



MINISTRY OF FAMILY
AND CONSUMER AFFAIRS

Department of Family Affairs

China Center of Adoption Affairs
No. 7, Baiguang Road, Zhongmin Building
Xuanwu District, Beijing, PRC 100053
People's Republic of China

File no: 06-602-00041 Caseworker: Birgitte Hove Date: February 24, 2006

The Danish Ministry of Family and Consumer Affairs, Department of Family Affairs, which is the Danish Central Authority according to the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoptions, hereby presents its compliments to The China Center of Adoption Affairs.

We thank you very much for your letter, dated January 17, 2006. It is with great pleasure that we have now been informed that the Hague Convention entered into force on January 1, 2006. We feel sure that this will contribute to make the good relationship between our countries even better.

In the following we will present our answers and comments to your letter:

I. About the timeframe for formal implementation of the Convention

With reference to your letter we have noticed that the new procedure for handling intercountry adoption applications will apply only to applicants whose application for Danish approval for adoption was received by the Danish adoption authorities *after* January 1, 2006.

We appreciate your concern in respect of giving us time to adjust to your new procedures, and we agree that only cases where the applicants have applied for the approval as adoptive parents after January 1, 2006, should be considered as cases under the Hague Conventions.

In your letter you ask us for information about the number of applications before January 1, 2006, and the timeframe before these applications will be sent to the CCAA.

Unfortunately, we are not able to supply you with such information, since we do not know how many of the applications filed with the Danish authorities will turn out to be an application for a child from China.

II. About age suitability for adopters and children adopted

In your letter you state that at present children available for inter-country adoption in China are generally under 2 years of age with a few exceptions of older children above 6 years and handicapped children.

Based on this fact you kindly ask that Danish applications should not be sent to the CCAA if the applicants are only able to adopt healthy children 2 to 6 years old. You also state that all the adoption application documents that the CCAA receives will be considered as it is agreed that the placement can be made on the basis of the availability of children in China.

This part of your letter has been of special interest for us since – as your may know - according to the Danish rules on approval of adoptive parents applicants, who have turned 41 years of age when they file an application for approval as adoptive parents, as a general rule only can be approved as adoptive parents of a child aged 12-36 months of age.

As we understand your statement, such applicants can no longer apply for a child from China since they should according to your new guidelines be able to receive also a child of 0-12 months of age, which would not correspond with the Danish rules.

We have therefore in a letter dated February 15, 2006, asked the two Danish adoption agencies - DanAdopt and AC International Child Support – *from that date* not to submit to the CCAA application documents of applicants unless the applicants have been approved to adopt any child under 24 months of age, that is in principle also a new born baby.

Please inform us as soon as possible if our understanding of your new guidelines should not be correct, that is if for instance the Danish agencies could also supply you with applications for a child aged 12-36 months of age.

Furthermore, in consequence of the fact that our instruction of the Danish agencies was sent on February 15, 2006, we kindly ask you to accept that cases submitted to the CCAA before this date will be dealt with according to the previous guidelines, meaning that the applicants can receive a child within their approval even though they have been approved to a child aged 12-36 months or – in some cases – 24-48 months.

We kindly ask you to confirm as soon as possible your acceptance of February 15, 2006, as the effective date of the new guidelines. We apologize very much for any inconvenience in this matter.

III. About alien citizens adopting within China

According to Danish rules on adoption an adoption made by Danes abroad will be recognized in Denmark if:

1. the applicants according to a decision made by our department are considered domiciled in China, *and*
2. the legal effects of the adoption correspond to the legal effects of a Danish adoption, *and finally*
3. the adoption is not obviously incompatible with profound Danish principles.

If the applicants do not fulfil the condition no 1 (domicile in China) they should according to our opinion adopt according to Danish rules through one of the Danish adoption agencies, and an adoption made directly with the Chinese adoption authorities will not be recognised in Denmark.

We therefore kindly request that you – before approving Danish citizens for adoption within China – submit their case to the Danish Department of Family Affairs in order to allow us to make a decision on whether an adoption will comply with the abovementioned conditions for recognition of the adoption in Denmark.

In regard to the question of Danish citizenship we would like to inform you of the following rules:

- If Danish citizens adopt a child directly with the Chinese adoption authorities, and if the adoption is recognized according to the above mentioned guidelines, the applicants will be able to apply for Danish citizenship for the child and Danish citizenship will be granted if the applicants are Danish citizens.
- If Danish citizens adopt a Chinese child according to Danish rules and through one of the Danish adoption agencies a Danish adoption decision will be made when the child arrive in Denmark.

Denmark would in these cases prefer to change the rules so that we could recognize the Chinese adoption decision immediately - meaning that no Danish decision should be made afterwards.

However, in that case the child will become a Danish citizen from the date of effect of the Chinese adoption decision (that is before the child leave China) and the child will travel to Denmark on a temporary Danish passport issued by the Danish embassy in China.

Would it be possible for you to confirm to us that the Chinese authorities have no objections to the fact that the child as a consequence of such a recognition of the Chinese adoption decision will become a Danish citizens from the date of effect of the Chinese decision. We have not been able to receive information about this question and will therefore very much appreciate your help.

In that respect we would like to point out that we agree very much that it would be in the best interest of the child if the Chinese adoption could be recognized immediately by the Danish authorities.

IV. About confirmation of our name and sample of approval

The Central Authority of adoption in Denmark according to article 6 of the Hague Convention is our department:

The Ministry of Family and Consumer Affairs
Department of Family Affairs
Stormgade 2-6
DK-1470 Copenhagen
Denmark

According to Danish adoption law joint councils in 13 counties and in three municipalities have been set up to decide whether applicants can be approved as adoptive parents. These councils also decide whether the applicants can be approved to adopt a specific child, if the child suggested for adoption is not considered to be within the limit of the approval that has already been granted. We enclose a list of the addresses of the counties and municipalities in Denmark.

Decisions made by the councils can be appealed to:

The Danish National Board of Adoption
Stormgade 2-6
DK-1470 Copenhagen
Denmark

The decisions made by the council (or in second instance by the National Board of Adoption) will not appear from standard certificates. However, the name of the relevant authority will always appear.

As regards the authority to issue a declaration as provided by article 17c in the Hague Convention, the two Danish adoption agencies have been appointed:

DanAdopt
Hovedgaden 24
DK-3460 Birkerød
Denmark

and

AC International Child Support
Eckersbergsgade 17
Postbox 152
DK-8100 Århus C
Denmark

These agencies will also make sure that the applicants have accepted to adopt the specific child, cf. article 17 a of the Hague Convention.

We hope this information will be helpful to you. Please feel free to contact us if you need further information – also if the information concerns specific cases.

The Danish Department of Family Affairs avails itself of this opportunity to renew the CCAA the assurances of its highest consideration and we look forward to the responses to part II and III of this letter. We kindly ask you to pay especially attention to the matter mentioned in part II of the letter.

Yours sincerely

Department of Family Affairs

Hanne Kristiansen

List of the addresses of the counties and municipalities in Denmark

Storstrøms Amt
Børn og Ungeafdelingen
Adoptionsgruppen
Færggårdsvej 15, L-N
DK-4760 Vordingborg

Sønderjyllands Amt
Amtsgården
Skelbækvej 2
DK-6200 Aabenraa

Vejle Amt
Familieafdelingen
Damhaven 12
DK-7100 Vejle

Vestsjællands Amt
Rådgivningsenheden
Alléen 15
DK-4180 Sorø

Københavns Kommune
Adoptionsafsnittet
Bernstoffsgade 21, st.
DK-1592 København V

Frederiksberg Kommune
Socialfagligt Afsnit
Rådhuset
DK-2000 Frederiksberg

Københavns Amt
Børne- og Ungeafdelingen
Stationsparken 27
DK-2600 Glostrup

Århus Amt
Adoptionsteamet
Lyseng Allé 1
8279 Højbjerg

Bornholms Regionskommune
Voksensekretariatet
Postboks 190
DK-3700 Rønne

Frederiksborg Amt
Frederiksværksgade 2A
DK-3400 Hillerød

Fyns Amt
Familieafdelingen
Amtsgården
Ørbækvej 100
DK-5220 Odense SØ

Nordjyllands Amt
Niels Bohrs vej 30
DK-9220 Aalborg Øst

Ribe Amt
Amtsgården
Sorsigvej 35
DK-6760 Ribe

Ringkjøbing Amt
Børn og Ungeafdelingen
Østergade 48
DK-6950 Ringkjøbing

Roskilde Amt
Børn og Unge Afdelingen
Køgevej 80
Postboks 170
DK-4000 Roskilde

Viborg Amt
Socialforvalningen
Skottenborg 26
Postboks 21
DK-8800 Viborg