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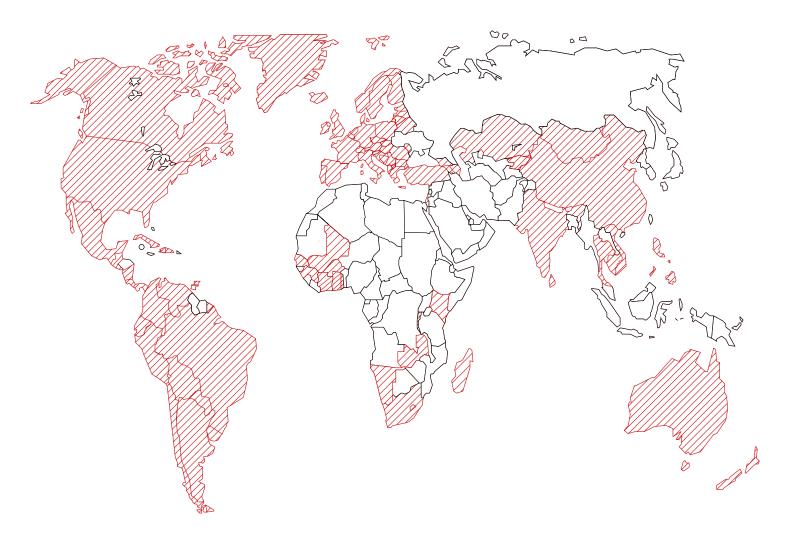
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1 Introduction

Every year in Switzerland, dozens of children, some born in Switzerland and others abroad, are welcomed into their new adoptive families. After a difficult start to their lives, these children should be placed in homes that are well prepared and able to provide them with everything that they need. At the same time, respect must be shown for their origins and an appropriate procedure must be applied to guarantee their well-being. This goal can only be achieved through coordinated action between the cantonal and federal central authorities, adoption agencies and prospective adoptive parents.

What are the rules that must be followed in intercountry adoption cases? What are each participant's tasks and duties? Who is allowed to adopt a child? What is the procedure? What are the opportunities and the risks if you become involved in providing a child with a proper home for the first time? This brochure aims to answer these questions and others. It is intended as a source of information for any person or authority involved in adoption, but does not claim to be exhaustive or to guarantee that every case will proceed exactly as described.



The Hague Convention of 29 May 1993 on intercountry adoption is in force between Switzerland and 97 other States (state: 12th June 2018)

2 Legal Provisions

2.1 International conventions

Switzerland is a signatory to the Convention of 20 November 1989 on the Rights of the Child (CRC; RS 0.107) and to the Convention of 29 May 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption (Hague Convention 93; RS 0.211.221.311). The principal objective of both these conventions is to ensure that priority is given to the child's best interests, to prevent the abduction, sale of or trafficking in children, and to lay down standards for cooperation between the authorities in the child's state of origin and the authorities in the receiving state in adoption cases.

For further information on the Hague Convention, a current list of contracting states and explanatory documents, you should consult the website of The Hague Conference (www.hcch.net).

2.2 Legislation

Swiss Civil Code of 10 December 1907 (Art. 264 – 269c CC; RS 210)

The Civil Code sets out the basic provisions that must be complied with in adoption cases in order to guarantee the child's best interests.

- Federal Act of 22 June 2001 on the Hague Convention on Adoption and on Measures to Protect Children in Intercountry Adoption Cases (HCAA; RS 211.221.31) This federal act implements the Hague Convention of 1993 in Switzerland and provides measures to protect a child who has come to Switzerland for adoption. In particular, it provides for the appointment of a guardian or deputy following the child's arrival in Switzerland. In addition, it contains criminal provisions aimed at preventing the placement of children without authorisation, making improper financial gains from adoption and trafficking in children.
- Adoption Ordinance of 29 June 2011 (OAdo; RS 211.221.36)

This Ordinance contains the procedural rules for placing children for adoption, for obtaining accreditation as an adoption agency and for the supervision of agency activities. It brings together all the enforcement provisions of the Hague Convention, the federal act implementing it and the provisions of the Swiss Civil Code. It has the advantage of consolidating all the enforcement provisions in a single instrument.

3 Main Tasks of the Federal Central Authority (FCA)

3.1 Receiving and passing on communications and files

The FCA is the primary contact for the central authorities in the children's states of origin. It acts as an **intermediary** between the foreign authorities and the cantonal central authorities. For this reason, it is normally the body that receives and passes on communications and reports related to intercountry adoptions.

3.2 Exchange of information and coordination

The FCA actively encourages an **exchange of experiences and coordination** between the cantonal central authorities, the adoption agencies and the federal authorities. Representatives of the federal and cantonal central authorities meet regularly in working groups to discuss procedural problems or current issues. In addition, the FCA **advises** the cantonal central authorities on legal matters and **informs** them regularly of the experiences it has had with the other signatory states to the Hague Convention. It also provides information on its website on a certain number of countries of origin. However, the cantonal central authorities are responsible for providing information directly to prospective adoptive parents.

3.3 Power to issue directives or recommendations

The FCA has the general power to issue instructions or re**commendations** intended primarily to ensure coordination or avoid the abuses in the field of adoption. This power allows it to limit or even to prohibit completely the adoption of children born in states that do not cooperate adequately or where there is a serious risk of abuse during procedures (non-compliance with procedural rules, lack of state structures that permit the genuine verification of the origin of the children, serious malpractices, etc.) or generally speaking if it takes the view that the procedure carries the risk of harming the welfare of the child. It may base its decision on an analysis made by the Swiss representation in the country concerned or on the reports of governmental organisations (such as UNICEF or the Hague Conference on International Private Law) or non-governmental organisations (such as the International Social Service or Terre des Hommes). It may also refer to reports carried out by other countries or even by adoption agencies working in the regions concerned. It also has the power to issue directives to limit the activities of agencies.

3.4 Role as a representative and contact abroad

When dealing with intercountry adoptions under the Hague Convention regime, the FCA examines the adoption files that the cantons have prepared, in some cases with the support of adoption agencies, to ensure that they are complete. It then forwards them to the foreign central authorities. It also receives decisions and the documents, such as the files relating to the children put up for adoption that are sent by foreign central authorities and passes them on to cantonal central authorities. It is the designated point of contact for foreign central authorities.

In addition, the FCA **represents** Switzerland in dealings with foreign adoption authorities and in the international forums concerning adoption, for example at the Hague Conference on International Private Law. At these meetings, it discusses the difficulties that can arise when applying the Convention and looks for solutions. Finally, it **encourages cooperation** with all the states of origin, whether they are parties to the Hague Convention or not.

Finally, the FCA regularly welcomes delegations from foreign authorities. Contacts of this type always make for more effective cooperation.

3.5 Accreditation and supervision of the activities of agencies

The FCA is also responsible for granting the accreditation required by all the adoption agencies active in Switzerland and for supervising their activities. Based on questionnaires, interviews, joint visits to the countries for which accreditation is required and activity reports, it evaluates applications for granting or extending accreditation as an adoption agency. The examination of professional qualifications is carried out on a case-by-case basis and may involve agency staff having to attend seminars or training days. Accreditation is granted for a maximum term of five years and is limited to certain countries (see Chapter 7 below).

4 Main Tasks of the Cantonal Central Authorities (CCA)

4.1 Providing information

The CCAs are the **information and advisory service** for anyone who wishes to adopt a child, as well as for the communes and other government offices.

They also have the responsibility for deciding how prospective adoptive parents must prepare themselves when applying for a certificate of suitability for adoption.

4.2 Procedure for the certificate of suitability and matching with parents

On receipt of an adoption application, the central authority in the canton where the prospective parents live makes certain that there are no legal barriers preventing the applicants from adopting a child. It conducts an investigation into whether they are suitable as adoptive parents, setting out the results in a social enquiry report (see Section 6.1.2 below). If all the legal conditions and socio-educational requirements are met and the applicants have decided on the profile of the child they wish to adopt, as well as his/her country of origin, the CCA issues them with its certificate of suitability.

The prospective adoptive parents work with either an adoption agency or the CCA to prepare a file for the country of origin. The requirements that this file and the applicants must satisfy vary depending on the country of origin and may be different from the requirements that Switzerland would

impose. Normally all the documents in the file on the prospective adoptive parents must be translated into an official language of the child's country of origin and be legalised.

Once a child is proposed by the state of origin, the CCA, after ensuring firstly that the required documents have been provided by the state of origin and secondly that the prospective adoptive parents accept the proposal, authorises the prospective parents to host the child and approves the continuation of the procedure.

4.3 Monitoring and supervision

Once the child is living with his/her adoptive family, the CCA makes sure that the child's care is monitored and his/her placement supervised until the adoption is granted or recognised. The adoptive parents must cooperate in the preparation of the post-adoption reports that are sent to the country of origin. If they fail to do so, they may be fined.

4.4 Cooperation with the Federal Central Authority

The CCA carries out checks and issues opinions for the FCA. It may also be involved in the accreditation procedure for agencies and may take part in bilateral or multilateral meetings with foreign authorities. Finally, the FCA may request the CCA to provide it with statistical data and estimates of the costs of the adoption procedure, in particular in connection with the supervision of agencies.

4.5 Delegation clause

The Ordinance authorises a canton to delegate its powers to another canton or to an intercantonal authority. Any or all of the tasks within the cantons' power may be delegated (see Sections 4.1 to 4.4 above).

5 General Conditions that Prospective Adoptive Parents must meet

The Swiss authorities are only competent to grant adoption if the prospective adoptive parents are resident in Switzerland (with the exception certain highly exceptional cases where the court at a parent's place of origin has jurisdiction, see Section 6.3.3 below). The recognition in Switzerland of an adoption granted abroad is the subject of its own chapter (see section 6.3.2 below).

Swiss law imposes a certain number of general requirements that parents must satisfy if they want to adopt a child:

- Based on their personal, family, social and financial circumstances, as well as their health and their educational capabilities, the prospective adoptive parents must guarantee that they will be able to look after the child that they adopt permanently and in a satisfactory manner and provide for his/her upkeep and education. Adoption can only be considered if all the circumstances indicate that establishing a parent-child relationship will serve the well-being of the child without unfairly prejudicing the position of the adoptive parents' other children.
- The prospective adoptive parents must have cared for and brought up the child within of the same household for at least one year, unless the adoption granted abroad is recognised directly in Switzerland.

- If the child is capable of judgement, he or she must consent to adoption.
- The birth parents of the child must consent to his/her adoption. If the child is born in Switzerland, they are not permitted to consent to adoption in the **first six weeks** following the birth of the child and consent can be withdrawn in the six weeks after it is given. A parent's consent can be disregarded if his/her identity is unknown, he/she has been absent for a considerable time and his/her address is unknown or he/she is permanently incapable of judgement.

5.1 Joint adoption

Joint adoption **is the rule**. The prospective adoptive parents have to be married, must both be at least twenty-eight years old and must have lived together in the same household for at least three years. They must also be at least sixteen years older and no more than forty-five years older than the child to be adopted.

5.2 Adoption by a single parent

Adoption by a single parent, although the exception, is possible if the adoptive parent is at least 28 years old and is neither married nor in a registered partnership. He/she must also be at least sixteen years and no more than forty-five years older than the child to be adopted.

A married person may only adopt as a single parent if he/ she is at least 28 years old and his/her spouse has become permanently incapable of judgement, or has been absent for a considerable time and his/her address is unknown, or if legal separation was granted more than three years previously. A person who is in a registered partnership may only adopt as a single parent if he/she is at least 28 years old and his or her partner has become permanently incapable of judgement or has been absent for a considerable time and his/ her address is unknown.

5.3 Adoption of the child of a spouse, registered partner or cohabitee

A person can adopt the child of his/her spouse, registered partner or the person with whom he/she has shared a common household for at least three years. The difference in age between the person adopting and the child must, in principle, be at least sixteen and no more than forty-five years.

5.4 Adoption of an adult

It is possible to adopt an adult, provided the person wishing to adopt has looked after and has been living a common household with the person being adopted for at least one year.





6 Procedure for Intercountry Adoption

The adoption procedure comprises several stages, described below, for the prospective adoptive parents. They must first of all contact the central authority in the canton (CCA) where they live. It should be noted that foreign nationals must hold either a residence permit (B permit), or a permanent residence permit (C permit) or an accreditation pass.

6.1 First steps

6.1.1 Information session and filing an application Generally, persons interested in adoption are firstly invited to an interview, either individually or together, to learn about adoption, after which they must decide whether to file a formal application in order to begin the adoption process. The CCA, after ensuring that the applicants meet the legal conditions for adoption, begins the process of social assessment.

6.1.2 Assessment of suitability of prospective adoptive parents

The assessment is made by a social worker or a qualified psychologist affiliated to the CCA and takes the form of various interviews, at least one of which takes place at the home of the prospective adoptive parents. The aim is to decide whether the prospective adoptive parents have the personal qualities to be able to offer every guarantee that the adopted child will benefit from an adequate level of care, upbringing and education. The decision is based on their state of health, the time they have available, their financial circumstances, their parenting skills and their housing conditions.

General requirements

It is essential that the circumstances as a whole, and the motives of the prospective adoptive parents in particular, suggest that adoption will serve the well-being of the child and that the welfare of any other children living in the family will not be adversely affected.

The prospective adoptive parents have to be ready to accept the child as he/she is, to respect his/her origins and to familiarise the child with his/her roots.

In accordance with the requirements imposed by the states of origin, prospective adoptive parents must undertake to assist in preparing post-adoption reports that will be sent to the state of origin after the child has arrived. Many countries demand information on how a child is integrating and developing in his/her new family in Switzerland.

The prospective adoptive parents must indicate whether they intend to use an adoption agency and, where appropriate, to say which one. It is also up to them to provide a profile of the child that they wish to adopt, especially as far as the child's age and state of health is concerned.

Special cases

The Ordinance on Adoption makes the suitability assessment subject to stricter requirements if the prospective adoptive parents want to adopt a child over four years old. In particular, they have to be able to communicate with the child as soon as he/she arrives (e.g. they must at least have a basic command of his/her language).

Stricter requirements also apply when accepting a child with health problems, when adopting two or more children at the same time or if there are already several children living in the family.

Finally, special attention is paid to any adoption application by a single parent, in particular with regard to the time the parent has available, parenting skills, financial circumstances or even the candidate's social network.

Age of the child and of the prospective adoptive parents

The prospective adoptive parents may not be declared suitable if there is an age difference between them and the child they wish to adopt of less than sixteen or more than forty-five years. Exceptions are only possible if they are in the child's interests, in particular where the child has already established close links with the prospective adoptive parents.

Preparation and training

One of the suitability criteria relates to preparing prospective adoptive parents, who must attend information sessions or suitable preparatory courses recommended by the CCA. It is therefore the cantons' responsibility to define the content and the extent of the preparation required.

Absence of criminal convictions incompatible with adoption

The CCA will request an extract from the VOSTRA automated register of convictions in order to verify if either applicant has been convicted of an offence incompatible with adoption or if proceedings for such an offence are ongoing.

Foreign applicants must provide an extract from the register of convictions in their state of origin or an equivalent document.

If criminal proceedings are ongoing for an offence incompatible with adoption, the CCA will suspend the suitability assessment until the case has been finally concluded.



6.1.3 Certificate of suitability

On completion of the social assessment, if the conditions of suitability are met, the CCA certifies in a formal ruling that the prospective adoptive parents are suitable and issues them with a certificate of suitability. This document defines the profile of the child, in particular his/her origin, minimum and maximum age, state of health or even his/her sex. In addition, the validity of the certificate of suitability may be made subject to conditions and obligations. The maximum duration of the certificate of suitability is three years, although it may be extended at the request of the prospective adoptive parents.

If the decision is negative, it is possible to appeal against the refusal of the CCA to issue a certificate of suitability.

6.2 Submitting the file on the prospective adoption

The procedure at this stage varies, depending on whether the child being adopted comes from a state party to the Hague Convention (Section 6.2.1 below) or not (Section 6.2.2 below).

6.2.1 State of origin that is a party to the Hague Convention Once the certificate of suitability is obtained, the complete file on the prospective adoptive parents, prepared according to the requirements of the child's country of origin (see on this the FCA website, www.adoption.admin.ch), is sent via the FCA or the adoption agency to the central authority in the state of origin.

The prospective adoptive parents are basically free to enlist the services of an accredited agency unless an agency is required by the state of origin (see Chapter 7 below).

The central authority in the state of origin, after examining the file on the prospective adoptive parents, will decide whether to accept them as candidates. If they are accepted, their file is put on the waiting list. When a child can be referred for adoption, the central authority in the state of origin prepares a file on the child containing a report (on the child's adoptability, background story and habits, state of health, etc.) normally accompanied by photographs and documents. The referral of a child that accompanies the file is sent to the FCA or to the adoption agency, which in turn sends it to the CCA. The prospective adoptive parents are informed about the referred child by the CCA or, if applicable, by the accredited agency that they are working with. If the child's file is not complete, especially if it lacks information on medical issues or on the consents required for adoption, the CCA will request the central authority in the state of origin to provide the additional information. If they accept the referral, and if it corresponds closely with the profile in the certificate of suitability, the prospective adoptive parents then sign a declaration of consent, which allows the CCA to grant authorisation to receive the child and continue the procedure.

The procedure can then continue in the child's state of origin and ends with a decision on placement or adoption (see Section 6.3 below).

6.2.2 State of origin that is not a party to the Hague Convention

Once the certificate of suitability has been obtained, the complete file on the prospective adoptive parents, prepared according to the requirements of the child's country of origin (see on this subject the FCA website, www.adoption.admin.ch), is sent to the competent authority in the state of origin by the prospective adoptive parents themselves or via the accredited agency that they have chosen. This authority decides whether to accept the file and, if it does so, it places it on the waiting list.

As soon as a child can be put up for adoption, the competent authority in the state of origin passes on the proposal directly to prospective adoptive parents or to their agency. This proposal, accompanied by various documents (a report on the background story and the life of the child, indications of his/her adoptability and state of health, as well as photos), is submitted to the CCA, which, if the prospective adoptive parents consent and if the profile of the referred child corresponds with their certificate of suitability, grants authorisation to receive the child.

The procedure can then continue in the child's state of origin and ends with a decision on placement or adoption (see Section 6.3 below).

6.3 Granting adoption

6.3.1 If adoption is not granted in the child's state of origin Irrespective of the child's state of origin (party to the Hague Convention or not), the local authorities only **decide on the child's placement.** Where they do so, on the child's arrival in Switzerland, a guardian is appointed to look after the child's

interests. Once the child has been placed for one year, the prospective parents can apply to the competent authority in their canton of residence for adoption to be granted.

6.3.2 If adoption is granted in the child's state of origin If adoption is granted in the country where the child comes from, a distinction should be made between the following scenarios:

- Where the country is a state party to the Hague Convention: once the adoption decree is granted, the central authority in the state of origin issues a certificate attesting that the procedure was carried out in accordance with the Convention. This **certificate of conformity** allows the automatic recognition of the adoption in all the states parties to the Convention, provided the adoption granted has the same effects in those states, i.e. in Switzerland, it must be full adoption (see Section 6.3.4 below). If adoption in the state of origin has effects that are substantially different from those under Swiss law, the adoptive parents will have to request the competent authorities in their canton of residence to grant full adoption after they have looked after and provided for the education of the child for at least one year. On arrival of the child in Switzerland, a deputy is appointed to assist the adoptive parents. The deputy's mandate terminates 18 months at the latest after his/her appointment.
- Where the country is not a state party to the Hague Convention: adoption granted in the child's country of origin is not recognised automatically in Switzerland. The adoptive parents will have to apply for adoption with the competent authorities in their canton of residence at the end

of the probationary year. On the child's arrival in Switzerland, a guardian is appointed to assist the adoptive parents.

If at least one of the adoptive parents is a citizen of or resident in the state where adoption is granted, the adoptive parents can request that the adoption be recognised under international private law. Recognition in this case is limited to the effects of adoption in the state in which adoption is granted and generally will only be granted if the other requirements of Swiss law are met.

6.3.3 Adoption granted based on jurisdiction at the place of origin

When the prospective adoptive parents are not resident in Switzerland and at least one of them is Swiss, the competent authority at the Swiss place of origin can grant full adoption of a child that has been entrusted to the parents. For this to happen, first of all it must either be impossible for the prospective adoptive parents to obtain a judgment of full adoption in their country of residence, or they cannot reasonably be required to go through the adoption procedure and, secondly that they fulfil the conditions under Swiss law.

6.3.4 Effects of adoption

Simple adoption, possible in certain states, does not end the previous parent-child relationship and does not have the same effects as full adoption in several respects, in particular in relation to inheritance rights or acquiring citizenship. Swiss law, however, only knows full adoption: the adopted child acquires the same legal status as a child living with his/her birth parents, with the result that the previous parent-child relationship is terminated. Adoption is also irrevocable.

In contrast to simple adoption, full adoption ends the previous parent-child relationship and places the adopted child in the same position as a biological child.

In Switzerland, only full adoption is possible.

A certified full adoption granted in a state party to the Hague Convention is recognised in its own right in the other contracting states. Only if an adoption is clearly contrary to Swiss public policy, taking account of the child's best interests, will recognition be refused.

An adoption granted abroad that would not have the same effects as an adoption granted in Switzerland (simple adoption) will have to be converted into a full adoption by filing an application to this effect with the competent authority in the canton of residence. If an adoption granted abroad can be recognised in Switzerland but takes the form of simple adoption, the adoptive parents can request the competent Swiss authority at their place of residence to grant full adoption provided the conditions of Swiss law are met (in particular if they have obtained the consent of the birth parents to full adoption and the child has been placed for at least one year with the adoptive parents).

6.4 The other authorities involved

Once the CCA has authorised the placement of the referred child, **the cantonal migration authority** will authorise the Swiss representation abroad to issue an entry visa for the child (if the child has a passport) or allow safe conduct (if the child does not have a passport). If the child becomes Swiss when adoption is granted abroad, the FCA will arrange for a pass (laissez-passer) or an entry visa to be issued to permit the child to enter Switzerland.

The **civil register office** at the place of residence (in the case of an adoption granted in Switzerland) or the supervisory authority on civil status matters in the canton of origin (in the case of recognising an adoption granted abroad) has the power to record the adoption in the civil registers. The adoptive parents can then request a new family certificate.

6.5 Post-adoption supervision

On the child's arrival in Switzerland, a guardian or a deputy is appointed to assist the adoptive parents with advice on and support in caring for the child, together with information on the various administrative procedures that have to be completed. In several cantons this job is done by the same social workers as those who have advised the family since they began the adoption procedure. At the end of his/her mandate, the guardian or deputy submits a report to the child protection authority on how the relationship between the child and the adoptive parents is developing. The guardian or deputy's mandate ends between twelve and eighteen months after it is established.

In addition, almost all of the states of origin call for post-adoption supervision reports. The specific requirements differ from country to country, but at least mean that reports must be provided on the child's development over the first year following arrival in the new family. These reports have to be prepared by the CCA, the accredited adoption agency or the adoptive parents themselves, depending on what the state of origin requires. Normally prospective adoptive parents are requested to give a written undertaking during the evaluation procedure that they will assist in preparing the supervision reports for the state of origin, as shortcomings in this area are likely to jeopardise good relations between Switzerland and the states of origin.

The adoption agencies also offer parents post-adoptive support (see Chapter 7 below). There are also associations for adoptive parents, which offer a place to exchange views and obtain support for the adoptive families keen to share their experiences or seeking help when facing a difficult situation (see www.adoption.admin.ch).



6.6 The costs of intercountry adoption

The costs of intercountry adoption can vary quite considerably from one case to the next, depending on the chosen country of origin (and, in particular, on the number of trips required or the length of time spent in the country) and on whether it is decided to work with an accredited adoption agency or not. They include administrative charges for the work done by the different authorities involved (CCA, FCA, diplomatic representations, the migration authority, courts). The fees charged by adoption agencies vary according to the services offered. Finally, the expenses incurred abroad are made up of administrative charges and court fees, accommodation expenses for the child, medical costs for the child, lawyers' fees, translation fees, the costs of hiring a driver, and travelling and accommodation expenses for the adoptive parents, etc.

In relation to costs, the Hague Convention has laid down principles to prevent abuses. In particular, it recognises that it must be possible to ask for reasonable fees and costs but that the charges must not be disproportionate and that the central authorities must make every effort to ensure that consents required for adoption are not paid for. In every case, it is strongly recommended not to hand over money in person and to ask for a receipt for every payment made.

6.7 The opportunities and risks of intercountry adoption

Intercountry adoption is a subsidiary child protection measure, offering a home to children who have hitherto lacked adequate family support. On average several dozen families are created in this way every year in Switzerland.

Due to various factors (the socio-economic development of certain traditional countries of origin, the fall in the number of abandoned children and in maternal mortality, adoption moratoriums, a rise in the number of national adoptions), there has been a significant decline in the number of children available for intercountry adoption around the world. At the same time, a still quite high number of people are looking to adopt in their desire to start a family. This evolution means that there is no guarantee that any adoption procedure will end in success. In addition, most candidates for adoption want to adopt a young child in good health, but this does not correspond with the reality of what is needed. Indeed an increasing number of children put up for intercountry adoption are no longer infants and/or have health problems. Because of this, prospective adoptive parents should beware of the risk of abuse and of becoming involved with less than scrupulous people who offer to speed up or complete the procedure in return for a financial reward. Adoption candidates who do not make use of the services of an accredited adoption agency are more likely to be confronted with this issue. If there is any doubt as to the advisability of a service or the amount of fees, it is recommended to contact the CCA in order to clarify the situation.

Any adoption procedure will involve unknown factors, in particular as far as the length of the process is concerned. The current trend is for procedures to take longer, and it is not unusual nowadays for couples to have to wait four years or more before their case is completed. It is also worth bearing in mind that due to political or social changes or natural disasters in the states of origin, a moratorium on adoption proceedings may be imposed and records frozen from one day to the next.

7 Adoption Agencies

An adoption agency is any person or organisation that wishes to offer services in Switzerland in intermediating between children released for adoption and their future adoptive parents, and in particular any person or organisation that wishes to advise on the possibility of adopting a minor child.

Agencies play a vital role in the preparing, supporting and supervising prospective adoptive parents before and after adoption. Due to their knowledge of the procedure and the realities on the ground, as well as their contacts in the country of origin, they provide crucial support to adoption candidates. However, it is not up to them to make the decisions, whether in relation to the certificate of suitability or in relation to matching. These decisions are taken solely by the CCA (see Section 4.2 above).

Accreditation is required in order to operate as an adoption agency. The Federal Office of Justice is the authority responsible for accrediting and supervising agencies. Persons or organisations wanting to operate in Switzerland have to demonstrate a detailed knowledge of the adoption procedure in Switzerland and abroad, have suitable experience in the field of adoption, be familiar with the socio-cultural conditions in the countries of origin where they wish to operate, be committed to working in the child's best interests and comply with the basic ethical rules for the field of adoption. An agency is entitled only to the reimbursement of its expenses and a reasonable fee for its work.

It is not essential to use an agency in Switzerland, but more than half of all adoption candidates call on their services. A list of currently accredited agencies is available on the Federal Office of Justice website (www.adoption.admin.ch). Adoption agencies are required to keep a file on the adoption of a child and to pass it on to the cantonal authorities for archiving no later than when they complete their activities on the case.

Accreditation is required to operate as an adoption agency. Any person carrying on mediation activities without accreditation is liable to a fine.

8 National Adoption

Every year, some twenty children born in Switzerland are put up for adoption.

The procedure for national adoption is basically the same as for adopting a child from abroad (see Section 6.1 above). Candidates for adoption must hold a certificate of suitability for adoption. The birth parents cannot consent to the adoption of the child before the child is six weeks old and they then have a further six weeks in which to revoke their consent should they change their minds. Once the child can be placed in his/her prospective adoptive family, a guardian is appointed for the duration of the placement.

The adoptive parents and the birth parents can agree that the latter have the right to maintain personal relations with a minor child that are appropriate in the circumstances. The agreement, and any modifications to it, must be approved by the child protection authority and the child, depending on his/her age, must be allowed to have a say and to consent to the agreement reached.

9 Information on birth parents, their direct descendants and the adopted child

On reaching the age of majority, an adopted child acquires the right to information on the identity of his/her birth parents; a minor child can also exercise this right if he/she can demonstrate a legitimate interest. On reaching the age of majority, he/she can also obtain information on the direct descendants of his/her birth parents if those descendants are of age and give their consent.

The birth parents can only be given information about an adopted child who has reached the age of majority if the child consents; in the case of a minor, both the child and his/her adoptive parents must consent.

The direct descendants of the birth parents can also be given information about an adopted person if that person has reached the age of majority and has given his/her consent.

Each canton has a service responsible for counselling people who want information on their birth parents, their birth siblings or on the adopted child. This list is available on the FCA website (www.adoption.admin.ch).



10 Frequently asked questions

Is there an accredited agency for Thailand?

You will find the list of agencies accredited by the Confederation on our website:

www.adoption.admin.ch

We would like to adopt a child from abroad. What should we do?

You must first contact the central authority for intercountry adoption in your canton of residence. They will advise and support you throughout the procedure.

You will find a list of cantonal central authorities on our website:

www.adoption.admin.ch

We are not married but have lived together now for seven years. Can we adopt a child from abroad?

Under Swiss law, only a married couple can jointly adopt a child (Art. 264a Swiss Civil Code).

We are a married couple living in Switzerland, but we do not have Swiss citizenship. Can we adopt a child from abroad?

Persons living in Switzerland can apply to the central authority of their canton of residence in order to adopt a child, regardless of their nationality. You will find the details of the authority in your canton on our website:

www.adoption.admin.ch

We would like to adopt a child from abroad. How long does the process take on average?

The length of the adoption process varies enormously depending on the country of origin, the preferred age of the child and the child's state of health.

I was adopted in Switzerland 20 years ago and I am trying to trace my birth parents. Whom should I contact for help?

There is a service in every canton responsible that advises adopted people who want to trace their birth parents. You will find a list of these services on our website:

www.adoption.admin.ch

We want to adopt a child born in Switzerland. What should we do and what conditions do we have to fulfil?

The conditions to fulfil and the procedure are the same as for an intercountry adoption. You must first contact the central authority in your canton of residence. You will find the details on our website:

www.adoption.admin.ch

What is the difference between full adoption and simple adoption?

Full adoption, the only form of adoption available in Switzerland, breaks all links that exist between a child and his/her birth parents. The adoptive parents take their place. Simple adoption, which exists in numerous countries of origin of adoptive children, preserves certain legal ties (for example in relation to inheritance rights) between the child and his/her birth parents.

How many children are adopted each year in Switzerland?

Without counting the children of spouses, partners or cohabitees, on average several dozen children from abroad and around twenty children from Switzerland are adopted in Switzerland each year. You will find further information on the website of the Federal Statistical Office.

www.bfs.admin.ch

I am writing a thesis on intercountry adoption. Can you send me any information?

All the important information is available on our website. If you have any questions, you can contact one of the central cantonal authorities. You will find their details on our website:

www.adoption.admin.ch

I want to adopt my second wife's fourteen year-old daughter. My wife is not a Swiss citizen. What do I have to do?

To adopt the children of your husband/wife, partner or cohabitee, you have to have lived with his mother in a common household for at least the last three years. The central authority in your canton of residence will be able to advise you on the procedure to follow. You will find its details on our website:

www.adoption.admin.ch

We are both Swiss, we live abroad and we want to adopt a child. Where should we go to apply for adoption?

Whatever your nationality, you have to contact the competent authority in the place where you live.

Do adoptive children automatically become Swiss citizens?

In a case of full adoption, the child automatically takes the nationality of his/her parents (Art. 267 and 267a Swiss Civil Code). However, this is not the case with a simple adoption granted abroad. This must be converted into a full adoption by a court judgment issued in Switzerland.

Is there a minimum or maximum age for adopting a child from abroad?

You must be at least twenty-eight years old. There is no maximum age beyond which you can no longer adopt. However, the difference in age between the child and his/her adoptive parents must be at least sixteen years and no more than forty-five years.

Additional information:

Federal Office of Justice

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Tel +41 58 463 88 64

adoption@bj.admin.ch www.adoption.admin.ch