

Amendments to the Adoption Procedure

The Adoption Procedure is regulated by the Family Code of Ukraine, Civil Procedural Code of Ukraine, the Procedure for Adoption and Supervision of the Rights of Adopted Children, approved by the Resolution of the Cabinet of Ministers of Ukraine of 08.10.2008 № 905 (hereinafter - the Adoption Procedure), the Procedure for the Carrying Out of Activities Related to the Protection of the Rights of the Child by the Guardianship Authorities, approved by the Resolution of the Cabinet of Ministers of Ukraine of 24.09.2008 № 866 (hereinafter - the Procedure).

Resolution of the Cabinet of Ministers of Ukraine of 01.06.2023 № 576 has amended a number of resolutions of the Cabinet of Ministers of Ukraine regarding the adoption and placement of orphans and children deprived of parental care in families of Ukrainian citizens during martial law.

1) Specifically, paragraph 125 of the Adoption Procedure stipulates that the Head of the institution or authorized by him/her an employee of the institution shall acquaint the candidates for adoptive parents, in particular via videoconference (with recording by means of video recording equipment), with the available documents of the child, medical documents (in particular, issued by healthcare institutions, institutions of the State of temporary stay of the child).

Acquaintance of candidates to be adoptive parents with a child is carried out at the child's place of stay outside Ukraine in the presence of the Head of the institution or an employee of the institution authorized by him/her (by Head of the institution). In case of adoption of a child by a couple, one of whom is restricted from leaving Ukraine during martial law, the acquaintance with the child abroad is carried out by one of the spouses with the participation of the other spouse via videoconference (with recording by means of video recording equipment). The spouse who does not have the right to travel outside Ukraine during martial law shall personally get acquainted with the child after his or her return to Ukraine. At the request of the candidates for adoptive parents, a preliminary acquaintance with the child may be held via videoconference (with recording by means of video recording equipment).

Representatives of the relevant service on children's issues, the National Social Service of Ukraine (if it issues a direction) participate in the acquaintance of candidates for adoptive parents with the child at the place of his/her stay abroad or via videoconference (with recording by means of video recording equipment).

According to paragraph 135 of the Adoption Procedure, adoption during martial law and within three months after its termination or cancellation, adoption of children by citizens of Ukraine temporarily or permanently residing (staying) outside Ukraine and foreigners, including registration of such persons as candidates for adoption, issuance of referrals for them to meet and establish contact with the child, is not carried out, except when the candidate for adoption is a relative of the child, the candidates for adoption have expressed a desire to adopt a child who is a sibling of a child previously adopted by them, or when one of the spouses has expressed a desire to adopt the child of the other spouse.

2) the amendments of the Procedure.

Specifically, the Procedure was supplemented with paragraph 78-3, according to which, during a State of Emergency or martial law on the territory of Ukraine, orphans, children deprived of parental care, registered for adoption, temporarily displaced (evacuated) outside Ukraine from institutions of various types, forms of ownership and subordination, as well as children who have acquired the status of an orphan or a child deprived of parental care while being evacuated outside Ukraine, may be transferred to the care of Ukrainian citizens who are registered as candidates for adoption and reside (stay) on the territory of Ukraine, except for the territories of active hostilities and the territories temporarily occupied by the Russian Federation.

Acquaintance of candidates to be adoptive parents who wish to take a child under guardianship, care for the purpose of its further adoption, and issuance of a referral for acquaintance with the child is carried out by the services for children of the State (military) administrations in oblasts, the Kyiv city State (military) administration at the place of residence of the child on local or regional registration (regardless of the level of registration) in the priority order of registration of candidates for adoption. Acquaintance with information about children may be carried out via videoconference (with recording by means of video recording equipment).