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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 667

Adopted 30 October 2018

**Procedures for Adoption**

*Issued pursuant to*

*Section 31, Paragraph two of the Law on the Protection of the Children’s Rights*

**I. General Provisions**

1. This Regulation prescribes the procedures for the adoption of children.

2. The task of adoption is to ensure for the children to be adopted upbringing in a family, and stable and harmonious living environment.

3. The Ministry of Welfare (hereinafter – the Ministry) shall keep records of the children to be adopted and adopters by making the relevant entries in the Adoption Register (hereinafter – the Register). The information included in the Register shall have the status of restricted access information.

**II. Consent to the Adoption of a Child**

4. The Orphan’s and Custody Court which corresponds to the declared place of residence of the child to be adopted shall ascertain the opinion of all the persons involved in adoption on the adoption of the child and shall ensure the preparation of the documentation indicated in Paragraphs 6, 7, and 8 of this Regulation regarding their consent to adoption.

5. The consent of the parents to adoption shall not be necessary:

5.1. if the parents have been deprived of the custody rights in accordance with the procedures specified in law;

5.2. if the parents are deceased.

6. The consent of the parents or guardian of the child to be adopted to adoption shall be drawn up in accordance with Annex 1 to this Regulation.

7. The consent of the child to be adopted to adoption, if he or she has attained 12 years of age, shall be drawn up in accordance with Annex 2 to this Regulation.

8. If the child to be adopted is under the age of 12 years, the Orphan’s and Custody Court shall confer with the child to be adopted at his or her location and ascertain his or her opinion, as well as draw up the minutes of the conversation.

9. After ascertaining the opinion of the child to be adopted, the child care institutions and Orphan’s and Custody Courts shall provide information on the child to be adopted to the Ministry, filling in a registration form of the child to be adopted of specific sample (hereinafter – the registration form of the child). The Orphan’s and Custody Court, the child care institution, and the guardian shall, without delay, inform the Ministry of any changes related to the child to be adopted.

10. Within a month from the day when the opinion of the child has been ascertained and the child has become adoptable, the head of the child care institution shall fill in the registration form of the child for each child to be adopted in the child care institution and shall send it to the Ministry, as well as inform the Orphan’s and Custody Court which took the decision on out-of-family care of the child thereof.

11. If the child is under guardianship, the Orphan’s and Custody Court which took the decision on establishing guardianship and appointing a guardian shall, within two months from the day when the child has become adoptable, ascertain the opinion of the guardian on adoption of the child in the family of the guardian or another family.

12. If the guardian does not agree to the adoption of the child into another family, information on the child shall not be included in the Register.

13. If the guardian wishes to adopt his or her charge, the guardian shall, within two months after the child has expressed his or her opinion on adoption, submit an adoption application to the Orphan’s and Custody Court based on his or her place of residence. The Orphan’s and Custody Court shall assess the conformity of the guardian with the status of the adopter and decide on recognising him or her as the adopter, and the conformity of adoption with the interests of the child to be adopted.

14. If the guardian agrees to the adoption of the child into another family, the Orphan’s and Custody Court shall, within two months after ascertaining the opinion of the guardian, send the registration form of the child and the certification of the guardian on the consent to adoption (certified copy) to the Ministry.

15. If the child is in a foster family or a specialised foster family (hereinafter – the foster family), the Orphan’s and Custody Court which took the decision to place the child in a foster family shall, within two months from the day when the child has become adoptable, ascertain whether the foster family wishes to adopt the child who is in the foster family and, if the foster family has not expressed a wish to adopt him or her, shall send the registration form of the child to the Ministry.

16. If the foster family has expressed a wish to adopt the child to be adopted who has been placed in that same foster family, it shall, within two months after expressing the opinion on adoption of the child, submit the adoption application to the Orphan’s and Custody Court based on its place of residence with a request to assess the conformity of the foster family with the status of the adopter. The Orphan’s and Custody Court shall assess the conformity of the foster family with the status of the adopter and decide on recognising it as the adopter, and the conformity of adoption with the interests of the child to be adopted.

**III. Adoption Application**

17. In order to commence the adoption process, the person who wishes to become the adopter shall present a personal identification document to the Orphan’s and Custody Court in the territory of operation of which the place of residence of the person has been declared, and shall submit the following documents:

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

17.2. a copy of the marriage certificate (presenting the original) if the person is married;

17.3. a copy of the document certifying the dissolution of marriage (presenting the original) if marriage has been dissolved;

17.4. a document which certifies provision with accommodations;

17.5. the curriculum vitae (CV);

17.6. the statement issued by the family doctor on the current state of health of the person, as well as the opinion of the psychiatrist on the state of mental health of the person and the opinion of the narcologist on the person being addicted to narcotic and psychotropic or other addictive substances;

17.7. information on income;

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

17.9. an extract from the court judgment or a certified copy of the true copy on the recognition of the other spouse as missing (having disappeared), if the spouse of the person has been recognised as missing (having disappeared).

18. If the person wishes to adopt a child of the other spouse, a copy of the birth certificate of the child to be adopted (presenting the original), as well as the consent of the parents of the child to adoption or a document certifying the existence of any of the following circumstances shall be appended:

18.1. the other parent has been deprived of the custody rights in accordance with the procedures specified in law;

18.2. the other parent is deceased.

19. The person shall submit the documents referred to in Paragraphs 17 and 18 of this Regulation, if another institution does not have the relevant information at its disposal.

20. If the Orphan’s and Custody Court already has any of the documents referred to in Paragraphs 17 and 18 of this Regulation at its disposal, the Orphan’s and Custody Court shall request re-submission of the document or its copy, if legal or actual circumstances have changed since its submission.

21. The adopter may submit the application for the adoption of the next child to the Orphan’s and Custody Court not earlier than a year after the judgment on approval of adoption has entered into effect, except if the adopter wishes to adopt a biological brother (step-brother) or biological sister (step-sister) of the child to be adopted, or a child who lives with the adopters in an undivided household, and the Orphan’s and Custody Court of the place of residence of the adopter has recognised that adoption of the next child in this family meets the interests of the child to be adopted.

**IV. Procedures for Assessing the Person who Wishes to Adopt a Child**

22. The suitability of a person for the status of the adopter shall be assessed and the decision to recognise a person as the adopter shall be taken by the Orphan’s and Custody Court in the territory of operation of which the place of residence of the adopter has been declared. If the place of residence of the spouses has been declared in administrative territories of different local governments, the decision to recognise the spouses as adopters shall be taken by the Orphan’s and Custody Court of the local government in the territory of operation of which one of the places of residence of the spouses has been declared and in which the spouses are actually living.

23. The Orphan’s and Custody Court shall, assess the suitability of the person for the status of the adopter within six months after receipt of the adoption application. During the assessment:

23.1. the motivation for adoption, the relationships between members of the family, and the ability to raise a child shall be assessed, including the opinion of all persons living in the undivided household on adoption of the child shall be ascertained;

23.2. the living conditions of the family shall be ascertained and the financial condition shall be assessed;

23.3. information on the information included in the Punishment Register on the person and other persons living in undivided household shall be requested;

23.4. the information referred to in Sub-paragraph 17.6 of this Regulation shall be assessed;

23.5. if the adopter has continuously lived abroad within the last two years (for more than a year), the Orphan’s and Custody Court shall request the adopter to submit information on the information included in the Punishment Register of the relevant country on the person;

23.6. ascertain that the capacity to act of the person has not been limited;

23.7. send the person to a psychologist who has obtained at least master’s degree in psychology and whose professional activity in the study of children and family has lasted at least five years, in order to receive an opinion on suitability for adoption;

23.8. send the person to acquire the training programme for an adopter in accordance with Annex 3 to this Regulation. After successful completion of the programme, a relevant certificate shall be issued to the person, and the person shall submit it to the Orphan’s and Custody Court. The person will not have to repeat the training programme for an adopter, when he or she will wish to adopt the next child;

23.9. the foster family which wishes to adopt a child who has been placed therein does not have to complete the training programme referred to in Sub-paragraph 23.8 of this Regulation.

24. After assessing the suitability of the person and completing the study of the family the Orphan’s and Custody Court shall take an appropriate decision. If the Orphan’s and Custody Court decides to recognise the person as suitable for the status of the adopter, it shall indicate the number, age, and sex of the adoptees in the decision.

25. The decision of the Orphan’s and Custody Court on recognising the person as the adopter shall be valid for three years from the day of taking it. The Orphan’s and Custody Court shall, within three working days, inform the Ministry of the decision taken and, within 10 working days, send the true copy of the decision thereto. The Orphan’s and Custody Court shall, once in a year during the validity of the decision, check that indicated in Sub-paragraphs 23.2 and 23.3 of this Regulation and other essential information on the adopter.

26. The decision of the Orphan’s and Custody Court on recognition of the adopter shall be valid in relation to one adoption process. If the Orphan’s and Custody Court finds significant changes which may create an obstacle for the adoption of a child, it shall reassess the adopter, requesting information from other State or local government institutions or asking an opinion of the relevant specialist. The Orphan’s and Custody Court shall inform the Ministry of the commenced reassessment of the adopter within three working days. The Ministry may provide information on adoptees to the adopter as soon as information from the Orphan’s and Custody Court regarding the results of the reassessment is received.

27. If the Orphan’s and Custody Court takes the decision on the adoption of the child, the decision of the Orphan’s and Custody Court by which the person has been recognised as the adopter shall be deemed executed, except when the adopter expresses a wish to adopt a brother (step-brother) or sister (step-sister) of the child who is in the pre-adoption care or adopted, and the Orphan’s and Custody Court has recognised that adoption of the next child in the family conforms to the interests of the child in pre-adoption care or the adopted child.

28. If the child lives in the family of the adopter, the Orphan’s and Custody Court, upon assessing the conformity of the adopter, shall concurrently evaluate the mutual relationship between the adopter and the child to be adopted and decide on conformity of adoption with the interests of the adoptee.

**V. Provision of Information on the Adoptee**

29. Upon receipt of information from the Orphan’s and Custody Court that the person has been recognised as the adopter, the Ministry shall include it in the Register within two working days. Information on the adopter is included in the Register under the date and time of receipt at the Ministry.

30. The Ministry shall provide information on adoptees to the adopter as soon as it becomes known that for the child to be adopted adopters are being sought in Latvia.

31. The adopter shall, within five working days after receipt of the information on the child to be adopted, inform the Ministry of the wish to become acquainted with him or her in person. If the adopter does not inform the Ministry of the wish to become acquainted with the child to be adopted in person within five working days, the Ministry shall provide this information to another adopter.

32. If the adopter wishes to become acquainted with the child to be adopted in person, the Ministry shall, within two working days after expiry of the time period referred to in Paragraph 31 of this Regulation, prepare a warrant for the adopter to get personally acquainted with the child to be adopted. The abovementioned warrant shall be issued to the adopter, the guardian, the child care institution, the Orphan’s and Custody Court which took the decision on out-of-family care of the child, and to the Orphan’s and Custody Court which took the decision on recognising the person as the adopter.

33. The head of the child care institution shall, after presenting the warrant referred to in Paragraph 32 of this Regulation and a personal identification document, introduce the adopter to the child to be adopted and his or her file. If the child to be adopted is in a foster family or under guardianship, the Orphan’s and Custody Court which took the decision to place the child in a foster family or appoint a guardian for the child shall introduce the adopter to the file of the child to be adopted, and the foster family or guardian shall introduce to the child to be adopted.

34. If the child to be adopted is in a foster family or under guardianship, the Orphan’s and Custody Court which took the decision on out-of-family care of the child may participate in the meeting of the child to be adopted and the adopter.

35. Until the child to be adopted is transferred into care and supervision (hereinafter – the pre-adoption care), the adopter shall meet with the child to be adopted at least three times. The number of meetings may be smaller, if the child is being adopted by the person with whom the child to be adopted has previously been in contact. The legal representative of the child to be adopted or the child to be adopted himself or herself shall inform the Orphan’s and Custody Court thereof.

36. If the adopter wishes to take the child to be adopted into the pre-adoption care, he or she shall, within 15 working days after the warrant to get personally acquainted with the adoptee has been registered, inform the Ministry thereof.

37. The adopter shall, within 10 working days after he or she has agreed to the pre-adoption care, submit the relevant application to the Orphan’s and Custody Court. The Ministry shall inform the legal representative of the adoptee of the decision of the adopter.

38. If the adopter does not inform the Ministry of the wish to continue the adoption process or has not submitted the application to the Orphan’s and Custody Court within 15 working days after receipt of the warrant referred to in Paragraph 32 of this Regulation, the Ministry shall provide information on the child to be adopted to another adopter.

**VI. Pre-adoption and Post-adoption Care and Supervision of the Child to be Adopted**

39. The Orphan’s and Custody Court which corresponds to the declared place of residence of the adopter shall, prior to taking the decision to transfer the child to be adopted into the pre-adoption care, contact his or her legal representative and ascertain that the transfer of the child to be adopted into the pre-adoption care conforms to the interests of the child.

40. The head of the child care institution or the Orphan’s and Custody Court which took the decision on out-of-family care of the child to be adopted, if the child is in care of a guardian or foster family, shall, without delay, send information to the Orphan’s and Custody Court which corresponds to the place of residence of the adopter, regarding everyday needs of the child to be adopted, a copy of the birth certificate of the child to be adopted, the information at its disposal regarding the state of health of the adoptee, and a document certifying consent of the parents to adoption or whether any of the following circumstances exists:

40.1. the parents have been deprived of the custody rights in accordance with the procedures specified in law;

40.2. the parents are deceased.

41. The Orphan’s and Custody Court shall, within 15 working days after the application of the adopter for taking the child to be adopted into the pre-adoption care has been received, decide on the procedures for the pre-adoption care and its place in Latvia.

42. The child must be taken into the pre-adoption care not later than within a month from the day when the application for taking the child to be adopted into the pre-adoption care has been submitted to the Orphan’s and Custody Court, except when later transfer into the pre-adoption care is more appropriate for the interests of the child to be adopted. Until transfer of the child to be adopted into the pre-adoption care the adopter shall be in regular contact with him or her.

43. The child shall be transferred into the pre-adoption care for a time period up to six months. The Orphan’s and Custody Court shall, within 10 working days after taking the decision to transfer the child to be adopted into the pre-adoption care, send a true copy of the decision to the Ministry and the legal representative of the adoptee.

44. The child care institution or the Orphan’s and Custody Court which took the decision to place the child to be adopted in a foster family or appoint a guardian shall make a note in the personal file of the child to be adopted regarding his or her transfer into the pre-adoption care and shall issue to the adopter a certified copy of the birth certificate of the child to be adopted and the information at the disposal of the child care institution or the Orphan’s and Custody Court regarding the state of his or her health.

45. The Orphan’s and Custody Court which corresponds to the place of residence of the adopter shall, after transferring the child to be adopted into the pre-adoption care, carry out a study of the family by, if necessary, attracting other specialists and visiting him or her at least three times during the pre-adoption care in order to establish whether there are grounds to consider that true parents and child relationships will develop between the adopter and the child to be adopted after adoption.

46. Upon carrying out the study of the family during the pre-adoption care, the Orphan’s and Custody Court shall ascertain and assess:

46.1. the personality traits, compatibility, and mutual relationship of the adopter and the child to be adopted;

46.2. the relationship of the child to be adopted with other persons living in the undivided household;

46.3. the specific features of the dwelling and household of the adopter;

46.4. the ability of the adopter to raise the child to be adopted;

46.5. the mutual suitability of the adopter and the child to be adopted.

47. If during the pre-adoption care the Orphan’s and Custody Court finds that further care in the family of the adopter does not conform to the interests of the child to be adopted, it shall, without delay, provide corresponding out-of-family care for him or her. The Orphan’s and Custody Court may repeatedly decide on suitability of the adopter for adoption.

48. If the Orphan’s and Custody Court takes the decision to terminate the pre-adoption care of the child to be adopted in the family of the adopter, it shall concurrently assess the necessity for the adopter to receive an opinion of a psychologist in order to continue the adoption process with the next child.

49. At the end of the pre-adoption care period the Orphan’s and Custody Court shall compile the results of the study of the family and assess whether adoption in this family is in the interests of the child to be adopted, and take a corresponding decision, and also send a true copy of the decision to the Ministry within 10 working days after its taking.

50. If the Orphan’s and Custody Court decides that adoption is in the interests of the child to be adopted, it shall extend the pre-adoption care period until the adoption has been approved in court and shall issue documents of the child to be adopted to the adopter for submission to the court, keeping certified copies thereof in the file.

51. The adopter shall, within three months after the decision of the Orphan’s and Custody Court on the conformity of adoption with the interests of the child to be adopted has been taken, submit a claim application to a court for the approval of adoption. If the claim application has not been submitted to the court within the specified time period, the Orphan’s and Custody Court, upon hearing the adopter and ascertaining the opinion of the child to be adopted, shall assess the necessity to repeatedly decide on the conformity of adoption with the interests of the child to be adopted.

52. After the adoption has been approved in court, the legal representative of the child to be adopted shall issue the original of the birth certificate of the child to be adopted to the adopter.

53. In order to gain assurance of the living conditions of the child and inclusion in the family after the adoption has been approved in court, the Orphan’s and Custody Court of the place of residence of the adopter shall, for two years after approval of adoption, regularly evaluate care for the child in the family at his or her place of residence (hereinafter – the post-adoption supervision).

**VII. Allowance of the Child to be Adopted During the Pre-adoption Care**

54. During the pre-adoption care the child allowance or maintenance benefit, based on the time period in which the child to be adopted is in care of the adopter, shall be disbursed to the adopter:

54.1. by the child care institution, if the child is in a child care institution;

54.2. by the local government, if the child is in a foster family. The local government shall discontinue disbursement of the maintenance benefit to the foster family for the child to be adopted from the day when the Orphan’s and Custody Court has transferred him or her into the pre-adoption care. During pre-adoption care the maintenance benefit for the child to be adopted shall be disbursed to the adopter from the day when the Orphan’s and Custody Court has transferred the child to be adopted into the pre-adoption care;

54.3. by the State Social Insurance Agency, if the child to be adopted is in a family of the guardian. The State Social Insurance Agency shall discontinue disbursement of the maintenance benefit to the guardian for the child to be adopted from the day when the Orphan’s and Custody Court has transferred the child to be adopted into the pre-adoption care. During pre-adoption care the maintenance benefit for the child to be adopted shall be disbursed to the adopter from the day when the Orphan’s and Custody Court has transferred him or her into the pre-adoption care.

55. Disbursement of the allowance to the adopter for the child to be adopted shall be discontinued:

55.1. from the day when the court judgment on approval of adoption enters into effect;

55.2. from the day when the Orphan’s and Custody Court takes the decision to terminate the pre-adoption care.

**VIII. Adoption of the Child to be Adopted to Foreign Countries and Operation of the Foreign Competent Authority in Latvia**

56. If the child to be adopted is expected to be adopted to a foreign country, the competent Orphan’s and Custody Court shall be the one which took the decision on out-of-family care of the adoptee.

57. When a child is being adopted to a foreign country, the requirements referred to in Chapters V, VI, and VII of this Regulation shall be applied, insofar as this Chapter does not provide otherwise.

58. A foreigner who does not have a permanent residence permit in Latvia or a person residing abroad (hereinafter – the foreign adopter) may adopt:

58.1. a child of the other spouse;

58.2. a child from the family of the guardian or a foster family, if the child is being adopted by his or her relatives;

58.3. a child who is in a child care institution, if adequate upbringing and care of him or her cannot be provided in a family in Latvia.

59. If the child to be adopted is being adopted to a foreign country:

59.1. on which the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereinafter – the Convention) is binding, the documents of the foreign adopter shall be submitted to the Ministry by the Central Authority of the Convention or by the authority officially recognised for work in the field of adoption in Latvia (hereinafter – the competent authority);

59.2. on which the Convention is not binding or with which Latvia has not entered into a bilateral agreement on legal cooperation in the field of adoption, the documents shall be submitted to the Ministry by the foreign adopter, appending a certification of the relevant foreign competent authority thereto that it agrees to adoption of the particular child and adoption will be recognised in this foreign country.

60. For an authority which is officially recognised in a foreign country to be able to commence operation in the field of adoption in Latvia, it shall submit to the Ministry:

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

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

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

60.4. a certification that, following the approval of adoption in a court, it shall ensure the fulfilment of the requirements specified in Paragraph 82 of this Regulation.

[*17 December 2020 / The new wording of Sub-paragraph 60.4 shall come into force on 1 January 2021. See Paragraph 2 of Amendments*]

61. The Ministry shall, within a month, assess the submitted documents and recognise the authority officially recognised in the foreign country as entitled to operate in the field of adoption in Latvia or provide a justified refusal.

62. If the Ministry finds serious violations in the operation of the competent authority in the field of adoption, the Ministry shall decide whether to discontinue the operation of the competent authority in Latvia.

63. Adoption to foreign countries shall be permitted if the upbringing of and adequate care for the child to be adopted cannot be provided in a family in Latvia, and the Orphan’s and Custody Court by the decision of which the child has been placed in out-of-family care has taken the relevant decision thereon. The Orphan’s and Custody Court shall inform the Ministry of the decision taken within 10 working days.

64. The competent authority or the foreign adopter shall submit to the Ministry:

64.1. the documents referred to in Paragraph 17 of this Regulation;

64.2. the study material of the family of the adopter prepared by the competent authority of the relevant country;

64.3. the statement on criminal record;

64.4. a document certifying that the adopter has completed a training programme that conforms to the programme referred to in Sub-paragraph 23.8 of this Regulation, and append a document in which the content and number of lessons of the completed training programme is indicated;

64.5. a document in which the adopter shall certify that he or she will ensure the fulfilment of the requirements specified in Paragraph 82 of this Regulation.

[*17 December 2020 / The new wording of Sub-paragraph 64.5 shall come into force on 1 January 2021. See Paragraph 2 of Amendments*]

65. The documents referred to in Paragraph 64 of this Regulation shall be submitted to the Ministry in two copies and a notarised translation thereof in Latvian shall be appended. Documents issued in foreign countries must be legalised or certified in accordance with the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents if other procedures are not provided for in the international agreements binding on the Republic of Latvia.

66. If the term of validity is not indicated in the study materials of the family of the adopter, their term of validity shall be deemed to be three years from the day when the decision on recognising the adopter has entered into effect. The competent authority shall, once a year during validity of the decision, check essential information on the adopter and submit it to the Ministry.

67. If in the process of assessing the documents the Ministry finds that any of the documents referred to in Paragraph 64 of this Regulation are missing, the Ministry shall request for it to be submitted within a month.

68. The Ministry shall assess the conformity of the submitted documents with laws and regulations and, within a month, send the certification on accepting the documents or a justified refusal to accept the documents.

69. The competent authority or the foreign adopter shall, within six months after expiry of the term of validity of the documents, submit updated adoption file documents.

70. If the submitted documents conform to the requirements laid down in laws and regulations, the Ministry shall provide information on the children to be adopted as soon as adopters for them are being sought in a foreign country. The Ministry shall provide information on the child to be adopted to a competent authority representing the foreign adopter in the foreign country or to the foreign adopter in person.

71. The competent authority or the foreign adopter shall, within 10 working days after the letter has been received in which information on the child to be adopted is provided, inform the Ministry of whether the adopter wishes to become acquainted with the child to be adopted in person.

72. If the competent authority or the foreign adopter does not inform of the wish to become acquainted with the child to be adopted in person within 10 working days, the particular adoption process shall be discontinued and the Ministry shall provide information on the child to be adopted to another adopter.

73. If the foreign adopter wishes to become acquainted with the adoptee in person, the Ministry shall, within five working days after expiry of the time period referred to in Paragraph 72 of this Regulation, prepare a warrant to get personally acquainted with the child to be adopted. The competent authority shall ensure that the foreign adopter arrives to acquaint himself or herself with the child to be adopted and his or her file in person within 30 days after registration of the abovementioned warrant. In an exceptional case, if there are justified reasons for it, this time period may be extended up to 30 days, coordinating it with the Ministry in advance.

74. The Ministry shall send one copy of the documents submitted by the foreign adopter to the Orphan’s and Custody Court which took the decision on out-of-family care of the child to be adopted.

75. In order to find out whether true parent and child relationships will develop between the adopter and the child to be adopted after adoption, the Orphan’s and Custody Court which took the decision on out-of-family care of the child to be adopted shall, at least three times during care, evaluate the pre-adoption care of the child to be adopted at the place of residence of the adopter in Latvia, assessing the mutual suitability of the foreign adopter and the child to be adopted, and take the corresponding decision.

76. The Orphan’s and Custody Court shall extend the pre-adoption care until approval of adoption in a court at the place of temporary residence in Latvia or in the country of residence of the foreign adopter.

77. The Orphan’s and Custody Court shall issue the adoption documents, by keeping their certified copies in the file, to the foreign adopter together with the true copy of the decision. The Orphan’s and Custody Court shall, within 10 working days, send the true copy of the decision and a certified copy of the birth certificate of the adoptee to the Ministry.

78. The Minister for Welfare shall, within a month after the decision of the Orphan’s and Custody Court on the conformity of adoption with the interests of the child to be adopted and the application of the adopter has been received, issue the adoption permit or a justified refusal to issue it. The adoption permit shall be valid for three months from the day of issuing it. If the term of validity of the adoption permit has expired after submission of the documents to the district (city) court, it shall be considered to be valid.

79. If until approval of adoption in a court the pre-adoption care continues to be provided in the country of the place of residence of the adopter, the competent authority or the foreign adopter shall, until approval of adoption in a court, submit at least one report to the Orphan’s and Custody Court on the pre-adoption care for the child to be adopted in the foreign country.

80. In accordance with Paragraph 51 of this Regulation, the foreign adopter shall submit the claim application to a court for the approval of adoption and append the adoption permit issued by the Minister for Welfare to the documents.

81. After the court judgment has entered into effect, the true copy of the court judgment shall be immediately sent to the Ministry.

82. Following the approval of adoption in a court, the competent authority or the foreign adopter:

82.1. shall, until the adopted child has reached the age of 18 years and in conformity with Annex 4 to this Regulation, submit post-adoption reports and at least one photograph of the child to the Ministry and the Orphan’s and Custody Court which took the decision on the out-of-family care of the child. For the first two years following the approval of adoption in a court, post-adoption reports shall be submitted twice a year, thereafter – once a year;

82.2. shall, until the adopted child has reached the age of 18 years, ensure that the Orphan’s and Custody Court which took the decision on the out-of-family-care of the child has the opportunity to contact the adopted child by means of video or telephone;

82.3. shall, within three working days, inform the Ministry of the removal of a child from the adopter’s family, the coming of a child to the attention of the social services, court or law enforcement authorities or other relevant information which may further affect the stay of the child in the family of the foreign adopter.

[*17 December 2020 / The new wording of the Paragraph shall come into force on 1 January 2021. See Paragraph 2 of Amendments*]

**IX. Closing Provisions**

83. In accordance with the Convention, the competent authority must, within six months after coming into force of this Regulation, submit the documents referred to in Sub-paragraphs 60.2, 60.3, and 60.4 of this Regulation. If the abovementioned documents are not submitted to the Ministry, the competent authority does not have the right to submit new files of adopters.

84. Sub-paragraphs 23.8, 64.1, 64.4, and 64.5 of this Regulation shall come into force within six months after coming into force of this Regulation.

85. If an adopter who has been recognised as suitable for adoption prior to the coming into force of this Regulation expresses a wish to acquire the training programme for adopters, the Orphan’s and Custody Court shall provide such a possibility for him or her.

86. If the file of the foreign adopter is submitted to the Ministry until the day when Sub-paragraph 23.8 of this Regulation comes into force, the obligation to complete the training programme for adopters shall not apply to the foreign adopter. If an adopter who has been recognised as suitable for adoption prior to the coming into force of this Regulation expresses a wish to complete the training programme referred to in Sub-paragraph 23.8 of this Regulation, the competent authority shall provide such a possibility for him or her and append the relevant documents to the file of the adopter.

87. The foreign adopter may adopt a child placed in a foster family, if he or she, in accordance with Paragraph 70 of this Regulation, has received information from the Ministry regarding the child to be adopted who has been placed in a foster family prior to the coming into force of this Regulation.

88. Cabinet Regulation No. 111 of 11 March 2003, Procedures for Adoption (*Latvijas Vēstnesis* 2003, No. 45; 2005, No. 80; 2009, No. 104), is repealed.

89. The authorities officially recognised in a foreign country which the Ministry, until 31 December 2020, has declared as entitled to operate in the field of adoption in Latvia shall, until 31 January 2021, submit to the Ministry the certification referred to in Sub-paragraph 60.4 of this Regulation on ensuring the fulfilment of the requirements referred to in Paragraph 82 of this Regulation.

[*17 December 2020 / Paragraph shall come into force on 1 January 2021. See Paragraph 2 of Amendments*]

90. The requirements referred to in Paragraph 82 of this Regulation shall be applicable to the cases of the foreign adopter submitted to the Ministry after 31 December 2020.

[*17 December 2020 / Paragraph shall come into force on 1 January 2021. See Paragraph 2 of Amendments*]

91. In relation to the cases in which adoption has been approved in a court before 31 December 2020 and the child has not reached the age of 18 years, the Ministry shall send a request to the competent authorities and the foreign adopters to provide information on the occurrence of any of the circumstances referred to in Sub-paragraph 82.3.

[*17 December 2020 / Paragraph shall come into force on 1 January 2021. See Paragraph 2 of Amendments*]

Prime Minister Māris Kučinskis

Minister for Welfare Jānis Reirs

**Annex 1**

Cabinet Regulation No. 667

30 October 2018

**Consent of the Parent (Guardian) to Adoption**

|  |  |  |
| --- | --- | --- |
|  |  | to the Orphan’s and Custody Court |
|  | (name of the Orphan’s and Custody Court) |  |

|  |  |  |
| --- | --- | --- |
| I |  | , |
|  | (given name, surname) |  |

|  |  |  |
| --- | --- | --- |
| personal identity number |  | , |

|  |  |  |
| --- | --- | --- |
| year, date, month of birth |  | , |

|  |  |  |
| --- | --- | --- |
| family status |  | , |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| place of residence |  | LV- |  | , |

type of the document:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| passport No. |  | , | series |  | , | issued |  |
|  |  |  |  |  |  |  | (date/issuing body) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| identity card No. |  | , | issued |  |
|  |  |  |  | (date/issuing body) |

**agree to adopt**

|  |  |
| --- | --- |
|  | , |
| (given name, surname of the child) |  |

|  |  |  |
| --- | --- | --- |
| personal identity number |  | , |

|  |  |  |
| --- | --- | --- |
| born |  | , |
|  | (place of birth and year, date, month of birth) |

**.**

I have been informed of the possibility to receive social assistance and social services for families with children. I am aware of the legal consequences of adoption. I have been informed of the secrecy of adoption.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date) |  | (signature) |

|  |  |
| --- | --- |
| Chairperson of the Orphan’s and Custody Court or member of the Orphan’s and Custody Court |  |
|  | (given name, surname, signature) |

Place for a seal

Minister for Welfare Jānis Reirs

**Annex 2**

Cabinet Regulation No. 667

30 October 2018

**Consent to the Adoption by a Child who has Reached Twelve Years of Age**

|  |  |  |
| --- | --- | --- |
|  |  | to the Orphan’s and Custody Court |
|  | (name of the Orphan’s and Custody Court) |  |

|  |  |  |
| --- | --- | --- |
| I |  | , |
|  | (given name, surname) |  |

|  |  |  |
| --- | --- | --- |
| personal identity number |  | , |

|  |  |  |
| --- | --- | --- |
| born |  | , |
|  | (place and year, date, month of birth) |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| place of residence |  | LV- |  | , |
|  | (if the child lives in a family) |  |  |  |

type of the document:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| passport No. |  | , | series |  | , | issued |  |
|  |  |  |  |  |  |  | (date/issuing body) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| identity card/birth certificate No. |  | , | issued |  |
|  |  |  |  | (date/issuing body) |

agree that I am being adopted by

|  |  |  |
| --- | --- | --- |
| 1. |  | , |
|  | (given name, surname, personal identity number of the adopter) |  |
| 2. |  | . |
|  | (given name, surname, personal identity number of the adopter) |  |

After adoption I wish:

 to keep my given name

 to keep my surname

 to acquire the surname of the adopter

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (date) |  | (signature) |

|  |  |
| --- | --- |
| Chairperson of the Orphan’s and Custody Court or member of the Orphan’s and Custody Court |  |
|  | (given name, surname, signature) |

Place for a seal

Minister for Welfare Jānis Reirs

**Annex 3**

Cabinet Regulation No. 667

30 October 2018

[*17 December 2020*]

**Requirements for the Content of the Training Programme for Adopters (Criteria for the Development of the Training Programme)**

Annex prescribes the requirements for the development of the training programme for potential adopters, for the quality assessment of the training, and the requirements for the qualification of implementers of training – lecturers. Upon developing the training programme, the requirements laid down in this Annex shall be met and the duration of each training topic, their division and order, the applicable methods shall be determined, including application of the modular training system.

**1. Objective of the training programme** – to provide professional knowledge and skills which are necessary to potential adopters for efficient fulfilment of the child care and upbringing duties.

**2. Tasks of the training programme** – the training programme is considered to be an independent professional development process which includes monitoring, professional training in a training group, linking it to practical activities. The training programme is oriented towards the development of competences: child care and protection; satisfaction of the child development needs and prevention of delayed development; influence and supporting of emotional bonds of importance to the child; establishment of safe and supporting lifelong relationship; cooperation or work in a professional team.

**3. Duration of the training programme** – at least 40 academic hours (theoretical and practical lessons) and at least 16 academic hours (practice – experience with children in out-of-family care, for example, voluntary work in a child care institution, crisis centre, day centre, child camps under guidance of a coach). The practice part is organised individually for each family.

**4. Form of the training programme**– in person or remotely, active participation in the process of the group work. Lessons are led by a lecturer in cooperation with a mentor – a person who has experience in out-of-family care and upbringing of children, or in the work of specialists with such families.

**5. Methods of the training programme**– lectures, video materials or showing of training movies, work in groups, work in pairs, role plays, acting out social situations, discussions, reflections.

**6. Evaluation of the training programme learning quality** – trainees who have completed the training programme and acquired the necessary level of knowledge and skills shall take the final examination which includes multilevel assessment:

6.1. self-assessment;

6.2. feedback from the experts (lecturer and trainer/educator);

6.3. feedback from the group;

6.4. assessment of theoretical and practical knowledge – knowledge test and analysis of the social situation;

6.5. at least 90 % attendance/participation in the group process.

The certificate on completion of the training programme shall be received by a person who has acquired at least 7 grade points (in the 10 point grading scale) in the assessment of the theoretical and practical knowledge and a positive result in other items of the final examination.

**7.**Document certifying successful completion of the training programme – the certificate.

|  |  |  |
| --- | --- | --- |
| Content of the training programme based on competences | Result of the training programme | Qualification requirements for the lecturer |
| 1. Child care and protection:1.1. Arrival of the child into the family, house environment, safety1.2. Risks endangering safety and introduction of children to them1.3. Health care, health promotion and disease prevention, including hygiene and nutrition1.4. Risks, factors, and signs of physical, emotional, sexual violence and abandonment | Understanding of the basic physical and emotional needs of the child. The ability to provide care and supervision corresponding to the needs of the child | Second level professional higher or academic education in pedagogy, social work, or caritative social work, or master’s degree in psychology |
| 2. Satisfying development needs of the child and prevention of delayed development:2.1. Growing and development stages of the child, needs, specific nature of age groups according to the fields of development2.2. Positive disciplining of the child2.3. Impact of a traumatic experience (including divorce, loss, violence, and abandonment) on the development, behaviour, and attachment of children2.4. Strategies and methods for overcoming a traumatic experience2.5. Reasons and solutions for delayed development2.6. Development of self-care skills of the child2.7. Identity, course of life, culture, and experience of the child2.8. Attachment: role of attachment, formation, problematic aspects of the attachment development2.9. Loss, grieving, challenges, reactions, and needs related thereto | Understanding of the child development needs, the ability to observe and recognise signs of delayed development. The ability to understand the suffered traumas and their impact on the development and behaviour of the child. The ability to react accordingly to the needs of the child and to fulfil them. The ability to form a bond with the child and to provide sense of security | Second level professional higher or academic education in pedagogy, social work, or caritative social work, or master’s degree in psychology |
| 3. Impact of emotional bonds of significance to the child and support thereto:3.1. Attitude of respect towards the family of origin and other attachment persons of the child3.2. Supporting and continuation of relationship of significance to the child3.3. Ensuring communication between the child and his or her family of origin, reactions of the child related thereto3.4. Importance of the family, importance of the mutual bond between sisters and brothers | Understanding of the impact of bonds of significance to the child. The ability to strengthen the bonds of the child and to promote maintaining of relationship with the family of origin of the child and other persons of significance to the child | Second level professional higher or academic education in pedagogy, social work, or caritative social work, or master’s degree in psychology |
| 4. Establishment of safe and supporting lifelong relationship\*:4.1. Significance and planning of long-term and continuous relationship4.2. Family reunification as the primary objective of the welfare of the child4.3. Transitional process in case of changing the family4.4. Preparation for an independent life | Understanding of the importance of safe attachment and impact thereof on the development of the child. The ability to create safe family environment for the child and the ability to establish supportive lifelong relationship | Second level professional higher or academic education in pedagogy, social work, or caritative social work, or master’s degree in psychology |
| 5. Cooperation or work in a professional team:5.1. Legal regulation, laws and regulations for the protection of the children’s rights5.2. Services and authorisations of the organisations of the protection of children’s rights5.3. Operation and services of support centres5.4. Different roles, rights, obligations, and history of the host family forms5.5. Principles of ethics and communication in cooperation of professionals5.6. Cooperation, participation in professional interest groups5.7. Being aware, satisfaction of one’s strong points and needs5.8. Definition of a professional team and skills necessary for it, guidelines of team work, significance in ensuring the needs of the child5.9. Basic principles for child care planning | Understanding of the principles of team work. The ability to work in a team and to cooperate with specialists and organisations in ensuring welfare of the child | Second level professional higher or academic education in pedagogy, social work or caritative social work in law, and experience in the field of the protection of the children’s rights |

Note. \* The training programme for adopters shall emphasise the establishment of lifelong relationship with the adopting family.

Minister for Welfare Jānis Reirs

**Annex 4**

Cabinet Regulation No. 667

30 October 2018

**Post-adoption Report Form**

[*17 December 2020*]

1. Information on the living conditions of a child in a family (adaptation period in the new living conditions, information on progress in the pre-school education institution/school, community, description of the place of residence, and other information relating to the child)

|  |
| --- |
|  |
|  |
|  |

2. Information on the state of health of the child

|  |
| --- |
|  |
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|  |
|  |

3. Information on whether the child maintains a relationship with any of the relatives/friends/out-of-family carers or other persons in Latvia

|  |
| --- |
|  |
|  |
|  |

4. Other relevant information relating to the child and his or her living conditions

|  |
| --- |
|  |
|  |
|  |

5. \_\_\_photograph(s) appended to the post-adoption report