

ORDINANCE No. 3 as of October 24th 2014

for the Terms and Conditions for Keeping Intercountry Adoptions Registers and Granting Consent by the Minister of Justice

**CHAPTER ONE
GENERAL PROVISIONS**

Art. 1 This Ordinance stipulates the terms and conditions for:

1. keeping the Registers under Art. 113, Para. 1 of the Family Code (FC) and their content;
2. granting consent on behalf of the Minister of Justice for the adoption of a child with habitual residence in the Republic of Bulgaria by person whose habitual residence is abroad;
3. undertaking special measures in the cases under Art. 112, Para. 6 of the FC.

Art. 2. The Minister of Justice shall undertake the required measures to protect the personal data in compliance with the Law for Protection of Personal Data.

Art. 3. (1) Intercountry adoption of a child with habitual residence in the Republic of Bulgaria is carried out in compliance with Art. 21 of the Convention on the Rights of the Child as of November 20th 1989 (ratified through Decision of the Grand National Assembly – State Gazette, Issue 32, year 1991) (State Gazette, Issue 55, year 1991), and the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption as of May 29th 1993 (ratified through law – State Gazette, Issue 16, year 2002) (State Gazette, Issue 78, year 2002), hereinafter called “The Hague Convention”.

(2) Intercountry adoption under Para. 1 is being carried out through the mediation of an accredited organization under Art. 116 of the FC or a Central Authority under the Hague Convention.

Art. 4. Actions related with intercountry adoption shall be undertaken upon entry in the registers under Art. 113, Para. 1, items 1- 3 of the FC, except for the cases under Art. 82, Para. 2 of the FC.

CHAPTER TWO

INTERCOUNTRY ADOPTION REGISTERS

SECTION I

GENERAL PROVISIONS

Art. 5. (1) The Ministry of Justice shall keep the registers under Art. 113, Para. 1 of the FC on electronic media.

(2) The Register under Art. 113, Para. 1, item 1 of the FC shall contain: date of receiving and registration number of the child’s file; date and unique serial number of the entry in the register; full name; Personal Identification Number; date and place of birth; health status; full name of biological parents and information for their contacts with the

child; names of siblings and information about emotional bonds; protection measure; decisions of the Intercountry Adoption Council; court ruling for adoption; other data relevant to the adoption.

(3) The Register under Art. 113, Para. 1, item 2 of the FC shall contain: date of receiving and registration number of the adoptive applicant's case file; date and unique serial number of the entry in the register; names; date of birth; country of habitual residence; permission for adoption and its term of validity; profile of the child they wish to adopt; information about representative under Art. 3, Para. 2 and foreign accredited organization; Decisions of the Intercountry Adoption Council; court ruling for the adoption; post-placement monitoring; other data relevant to the adoption.

(4) The Register under Art. 113, Para. 1, item 3 of the FC shall contain: date of receiving and registration number of the adoptive applicant's case file; date and unique serial number of the entry in the register; names; date of birth; permission for adoption and its term of validity; country of habitual residence and profile of the child they wish to adopt; information about representative – Bulgarian accredited organization; competent Social Assistance Directorate; date of sending the case file for the adoption; date of receiving a proposal for a child and their profile; date of receiving the consent or refusal of the adoptive applicant and the Minister of Justice; date of granting approval for the adoption and other data relevant to the adoption.

(5) The Register under Art. 113, Para. 1, item 4 of the FC shall contain: date of receiving and registration number of the accreditation case file; date of entry; unique serial number of entry in the register; name of the organization in Bulgarian language and in Latin letters; address for carrying out mediation activities; name of representative; number, date of issuance and term of validity of the mediation license; countries for which the organization shall carry out mediation and the maximum amount of expenses for each country; number in the Central Register under Art. 45 of the Law on Non-Profit Legal Entities; data for registration in court; BULSTAT; received signals; given mandatory precepts and other data relevant to the mediation activities.

Art. 6. (1) Any change in registered circumstances that is not a motive for removal shall be recorded.

(2) This record shall be made in a way that shall not affect the circumstances already entered.

(3) In case of removal from the register, the grounds for removal and its date shall be recorded.

SECTION II

REGISTER OF CHILDREN SUITABLE FOR FULL ADOPTION BY PERSONS WHOSE HABITUAL RESIDENCE IS ABROAD

Art. 7. (1) Upon the occurrence of conditions under Art. 113, Para. 2 of the FC, the Adoption Council at the Regional Social Assistance Directorate shall submit to the Ministry of Justice the original documents from child's file. Copy of the documents shall be retained for storage in the Regional Directorate.

(2) The child's file shall contain:

1. certified duplicate of birth record;
2. birth certificate;
3. documents for entry in the register under Art. 83, Para. 2 of the FC – a notification under Art. 84, Para. 1 or 2 of the FC; application under Art. 84, Para. 3 – 5 of the FC; declaration forms from the birth parents stating their consent for the full adoption of the child; statements of opinion under Art. 84, Para. 3 of the FC; Orders under Art. 84, Para. 6 of the

FC with date of coming into force certified by signature and stamp; documents certifying the communication of the Orders under Art. 84, Para. 6 of the FC;

4. certified duplicate of court ruling/rulings approving the undertaking of protection measure under the terms of the Child Protection Act and/or Orders for temporary placement issued by the Director of the Social Assistance Directorate;
5. report form for the social status of the child as provided in the Ordinance under Art. 83, Para. 3 in connection with Art. 86, Para. 6 of the FC;
6. certificate from the relevant Authority for guardianship and custody in the cases stipulated by law;
7. documents certifying the new circumstances under Art. 113, Para. 2 of the FC – excerpts from the minutes of the sessions of the Adoption Council, notifications to the approved adoptive applicants, refusals, etc.;
8. medical certificate for the child's health status as provided in the Ordinance under Art. 83, Para. 3 in connection with Art. 86, Para. 6 of the FC;
9. personal characteristics form of the child – Appendix No. 1;
10. four certificates of identity with full-length photograph of the child;
11. report form regarding the legal status – Appendix No. 2;
12. certificate of kinship of the child and certificate of enforced legal restrictions to the birth parents;
13. statement of opinion from the Social Assistance Directorate regarding child's wish to be adopted abroad, including information about their opinion and dispositions in case the child can express these, and about the presence or absence of emotional bonds with their siblings.

Art. 8. (1) Child's file shall be reviewed within one month of its receiving.

(2) In case of discrepancies and/or missing documents under Art. 7, Para. 2, items 1 – 11, the Ministry of Justice shall notify the relevant Adoption Council and the Regional Social Assistance Directorate with instructions for resolving the above issue within one month after receiving the notification. This notification shall contain a statement that in case issues are not resolved within the specified term this shall result in termination of the proceedings.

(3) At the request of the relevant Regional Social Assistance Directorate the documents from child's file shall be provided in order to prepare them according to the instructions.

(4) In case discrepancies are not corrected within the term under Para. 2, the proceedings shall be terminated and documents shall be returned to the sender. Each month the Ministry of Justice shall notify the Agency for Social Assistance about the number of returned files.

(5) The child shall be entered in the Register under Art. 113, Para. 1, item 1 of the FC within one month after the Ministry of Justice receives their file or the respective documents under Para. 2. In case of inability to gather the necessary information, contained in the documents under Art. 7, Para. 2, items 12 and 13, the child shall be entered in the register with his/her existing data.

(6) Entry shall be carried out as per the order of arrival. Each child shall be entered in the register under an unique serial number.

(7) A file shall be created, maintained and stored for each child entered in the register.

(8) The Ministry of Justice shall notify the relevant Regional Social Assistance Directorate about the entry in the Ministry's Register, and about the necessity to coordinate activities for domestic and intercountry adoption, providing information to and preparation of the child.

(9) Every 3 months the Regional Social Assistance Directorate shall provide to the Ministry of Justice updated documents under Art. 7, Para. 2, items 8 and 9, and every 12 months – updated documents under Art. 7, Para. 2, items 5 and 10, as well as any new or additional information or document regarding circumstances related to the child within 7 days after receiving this information.

Art. 9. (1) A child shall be deleted from the register upon:

1. his/her adoption;
2. reaching age of majority;
3. establishing the origin of the child;
4. withdrawal of the preliminary consent for full adoption on behalf of the biological parents;
5. reinstatement of parental rights in the case of entry in the register under Art. 84, Para. 3 of the FC;
6. reintegration of the child in the biological family;
7. placement of the child in the family of relatives or kinsmen;
8. death of the child.

(2) Deletion as a result of approved intercountry adoption procedure shall be made on the grounds of an effective court ruling for the adoption of the child. Deletion as a result of domestic adoption shall be made on the grounds of a notification by the Regional Social Assistance Directorate.

(3) Deletion upon reaching the age of majority shall be done ex officio, unless their file has already been submitted to court.

(4) Deletion in case of established origin of the child or reinstatement of parental rights shall be made on the grounds of a certified copy of the effective court ruling, or the birth certificate of the child issued after their acknowledgement by their birth father.

(5) Deletion in case of withdrawal of the preliminary consent for full adoption on behalf of the biological parents shall be made upon submission of the document under Art. 92 of the FC.

(6) Deletion in case of reintegration of the child in their biological family or their placement in the family of relatives or kinsmen shall be made on the grounds of an Order issued by the Social Assistance Directorate.

(7) Deletion in case of death of the child shall be made on the grounds of a duplicate of their death certificate.

(8) The documents under Para. 2 and Para. 4 – 7 shall be submitted to the Ministry of Justice by the relevant Regional Social Assistance Directorate.

9) In case some of the circumstances under Para. 1 occur for a child whose adoption procedure is already in progress, the Ministry of Justice shall notify the relevant Authority or the organization accredited under Art. 116 of the FC about the termination of the procedure, and shall require the Report of the child to be returned from the corresponding country.

(10) In cases of removal under Para. 1, items 2 – 8, the original documents in the child's file shall be archived in the Ministry of Justice unless the Regional Social Assistance Directorate had requested the return of certain or all documents.

(11) The Ministry of Justice shall notify in written the relevant Regional Social Assistance Directorate about the removal of a child due to approved adoption by a person whose habitual residence is abroad or due to the placement of the child in the family of relatives or kinsmen.

SECTION III

THE REGISTER OF ADOPTIVE APPLICANTS UNDER ART. 113, PARA. 1, ITEM 2 OF THE FC

Art. 10. (1) A person with habitual residence abroad who wishes to adopt a child with habitual residence in the Republic of Bulgaria shall submit an application to the Ministry of Justice through the Central Authority or through an accredited organization under Art. 116 of the FC.

(2) The application may also be prepared by the Central Authority or the organization accredited under Art. 116 of the FC.

(3) The application shall contain:

1. brief presentation of the adoptive applicant – name, nationality, number of ID document, date and place of birth, country of habitual residence and address;
2. brief history of the adoptive applicant family;
3. information on the economic and social status of the adoptive applicant;
4. information about the health status of the adoptive applicant and the members of their family;
5. information about the Central Authority, accredited organization in the country of habitual residence of the adoptive applicant and accredited organization under Art. 116 of the FC;
6. profile of the child that they wish to adopt, in accordance with their permission for adoption, including peculiarities in the child's health status and/or development which are acceptable for the adoptive applicant;
7. motives for the adoption;
8. date and signature.

(4) The application shall be accompanied by:

1. permission for adoption of a child pursuant to the legislation of the adoptive applicant's country of habitual residence;
2. document issued by a competent authority certifying that the ruling of the Bulgarian court shall be recognized in the adoptive applicant's country of habitual residence, except in the cases when their country of habitual residence is a Hague Convention country;
3. document issued by a competent authority certifying that the adoptive applicant has not been deprived of parental rights;
4. homestudy report;
5. document for the health status of the adoptive applicant issued by a doctor, containing assessment of the physical and mental health of the person based on their previous and current diseases; the document shall also contain data regarding the presence/absence of chronic diseases, contagious venereal diseases, AIDS, tuberculosis and other life threatening diseases, and it should be issued not earlier than one year from the date of submission of the application under Para. 1;
6. document for conviction status of the adoptive applicant;
7. copy of identity document;
8. document for paid state fee under Art. 113, Para. 5 of the FC.

(5) In case the adoption is undertaken by spouses, the homestudy report shall contain data for both adoptive applicants, and a marriage certificate shall be attached to the application.

(6) In case the application under Para. 1 is submitted through an accredited organization under Art. 116 of the FC, the agreement for customer services between the Organization and the adoptive applicant shall be attached to the application, as well as a Power of Attorney from adoptive applicants for carrying out an intercountry adoption mediation procedure.

(7) The Agreement and the Power of Attorney shall be submitted to the Ministry of Justice as well in the cases when the organization accredited under Art. 116 of the FC undertakes mediation activities for a procedure initiated upon an application submitted through:

1. Central Authority;

2. another accredited organization under Art. 116 of the FC, whose agreement for customer services has been terminated and the Power of Attorney has been withdrawn.

(8) Each document issued abroad shall be submitted in original and with a translation in Bulgarian language certified by the Bulgarian Embassy or Consulate in the respective country. Documents issued on a territory of a country, Signatory of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (ratified through law – State Gazette, Issue 47, year 2000) (State Gazette, Issue 45, year 2001) with Apostille affixed shall be submitted in original and with translation in Bulgarian language certified by the Ministry of External Affairs of the Republic of Bulgaria.

(9) The requirements under Para. 8 shall not apply with respect to agreements for customer services concluded by the Organizations under Para. 6 and documents under Para. 4, item 7.

(10) In case the homestudy report under Para. 4, item 4 has been completed more than one year ago, an updated report shall be submitted, and if not possible – a document certifying that there are no changes in the circumstances described in the Report.

(11) When the application is prepared by the Central Authority or the organization accredited under Art. 116 of the FC, a declaration by the adoptive applicant regarding the profile of the child they wish to adopt shall be attached to the application, in accordance with the permission for adoption, including peculiarities in the child's health status and/or development which are acceptable for the adoptive applicant, and the motives for adoption.

Art. 11. (1) The application under Art. 10, Para. 1 shall be reviewed within one month of its submission.

(2) In case the application or the attached documents do not comply with the requirements of Art. 10, the Ministry of Justice shall notify the Central Authority or the organization accredited under Art. 116 of the FC with instructions for correcting the above issue within one month after receiving the notification. This notification shall contain also a statement that not correcting discrepancies within the indicated term shall result in termination of the proceedings.

(3) At the request of the applicant their documents shall be provided to them in order to be prepared in a manner corresponding with the given instructions.

(4) The proceedings shall be terminated in case applicant does not resolve the discrepancies within the term under Para. 2.

Art. 12. (1) On the grounds of the application and the attached documents the adoptive applicant shall be entered in the Register under Art. 113, Para. 1, item 2 of the FC, if they comply with the requirements under Art. 78 of the FC. The entry in the Register shall be made within one month of the submission of the application or the documents under Art. 11, Para. 2 respectively, and in accordance with the date of their receiving.

(2) Within 14 days the Ministry of Justice shall notify in written the adoptive applicant about the completed registration through the organization accredited under Art. 116 of the FC or the Central Authority.

(3) In case of refusal for entry in the Register under Art. 113, Para. 1, item 2 of the FC, the adoptive applicant shall be notified in written through the organization accredited under Art. 116 of the FC or through the Central Authority, and the motives for the refusal shall be stated. The refusal may be appealed under the order of the Administrative Procedure Code.

Art. 13. (1) Each adoptive applicant shall be entered in the register under their unique serial number. Adoptive applicants – spouses shall be entered in the register under one unique serial number.

(2) A file shall be created, maintained and stored for each adoptive applicant, respectively spouses, entered in the register.

(3) Upon a change in the circumstances under which the adoptive applicant has been entered in the register, they shall notify the Ministry of Justice through the Central Authority or the organization accredited under Art. 116 of the FC within one month of the occurrence, respectively after receiving information about such a change.

(4) Within one month of the expiration of the validity of the permission under Art. 10, Para. 4, item 1, the adoptive applicant shall submit a permission to adopt in the form stipulated in Art. 10, Para. 8 through the Central Authority or the organization accredited under Art. 116 of the FC. As an exception, if the Authority issuing this permission submits a certificate stating that the permission is in the process of being issued, an additional two month period shall be granted. An updated homestudy report, if prepared, or a statement by the competent Authority stating that no change in the circumstances described in the previous report has occurred shall be submitted together with the permission.

(5) Each year and in accordance with the date of entry in the register the adoptive applicant shall confirm in written their wish to adopt a child with habitual residence in the Republic of Bulgaria through the Central Authority or the organization accredited under Art. 116 of the FC. This declaration shall be submitted in original and with an official translation in Bulgarian language, and shall contain a statement regarding the presence or absence of changes in the circumstances under which they were entered in the register, as well as the profile of the child they wish to adopt.

Art. 14. (1) The adoptive applicant or the relevant Competent Authority in the receiving country may request a temporary suspension of the consideration of their application for adoption for a period of up to 12 months.

(2) On the grounds of the received request no activities shall be carried out in relation with the case file of the adoptive applicant for the period under Para. 1.

(3) Within one month of the expiration of the period under Para. 1, the adoptive applicant shall submit a declaration under Art. 13, Para. 5.

(2) If the circumstances that required the suspension refer to the eligibility of the adoptive applicant, within the term under Para. 3 an updated homestudy report and/or permission for adoption shall be submitted as well.

(5) The adoptive applicant shall be ejected from the register if no documents under Para. 3 and 4 have been received by the Ministry of Justice within the term under Para. 3.

(6) The documents under Para. 1 - 4 shall be submitted in the form stipulated in Art. 10, Para. 8 through the Central Authority or the organization accredited under Art. 116 of the FC.

Art. 15. (2) An applicant shall be ejected from the register in the following cases:

1. upon the request of the adoptive applicant;
2. upon withdrawing adoptive applicant's eligibility for adoption;
3. in the cases under Art. 37, Para. 4.
4. in case the permission is not submitted within the terms under Art. 13, Para. 4;
5. in case the documents under Art. 13, Para. 5 have not been submitted for two consecutive years;
6. in the cases under Art. 14, Para. 5.
7. in case of death of the adoptive applicant;
8. in case of the adoption of a child with habitual residence in the Republic of Bulgaria.

(2) Married adoptive applicants shall be ejected from the register if they both meet the conditions under Para. 1.

(3) Adoptive applicant's request for removal from the register shall be submitted to the Ministry of Justice through the Central Authority or the organization accredited under

Art. 116 of the FC. The request can also be made by the Central Authority or the organization accredited under Art. 116 of the FC.

(4) Removal shall be done ex officio in the cases under Para. 1, items 3 – 6.

(5) In the cases under Para. 1, items 1, 2, 7, and 8 the removal shall be done after receiving the relevant documents in original and with official translation in Bulgarian language.

(6) The Ministry of Justice shall notify in written the relevant Central Authority or the organization accredited under Art. 116 of the FC about a removal done under Para. 4.

(7) In case of removal done under Para. 1, items 1 – 7 and a submitted request, the Ministry shall return the adoptive applicant's documents to the Central Authority or the organization accredited under Art. 116 of the FC through which they were submitted. Copies of the documents shall be kept in relation with the case file of the adoptive applicant.

(8) In case adoption proceedings have been initiated and some of the circumstances under Para. 1 have occurred, the procedure shall be terminated and the Ministry of Justice shall notify the Central Authority or the organization accredited under Art. 116 of the FC. If the proceedings are in court, the Ministry of Justice shall inform the court about the removal of the adoptive applicant from the register.

SECTION IV

REGISTER OF ADOPTIVE APPLICANTS UNDER ART. 113, PARA. 1, ITEM 3 OF THE FC

Art. 16. (1) Adoptive applicant with habitual residence in the Republic of Bulgaria who wishes to adopt a child with habitual residence abroad shall submit an application to the Ministry of Justice. The application can be submitted by or through an accredited organization under Art. 116 of the FC.

(2) The application shall contain:

1. brief information about the adoptive applicant – name, nationality, number and date of issuance of an identification document, date and place of birth, permanent and current address;

2. brief history of the adoptive applicant family;

3. information on the economic and social status of the adoptive applicant;

4. motives for the adoption;

5. country of habitual residence of the child to which the application for adoption to be submitted, and the profile of the child they wish to adopt;

6. signature of the sender.

(3) The application shall be accompanied by:

1. permission by the Director of the Social Assistance Directorate issued under the terms of Art. 86 of the FC;

2. homestudy report;

3. document issued by the relevant competent municipality certifying that the adoptive applicant has not been deprived of parental rights;

4. document for the health status of the adoptive applicant issued by a doctor, containing assessment of the physical and mental health of the person based on their previous and current diseases; the document shall also contain data regarding the presence/absence of chronic diseases, contagious venereal diseases, AIDS, tuberculosis and other life threatening diseases, and it should be issued not earlier than one year from the date of submission of the application;

5. document for the adoptive applicant's conviction status;

6. certified copy of identification document;

7. document for paid state fee under Art. 113, Para. 5 of the FC.

(4) In case the adoption is undertaken by spouses, the homestudy report shall contain data for both spouses, and a marriage certificate shall be attached to the application.

(5) In case the application under Para. 1 is submitted by or through an accredited organization under Art. 116 of the FC, the agreement for customer services between the Organization and the adoptive applicant shall be attached to the application, as well as a Power of Attorney for carrying out an intercountry adoption mediation procedure.

(6) Each document shall be submitted in original and with translation in the official language of the country of habitual residence of the child, certified in accordance with the requirements of the relevant country. In case the country of habitual residence of the child is a Party of the Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents, an Apostil shall be affixed on the original documents issued in the Republic of Bulgaria and the translation shall be certified in accordance with the requirements of the relevant country. These requirements shall not apply to documents under Para. 5.

Art. 17. (1) The application shall be reviewed within one month of its submission.

(2) In case the application or the attached documents do not comply with the requirements of Art. 16, the Ministry of Justice shall notify the adoptive applicant or the organization accredited under Art. 116 of the FC with instructions for resolving the above issue within one month after receiving the notification. This notification shall contain also a statement that not correcting discrepancies within the indicated term shall result in termination of the proceedings.

(3) At the request of the applicant their documents shall be provided to them in order to be prepared in a manner corresponding with the given instructions.

(4) The proceedings shall be terminated in case applicant does not resolve the discrepancies within the term under Para. 2.

Art. 18. (1) The adoptive applicant shall be entered in the register under Art. 113, Para. 1, item 3 of the FC if they comply with the requirements for adoption under the FC. The entry in the Register shall be made within one month of the submission of the application or the documents under Art. 17, Para. 2 respectively, and in accordance with the date of their receiving.

(2) The Ministry of Justice shall notify in written the adoptive applicant about the completed registration through the organization accredited under Art. 116 of the FC. The notification shall also be sent to the Director of the Social Assistance Directorate that had issued the permission under Art. 86, Para. 5 of the FC. In case of refusal for entry the adoptive applicant shall be notified in written through the organization accredited under Art. 116 of the FC and the motives for the refusal shall be stated. The refusal may be appealed under the order of the Administrative Procedure Code.

(3) Each adoptive applicant shall be entered in the register under their unique serial number.

(4) A case file shall be created, maintained and kept for each adoptive applicant, respectively spouses, entered in the register.

Art. 19. (1) Upon a change in the circumstances under which the adoptive applicant has been entered in the register, they shall notify the Ministry of Justice through the organization accredited under Art. 116 of the FC within 14 days of the occurrence of such a change.

(2) The Social Assistance Directorate shall notify the Ministry of Justice for each change in the circumstances under which the permission under Art. 86 of the FC was

granted, including revocation of the permission, preparation of a new homestudy report or granting a new permission, within 14 days after receiving information about or after the issuance of the relevant document.

Art. 20. (1) The Ministry of Justice shall send the original documents from the case file of the adoptive applicant to the competent Authority in the country of residence of the child, accompanied by a letter with provided by the Ministry translation in English or in the official language of the relevant country. Copies of documents shall be kept regarding the case file of the adoptive applicant.

(2) The letter under Para. 1 requests upon determining the adoptive applicant as suitable for a child, the Ministry of Justice to receive a report about the child and a full length photograph of the child, as well as information about the subsequent activities that the adoptive applicant shall undertake.

(3) In case the competent Authority of the child's country of residence requires additional information and/or documents, the Ministry of Justice shall notify immediately the adoptive applicant through the organization accredited under Art. 116 of the FC, and they are obliged to submit them within the term stipulated by the relevant Authority.

Art. 21. (1) Upon receiving a proposal from the relevant country for a particular child, the Ministry of Justice shall provide a translation and send a copy of the received documents to the Social Assistance Directorate, which within 14 days shall issue a statement of opinion to the Ministry of Justice regarding the conformity between the eligibility of the adoptive applicant based on the prepared homestudy report and the profile of the proposed child.

(2) The original documents of the child shall be provided to the adoptive applicant through the organization accredited under Art. 116 of the FC, that shall consult them whether to accept or decline the referral.

(3) Within two months after receiving the documents under Para. 2, the adoptive applicant shall submit to the Ministry of Justice a notarized declaration regarding their consent or decline of the referral in the form under Art. 16, Para. 6. This term shall apply in case child's country of habitual residence has not stipulated a shorter term.

(4) In case the adoptive applicant declines the referral, the Ministry of Justice shall notify the Competent Authority in the child's country of habitual residence.

(5) In case the Ministry of Justice does not receive an answer within the term under Para. 3, the adoptive applicant shall be ejected from the register and the competent Authority in the child's country of habitual residence shall be notified about this.

Art. 22. (1) The consent of the adoptive applicant for the adoption of a child with habitual residence in a country that is not a Signatory of the Hague Convention shall be sent to the relevant competent Authority. In case the adoptive applicant has declared consent for the adoption of a child with habitual residence in a Hague Convention country, their application and the statement under Art. 21, Para. 1 shall be submitted to the Intercountry Adoption Council for consideration and giving an opinion to the Minister of Justice.

(2) In accordance with the statement expressed by the Council, the Minister of Justice shall give consent for or reject the continuation of the adoption procedure.

(3) The refusal of the Minister shall be notified to the adoptive applicant and the competent Authority in the child's country of habitual residence, and may be appealed under the order of the Administrative Procedure Code.

(4) The consent of the Minister of Justice for proceeding with the adoption procedure and the consent of the adoptive applicant shall be sent by the Ministry of Justice to the Central Authority in the child's country of habitual residence accompanied by letter with translation in English or in the official language of the relevant country, made by the Ministry. The adoptive applicant shall be notified through the organization accredited under Art. 116 of the FC about the submission of the documents.

(5) The adoptive applicant through the organization accredited under Art. 116 of the FC shall submit to the Ministry of Justice information for granting approval of the adoption of the proposed child within one month of the completion of the proceedings. In case the child's country of habitual residence is a Hague Convention country, a certified copy of a certificate under Art. 23 of the Convention shall be submitted, together with its official translation in Bulgarian. In case the child's country of habitual residence is not a Hague Convention country, a certified copy of the document for granting approval for the adoption shall be submitted, together with its official translation in Bulgarian.

Art. 23. (2) An applicant shall be ejected from the register in the following cases:

1. upon the request of the adoptive applicant;
2. in case the eligibility of adoptive applicant has been revoked due to expired validity or revocation of the permit for entry;
3. in case of death;
4. in case of the adoption of a child whose habitual residence is abroad;
5. in the cases under Art. 21, Para. 5.

(2) Married adoptive applicants shall be ejected from the register if they both meet the conditions under Para. 1.

(3) The removal shall be done upon receiving the relevant documents.

(4) The Ministry of Justice shall notify the adoptive applicant through the organization accredited under Art. 116 of the FC, the Social Assistance Directorate and the competent Authority of the child's country of habitual residence about the performed removal.

SECTION V

PUBLIC REGISTER OF ACCREDITED ORGANIZATIONS FOR MEDIATION IN INTERCOUNTRY ADOPTION

Art. 24. (1) organizations under Art. 116 of the FC that have been granted an intercountry adoption mediation license by the Minister of Justice shall be entered in the Register ex officio.

(2) Each accredited organization shall be entered in the register under their unique serial number within one month after the issuance of their license.

(3) A case file shall be created, maintained and kept for each registered accredited organization.

(4) Deletion of an accredited organization from the register shall be done ex officio in case of termination of their activity in compliance with the Ordinance under Art. 116, Para. 3 of the FC.

CHAPTER THREE

GRANTING CONSENT FOR THE ADOPTION OF A CHILD WITH HABITUAL RESIDENCE IN THE REPUBLIC OF BULGARIA BY PERSON WHOSE HABITUAL RESIDENCE IS ABROAD

SECTION I

TERMS AND PROVISIONS FOR ADOPTION

Art. 25. A child whose habitual residence is in the Republic of Bulgaria can be adopted by person whose habitual residence is abroad if they comply with the provisions under Art. 110 of the FC.

Art. 26. (1) A person whose habitual residence is abroad who wishes to adopt a child with habitual residence in the Republic of Bulgaria shall comply with the provisions under Art. 111 of the FC.

(2) The person under Para. 1 shall have permission for the adoption of a child in compliance with the legislation of their country of habitual residence.

SECTION II

CHOOSING A SUITABLE ADOPTIVE APPLICANT

Art. 27. The International Legal Child Protection and Intercountry Adoptions Directorate studies the children and adoptive applicants entered in the registers in order to establish a possibility for carrying out an adoption, prepares reports and presents them to the Intercountry Adoption Council for discussion and taking decisions.

Art. 28. (1) Within 60 days after the child has been entered in the register under Art. 113, Para. 1, item 1 of the FC, the Intercountry Adoption Council shall review the candidates in order to determine a suitable adoptive applicant based on the order of entering the adoptive applicants in the register, the preferences expressed by them, as well as the circumstances that affect the interest of the child.

(2) The Reports about the children shall be reviewed by the Council based on the order of entering the children in the register and shall be matched with the data in adoptive applicants' homestudy reports and the limitations in their permissions under Art. 26, Para. 2.

(3) The Council shall discuss all suitable candidates in order to determine adoptive applicant.

(4) When choosing a suitable adoptive applicant, the Council shall be governed by the criteria under Art. 1 and the resources of the adoptive applicant to ensure the physical, psychological and social wellbeing of the child, as well as by the information regarding the personality of the adoptive applicant and other circumstances relevant to the adoption. The justification is based on the reports for the adoptive applicants prepared by the relevant competent authorities.

(5) The decision is stated in the minutes of the meeting and contains data about the child and the adoptive applicant, as well as brief motives.

(6) In case the Council identifies the circumstances under Art. 112, Para. 6 of the FC, it shall notify the Minister of Justice about the necessity to undertake special measures for adoption.

Art. 29. (1) Based on the decision of the Council under Art. 28, Para. 5, a Report to the Minister of Justice shall be prepared with a proposal for determining a suitable adoptive applicant. The report shall contain information about the children under Art. 28, Para. 6 for whom special measures for adoption are necessary.

(2) The Minister shall determine or issue a well-grounded refusal for determining the adoptive applicant proposed by the Council as suitable, if during their matching the terms under Art. 28, Para. 4 have not been observed. The Council shall review again the Report of the child in case of refusal.

(3) In case the adoptive applicant proposed by the Council has been considered as suitable, the Minister shall sign a certificate for launching the adoption procedure.

Art. 30. (1) In case the chosen adoptive applicant has habitual residence in a Hague Convention country, the certificate for launching the adoption procedure, the report on the child and the identification certificate with full length photograph of the child shall be sent to the Central Authority of the receiving country and to the organization accredited under Art.

116 of the FC. If necessary, video recordings and other materials about the child may also be provided.

(2) In case the chosen adoptive applicant has habitual residence in a non-Hague Convention country, the documents of the child under Para. 1 shall be sent to the organization accredited under Art. 116 of the FC.

Art. 31. (1) Within two months after the Central Authority of the adoptive applicant's country of habitual residence receives the certificate under Art. 29, Para. 3, the Ministry of Justice shall receive a notification of consent or refusal for launching the adoption procedure of the particular child.

(2) Within the same term the Ministry of Justice through the Central Authority or the organization accredited under Art. 116 of the FC shall receive a written consent or refusal to adopt by the adoptive applicant.

(3) The consent shall be given by a notarized declaration containing a statement of the adoptive applicant that they are acquainted with the health status of the child and the consequences of the adoption, a statement that applicant had a personal contact with the child and a statement of consent for launching the court proceedings. The declaration shall be accompanied by:

1. a declaration by the adoptive applicant, certified by a notary public, stating that the child shall not be subjected to experimental treatment, nor organs and parts of their body while still alive may be used for donor purposes;
2. declaration under Art. 89, Para. 6 of the FC;
3. document for paid state fee under Art. 117, Para. 4 of the FC;
4. document certifying that a Competent Authority in the adoptive applicant's country of habitual residence shall conduct post-adoption monitoring of a particular child for 2 years period after the adoption had been completed.

(4) The documents issued abroad shall be submitted in the form under Art. 10, Para. 8.

(5) As an exception, due to circumstances preventing giving consent or refusal for the adoption, the term under Art. 1 may be extended with one month on the grounds of an application under Art. 10, Para. 1 or 2, submitted to the Ministry of Justice. The application shall be submitted before the expiration of the term under Para. 1.

Art. 32. (1) Within the term under Art. 31, Para. 1, the adoptive applicant is obliged to establish a personal contact with the child for at least 5 days.

(2) In case the contact under Para. 1 cannot be performed for the specified minimum term due to sickness, financial issues, urgent professional duties or difficulties in organizing the trip, the adoptive applicant shall submit a notarized declaration stating that they accept the risk of the origin and the physical and mental status of the child and his/her future development; the declaration shall also provide an explanation of applicant's inability to travel and meet the child in person.

(3) In cases under Para. 2, the contact with the child can be made by one of the spouses and/or to have a shorter duration.

(4) The adoptive applicant, through the Central Authority or the organization accredited under Art. 116 of the FC, shall notify in written the Ministry of Justice about their wish to meet the child at least 7 days in advance.

(5) The Ministry of Justice, depending on the profile of the child may require the contact to be assisted not only by an interpreter, but also by a suitable specialist from the organization accredited under Art. 116 of the FC.

(6) The Ministry of Justice shall assist the personal contact by:

1. notifying in written the head of the specialized institution or residential care where the child is placed, or the relevant Regional Social Assistance Directorate when the child is placed in a foster family, about the time of the contact and the persons who will participate;
2. instructing the persons under Para 1 that they shall inform child's leading social worker about the forthcoming contact; the social worker shall submit a report to the Ministry of Justice which shall contain information about the time, participants and outcome of the contact, including any other circumstances relevant to the adoption procedure.

SECTION III

CONSENT OF THE MINISTER OF JUSTICE FOR CARRYING OUT AN ADOPTION PROCEDURE

SUBMISSION OF ADOPTION APPLICATION IN COURT

Art. 33. (1) Within 14 days after receiving the documents under Art. 31 and Art. 32, Para. 6, item 2, and after correcting the discrepancies in them, the Minister of Justice shall give consent for adoption under Art. 117, Para. 1 of the FC.

(2) The Minister of Justice shall refuse to give consent upon:

1. finding circumstances that are not in the interest of the child;
2. significant violations in the adoption procedure.

(3) The adoptive applicant and the Central Authority or the organization accredited under Art. 116 of the FC shall be notified about the refusal of the Minister, which may be appealed under the order of the Administrative Procedure Code. The Council shall review again the Report of the child in case of refusal.

(4) Actions under Art. 37 shall be undertaken in case the adoptive applicant has given consent for adoption but within two months after the expiration of the term under Art. 31 no notification for consent or refusal by the Central Authority has been received.

Art. 34. (1) Within 7 days of the notification about the consent for adoption given by the Minister of Justice the adoptive applicant through the organization accredited under Art. 116 of the FC or the Central Authority shall submit an application for adoption to Sofia City Court through the Ministry of Justice. The application shall be accompanied by a document for paid state fee in accordance with the Tariff of the State Fees collected by courts under the Civil Code of Procedure.

(2) The Ministry of Justice shall send the application and the documents of the child and the adoptive applicant in court within 7 days of receiving the documents under Art. 1. Copies of the documents shall be kept in the case file of the child and the adoptive applicant.

Art. 35. (1) A certified duplicate of the court ruling for approval of the adoption shall be submitted by the adoptive applicant or the representing accredited organization under Art. 116 of the FC to the Ministry of Justice within 7 days after the ruling becomes effective.

(2) On the grounds of the effective court ruling, within 14 days after receiving the document under Para. 1, the Minister of Justice shall issue a certificate stating that the adoption has been carried out in compliance with the Hague Convention, and this certificate shall be provided to the adoptive applicant through the organization accredited under Art. 116 of the FC or to the Central Authority.

Art. 36. (1) At every six months for two years post-the adoption the adoptive parent, through the Central Authority or the organization accredited under Art. 116 of the FC, shall submit to the Ministry of Justice a post-placement report about the child's situation, completed by the relevant Competent Authority.

(2) The Report shall conform to the requirements of the form under Art. 10, Para. 8.

SECTION IV

REFUSAL OF THE ADOPTIVE APPLICANT TO CARRY OUT THE ADOPTION

Art. 37. (1) Upon a written refusal by the adoptive applicant or no response or in the cases under Art. 33, Para. 4, the Intercountry Adoption Council shall undertake actions for choosing another suitable adoptive applicant for the child.

(2) The written refusal shall also contain a statement that the adoptive applicant is still committed to adopt, the profile of the child they wish to adopt, or a statement that they no longer wish to adopt and shall be removed from the register under Art. 113, Para. 1, item 2 of the FC.

(3) Within one month after receiving the refusal of the adoptive applicant, he/she shall be entered in the Register ex officio under a new number.

(4) In case the Ministry of Justice does not receive an answer in the timeframes under art. 31, the adoptive applicant shall be deleted from the register.

(5) In case of a well-grounded refusal to adopt due to health issues of the child for which the adoptive applicant have not been informed, or in case the child profile does not correspond to the profile specified by the adoptive applicant, they shall keep the number under which they were entered in the register upon a decision of the council.

SECTION V

CONSENT OF THE MINISTER OF JUSTICE FOR THE ADOPTION OF A CHILD BY PERSONS UNDER ART. 82, PARA. 2 OF THE FC

Art. 38. (1) In case a person whose habitual residence is abroad adopts a child of a spouse, as well as in case of adoption by persons under Art. 82, Para. 2 of the FC, the relevant provisions of Art. 10 and 11 shall be applied.

(2) The application for adoption under Art. 10, Para. 1 shall contain also data about the child, including his/her current address. In addition to the documents of the adoptive applicant under Art. 10, Para. 4, the followings shall also be attached to the application:

1. birth certificate of the child;
2. medical certificate of the child's physical and mental state;
3. parent's written consent, certified by a notary public, for the adoption by the adoptive applicant or a duplicate of the death certificate.

(3) Within the term under Art. 11, Para. 1 the Ministry of Justice shall request from the corresponding Social Assistance Directorate as per the current address of the child a report that shall contain a Statement of Opinion for the adoption.

Art. 39. (1) In case of intercountry adoption the adoptive applicant and the child shall not be entered in the registers.

(2) On the grounds of the documents under Art. 38 about the adoptive applicant and the child, reports shall be completed and presented to the Intercountry Adoption Council in order to choose a suitable adoptive applicant. The Council shall take decision in compliance with Art. 28, Para. 4, by taking into consideration the fact that the adoptive applicant meets the requirements of Art. 82, Para. 2 of the FC and there is an explicit consent of the birth parents the child to be given for adoption.

(3) The proceedings shall be carried out in compliance with the order stipulated in Art. 29-Art. 36, and the requirement of Art. 32 for a personal contact between the child and the adoptive applicant shall not apply.

CHAPTER FOUR

SPECIAL MEASURES FOR ADOPTION

SECTION I

PUBLISHING AND PROVIDING INFORMATION

Art. 40. (1) In cases under Art. 112, Para. 6 of the FC the Minister of Justice shall undertake special measures for adoption by the means of:

1. publishing on the Ministry of Justice's webpage a list with information for each child for whom the Intercountry Adoption Council has ascertained the conditions under Art. 112, Para. 6 of the FC during the preceding month; the list is published once a month between the twenty-fifth and the thirtieth day of the month;

2. providing information and detailed data for a particular child in the list under Para. 1 upon submitted application by the organization accredited under Art. 116 of the FC.

(2) The terms and conditions for providing, collecting and using information about a child under Para. 1, item 1 and the submission of applications and documents of adoptive applicants shall be stipulated by an Order of the Minister of Justice which shall be published on the Ministry of Justice's webpage.

(3) The organization accredited under Art. 116 of the FC shall provide to the foreign accredited organization the received and/or collected materials and information about each child, and the accredited organization shall use these materials and information solely for the purposes of the adoption of the child and in compliance with the applicable personal data protection requirements. Publishing any data and/or information about a child on the Internet without access being controlled by the foreign accredited organization is forbidden.

(4) The organization accredited under Art. 116 of the FC shall return the data and documents under Para. 1, item 2, if within two months after receiving them by the Ministry of Justice no application by an adoptive applicant for the adoption of the child under Para. 1, item 1 has been submitted, as well as in case of refusal by an adoptive applicant to adopt this particular child.

SECTION II

APPLICATION BY A PERSON ADOPTING THROUGH THE SPECIAL MEASURES FOR ADOPTION

Art. 41. The application for the adoption of a child for whom special measures for adoption have been undertaken can be submitted by an adoptive applicant who is either entered or not in the register under Art. 113, Para. 1 item 2 of the FC through an accredited organization under Art. 116 of the FC. The application shall contain the full name, date of birth, general diagnoses and conditions of the child and the number of his/her profile at the Ministry of Justice's webpage.

Art. 42. (1) Adoptive applicant who has not been entered in the register shall submit an application under Art. 41 that shall also contain the information under Art. 10, Para. 3. The application shall be accompanied by the documents under Art. 10, Para. 6, and a document from the relevant authority or organization, certifying that the adoptive applicant has undertaken action to carrying out a homestudy assessment in relation with the adoption of the particular child.

(2) The application shall be reviewed immediately. Upon discrepancies in the application or the attached documents, the Ministry of Justice shall notify the organization accredited under Art. 116 of the FC and shall give instructions for correcting them within one month. The requirements for the form under Art. 10, Para. 8 are not mandatory for the initial review of the application and the documents under Para. 1. The applications can be presented to the Intercountry Adoption Council for approval.

(3) Upon notification that the application has been approved, the adoptive applicant, through the organization accredited under Art. 116 of the FC, shall submit the documents under Art. 10 for entry in register under Art. 113, Para. 1, item 2 of the FC. The documents in the Form under Art. 10, Para. 8 shall be submitted within the timeframes stipulated by the Order under Art. 40, Para. 2. Upon failure to submit the documents for entering in the register within the timeframes stipulated by the Order under Art. 40, Para. 2, the procedure shall be terminated and the profile of the child shall be published again on the Ministry of Justice's website.

(4) In case the application has not been approved, the adoptive applicant, through the organization accredited under Art. 116 of the FC, shall be notified in written about the motives. The notification is subject to appeal under the terms of the Administrative Procedure Code.

(5) The adoptive applicant shall be entered in the register under Art. 113, Para. 1, item 2 on the grounds of the application and submitted documents under Para. 3. The entry in the register shall be done on the date on which the Ministry of Justice has received the last required document and in accordance with the order of receipt.

Art. 43. (1) Adoptive applicant who has been entered in the register under Art. 113, Para. 1, item 2 of the FC shall submit an application under Art. 41 and a letter of recommendation from specialists who work with applicant regarding his/her capabilities to meet the needs of the particular child.

(2) The application shall be reviewed immediately. Upon discrepancies in the application or the attached documents, the Ministry of Justice shall notify the organization accredited under Art. 116 of the FC and shall give instructions for correcting them within one month. The requirements for the form under Art. 10, Para. 8 are not mandatory for the initial review of the application and the document under Para. 1. The applications can be presented to the Intercountry Adoption Council for approval.

(3) Upon notification that the application has been approved the adoptive applicant, through the organization accredited under Art. 116 of the FC, shall submit the documents under Para. 1 within the timeframes stipulated by the order under Art. 40, Para 2 and the form under Art. 10, Para. 8.

(4) In case the application has not been approved, the adoptive applicant, through the organization accredited under Art. 116 of the FC, shall be notified in written about the motives. The notification is subject to appeal under the terms of the Administrative Procedure Code.

(5) In case the profile of the child under Art. 40, Para. 1, item 1 does not correspond to the permission for adoption, the adoptive applicant shall submit updated documents confirming his/her eligibility within the terms stipulated by the order under Art. 40, Para. 2, in the form under Art. 10, Para. 8.

(6) Upon failure to submit the documents under Para. 3 and 5 within the timeframes stipulated by the order under Art. 40, Para. 2, the procedure shall be terminated and the profile of the child shall be published again on the Ministry of Justice's website.

Art. 44. (1) A report about the adoptive applicant prepared after the entry in the register or an updated one based on the documents under Art. 43, Para. 3 and 5, as well as a report about the child shall be presented immediately to the Intercountry Adoption Council.

(2) The Council shall take decision in compliance with the order of Art. 28, Para. 4, taking into consideration the fact that special measures for the adoption of the child have been undertaken.

(3) The proceedings shall be carried out in compliance with the order under Art. 29 - Art. 36.

SUPPLEMENTARY PROVISIONS

§ 1. In the terms of this Ordinance:

1. "Central Authority" is the Authority of the respective country appointed under Art. 6 of the Hague Convention.

2. "homestudy report" is the report prepared by the Competent Authority in the country of habitual residence of the adoptive applicant that contains information regarding: the identity of the adoptive applicant, his/her legal capacity and eligibility to adopt, personal characteristics, education and professional qualification, marital and health status, social and financial status and living conditions, family members, their health status and their attitude towards the adoption, the motives for the adoption, profile of the child/children they are eligible to adopt, other circumstances required by law. For adoptive applicant whose habitual residence is in the Republic of Bulgaria this report shall be prepared by the Social Assistance Directorate as per their permanent address.

3. "Report for the child" is the report prepared by the Ministry of Justice that contains information regarding: the identity of the child, social and health status of his/her birth parents, history of raising the child and protection measures applied, consents and eligibility for adoption, health status, including disease history and special needs, mental development and behavioral characteristics, other circumstances related with the adoption.

4. "Child's file case" is the file compiled from the documents of a child, submitted by the relevant Regional Social Assistance Directorate for the purpose of entering in the register under Art. 113, Para. 1, item 1 of the FC, their updates and additionally submitted documents. The file also contains the correspondence with the relevant Competent Authorities and Organizations.

5. "Case file of adoptive applicant" is the case file containing the application of the adoptive applicant and the attached documents for entering in the register under Art. 113, Para. 1, items 2 and 3 of the FC, their updates and additionally submitted documents. The case file also contains correspondence with the relevant Competent Authorities and Organizations.

6. "Accreditation case file" is the accredited organization's case file compiled on the base of the application for issuance of an intercountry adoption mediation license and the documents attached to it, the license and updated and additionally submitted documents. The case file also contains correspondence with the relevant Competent Authorities and Organizations.

7. "Official translation in Bulgarian language" is the translation done by an translation agency that has concluded a contract with the Ministry of Exterior to provide translations services.

FINAL PROVISIONS

§ 2. Ordinance No. 13 from 2009 regarding the establishment of the terms and conditions for granting an intercountry adoption license and for keeping intercountry adoption registers (State Gazette, Issue 80, year 2009) is revoked.

§ 3. This Ordinance is issued on the grounds of Art. 112, Para. 2, item 3, in conjunction with Para. 6 and Art. 113, Para. 4 of the Family Code, and Art. 84, Para. 3 of the Code on Private International Law, and becomes effective on the date it is promulgated in "State Gazette".

Minister: Hristo Ivanov