of children, who are adoptable to foreign countries, have lastingly consumed alcohol or drugs (also during the pregnancy), besides in many cases biological parents have mental development problems.

In order for the Ministry to find suitable family for adoptable child as soon as possible, we recommend the adopters to determine in their application and/or adoption allowance the number and age of adoptable children and as well the health problems of adoptable children with whom adopters would be ready to cope with. Simultaneously, the Ministry asks to determine those health problems which adopters are not suitable or ready to cope with.

Applications

The Ministry will accept and evaluate unlimited number of those foreign adopters' dossiers expressing a wish to adopt in Latvia:

- three and more children of one family (siblings);

- children above age of 9;

- children who are seriously ill or with remarkable health (mental and/or physical development) problems;

- children to whom finding foreign adopters has not succeeded (according to applications of adopters already submitted in the Ministry) and on whom the Ministry has provided information in separate information summary lists of adoptable children for competent authorities;

- children, who are adoptable to foreign countries, without age and health limitations, if this wish is expressed by a person or spouses habitually residing abroad and from whom at least one has a citizenship of Latvia or status of a non-citizen of Latvia. In Latvia adopters must be represented by a competent authority or by the Central Authority of country where adopters habitually reside.

Documents to submit to start the process of adoption in Latvia

- The adoption application in which the motives for adoption, the religious conviction, ethnic origin, and language of communication of the adopter, the preferable number, sex, and age of adoptees, and other essential circumstances which may affect the life of the child to be adopted with the relevant person are indicated;

- a copy of the marriage certificate if the person is married;

- a copy of the document certifying the dissolution of marriage if marriage has been dissolved;

- a document which certifies provision with accommodations;

- the curriculum vitae (CV);

- the statement issued by the family doctor on the current state of health of the person, as well as the opinion of the psychiatrist on the state of mental health of the person and the opinion of the narcologist on the person being addicted to narcotic and psychotropic or other addictive substances (required for each household member above 18 years of age);

- information regarding income;

- an extract from the court judgment or a certified copy of the true copy by which the capacity to act of the person has been limited, if the capacity to act of the person is limited;

- an extract from the court judgment or a certified copy of the true copy on the recognition of the other spouse as missing

(having disappeared), if the spouse of the person has been recognized as missing (having disappeared).

the study material of the family of the adopter prepared by the competent authority of the relevant state;

the statement on criminal record (required for each household member above 18 years of age);

a document certifying that the adopter has completed a training programme that conforms to the programme referred to in the Regulations, and append a document in which the content and number of lessons of the completed training programme is indicated (at least 40 academic hours (theoretical and practical lessons) and at least 16 academic hours (practice - experience with children in out-of-family care, for example, voluntary work in a child care institution, crisis centre, day centre, child camps under guidance of a coach);

a document in which the adopter certifies that he or she must ensure the submission of post-adoption supervision reports to the Ministry.

All documents must be submitted in duplicate with a notarially certified translation in the Latvian. Documents issued abroad must be legalized or certified in accordance with the Hague Convention of 5th October, 1961 „On Abolishing the Requirement of Legalization for Foreign Public Documents", if the different order has not been prescribed in the international contracts binding to Latvia.

Post-adoption requirements

The competent authority or foreign adopter until reaching the age of 18 years of the adopted child:

shall submit to the Ministry and the Orphan's Court, which has decided on the out-of-family care of the child, post-adoption reports and at least one photograph of the child. For the first two years following approval of the adoption, post-adoption reports shall be submitted twice a year, hereinafter referred to as once a year;

shall provide the Orphan's Court, which has decided on the out-of family care of the child, the possibility to communicate with the adopted child via video or by telephone;

within a period of three business days inform the Ministry regarding the removal of a child from the adopter's family, the arrival of a child in the sight of the social service, court or law enforcement authorities or other essential information, which may further affect the stay of the child in the foreign adopter's family.

Accreditation of competent authorities

As the Convention is binding to Latvia, then in accordance with the article 12 of the Convention an authority accredited in one Contracting State may act in another Contracting State only if the Central Authorities of both States have authorized it to do so. In order to become accredited competent authority in Latvia, in accordance with Article 60 of the Regulations competent authority must submit:

the certification of the relevant foreign Central Authority on the ability of the authority to adequately fulfil the obligations entrusted thereto in the foreign state and Latvia, including to meet the requirements laid down in legal acts and to ensure that it is also done by the foreign adopters represented by the authority;

the confirmation that the foreign adopter will complete the training programme in accordance with Annex 3 of the Regulations and will be informed of the culture, traditions, and customs of Latvia;

information regarding the maximum costs to be covered by the foreign adopter for the services of the authority, including for the preparation and submission of the adoption file in Latvia, translation services, expenses related to travelling and staying in Latvia until approval of the adoption in a court, and other potential expenses;

the certification that after the adoption has been approved in court it will provide the post-adoption supervision and submit the post-adoption supervision reports to the Ministry;

foreign accredited body's Certificate of Hague Accreditation, which is awarded by the Central Authority, which asserts the authorization and suitability of the organization to perform the activities in the scope of adoption to foreign countries including Latvia;

foreign accredited body's licence on provided services;

foreign accredited body's cover letter that states their planned directions of activities in Latvia, taking into consideration adoption tendencies in Latvia and set criteria for acceptance of foreign adopters' dossiers regarding age, number and state of health of adoptable children.

The Ministry informs that the competent authorities willing to obtain accreditation or reaccreditation to work in Latvia are going to be accredited according to all above mentioned criteria or with at least one of the criteria mentioned above.

The Ministry must, within a month, assess the submitted documents and recognize the authority officially recognized in the foreign state as entitled to operate in the field of adoption in Latvia or provide a justified refusal.

The Ministry kindly asks competent authorities to follow expiration date of their authority's accreditation in Latvia and to submit above mentioned documentation for the reaccreditation in a timely manner. If the accreditation of the competent authority has expired, the Ministry will not provide families, represented by the particular authority, with information on adoptable children.

Information for adoptees on biological family

The adopted person has a chance to find biological parents if in adoptee's Birth Certificate biological parents have been stated. In accordance with part 6 of article 6 of the Civil Status Act, the rights to get acquainted with a full aged adopted person's record in Birth Register and to ask for Birth certificate, reference on birth registration or a copy of Birth Register record has a person on whom the record is made or person's authorized representative. The records of Birth Register are accessible:

in the local government General Registry Office, which is indicated in the birth certificate of the child as issuing body of the document;

in the Civil Registry Department of Ministry of Justice (address: 38a Aleksandra Caka Street, Riga, LV-1011, phone: [+371 67226222](tel:+37167226222), e-mail: dzimts.dep@tm.gov.lv);

according to Article 19 of the Population Register Law, natural persons and legal entities can receive data from the Population Register about another individual on the basis of a motivated application. The application must be submitted at the Citizenship and Migration Affairs Department of the Population Register (address: Ciekurkalna 1. linija 1, k-3, Riga, LV-1026, phone: [+371 67209400](tel:+37167209400), e-mail: pmlp@pmlp.gov.lv).

Legal acts prescribing procedures for adoption in Latvia

The legal basis of adoption in Latvia is prescribed by:

The Civil Law of the Republic of Latvia, Part One, Family Law, Sub-chapter 2 – Adoption

(web site: <https://likumi.lv/ta/en/en/id/225418-the-civil-law>);

The Civil Procedure Law, Chapter 32 – Approval and Revocation of Adoptions

(web site: <https://likumi.lv/ta/en/en/id/50500-civil-procedure-law>);

The Regulation No.667 of the Cabinet of Ministers dated 30th of October, 2018 „Procedures for Adoption”

(web site: <https://likumi.lv/ta/en/en/id/302796-procedures-for-adoption>).

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