

December 5, 2008

New Adoption Regulations in Effect

On October 8, 2008 the Cabinet of Ministers of Ukraine approved Resolution #905, introducing new regulations for adoptions and the protection of the rights of adopted children. This Resolution cancels the previous adoption Resolution #1377. The new regulations went into effect on December 1, 2008.

The Resolution sets regulations for the registration of abandoned children at the local, regional and central levels. It also describes adoption proceedings for both domestic and intercountry adoptions. Some of these changes will affect the intercountry adoption process. These changes are described in more detail below and in the updated country specific information on adoption from Ukraine. We have also revised the list of documents that should be submitted to the SDAPRC for registration to reflect all of the changes.

Adoption Home Study

Resolution #905 introduces more specific requirements for the adoption home study. The home study should include the following items: home address, living conditions (number of bedrooms, living space and conditions for the adopted child), biographic information of the parents, household members (number of persons residing in the same household and their relation to the adoptive parent, number of biological children, if any); adoptive parents' approach towards adoption. The home study must also include the recommendations regarding the number, age and health condition of the children that can be adopted by the prospective adoptive parents. The important thing to remember is that the conclusion should clearly state that it is the agency/social worker's recommendation for this family to adopt this particular child or children, not just the family's own preference.

Refusal to Register Adoption Dossiers

According to this Resolution the SDAPRC will now have the right to refuse to register your dossier if, at the time of the dossier's submission to the SDAPRC, the central database of Ukrainian children available for intercountry adoptions will not contain any children complying with the recommendation in your home study. Given the statistics published by the SDAPRC and available on our website at: http://kyiv.usembassy.gov/amcit_adoptions_notice_0119_eng.html, there are currently no healthy children (or children with minor, correctable health problems) under three and very few under six years old. Therefore, if you are recommended for a healthy child or a child with minor/correctable health problems under six years of age, the SDAPRC is very likely to refuse even to accept and register your dossier.

Adoptive Parent's Commitment to Register the Child and Provide Annual Reports to the Embassy or Consulate of Ukraine

This document must be prepared *in duplicate* and should include the following commitments:

- to register the adopted child with the respective Consulate or Embassy of Ukraine (indicating the name and full address of the Consulate/Embassy);
- to provide the adopted child with the opportunity to keep their Ukrainian citizenship until 18 years old;
- to submit annual reports on the adopted child to the Consulate or Embassy of Ukraine at least once a year for the first three years after the adoption and once every three years afterwards, until the child's 18th birthday;

- to provide an opportunity to the representatives of the Consulate/Embassy of Ukraine to communicate with the adopted child;
- to inform the Consulate/Embassy of Ukraine about any change of address of the adopted child.

Marriage Certificate

The SDAPRC will now require *two notarized copies* of marriage certificate, instead of one.

Proof of income

W-2 forms for the most recent six months or tax returns for the last calendar year, certified by the issuing authority or notarized.

Ownership/Rental Documents

Your adoption dossier must now include a notarized copy of the document confirming the ownership or rental rights of the adoptive parents for their house or apartment, indicating its total and living area as well as the number of bedrooms.

Other requirements and notes

- The SDAPRC will not accept any notarized statements in place of W-2 forms or other proof of income; neither will they accept notarized statements/affidavits instead of the documents confirming the property rights.
- On the date of submission of your documents to the SDAPRC they should remain valid for at least six months. Documents are valid for 12 months from the date of issuance or notarization, except for the I-171H form, which is valid for 18 months.

Priority for adoptions

The SDAPRC will give priority for submission of documents and scheduling appointments to the following adoptive parents:

- biological relatives of the adopted child;
- those who are applying for adoption of biological siblings of their previously adopted children;
- adoptive parents applying for adoption of the children suffering from one of the health problems posted on our website at: http://kyiv.usembassy.gov/amcit_adoptions_eng.html
These children are also not subject to one-year registration term at the central database for intercountry adoptions.

Maximum Number of Appointments with the SDAPRC

As of December 1, 2008 the SDAPRC will allow only three appointments to each adoptive family to look at the children's files. If you have not chosen any children after the third appointment, your adoption dossier will be returned to you immediately. (Currently, the SDAPRC also limits the number of adoption referrals issued to each family to two referrals.) You need to submit a notarized statement to request a second appointment with your dossier to the SDAPRC and then they officially have ten business days to respond with the date of your second/third appointment.

Please note this information is provided as a general guidance only; all questions involving interpretation of specific Ukrainian adoption laws should be addressed to foreign legal counsel or your adoption service provider.