

No. 33071

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**IRELAND  
and  
ROMANIA**

**Agreement on the working arrangements for the coordination of intercountry adoption (with annex). Signed at Bucharest on 7 July 1994**

*Authentic texts: English and Romanian.*

*Registered by Ireland on 26 August 1996.*

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**IRLANDE  
et  
ROUMANIE**

**Accord relatif aux arrangements de travail en vue de la coordination des procédures d'adoption inter-états (avec annexe). Signé à Bucarest le 7 juillet 1994**

*Textes authentiques : anglais et roumain.*

*Enregistré par l'Irlande le 26 août 1996.*

AGREEMENT<sup>1</sup> BETWEEN THE ROMANIAN COMMITTEE FOR  
ADOPTIONS AND THE MINISTER FOR HEALTH OF IRELAND  
ON THE WORKING ARRANGEMENTS FOR THE CO-ORDINA-  
TION OF INTERCOUNTRY ADOPTION

Whereas the competent authorities of Ireland and Romania desiring to promote co-operation between their two countries in the field of intercountry adoption and to strengthen the friendly relations which exist between Romania and Ireland, have agreed as follows:-

**INTRODUCTION**

1. This Agreement is the basis for a working arrangement between the countries of Ireland and Romania concerning the processing of applications from persons residing in Ireland to adopt children from Romania who have been identified as being available for adoption by the Romania Committee for Adoptions.
2. This Agreement has been prepared to reflect current legislation governing the adoption of children in Romania and in Ireland.
3. The Irish Adoption Board (An Bord Uchtala) will act as agent for the Minister for Health of Ireland in processing applications from prospective adopters.

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<sup>1</sup> Came into force on 7 July 1994 by signature, in accordance with paragraph 11.

## GENERAL PRINCIPLES

4. The guiding principles for this Agreement are those set out in the United Nations Convention on the Rights of the Child, adopted by the General Assembly on November 20, 1989.<sup>1</sup>
  
5. These recognize that:
  - (a) Intercountry adoption may be considered as an alternative means of child care, if the child cannot be placed in a foster or an adoptive family or cared for in a suitable manner in the child's country of origin;
  
  - (b) The best interests of the child are the paramount consideration;
  
  - (c) The child concerned by intercountry adoption should enjoy safeguards and standards equivalent to those existing in the case of a national adoption;

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<sup>1</sup>United Nations, *Treaty Series*, vol. 1577, No. I-27531.

- (d) The placement of a child should be carried out by competent authorities and must not result in improper financial gain for those involved in it.

### GUIDELINES

6. Intercountry adoption of Romanian children by persons residing in Ireland must be performed according to Romanian and Irish laws governing adoption.
7. The Irish Adoption Board will only forward applications for the adoption of Romanian children on behalf of persons resident in Ireland who, in accordance with Irish law, have been assessed by a health board or a registered adoption society and in whose favour the Irish Adoption Board has made a declaration of their eligibility and suitability to adopt.
8. The Irish Adoption Board will co-operate exclusively with the Romanian Committee for Adoptions which is the authorised body in Romania responsible for identifying and listing children who may be adopted by people living abroad.
9. The Romanian Committee for Adoptions will only accept applications for the adoption of Romanian children from persons, including Romanian citizens, who have been ordinarily resident in Ireland for at

least one year which are sent to it by the Irish Adoption Board.

10. The Irish Adoption Board and the Romanian Committee for Adoptions will develop detailed procedures, in accordance with the requirements of existing law, for the adoption of Romanian children by persons, including Romanian citizens, who have been ordinarily resident in Ireland for at least one year. These procedures shall include those specified in the Annex to this Agreement which is an integral part of the Agreement.

#### **FINAL PROVISIONS**

11. This Agreement may be amended at any time by an exchange of letters through the Diplomatic channel. This Agreement shall enter into force on signature by both parties. Either the Minister for Health of Ireland or The Romanian Committee for Adoptions may terminate this Agreement by giving three months notice in writing to the other party of intention of termination. Termination of this Agreement will not affect the completion of adoptions already in process or the obligations set out in this Agreement for post-placement services.
12. This Agreement is concluded in two originals in the English and Romanian languages.

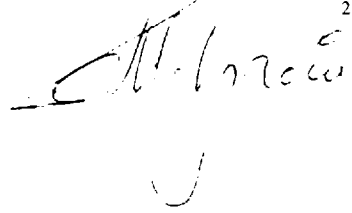
Concluded at Bucharest this seventh day of  
July, 1994.

Chairperson,

For the Minister  
for Health of Ireland:

Romanian Committee  
for Adoptions:

<sup>1</sup>

<sup>2</sup>

<sup>1</sup> Liam Rigney.

<sup>2</sup> Alexandru Oproiu.

ANNEX TO THE AGREEMENT BETWEEN THE ROMANIAN COMMITTEE FOR ADOPTIONS AND THE MINISTER FOR HEALTH OF IRELAND ON THE WORKING ARRANGEMENTS FOR THE CO-ORDINATION OF INTERCOUNTRY ADOPTION

PROCEDURES AND REQUIREMENTS FOR THE ADOPTION OF ROMANIAN CHILDREN

**ELIGIBLE APPLICANTS**

1. Eligible applicants will:

- (a) be couples married to each other for at least three years.

Exceptionally, couples married less than three years and single persons may be considered in respect of children with special needs, children over 7 years of age or siblings;

- (b) be a minimum of 21 years of age and be not more than 40 years older (for the adopting mother) and 45 years older (for the adopting father) than the child to be adopted;

Exceptionally persons who are more than 40 years older (in case of adopting mother) and

45 years older (in case of adopting father) may be considered in respect of children with special needs, children over 7 years of age or siblings.

(c) have no more than two children.

Exceptionally married couples and single persons with more than 2 children may be considered in respect of children with special needs, children over 7 years of age or siblings.

#### ELIGIBLE CHILDREN

2. Eligible children are those who are registered with the Romanian Committee for Adoptions who could not be entrusted or adopted in Romania within at least six months from their date of registration with the Committee.



## PROCEDURES

### **A. Application**

3. An application to adopt a Romanian child will include the following documents, which will be forwarded to the Romanian Committee for Adoptions by the Irish Adoption Board:
  - (a) application from the applicants expressing their desire to adopt a Romanian child;
  - (b) statement from applicants confirming that they wish the adoption to be made with full effect (i.e. that the adoption will have essentially the same legal effect as an Irish adoption in relation to the termination and creation of parental rights and duties);
  - (c) an undertaking in writing from the applicants confirming that they will furnish follow up reports to the Romanian Committee for Adoptions in accordance with paragraph 8 of this Annex;

- (d) copy of birth and marriage certificates of applicants;
- (e) police statement in respect of applicants giving details (if any) of criminal convictions recorded against each of them;
- (f) medical reports on applicants;
- (g) statement of family income of applicants;
- (h) recent photographs of applicants;
- (i) homestudy prepared by a health board or registered adoption society, which includes an assessment of the applicants':
  - motivation for adoption,
  - psychosocial history,
  - family dynamics,
  - attitude of children over ten in the household towards the possible adoption,
  - knowledge of and attitudes towards Romanian culture,
  - attitudes of the immediate community,

- other information of interest (e.g. religion),

and includes a statement from the health board or registered adoption society indicating their opinion regarding the applicants' capability to adopt a Romanian child;

- (j) declaration made by the Irish Adoption Board under the Irish Adoption Act 1991 confirming that the applicants are eligible and suitable to adopt a child under Irish law.

4. All of the documents specified in paragraph 3 above must be notarised, authenticated and translated into Romanian in three copies. The original of each document will be required for the Romanian Court.

## B. Child Referral

5. The Romanian Committee for Adoptions will review the application and register the applicants on their waiting list. As children become available for intercountry adoption, the Romanian Committee for

Adoptions will select the family they deem most appropriate for the child and forward the following documents to the Irish Adoption Board:

- (a) child's social case history, including the circumstances surrounding his/her becoming available for intercountry adoption;
- (b) child's medical history;
- (c) current health status report;
- (d) recent photograph of child;
- (e) social and medical history of child's birth's parents, if available;
- (f) Declaration of Intent to Adopt for the signature of the applicants.

6. If possible, all of the documents specified in paragraph 5 above shall be translated into English by or on behalf of the Romanian Committee for Adoptions.

C. Child Acceptance

7. If the child selected by the Romanian Committee for Adoptions for the applicants is accepted by them,

the applicants will sign a Declaration of Intent to Adopt which they will forward to the Irish Adoption Board in sufficient time to enable the Board to transmit the Declaration to the Romanian Committee for Adoptions within 60 days of the receipt by the Board of the documents referred to in paragraph 5 of this Annex.

Exceptionally, the Irish Adoption Board may make representation to the Romanian Committee for Adoptions to extend the period of 60 days.

8. The applicants will, in accordance with Article No. 10 of the Romanian Adoption Law, 1991, undertake in writing to provide follow up reports describing the adjustment of the child into the family.

These reports will be prepared by the applicants at intervals of 2, 6, 12, 18 and 24 months following the arrival of the child in Ireland and will be forwarded to the Romanian Committee for Adoptions by the applicants.

9. The applicants will travel to Romania within 30 days from the date on which the Irish Adoption Board

forwards to the Romanian Committee for Adoptions the Declaration of Intent to Adopt signed by the applicants in order to complete the adoption.

10. If the child selected for the applicants is not accepted, the applicants will provide their reasons in writing through the Irish Adoption Board. The Romanian Committee for Adoptions will have the right to offer a second choice to applicants who do not accept the child selected by the Committee.

**D. Other Provisions**

11. To enable the applicants to complete the adoption in Romania, the Romanian Committee for Adoptions will provide them or their legal representative with confirmation that the child could not be entrusted or adopted in Romania within at least six months from the date of his/her registration, as well as the file containing the documents regarding the applicants referred to in paragraph 3 of this Annex.
12. Applicants wishing to retain the services of a lawyer in Romania must enquire from the Romanian Bar Association directly.

13. Costs arising in relation to the translation, notarisation and transmission of documents will be borne by the applicants.
  
  14. In the event of a breakdown of the adoption or the abandonment of the child in Ireland, the health board in whose area the child resides or is found will be responsible for providing for the care and protection of the child in accordance with Irish law. The Irish Adoption Board will inform the Romanian Committee for Adoptions of any such cases which come to its attention.
  
  15. The Romanian Committee for Adoptions and the Irish Adoption Board, working in close co-operation, will encourage the training of personnel with a view to improving the intercountry adoption programme.
  
  16. The Irish Adoption Board will inform the Romanian Committee for Adoptions of any programme of research or other studies concerning children adopted from Romania.
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