



Republic of Moldova

THE PARLIAMENT

**LAW No. 99
of 28.05.2010
on the legal regime of adoption**

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MODIFIED

[LP283 of 13.12.12, Official Paper 83-90/19.04.13 art.267](#)

The parliament approves this organic law.

**Chapter I
GENERAL PROVISIONS**

Article 1. The regulated object

This law regulates legal relations with regard to:

- a) protection of the child rights through adoption;
- b) establishment of the legal regime of adoption;
- c) cooperation of the public administration authorities with non-governmental organizations to assure the child with a healthy family environment;
- d) international cooperation in protection of the child through adoption.

Article 2. Main notions

Within the purpose of this law, the following main notions have the following meaning:

adoption – special form of protection, applied in the child’s best interest, by means of which the filiation between the adopted child and the adopter is established, as well as the kinship relations between the adopted child and the adopter’s extended family;

domestic adoption – adoption in which the adopted child, as well as the adopter or the adopting family, reside in the Republic of Moldova;

international adoption – adoption in which the adopted child has its domicile in the Republic of Moldova, while the adopter or the adopting family reside abroad or adoption in which the adopted child resides abroad, while the adopter or the adopting family reside in the Republic of Moldova;

adopter – an individual or a family (spouses) which submitted an application and which is being kept track of by the authorities competent in the field of adoption, as provided for by the current law;

adopter’s certificate – a document issued to the adopter, as provided for in the current law, which certifies adoption capacity, resulting from meeting moral guarantees and material conditions required for the child’s multilateral and harmonious development through adoption;

adoptable child – a child under the record for the purpose of adoption, which meets all the conditions set forth by this law with a view to approving adoption;

adoptable child without special needs – an adoptable child up to 7 years old;

[\[Art.2 the notion introduced by LP283 of 13.12.12, MO83-90/19.04.13 art.267\]](#)

adoptable child with special needs – adoptable child which:

- a) matches a certain degree of disability or which poses increased risk of subsequent

development of inherited sicknesses and/or an aggravated inherited/genetic anamnesis;

b) turned 7 years old;

c) which has one or more siblings which turned 7 years old;

[Art.2 the notion introduced by LP283 of 13.12.12, MO83-90/19.04.13 art.267]

child's domicile – the place of the child's presence, which could be: its parents' residence, the residence of one of the parents, of the guardian or the custodian, the place of the social institution or the family type service or a place established by a court decision;

case manager – a specialist from the social assistance and family protection unit/division, from the Chisinau Municipal department for the protection of child rights or the social institution where the child is placed, who is responsible for developing and implementing the individual child assistance plan;

adoptive parent/parents – an individual or a family (spouses) who adopted the child according to the provisions of this law;

visiting permit – a written permission issued to the adopter in the matching process to be able to visit the child within the purpose of an eventual adoption;

adopter's matching – the procedure of selecting an adopter for the adoptable child, taking into account the age of the child and the adopter, the child's needs and the possibilities of the family to meet those needs, the child's psychological and medical peculiarities, the recommendations of the competent adoption authority and of the child's residential care institution.

Article 3. Core principles of adoption

The protection of the child rights through adoption is realized on the basis of the following core principles:

a) respect for the child's fundamental rights and freedoms;

b) respect for the child's best interest;

c) informing the child and taking its opinion into account, reported to the child's age and degree of maturity;

d) priority of domestic adoption versus international;

e) continuity in bringing up and educating the child, taking into account its ethnic, cultural and linguistic origins;

f) celerity in preparing any documents that relate to the adoption procedure;

g) guarantee of the confidentiality of the information acquired in the process of adoption with regard to the identified data on the adopter, as well as on the child's biological parents.

Article 4. Child's information and opinion

(1) Throughout the adoption procedure, the competent adoption authority within the territorial area of which the child resides is obliged to provide the child with information and clear and complete explanations, according to the child's age and degree of maturity, with regard to the stages and the length of the adoption process, to the effects of adoption, the adopter and its relatives.

(2) The purpose of informing the child is to prepare him/her for adoption and integration into family environment.

(3) Within the adoption process one will take into account the child's opinions, wishes and feelings, depending on its age and capacity to understand.

Chapter II

INSTITUTIONAL FRAMEWORK

Article 5. Competent authorities in the field of adoption

(1) In the Republic of Moldova, the authorities competent in the field of child protection through adoption are:

a) The Ministry of Labor, Social Protection and Family (hereinafter referred to as the *central*

authority);

b) Units/divisions of social assistance and family protection and the Municipal child protection department Chisinau (hereinafter referred to as *territorial authority*).

(2) An Advisory Board for Adoptions, whose composition and the regulation of activity are approved by the Government, acts under the central authority.

[Art.5 para.(2) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 6. Central authority's responsibilities with regard to adoption

(1) The Central authority is empowered to assure that the Republic of Moldova fulfills its commitments following the joining of the Hague convention on child protection and cooperation on the matter of international adoption of 29 May 1993 (hereinafter referred to as the Hague Convention) and other relevant treaties.

(2) For achieving objectives in the field of adoption, the central authority shall have the following main responsibilities:

a) fulfills the obligations entrusted to central authority as provided for by the Hague Convention and other international treaties;

b) develops draft laws and norms, methodologies in the field of adoption;

c) coordinates the activity of the territorial authorities in the field of adoption;

d) collects, analyses and protects information on domestic and international adoptions;

e) monitors how the child rights are respected prior to international adoption and after it;

f) keeps the State adoption registry;

g) accredits foreign organizations with responsibilities in the field of international adoption;

h) reviews complaints and appeals against acts issued by territorial authorities;

i) fulfills other responsibilities in matters of adoption provided for by domestic laws or international treaties and bilateral treaties to which the Republic of Moldova is party.

(3) The Central Authority signs cooperation agreements and cooperates with central and local public administration authorities, domestic and foreign public institutions, with other domestic and foreign legal entities which fulfill tasks in the field of adoption.

Article 6¹. Responsibilities of the Advisory Board for Adoptions

The Advisory Board for Adoptions has the following tasks:

a) preventive endorsement of the decisions made by central authority with regard to selecting the appropriate adopter for the adoptable child based on the criteria approved by the central authority within the framework of international adoption procedures;

b) review and issue endorsements on the opportuneness of separating siblings through domestic or international adoption.

[Art.6¹ introduced by LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 7. Responsibilities in the field of adoption of the territorial authorities

(1) In the field of adoption, the territorial authority fulfills the following important tasks:

a) collects and analyses information, keeps record of adopters and adoptable children within its territorial boundaries;

b) evaluates adopters' adoption capacity and issues certificates of adopters;

c) informs and prepares adopters for adoption, in line with the requirements defined by the central authority;

d) assures that adopters match;

e) monitors the evolution of the child and its relations with the adopter in the pre-adoption period;

f) expresses its opinion, through an endorsement note, on the compatibility of the adopter with the adoptable child and whether the adoption meets the best interest of the child;

g) participates at court hearings for reviewing applications for the approval of an adoption;

h) monitors the child's situation during the post-adoption period in case of domestic adoption;

i) fulfills other tasks in the area of adoption, as provided for by the law.

(2) The territorial authority operates based on a framework regulation, approved by the

Government.

Article 8. Responsibilities in the field of adoption of diplomatic missions and consular offices of the Republic of Moldova

In the field of adoption, the Republic of Moldova's diplomatic missions and consular offices have the following tasks:

- a) distribute information materials on the rights of children in the Republic of Moldova which they receive from the central authority, on legal provisions which refer to child protection through adoption in the Republic of Moldova;
- b) keep consular record of children from the Republic of Moldova adopted by foreign citizens or by nationals of the Republic of Moldova who reside outside of the country;
- c) keep record of the organizations in the respective countries, which fulfill tasks in the field of international adoption, that are accredited in the Republic of Moldova and submits information on these organizations to the central authority;
- d) assures the monitoring of the living conditions of the children from the Republic of Moldova adopted abroad, informs the central authority of the results;
- e) exercises other responsibilities in the area, according to their status.

Article 9. Foreign organizations with tasks in the field of international adoption

(1) Foreign organizations with duties in the field of international adoption in the Republic of Moldova are not-for-profit organizations, legally registered in the receiving state, which meet the following conditions:

[Art.9 al.(1) modified by LP283 of 13.12.12, MO83-90/19.04.13 art.267]

- a) are accredited by the central authority in the area of adoption in the receiving state which is party to the Hague convention or which signed a bilateral agreement with the Republic of Moldova;
- b) are accredited by the central authority of the Republic of Moldova and subsequently registered as legal entities at the Ministry of Justice of the Republic of Moldova, according to the laws.

(2) List of services and activities in international adoption which foreign organizations with responsibilities in international adoption can provide/conduct, is approved by the Government.

[Art.9 al.(2) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Chapter II¹

ACCREDITATION PROCEDURE AND THE OPERATION OF FOREIGN ORGANIZATIONS WITH RESPONSIBILITIES IN THE FIELD OF INTERNATIONAL ADOPTION

Article 9¹. Documents required for the accreditation in the Republic of Moldova of foreign organizations with responsibilities in the field of international adoption

(1) Accreditation in the Republic of Moldova of foreign organizations with responsibilities in the field of international adoption is made based on the following documents and information:

- 1) documents (licenses, authorizations and certificates) issued by the competent authorities in the receiving state, which confirm the foreign organization's right to act in the field of international adoption, including on the territory of the Republic of Moldova, if the laws of the receiving state provide for such a procedure, as well as other documents which confirm that the organization meets the qualification criteria required for acting in line with the provisions of the Hague Convention, provided that the receiving state is party to the said Convention;
- 2) the status and the structure of the organization in the receiving state;
- 3) documents which prove the qualification of the staff of the organization that work on the territory of the receiving state and confirm their work experience in the field of international adoption;
- 4) the history of the organization's operation in the field of international adoption, description of cooperation and assistance programs in the field of child protection, implemented in the

receiving state and the states of origin;

5) information on the number of children adopted in the last 10 years via international adoption procedure, specifying the number of children with special needs;

6) information on the working methodology in the field of international adoption on the territory of the receiving state, including the detailed description of stages that the applicant goes through:

a) submission of the application and its review;

b) criteria for adopters' multilateral evaluation (psycho-emotional condition, health, wellbeing and living conditions, social environment);

c) adopters' preparation procedure and program; assistance provided to the adopters; assistance provided to adopted children and adoptive parents during the post-adoption period;

7) information on eventual warnings, suspensions or withdrawals of accreditation/authorization in the receiving state or other states in which the organization operates or operated, as well as the reasons for that, or a written declaration, on one's own responsibility, of not having any of the above;

8) the file of the person proposed to represent the foreign organization in the Republic of Moldova for conducting the international adoption procedure, which must consist of:

a) a copy of the identity card;

b) a copy of the higher education graduation diploma in the field of social assistance, psychology, teacher training, sociology, medicine or law;

c) a Curriculum Vitae;

d) a copy of the employment record or other documents which prove the activities that were carried out and the professional experience;

e) the criminal record;

f) a copy of the certificates that certify the trainings in the field of child protection, including adoption;

g) a health certificate on the individual's health condition;

9) a document which confirms the empowerment of the individual that is proposed as the representative of the foreign organization in the Republic of Moldova to carry out the international adoption procedure, issued by the respective organization.

(2) All documents submitted for accreditation shall be translated into the state language and legalized.

(3) Only nationals of the Republic of Moldova residing on its territory can work as representatives of foreign organizations.

Article 9². Terms of accreditation and of extension of accreditation in the Republic of Moldova of foreign organizations with tasks in international adoption

(1) Accreditation application, with the supporting documents as provided for in art. 91 are submitted to the central authority before 31 January of the current year.

(2) The application for extending the accreditation, accompanied by the activity report for the previous year compiled according to the provisions of para. (3), translated into the state language and legalized, are submitted to the central authority by the accredited foreign organization before 31 January.

(3) The activity report for the previous year shall incorporate information on the following:

1) the activity of the foreign organization in the field of international adoption during the previous year in the receiving state and in the Republic of Moldova, including information on:

a) the number of realized international adoptions;

b) profile of adopted children, implemented programs for adopters' preparedness;

c) assistance provided to adopted children and adoptive parents in the process of adoption and during the post-adoption period;

d) cooperation programs in child rights promotion;

2) the costs of each international adoption realized on the territory of the Republic of Moldova, with the decoding of the amounts paid by the adopters, directly or indirectly, to the

foreign organization, the authorities, the institutions and the services providers in the receiving state, as well as the amounts paid by the foreign organization's representative in the Republic of Moldova to the authorities, the institutions and the services providers in the Republic of Moldova during the process of adoption, including the costs and fees covered by the adopters within the pre-adoption period, the cost of the adoptable child's medical check-up, the travel and stay in the Republic of Moldova, fees for covering the foreign organization's operational costs, fees for the services of the representative in the Republic of Moldova.

(4) The applications for accreditation or for the extension of accreditation of foreign organizations are reviewed by the central authority before February 15.

(5) In case of the extension of accreditation, the respective note is made in the accreditation certificate.

(6) In case of the termination of contract with the representative of the foreign organization in the Republic of Moldova, the foreign organization is obliged to inform thereof the central authority of the Republic of Moldova during 3 work days.

(7) While the foreign organization has no contracted representative on the territory of the Republic of Moldova, the international adoption procedures that are underway through the respective foreign organization are suspended before a new representative is contracted according to the effective procedures.

(8) If the foreign organization's representative in the Republic of Moldova is replaced, the file, provided for in art. 9¹ para. (1) item 8) is reviewed in the course of 3 work days by the central authority in the Republic of Moldova.

Article 9³. Suspension of accreditation in the Republic of Moldova of foreign organizations with tasks in the field of international adoption

The central authority shall request the court to suspend the accreditation of the foreign organization with tasks in the field of international adoption in the following cases:

- a) activity reports are submitted with disregard to the established requirements;
- b) false reports or information on international adoption of children residing in the Republic of Moldova are submitted;
- c) upon the notification from the law enforcement bodies or financial control bodies;
- d) if criminal prosecution is started against the foreign organization;
- e) upon the request of the central authority with tasks in the field of international adoption in the receiving state.

Article 9⁴. Annulment of accreditation in the Republic of Moldova of the foreign organization with tasks in the field of international adoption

The Central authority shall request the court to annul the accreditation of the foreign organization with tasks in the field of international adoption in the following cases:

- a) the activity report for the previous year is not submitted by 31 January, according to art. 92 para. (2);
- b) the accreditation of the foreign organization is withdrawn by the competent authorities in the receiving state;
- c) the statutes of the foreign organization are reorganized and/or modified, provided that this leads to the violation of accreditation terms;
- d) post-adoption assessment reports are not submitted according to the provisions of this law.

[Chapter II¹ introduced by LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Chapter III

BACKGROUND CONDITIONS OF ADOPTION

Article 10. Adoptable child

(1) An individual that can be adopted only before the age of 18 years.

(2) By derogation from para. (1), an individual who has acquired full exercise capacity before the age of 18 years can be adopted only provided that the adopter is the individual or the family

which brought him/her up, if he/she lived with that specific individual or family not less than 3 years before submitting the adoption application.

(3) The separation of siblings by adoption, as well as the adoption of siblings by different individuals or families is prohibited, except for cases when this contradicts the child's best interest.

[Art.10 para.(3) modified by LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(3¹) The opportuneness to separate siblings by domestic or international adoption is reviewed by the Advisory Council for Adoptions based on criteria, procedures and terms approved by the central authority.

[Art.10 para.(3¹) introduced by LP283 of 13.12.12, MO83-90/19.04.13 art.267]

4) Adoption of siblings by adopters from different states, regardless of whether the siblings know each other or not, is admitted only if it was found that the adoption of the siblings by the following is not possible:

a) the same adopter, regardless of the state in which it resides;

b) another adopter residing in the state in which the previously adopted sibling resides, only if the respective state has signed the Hague Convention or is party to a bilateral agreement in the area of adoption signed with the Republic of Moldova.

[Art.10 para.(4) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(5) In case of separation of siblings through adoption, the central authority or, depending on the case, the territorial authority, in cooperation with the foreign organizations, meaning the child's best interest, shall undertake the necessary measures to facilitate the communication and the maintenance of relations between siblings, taking into account the age, degree of maturity, wishes, siblings' feelings and the extent of their information on the adoption.

[Art.10 para.(5) introduced by LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 11. Interdictions on child adoptions

(1) Adoption by siblings is prohibited.

(2) Adoption of one child by several adopters is prohibited, except for cases when this is done by both spouses at the same time.

(3) By derogation from para. (2), a new adoption can be approved provided that:

a) the adopter or adoptive spouses passed away, the previous adoption being considered terminated on the date that the court decision on the approval of new adoption stays irrevocable;

b) previous adoption ceased as a result of being declared null.

Article 12. Adopters

(1) Adoption is permitted only to individuals with full capacity to exercise, who are 25 years old and are at least 18 years older than the child whom they want to adopt, but not older than 48 years.

(2) By derogation from the provisions of para. (1), the court may approve the adoption, even if the age difference between the child and the adopter is less than 18 years, but never less than 16 years.

(3) By derogation from the provisions of para. (1), in case of adoption, it is sufficient that only one spouse is 25 years old.

(4) The individuals specified below cannot adopt children:

a) deprived of their parental rights;

b) whose health condition does not permit them to appropriately fulfill their obligations and responsibilities with regard to bringing up and educating the children;

[Art.12 para.(4), letter b) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

c) who evade the exercise of their parental obligations, including the payment of the alimony for one's biological children's support;

d) who previously adopted children, but who did not exercise their parental rights appropriately and are deprived from the exercise of these rights or the child is removed from

their care based on a court decision, without depriving them of their rights;

e) exempt from the obligations of a guardian or custodian because of inappropriate fulfillment of obligations;

f) who submitted false documents or information on the approval of adoption;

g) who were convicted for committing premeditated crimes: against human life and health; against human freedom, honor and dignity; with regard to sexual life; against family and children.

(5) Adopters have to meet moral guarantees and material conditions required for multilateral and harmonious development of the child's personality.

(6) The adoption of the child by spouses is permitted only if their marriage had been lasting for at least 3 years at the moment of submission of the adoption application.

(7) Foreign nationals and stateless individuals residing in the Republic of Moldova can adopt children based on the provisions of the current law, according to the domestic adoption procedures, provided that they had been residing in the Republic of Moldova during at least 3 years prior to the submission of their adoption application.

[Art.12 para.(7) modified by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(8) The guardian or the custodian, the educating parent from the family type homes, the foster parent have the priority right to adopt the child which they take care of or whom they have in placement, except for cases when the child is adopted by its relatives till the IVth degree, included. If the above mentioned individual is the child's relative till the IV degree at the same time, the priority right to adopt the child is preserved.

Chapter IV

DOMESTIC ADOPTION

Article 13. Submission of adoption application

(1) The individuals who wish to adopt children shall submit an application to the territorial authority within the boundaries of which they reside.

(2) As a confirmation that the application was submitted, the individuals mentioned in para.(1) are issued a certificate.

Article 14. The contents of the adoption application

(1) The adoption application must include the following:

a) last name, given name, year, month and date of birth, domicile or residence address;

b) reasons why the adopter wants to adopt a child;

c) eventual availability to adopt a number of children, including siblings.

(2) The adoption application may also contain other data, pieces of information and requests related to adoption.

Article 15. Documents that shall be attached to the adoption application

(1) the adopter shall attach to the adoption application the documents specified below:

a) a copy of the identity card;

b) a copy of the birth certificate;

c) a copy of the marriage certificate in case of an adoption by a married couple or the copy of divorce certificate, if the couple divorced;

d) a certificate from the work place on the position and the amount of salary or a copy of the income statement or any other similar document, for the last 12 months;

e) a certified copy of the document which confirms its property rights or the rights to use a certain living area;

f) a criminal record;

g) a medical certificate on the health condition of the adopter, issued in line with the requirements by the Ministry of Health, which spells out the aptitude to adopt a child from

medical viewpoint;

[Art.15 para.(1), letter g) in the reading of LP283 of 13.12.12, MO83-90/19.04.13 art.267]

h) its biography, other documents permitted by the law.

(2) The territorial authority at the adopter's place of residence which received the adoption application may ask for other documents permitted by the law, in order to confirm that the adopter meets moral guarantees and material conditions for the adoption.

Article 16. Evaluation of the adopter's adoption capacity

(1) The territorial authority at the place of adopter's residence evaluates the appropriateness of adopter's moral guarantees and material conditions for the child's development needs, according to a regulation approved by the central authority, and writes an evaluation report.

(2) The evaluation report must include:

a) information and data on the adopter's personality, health conditions, economic situation, family life, social environment, living conditions, abilities to take care of and educate a child, the position of the other family members on the eventual adoption;

b) reasons why the adopter wants to adopt a child;

c) the conclusion on the adopter's adoption capacity.

(3) If during the process of evaluating the adopter's adoption capacities, it is necessary to additionally look into the extent at which the adopter's sickness limits its capacity to meet the obligations and responsibilities on providing care and education to the child, upon the request of the territorial authority, the medical institution within the boundaries of the adopter's home, organizes the necessary check-ups and investigations and issues the document with the respective conclusions.

[Art.16 para.(3) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 17. Adopter's certificate

(1) Based on the results of the evaluation, provided for in art. 16, the territorial authority shall make a decision on issuing or on the refusal to issue the adopter's certificate. If the certificate is issued, the territorial authority disposes the adopter's recording and keeping track of.

(2) Adopter's certificate is issued for one month from the date of submission of the adoption application. Should an additional evaluation be required, this term can be extended, as exception, up to 3 months.

(3) If the evaluation produces an unfavorable result, the applicant for the adopter's certificate is entitled to demand from the territorial authorities the re-evaluation of moral guarantees and material conditions during 30 days after the results are communicated. The territorial authority shall create a special committee in this regard that would be composed of specialists that would participate at the re-evaluation of moral guarantees and material conditions and who would give their opinion in a joint report.

(4) If the applicant for the adopter's certificate considers that its rights were violated, it is entitled to complain against the refusal to issue the certificate, within 30 days, to the central authority and subsequently to the court that is competent in adoption matters.

(5) Adopter's certificate is valid during one year. The territorial authority extends the validity of the certificate based on a renewal application submitted by the adopter, making a re-evaluation of the adopter's moral guarantees and material conditions.

(6) If the adopter's matching took place, the validity of the adopter's certificate is extended without adopter's application for renewal.

Article 18. Keeping track of adopters

(1) The territorial authority which issued the decision to begin keeping track of the adopter shall transmit, within 10 days, to the central authority a copy of the decision and a copy of the adopter's certificate in order to include the necessary information in the State adoption registry.

(2) An individual without an adopter's certificate and which has not been kept track of in line

with article 17 cannot adopt.

(3) By derogation from para. (2), the beginning of keeping track of the adopter is not a condition for adoption in the following cases:

- a) the child is adopted by the spouse of the child's biological or adoptive parent;
- b) a child who acquired full capacity to exercise before the age of 18 years is being adopted.

Article 19. Adopters' preparedness

During the evaluation process, provided for in art. 16, the territorial authority at the adopter's place of residence is responsible for informing and preparing the adopter, in line with a program issued by the central authority.

Article 20. Status of adoptable child

(1) After all measures to (re)integrate the orphan child or the child without parental care into the biological or extended family are exhausted, the territorial authority at the child's place of residence shall issue a decision on establishing the status of adoptable child.

(2) The measures to (re)integrate the child into its biological or extended family are carried out according to an individual assistance plan, which is implemented during 6 months from the moment the track is started to be kept, according to the provisions of the Family code, as an orphan child or a child without parental care.

(3) A child left without parental care because of abandonment, missing parents, the parents' mental condition, evasion from educating the child, from protecting the child's rights and legitimate interests, acquires the status of adoptable child after the court decision, that refers to those below, becomes irrevocable:

- a) the parents are deprived of their parental rights;
- b) the parents are declared incapable;
- c) the parents are declared missing or deceased.

(4) A found child, whose parents are unknown, acquires the status of adoptable child after all investigations for identifying its parents, which are carried out during 6 months, are exhausted.

(5) The decision of granting the child the status of adoptable child is communicated by the territorial authority to the child's biological parents, including those who were deprived of their parental rights, the guardian or the custodian, the social institution or the family type service in which the child is placed.

Article 21. Keeping track of adoptable children

(1) The track of adoptable children is kept by the territorial authority at the place of residence of the child, as well as the central authority.

(2) In the decision to establish the status of adoptable child, the territorial authority disposes the beginning of keeping track of the child.

(3) Within 3 days from the date of issuance of the decision on the establishment of the status of adoptable child, the territorial authority shall remit to the central authority a copy of the decision.

(3¹) After the establishment of the status of adoptable child, the territorial authority within the boundaries of which the child resides, shall compile and transmit to the central authority within 30 days a report on the situation of the adoptable child, according to the sample approved by the central authority.

[Art.21 para.(3¹) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(3²) The territorial authority shall update the information in the report on the situation of the adoptable child every two years, as well as:

- a) upon the central authority's request;

b) in cases when, before the expiry of the deadline for updating the information in the report on the situation of the adoptable child, the child has acquired a degree of disability or this was modified or withdrawn, one identified data on increased risk of subsequent development of

inherited diseases and/or an aggravated inherited/genetic anamnesis, or when a child's sibling was taken under record with the status of a child without parental care or with the status of adoptable child, born in the child's biologic family (as may be, in the family of the biologic mother or the biologic father).

[Art.16 para.(3²) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(4) It is prohibited to adopt children who were not taken under record as provided for by this law, except for the case when:

- a) one spouse adopts the child of the other spouse;
- b) the child who acquired full capacity to exercise before turning 18 years old is adopted by an individual or the family which brought him/her up if the child had lived with these during at least 3 years before submitting the adoption application.

Article 22. Information on adoptable children

(1) The central authority and the territorial authorities inform each other on the adopters and adoptable children in order to match adopters.

(2) The central authority and the territorial authorities shall assure the confidentiality and security of information on adoptable children.

[Art.22 para.(2) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267; the sole paragraph becomes paragraph (1)]

Article 23. Consent for adoption

(1) For the approval of adoption, it is necessary:

a) to get the consent of the biologic parents of, if need be, of the guardian or custodian of the child whose parents passed away, are not known, are declared missing or deceased, are declared incapable in line with the legal provisions;

b) adopter's consent;

c) the consent of the adoptable child who turned 10 years old.

(2) Individuals whose consent for adoption is required, shall be respectively informed of all the consequences of their consent, especially of breaking, as a result of adoption, of any kinship relations between the child and its biologic family.

(3) The territorial authorities within the area of residence of individuals specified in para. (1) are obliged to provide them with counseling and information, until they express their consent for adoption and must compile reports on this.

(4) The consent of individuals specified in para. (1) is expressed in writing, in a free and unconditioned manner, authenticated according to the provisions of the law or confirmed by the territorial authority within the area of their residence.

(5) The consent of the individuals specified in para. (1) obtained by corruption, deceit, fraud, in exchange for money, other goods or for any kind of advantages promised before or after obtaining the consent is not valid.

(6) The competent court may require the confirmation of the consent and the review of the case in the court, assuring the confidentiality of information on adopters and biologic parents.

Article 24. Consent of the biological parents

(1) For approving an adoption, the territorial authority at the place of child's residence shall require the consent of the biological parents.

(2) Minor parents shall express their consent for adoption through their legal representatives until they turn 16 years old and personally after turning this age.

(3) No consent for adoption shall be required from the biologic parents if they:

a) are unknown;

b) are deprived of their parental rights;

c) are declared incapable;

d) are declared missing or deceased.

(4) If one of the biologic parents passed away or is in any of the situations provided for in para. (3), the consent of the other parent is sufficient.

(5) In case that the child's parents are deprived of their parental rights, declared incapable, missing or deceased, the procedures for adopting the child may be initiated after the respective court decisions become irrevocable and after all measures to (re)integrate the child into its biologic family as provided for in art. 20 had been exhausted.

(6) The consent of the biologic parents cannot be granted before the child is born, but only 45 days after its birth.

(7) The biological parents may recall their consent for adoption before the court decision on the approval of adoption is issued.

(8) If the procedure for reestablishing the biological parents' parental rights or if an application to recall the consent was submitted by the biological parents, the process of matching the adopter and of entrusting the child to the adopter is suspended before all these problems are solved.

(9) As an exception, the court may disregard the refusal of the biological parents, and, if appropriate, the refusal of the guardian or custodian to give their consent for the child's adoption if it is proven, by any evidence, that they abusively refuse to give their consent for adoption, while the court sustains that adoption is in the best interest of the child, expressly arguing for this in the court decision.

Article 25. Adopters' consent

(1) The adopter consents to adopt the adoptable child proposed by the territorial authority from the place of residence of the latter, whereby it confirms that is also informed of the health condition of the child.

(2) When a child is adopted by married individuals, it is mandatory to get the consent of both spouses.

Article 26. Child's consent

(1) The territorial authority requires the child's consent, taking into account the child's age and the level of maturity, as well as the child's opinions, wishes and feelings within the process of adoption.

(2) Within the process of matching the adopter, a child who turned 10 years old, upon the request of the territorial authority at the place of its residence, must express its consent in writing.

(3) The child must benefit from counseling from the territorial authority on the consequences of adoption, the future adopters and appropriate information on all aspects of adoption.

(4) For the approval of adoption, the consent of the child who turned 10 years old must be expressed in the court.

(5) Upon reviewing the case in the court, the child is entitled to express its opinion of the adoption, confirm or withdraw its consent for adoption.

Article 27. Adopter's matching

(1) After granting the child the status of adoptable child, the territorial authority at the place of child's residence undertakes measures to select an appropriate adopter for the adoptable child, taking into account the child's best interest and the adopter's request.

(2) When an adoptable child is in a social institution or in a family type service, the adopter's matching is done by the territorial authority at the place of child's residence together with the case manager.

(3) In the process of determining adopter's compatibilities, priority is given to the following:

a) adoptable child's relatives;

b) child's guardian or custodian;

c) an individual who has the child in family type placement, as an educator parent or as a

foster parent.

(4) The territorial authority at the place of child's residence shall notify the territorial authority at the place of adopter's residence about the selection of the appropriate adopter.

Article 28. Conditions of matching the adopter

(1) The selected adopter receives a visiting permit from the territorial authority at the place of residence of the child ascertained to be an appropriate match.

(2) The territorial authority from the child's place of residence checks and confirms the compatibility between the adopter and the child, taking into account the child's needs, wishes and opinions.

(3) The meetings and the visits are aimed at gradual development of the attachment bond between the child and the adopter and take place both in the child's living environment, as well as outside it. The number of visits required for confirming compatibility is decided upon by the territorial authority together with the case manager, depending on how the case evolves.

(4) If, within 30 days from the date of the issue of the visiting permit the adopter did not accept the match with the adoptable child, a note is made in the visiting permit, which is signed by the adopter. In this case, the adopter is entitled to stay on the adopters' list for another matching.

(5) If the adopters' matching did not happen, the territorial authority undertakes new measures to select other adopters for the child.

Article 29. Custody over the child for the purpose of adoption

(1) Within 5 days from the match, the territorial authority at the place of child's residence entrusts the child to the adopter for a period of 90 days, so that the child can adapt to the adopter and for confirming their compatibility.

(2) Passing the child into custody for the purpose of adoption is done through a motivated decision which is issued by the territorial authority based on the results of the matching process.

(3) It is not necessary to entrust the child for the purposes of adoption if:

a) the child is adopted by the spouse of its biological parent;

b) the child who got full exercise capacity before the age of 18 years is adopted;

c) the child is adopted by the guardian or custodian, by the educator parent or by the foster parent, provided that the child was in their care during at least 90 days.

(4) The territorial authority at the place of adopter's residence, which is responsible for monitoring the evolution of the child and the relationship between the child and the adopter while the child is entrusted into custody and draft monthly reports on this, is informed that the child was entrusted into custody for the purpose of adoption.

(5) Physical and mental adaptation capacity of the child to the family environment shall be assessed by the territorial authority at the adopter's residence from the perspective of the social-professional, economic, cultural, linguistic, religious perspectives and any other elements specific to the place where the child lives while being entrusted into custody, that may be relevant for assessing its subsequent evolution in case of the approval of adoption.

(6) At the end of the period when the child was entrusted into custody for the purpose of adoption, the territorial authority at the place of adopter's residence prepares a final report and submits it to the territorial authority which made the decision to entrust the child into custody.

(7) The period during which the child is entrusted into custody for the purpose of adoption extends de jure upon the submission of the application for the approval of adoption to the court until the application is settled by an irrevocable court decision.

(8) If during the custody for the purpose of adoption the territorial authority at the place of adopter's residence ascertains that the child does not get adapted with the adopter or that there are any other reasons that may prevent the completion of the adoption procedure, it shall immediately inform the territorial authority at the place of child's residence in order to dispose the dismissal of custody or, if appropriate, the extension of the custody measure according to the

provisions set forth in para. (1) and (2).

(9) The decision by which the territorial authority disposes the dismissal of custody for the purpose of adoption is de jure enforceable. In this case, the procedure of selecting and matching other adopters for the child shall be resumed.

(10) While the child is entrusted into custody for the purpose of adoption, the adopter exercises rights and fulfills obligations of providing care and education to the child, except for signing legal documentation.

Article 30. Notification on adoption

(1) Upon the completion of the adopter's matching process, after the provisions of art. 16-29 are fulfilled, the territorial authority at the place of child's residence explains the adopter the right to submit an application to the competent court asking for the approval of adoption and compiles, during 10 days, a notification on adoption, which contains information on the evolution of the relations between the child and the adopter, the compatibility of the adopter with the adoptable child, as well as how adoption meets the child's best interest.

(1¹) In case the child is adopted by the other spouse, the notification on adoption is issued after the provisions of art. 16, 23, 24 and 26 are fulfilled.

[Art.30 para.(1¹) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(2) A copy of the notification on adoption is submitted to the central authority within 5 days.

(3) If the notification on adoption is not favorable, the territorial authority shall inform the adopter thereof, explaining him/her the right to challenge the negative notification with the central authority, while subsequently in the competent court, including the right to start a new procedure for adopting another child.

Article 31. Approval of adoption in the court

(1) The adopter shall submit an adoption approval application to the competent court at the place of residence of the adoptable child for whom he/she was stated as appropriate for a substantive examination of the case.

(1¹) In case the child is adopted by the other spouse, the adopter shall submit the adoption approval application to the competent court within the area of the adoptable child's residence.

[Art.31 para.(1¹) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(2) Adoption approval application must include the following:

- a) adopter's last name and given name, year, month and date of birth, its home address;
- b) adoptable child's last name and given name, year, month and date of birth, place of stay;
- c) request to change the child's last name and/or given name, the name that the child will have if the adopters have different last names, the request to change the place of birth;

[Art.31 para.(2), letter c) modified by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

d) the number of the adopter's certificate, date of issuance and the issuing authority (the certificate is attached to the application);

e) other data and information, upon the request of the court.

(3) The territorial authority submits the notification on adoption to the court, drafted according to the provisions of art. 30 para. (1) or (1¹), as well as the child's file.

[Art.31 para.(3) modified by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(4) The child's file must include:

- a) a copy of the child's birth certificate;
- b) medical certificate on the child's health issued by the healthcare institution at the place of the child's residence;

c) adopter's authenticated consent in which he/she confirms that had been informed of the health condition of the child;

d) the consent for being adopted of the child proposed for adoption, if the child is 10 years old, as well as the child's consent to an eventual change of the last name and given name, at registering its adopters as its parents;

e) the consent of the child's biological parents, the guardian or custodian, except for cases as provided for in art. 24 para. (3);

f) documents which confirm the actions undertaken by the line authorities in order to (re)integrate the child into its biological or extended family;

g) other relevant data and information.

(5) The adoption approval application shall be reviewed with the mandatory participation of the adopter, the representative of the territorial authority at the place of child's residence and the prosecutor.

(6) The court shall admit the adoption approval application only if it has the conviction, based on the evidence that the adoption is for the child's best interest.

(7) If the proceedings to reinstate biological parents' parental rights or to dismiss the biological parents' consent are started, the adoption approval procedure is suspended until these problems are solved.

(8) Adoption is considered approved on the date the court decision becomes irrevocable. The territorial authority at the place of the child's residence must inform the territorial authorities at the place of residence of the adoptive parents of the adoption approval, providing a copy of the court decision.

Chapter V INTERNATIONAL ADOPTION

Article 32. General provisions

(1) Adoption of children residing on the territory of the Republic of Moldova by individuals who reside abroad is carried out in conformity with the laws of the Republic of Moldova, taking into account the laws of the states where the latter have their residence at the date of submitting the adoption application, as well as in line with international or bilateral treaties to which the Republic of Moldova is party. The same applies when international adoption ceases by its dissolution or by declaring it null.

(2) Adoption of children nationals of the Republic of Moldova who reside outside of the country, carried out by the empowered bodies of the foreign state in which the adopter resides is recognized as valid in the Republic of Moldova only if the foreign state is party to the Hague Convention or party to a bilateral treaty in the field of adoption signed with the Republic of Moldova and if the central authority of the Republic of Moldova had previously consented the adoption.

(3) Adoption of children foreign nationals residing in the Republic of Moldova is carried out in line with the laws of the Republic of Moldova and with the consent of the central authority in the field of adoption from the state whose national the child is.

(4) Children residing on the territory of the Republic of Moldova may be adopted by adopters residing abroad only if, according to the laws of the states to which they will leave, they will be provided with guarantees and legal norms equivalent to those they would have enjoyed in case of domestic adoption.

(5) Individuals residing in the Republic of Moldova who wish to adopt children who reside in other states shall be subject to an evaluation according to the general provisions of the present law. The central authority, based on an assessment report drafted by the territorial authority at the place of residence of these individuals, shall issue a decision on the certification of adopters, shall issue an adopter's certificate and shall draft a report to confirm the following:

a) the adopters have adoption capacity;

b) have benefited from the necessary preparation for adoption;

c) the child to be adopted is or shall be authorized to enter and permanently reside on the territory of the Republic of Moldova.

(6) In the cases provided for in para. (5), adoption is carried out observing the provisions of the present law, as well as other laws in the field of adoption from the child's country of

residence.

Article 33. Conditions for international adoption

(1) Approval of the international adoption is carried out in line with the general provisions of this law, taking into account the derogations of this chapter.

(2) International adoption of a child who resides on the territory of the Republic of Moldova may be approved provided that:

a) a spouse adopts the child of the other spouse;

b) the child is, primarily, adopted by its relatives till the IVth degree included, who reside abroad;

c) an adoptable child without special needs is adopted by the adopter residing abroad if the child was not asked for domestic adoption or into guardianship or custody in the course of one year after being recorded and kept track of as an adoptable child;

[Art.33 para.(3), letter c) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

d) an adoptable child with special needs is adopted by the adopter who resides abroad if was not asked for domestic adoption or into guardianship or custody in the course of 6 months after being recorded and kept track of as an adoptable child.

[Art.33 para.(3), letter d) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

[Art.33 para.(3), letter e) abrogated by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(2¹) If an adoptable child without special needs is transferred into the category of adoptable children with special needs, when computing the timeframe after which international adoption becomes possible, one will take into account the timeframe prior to when the child was kept track of.

[Art.33 para.(2¹) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(3) In case of international adoption, when selecting an appropriate adopter the central authority will take into account the need to assure continuity in providing care and education to the child, considering its ethnic, cultural and linguistic origin, if this does not contradict the child's best interest.

[Art.33 para.(3) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(4) International adoption is approved if the receiving state is party to the Hague Convention or if it signed a bilateral agreement in the field of adoption with the Republic of Moldova.

Article 34. Submitting an international adoption application

(1) Foreign nationals or stateless persons residing abroad who wish to adopt a child residing in the Republic of Moldova can submit their international adoption application only via foreign organizations in the receiving state that are accredited and registered in line with the terms of the present law.

(2) Foreign nationals or stateless persons who are in the Republic of Moldova for the purpose of service and who reside on its territory for at least 2 years (hereinafter – *foreign nationals or stateless persons with the residence in the Republic of Moldova*) who wish to adopt a child residing in the Republic of Moldova, may submit an international adoption application:

a) only via the foreign organizations in the receiving state that are accredited and registered in the Republic of Moldova according to the provisions of the present law, if there are such organizations in the receiving state;

b) directly or via central authorities in the field of adoption of the receiving state, if there are no organizations with responsibilities in the field of international adoption accredited and registered in the Republic of Moldova in line with the provisions of this law.

(3) Nationals of the Republic of Moldova residing abroad who wish to adopt a child residing in the Republic of Moldova may submit the adoption application:

a) according to the international adoption procedure as provided for in para. (2);

b) according to the domestic adoption procedure as provided for by the present law, enclosing to the adoption application, submitted to the territorial authority, the documents provided for in

art. 15 para. (1) letters d)- g), issued by the competent authorities/institutions of the receiving state, if the laws of the receiving state provide for the possibility to recognize the domestic adoption approval court decisions taken by the courts of the Republic of Moldova.

(4) In the case of applications submitted by the nationals of the Republic of Moldova residing abroad or by foreign citizens or stateless persons residing in the Republic of Moldova, the documents enclosed to the international adoption application, provided for in art. 36, shall be drafted by the competent authorities in the receiving state/states and the authorities of the Republic of Moldova depending on the availability, relevance and actuality of the information required for assuring a comprehensive exchange of it in the process of application review.

(5) In case the child is adopted by the other spouse, the adopters may submit the international adoption application via the central authorities in the field of adoption in the receiving state or via other authorities/organizations which had been granted appropriate responsibilities of the central authority in the field of adoption in the receiving state, according to the provisions of the Hague Convention.

(6) As a confirmation of the receipt of the international adoption application and the documents specified in art. 36, the central authority of the Republic of Moldova shall issue a certificate to the applicant.

[Art.34 in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 35. The contents of the international adoption application and registration and keeping track of foreign adopters

(1) The international adoption application must contain data and information provided for in art. 14.

(2) The application of the adopter residing abroad who wishes to adopt a child residing in the Republic of Moldova is registered by the central authority of the Republic of Moldova only if the authorities/organizations with responsibilities in the field of international adoption in the receiving state, provided for in art. 34, certify that:

[Art.35 para.(2) modified by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

- a) the adopter is able to adopt, in line with the laws of the receiving state;
- b) the adopter has moral guarantees and meets the material requirements for assuring the child's harmonious development following the approval of the adoption and, if appropriate, is prepared to take care of a child who suffers from a severe disease;
- c) the adopter knows the laws on adoption of the Republic of Moldova and benefited from the necessary information and preparation for international adoption in the receiving state;
- d) the evolution of the child after adoption in the course of at least 5 years shall be monitored;
- e) post-adoption services for the child and family in the receiving state are assured.

Article 36. Documents that shall be enclosed to the international adoption application

(1) The following shall be enclosed to the international adoption application:

a) the report of the central authority in the field of adoption or of the authorities/organizations that were granted the respective tasks of the central authority in the field of international adoption by the receiving state, according to the provisions of the Hague Convention, accompanied by the relevant documents that shall include information on:

[Art.36 para.(1), letter a) modified by the LP283 of 13.12.2012, MO83-90/19.04.2013 art.267]

- adopter's identity, confirmed by means of a legalized copy of its identity card;
- adopter's capacity and abilities for adopting;
- adopter's personal, family situation and financial welfare, confirmed by means of a legalized copy of the birth certificate, marriage or divorce certificate, a certificate from the place of work on its position and the amount of salary, documents which confirm the property rights or rights of use over a living area, other documents which prove its incomes;
- health condition shall be confirmed by an original medical certificate, one for each adopter,

while in the case when the adopter suffers from a disease or a condition, additional information on the extent to which the adopter's disease or condition limit its capacity to fulfill its obligations and responsibilities with regard to providing care and education to the children in an appropriate manner shall be submitted;

[Art.36 para.(1), letter a) paragraph in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

– adopter's social environment;
– reasons which induce the adopter to adopt a child residing in the Republic of Moldova, as well as information on the child or children for whom he/she has the capacity to adopt;

[Art.36 para.(1), letter b) abrogated by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

c) declaration on the right of the adopted child to keep the citizenship of the Republic of Moldova until reaching the full age;

d) adopter's consent for international adoption or the consent of both spouses if the individual who wishes to adopt is married;

e) adopter's declaration on the acceptance of the post-adoption monitoring actions;

f) adopter's criminal record;

g) adopter's biography;

h) social-economic and legal guarantees that the child would benefit in case of international adoption.

(2) International adoption application and the documents provided for in para. (1) shall be submitted to the central authority of the Republic of Moldova, accompanied by their authenticated translation into the Romanian language, unless the international treaties to which the Republic of Moldova is party, provide for otherwise.

(3) Foreign organizations are entitled to submit and register at the central authority of the Republic of Moldova at most 2 applications of international adoption of children without special needs at a time, with the possibility to substitute the respective applications.

[Art.36 para.(3) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(4) The adopter must update on yearly basis the information contained in the documents attached to the international adoption applications or, if appropriate, to confirm in writing that the respective information had not changed.

[Art.36 para.(4) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(5) In case the provisions of para. (4) are violated, the adopter's application and the enclosed documents shall not be examined in the process of matching the adopter with the adoptable child and are returned to the adopter.

[Art.36 para.(5) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 36¹. Depersonalized data on adoptable children with special needs

(1) Based on reports on the situation of adoptable children, the central authority of the Republic of Moldova compiles statements of depersonalized data on adoptable children with special needs.

(2) The type of data contained in the statements mentioned above in para. (1) is established and approved by the central authority.

(3) According to the procedure defined by the central authority, it shall assure access to the statements of depersonalized data on adoptable children with special needs:

a) for the representatives of the foreign organizations;

b) for adopters nationals of the Republic of Moldova residing abroad and adopters foreign nationals or stateless persons residing in the Republic of Moldova who submitted international adoption applications to the central authority of the Republic of Moldova.

[Art.36¹ introduced by the LP283 of 13.12.2012, MO83-90/19.04.2013 art.267]

Article 36². Preventive matching of adoptable children with special needs in case of adoptions by adopters foreign nationals or stateless persons residing abroad

(1) The representative of the foreign organization in the Republic of Moldova shall transmit the depersonalized data on adoptable children with special needs to the foreign organization from the receiving state for identifying adopters capable and available to adopt children with special needs whose depersonalized data was provided to them.

(2) The foreign national or the stateless person residing abroad interested in adopting an adoptable child with special needs shall transmit, via the foreign organization with responsibilities in the field of international adoption from the receiving state, an intent form accompanied by an official confirmation of its capacity to adopt an adoptable child with special needs similar to those from the statement with depersonalized data of the child with regard to whom the adopter expresses its intent.

(3) The foreign organization shall transmit to the central authority from the Republic of Moldova the intent forms accompanied by the respective confirmations, taking into account the fact that maximum 2 forms submitted by one and the same foreign organization in relation to the same child may be examined at a time.

(4) The central authority of the Republic of Moldova shall conduct the preventive matching of foreign nationals or stateless persons residing abroad during one month at most from the expiry of the term of 2 months from the date of receipt of the first intent form.

(5) The central authority of the Republic of Moldova shall inform the foreign nationals or the stateless persons residing abroad of the results of the preventive matching, asking the preventive matches to submit the application and the respective documents in conformity with art. 34–36.

(6) After selecting the appropriate adopter according to the provisions of art. 37 para. (1), the applications and attached documents submitted by a number of preventively matched adopters for the adoption of one adoptable child with special needs shall be returned to the unmatched adopters in the course of one month.

[Art.36² introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 36³. Preventive matching of adoptable children with special needs in case of adoption by adopters nationals of the Republic of Moldova residing abroad

(1) Based on the information in the application and the documents submitted by the adopters nationals of the Republic of Moldova residing abroad, the central authority of the Republic of Moldova submits them the statements with depersonalized data of the children with special needs:

a) via the representative of the foreign organization in the Republic of Moldova, provided that the international adoption application had been submitted in accordance with the provisions of art. 34 para. (2) letter a);

b) directly or via the central authority in the field of international adoption in the receiving state, provided that the international adoption application had been submitted in accordance with the provisions of art. 34 para. (2) letter b).

(2) Based on the statement with depersonalized data, the adopter national of the Republic of Moldova residing abroad interested in adopting an adoptable child with special needs shall transmit, directly or via the foreign organization with responsibilities in the field of international adoption in the receiving state, a letter of intent on adopting one of the adoptable children with special needs.

(3) After receiving the letter of intent from the adopter national of the Republic of Moldova residing abroad, the central authority shall select, in the course of one month, the appropriate adopter in line with the provisions of art. 37 para. (1).

[Art.36³ introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 36⁴. Preventive matching of adoptable children with special needs in case of adoption by adopters foreign nationals or stateless persons residing in the Republic of Moldova

The preventive matching of adoptable children with special needs in case of adoption by adopters foreign nationals or stateless persons residing in the Republic of Moldova shall be

carried out in line with the provisions of art.36³.

[Art.36⁴ introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 37. Adopter's matching. Issuance of the notification on international adoption

(1) The central authority of the Republic of Moldova shall select, according to defined criteria, the adopter appropriate for the adoptable child and shall transmit to the selected adopter the report on the situation of the adoptable child without disclosing the child's identity and its place of birth/residence, asking the adopter to express its consent or disapproval with regard to the adoption of the respective child.

[Art.37 para.(1) in the reading of the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(1¹) If the adopter's medical certificate contains information on the existence of a disease or a condition, the central authority shall require, within the decision making process on selecting the appropriate adopter, the consultation of the profile specialists from the healthcare institutions at the country level, in line with the provisions of the effective norms, in order to determine to what extent the disease or the condition limit the adopter's capacity to fulfill its duties of providing care and education to the child in an appropriate manner.

[Art.37 para.(1¹) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(2) After the adopter's consent is obtained, the central authority of the Republic of Moldova shall require the central authority in the field of adoption in the receiving state to express its position with regard to the eventual adoption.

(3) Based on the consent of the central authority in the field of adoption in the receiving state to continue the child adoption procedure, the central authority of the Republic of Moldova shall submit to the territorial authority at the place of child's residence a letter asking to continue the adopter's matching procedure.

(4) The territorial authority shall issue to the adopter a visiting permit in line with the terms provided for in art. 28. The adopter shall visit the child with the mandatory participation of the representative of the territorial authority at the place of the child's residence and the case manager. The number of visits necessary to determine compatibility shall be set by the territorial authority together with the case manager. The visits shall take place during one to up to three months from the date the visiting permit was received.

(5) If the adopter matches the adoptable child, the territorial authority at the place of the child's residence shall draft a report in the course of 5 days in which it shall give its opinion with regard to the compatibility of the adopter with the adoptable child and the compliance of the adoption to the child's best interest, submitting it to the central authority immediately.

(6) Based on the report provided for in para. (5), the central authority shall develop, in the course of 5 days, a consent paper on continuing the adoption procedure or on refusing its issuance, submitting to the territorial authority at the place of the child's interest the consent paper or the refusal of the issuance.

(7) The refusal of the central authority to accept the continuation of the international adoption procedure may be challenged at the Court of Appeal Chisinau.

(8) Based on the consent to continue the international adoption procedure and after complying with the provisions of art. 20–26, the territorial authority at the place of the child's residence shall develop, in the course of 10 days, a notification on international adoption, which shall contain information on the development of relations between the child and the adopter, the compatibility of the adopter with the adoptable child, as well as on the compliance of adoption to the child's best interest.

(9) A copy of the notification on the international adoption shall be submitted to the central authority in the course of 3 days.

(10) If the notification on the international adoption is not positive, the territorial authority shall inform the adopter of it, explaining him/her the right to challenge it in the court.

[Art.37 para.(10) modified by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 38. Submitting the international adoption approval application at the court of appeal

(1) After receiving the consent of the central authority of the Republic of Moldova to continue the adoption procedure, the adopter shall submit, directly or via the foreign organization accredited in the field of adoption, an application for the approval of the international adoption to the court of appeal at the child's place of residence.

(2) The international adoption approval application must contain information as provided for in art. 31 para. (2) letters a)–c) and be accompanied by documents as provided for in art. 36 para. (1), as well as by the document which guarantees the right of the adoptable child to enter and permanently reside in the receiving state following the approval of adoption, issued by the competent authority of the receiving state.

[Art.38 para.(2) modified by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

(3) The territorial authority shall submit to the court its notification on international adoption, issued in line with art. 37 para.(8), with its conclusions on the compatibility of the adopter with the adoptable child and the compliance of adoption with the child's best interest, the child's file with documents according to art. 31 para. (4), as well as the consents on continuing the international adoption procedure, issued by the central authority in the field of adoption in the receiving state and the central authority of the Republic of Moldova.

(4) The international adoption approval application shall be examined with the mandatory participation of the adopter, the representative of the territorial authorities at the place of the child's residence and the prosecutor.

(5) The court shall accept the international adoption approval application only if, based on the administered evidence, it has acquired the conviction that adoption is in the child's best interest.

(6) Based on the irrevocable court decision submitted to the central authority, it issues, in the course of 5 days, a certificate which confirms that the adoption is in line with the standards of the Hague Convention.

(7) The travel of the adopted child from the Republic of Moldova to the receiving state is possible only after the irrevocable decision on approving the adoption had been certified. The adopted child shall travel in the company of the adopter, in safe conditions in line with its needs.

(8) The central authority of the Republic of Moldova informs the central authority in the field of adoption in the receiving state, the diplomatic mission or the department for consular affairs of the Republic of Moldova in the respective state of the approved adoption and of the travel of the child, observing the provisions of art. 45.

Article 39. Expenses related to international adoption procedure

Along with the submission of the international adoption application, the adopter shall pay a unique and fixed fee, representing the counter value of the expenses induced by carrying out of all services related to the realization of the international adoption procedure on the territory of the Republic of Moldova. The amount, method of payment and the destination of this fee is decided by the Government.

Chapter V¹

ADOPTION OF THE CHILD BY THE OTHER SPOUSE

Article 39¹. Duration of the marriage

The adoption of the child by the other spouse is permitted only if, on the date of submitting the adoption application, the length of the marriage is at least 1 year long.

Article 39². Adoption of the child by the other spouse according to the domestic adoption procedure

(1) The child national of the Republic of Moldova, foreign national or a stateless person whose parent is a citizen of the Republic of Moldova, foreign national or a stateless person may

be adopted by the spouse of its parent according to the domestic adoption procedure only if it is confirmed by appropriate documents that the child, its parent and the adopter had been residing on the territory of the Republic of Moldova for at least one year at the moment when the adoption application is submitted.

(2) In the situation provided for in para. (1):

a) the adopter shall submit, in addition to the documents to be attached to the adoption application, its criminal record and documents which confirm that there are no impediments for adoption which are provided for in art. 12 para. (4) letter a), c)–g), issued by the authorities of the foreign state, provided that the adopter is a foreign national;

b) the adoption procedure is realized by derogation from art. 17–22, art. 25, art. 27–29, art. 31 para. (2) letter d) and para. (4) letter f), art. 45 and art. 46 para. (4).

(3) Adoption of children foreign nationals provided for in para. (1) is realized with the preventive consent of the competent authorities of the state of the child's citizenship.

Article 39³. Adoption of child by the other spouse according to international adoption procedure

(1) The child national of the Republic of Moldova or a stateless child, residing in the Republic of Moldova for at least one year, whose parent is a national of the Republic of Moldova, foreign national or a stateless person may be adopted by the spouse of the parent national of the Republic of Moldova, foreign national or a stateless person residing abroad according to the international adoption procedure.

(2) In the situations provided for in para. (1) of this article, the adoption procedure is carried out by derogation from art. 20–22, art. 25, art. 31 para. (4) letter f), art. 35 para. (2) letters c)–e), art. 36 para. (1) letters c) and e), art. 37, art. 38 para. (7) and (8) and art. 45.

(3) After the central authority of the Republic of Moldova registers the international adoption application, it shall request from the central authority in the field of adoption from the receiving state to give its opinion on the opportuneness to continue the adoption procedure and in case of a favorable opinion, to issue its consent for continuing the international adoption procedure.

(4) Based on the consent to continue the international adoption procedure issued by the central authority in the field of adoption from the receiving state, the central authority of the Republic of Moldova shall require the territorial authority at the place of the child's residence to comment on whether adoption meets the child's best interest and submit a notification letter with its arguments.

(5) Based on the notification letter from the territorial authority on the opportuneness of adoption, the central authority of the Republic of Moldova shall, in the course of 5 days, issue its consent or refusal to issue its consent to continue the international adoption procedure, sending it to the territorial authority at the place of the child's residence.

(6) The refusal of the central authority to accept the continuation of the international adoption procedure can be challenged at the Court of Appeal Chisinau.

(7) Based on the consent to continue the international adoption procedure, issued by the central authority in the field of adoption in the receiving state and the central authority of the Republic of Moldova and having complied with the provisions of art. 23, 24 and 26, the territorial authority at the place of the child's residence shall draft, in the course of 10 days, a notification on international adoption that shall include information on the compatibility of the adopter with the adoptable child and the compliance of the adoption to the child's best interest.

(8) A copy of the notification on the international adoption shall be transmitted to the central authority in the course of 3 days.

(9) Should the notification letter on international adoption not be favorable, the territorial authority shall inform thereof the adopter, explaining him/her the right to challenge it in the court.

Article 39⁴. Adoption of a child national of the Republic of Moldova residing abroad by the other spouse

(1) Children nationals of the Republic of Moldova residing abroad shall be adopted by the other spouse of its biologic parent according to the laws of the foreign state, with a preventive consent of the central authority of the Republic of Moldova, provided that the laws of the respective state stipulate this.

(2) The consent of the central authority of the Republic of Moldova shall be issued based on a request from the competent authorities of the foreign state, to which copies of the documents which confirm the adopters' capacity to adopt, moral and material guarantees shall be attached.

[Chapter V¹ introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Chapter VI

LEGAL EFFECTS OF ADOPTION

Article 40. Effects on filiation and kinship relations

(1) The legal effects on adoption arise from the date when the court decision on the approval of the adoption remains irrevocable.

(2) From the moment the adoption is approved, the filiation between the adopted child and the adopter, as well as the kinship relations between the child and the adopter's relatives, are established.

(3) In the moment when filiation through adoption is established, the natural kinship between the adopted child and its descendants on the one hand and its biologic parents and their relatives on the other hand ceases, except when the child is adopted by the spouse of its biologic parent.

(4) An impediment to marriage resulting from kinship exists, according to the law, both between the adopted child and its descendants, on the one hand, and the relatives of its biologic parents, on the other, as well as between the adopted child and its descendants, on the one hand, and the individuals with whom the child became related as a result of adoption, on the other hand.

(5) The effects of international adoption, as well as the effects of annulled international adoption on the citizenship of the adopted child are provided for in the laws on citizenship.

Article 41. Noting adopters as adoptive parents

(1) The adopters shall be noted in the adopted child's birth certificate as its parents according to the court decision on approving the adoption.

(2) If appropriate, upon the request of the adopters or the adopted child who turned 10 years old, the court shall keep the data on the adopted child's biologic parents, which shall be specified in the court decision on approving the adoption.

(3) Based on the court decision on approving the adoption, the competent civil status office shall make the respective changes in the child's birth certificate.

(4) The legal effects of adoption, provided for by the present law, arise regardless of whether the adopters are or not noted as parents to the adopted child.

Article 42. Rights and obligations of the adoptive parents

(1) The adoptive parent in relation to the adopted child has the rights and obligation of a biologic parent in relation to its child.

(2) If the adoptive parent is the spouse of the adopted child's biologic parent, the parental rights and obligations are exercised by the adoptive parent and the biologic parent to whom the adoptive parent is married.

Article 43. Adopted child's last name and given name

(1) Upon adoption, the child is assured with the right to keep its last and given names.

(2) Upon adopters' request, the court may change the name of the adopted child, if this does

not affect the child's best interest and its right to a name, giving him/her the name of the adopters or of one of the adopters (husband or wife) should the latter have different names.

(3) For substantive reasons, the court may dispose, when approving the adoption, the change of the adopted child's name upon the adopter's request.

(4) For changing the last name and/or the given name of the adopted child who turned 10 years old, the child's consent shall be sought.

(5) In case the adopted child's given name and/or last name are changed, this is noted in the court decision on approving the adoption, while the competent civil status office shall make these changes in the child's birth certificate according to the norms provided for in the laws on civil status documents.

Article 44. The rights and obligations of the adopted child

(1) From the moment of approval of adoption, the adopted child loses its personal nonproperty and property rights and is exonerated from obligations in relation to its biologic parents and their relatives.

(2) The adopted child has rights and obligations of any kind in relation to its adoptive parents, similar to those that one has in relation to its biologic parents.

Article 45. Post-adoption period

(1) After the approval of the adoption, the adopted child is kept track of by the territorial authority at the place of the adoptive parents' residence or by the central authority in the field of adoption in the receiving state in case of international adoption, until the age of 18 years.

(2) The monitoring of the post-adoption situation of the child is carried out by the authorities which are keeping track of the child, in the court of 5 years from the approval of the adoption, with the following frequency:

- a) during the first year – 3 reports (at 3, 6 and 12 months);
- b) during the second year – two reports (at 6 and 12 months);
- c) during years 3, 4 and 5 – one yearly report (at 12 months).

(3) In the case of domestic adoption, the post-adoption evaluation reports shall be drafted by the territorial authority at the place of the adoptive parents' residence and submitted to the central authority.

(4) In the case of international adoption, the post-adoption evaluation reports shall be submitted to the central authority of the Republic of Moldova by the central authority in the field of adoption from the receiving state or through the foreign organizations of the receiving state accredited and registered in the Republic of Moldova. The central authority of the Republic of Moldova, shall require, if appropriate, the diplomatic missions and consular offices of the Republic of Moldova in the receiving state to submit information on the conducted post-adoption monitoring.

Article 46. Confidentiality of adoption

(1) The competent persons who know of the fact of adoption are obliged to preserve the confidentiality of the information obtained within the process of adoption, including with regard to the adopter's identification data, as well as that of the biologic parents. If not, these persons are subject to legal liability according to the effective laws.

(2) The adoptive parent shall inform the child that it is adopted, as soon as the child's age and level of maturity shall permit this.

(3) The adoptive parent and the adopted child are entitled to obtain from the central authority excerpts from the State adoption registry that will confirm the fact of adoption, the date and place of birth, but shall not expressly disclose the adoption or the identity of the biologic parents of the adopted child.

(4) The identity of the adopted child's biologic parents may be disclosed before the child gets full capacity to exercise only for medical reasons, with an authorization from the court, upon the

request of any of the adoptive parents, the adopted child, territorial authorities or the representative of a medical institution.

(5) After the adopted child acquires full capacity to exercise, he/she may request the court at its place or residence or the Court of Appeal Chisinau, provided he/she does not reside in the Republic of Moldova, to authorize him/her access to information on the identity of its biologic parents that the central authority or the civil status offices have.

(6) The court shall summon the territorial authority at the place of the adopted child's residence, if appropriate, the central authority and any other individual whose professional knowledge may be useful in settling the request and shall accept the application for review if, according to the existing evidence, it decides that the access to required information is not detrimental to the applicant's mental integrity and emotional balance and if the respective adopted child benefited from counseling provided by the competent authorities in the field of adoption.

(7) It is prohibited to issue excerpts from civil status registries or copies thereof without the consent of the adopter or the territorial authorities, which would indicate that the adoptive parents are not the adopted child's biologic parents.

Chapter VII

CESSATION OF ADOPTION

Article 47. Cessation of adoption

Adoption shall cease as a result of its termination or annulment based on a court decision.

Article 48. Termination of adoption

Adoption shall terminate when the adoptive parent or parents pass away and the adopted child is proposed for a new adoption. The previous adoption is considered terminated on the date that the court decision on approving a new adoption stays irrevocable, provided that previously there was no other court decision issued in this regard.

Article 49. Nullity of adoption

(1) Adoption may be declared null if it is established that:

- a) its approval based on false documents;
- b) adoption was approved without the consent of the child's biologic parents or the adopter's spouse if this consent was mandatory by the law;
- c) adoption was approved with the violation of the substantive or procedural terms provided for by the legislation;
- d) adoption was required and approved without the intent to produce legal effects specific to this legal type of child protection (fictitious adoption).

(2) Upon declaration of the nullity of adoption, the court shall also take into account the child's best interest. The court may reject the application on the nullity of adoption if it establishes that preserving adoption is in the interest of the adopted person.

Article 50. Right to request the nullity of adoption

(1) The following are entitled to request the nullity of adoption:

- a) territorial authority;
- b) adopted child who turned 14 years old;
- c) adopted child's biologic parents;
- d) adoptive parents;
- e) prosecutor.

(2) After the adopted child acquires full capacity of exercise, the application on the nullity of adoption can be submitted only by him/her.

Article 51. Competences in reviewing the application on the nullity of adoption

(1) The application on the nullity of domestic adoption is reviewed in the court at the place of residence of adoptive parents.

(2) The application on the nullity of international adoption is reviewed in the court of appeal which approved the adoption.

(3) If the biologic parents do not know the adoptive parents or their residence, they can apply to the court at their place of residence.

Article 52. Decision on the nullity of adoption

The decision on the nullity of adoption, which remains irrevocable, is transmitted to the territorial authority at the child's place of residence or to the central authority in case of international adoption.

Article 53. Effects of the cessation of adoption

(1) A terminated or annulled adoption ceases when the court decision on approving a new adoption or the decision on the nullity of adoption becomes irrevocable.

(2) When adoption terminates as a result of being declared null, all personal nonproperty and property rights and obligations between the adopted child and its descendants, on the one hand, and adoptive parents and their relatives, on the other hand, terminate. At the same moment, the rights and obligations between the child and its descendants, on the one hand, and their biologic parents and their relatives, on the other hand, restore.

(3) If biologic parents are missing or if returning the child back to them contradicts the child's interests, the court, at the request of the territorial authority or the prosecutor, establishes guardianship or custody over the child or passes the child into the care of the territorial authority at the place of the child's residence in order to undertake other protection measures provided for by the Family Code.

(4) In case adoption ceases, the problem of reestablishing the adopted child's last name and given name is settled by the court upon the review of the application on the cessation of adoption. If the adopted child turned 10 years old, its opinion shall be taken into account.

(5) If adoption terminates for any reason, the child may be again adopted based on general rules provided for by this law.

Chapter VIII
STATE ADOPTION REGISTRY

Article 54. State adoption registry

(1) For organizing and keeping track adoption matters at the state level, the central authority shall establish the State adoption registry in line with the Law no. 71-XVI of 22 March 2007 on registries.

(2) The state adoption registry shall contain the following data:

- a) adoptable children;
- b) adopted children (domestic and international adoptions);
- c) persons who submitted adoption applications;
- d) adopters (domestic and international adoptions);
- e) adoptive parents (domestic and international adoptions);
- f) foreign organizations accredited with responsibilities in the field of international adoptions;
- g) ceased adoptions.

Article 55. Organization of record keeping and transmission of data

(1) For keeping the State adoption registry, the territorial authorities shall transmit to the central authority, within the terms provided for by the present law, copies of the following

documents:

- a) decision on the issuance of the adopter's certificate and registration of the adopter;
- b) decision on establishing the status of adoptable child and registration of the adoptable child;
- b¹) report on the situation of the adoptable child;

[Art.55 para.(1), letter b¹) introduced by the LP283 of 13.12.2012, MO83-90/19.04.2013 art.267]

- c) a notification on adoption or notification on international adoption;
- d) court decision on approving the domestic or international adoption;
- e) court decision on the cessation of adoption;
- f) other relevant documents.

(2) When compiling the State adoptions registry, one shall also take into account the copies of the documents provided for in para. (1), which are kept at the central authority and which refer to the cases of international adoption.

Chapter IX

PREVENTION AND COMBATTING VIOLATIONS OF LAWS IN THE FIELD OF ADOPTION

Article 56. Measures to prevent abuses in the field of adoption

(1) Competent authorities in the field of adoption shall undertake all necessary measures to prevent illegal benefits – financial or of any other kind – which could be obtained in the process of adoption, as well as to suppress any actions which run counter to the objectives of the Hague Convention and domestic legislation in the field of adoption.

(2) It is prohibited to the adopter to offer, on its own behalf or through third persons, directly or indirectly, any illegal material benefits to the competent authorities in the field of adoption or the staff of the public institutions involved in the adoption process. Acceptance or offering of such benefits results in the application of sanctions provided for by the legislation.

(3) If it is established that the terms of this law were not observed, the central authority or the prosecutor's office shall request the court to annul or suspend the accreditation of the foreign organization with responsibilities in the field of international adoption in the Republic of Moldova.

[Art.56 para.(3) modified by the LP283 of 13.12.12, MO83-90/19.04.13 art.267]

Article 57. Accountability for abuses in the field of adoption

(1) The deed of the parent, the guardian or the custodian to pretend to receive, for oneself or for a third person, money or other material benefits for child adoption, as well as their constraint of any kind to consent adoption, shall be criminally prosecuted. Subject to criminal accountability are the deeds of the person who, without being entitled to do so, intermediates or facilitates the adoption of a child in exchange of obtaining a material or any other kind of benefit.

(2) Receipt by or disclosure of information that is contained in the reports on the situation of adoptable child to individuals or legal entities that are not authorized to have access to the respective information, is punished according to the contraventional or criminal laws.

[Art.57 para.(2) introduced by the LP283 of 13.12.12, MO83-90/19.04.13 art.267; the only paragraph becomes paragraph (1)]

Chapter X

FINAL AND TRANSITORY PROVISIONS

Article 58

(1) The present law enters into effect 6 months after its publication.

(2) At the date of entry into force of this law, chapter 18 and art. 162 and 163 of the Family code no. 1316-XIV of 26 October 2000 (Official paper of the Republic of Moldova, 2001, no.47-48, art. 210) shall be repealed.

(3) The Government, in the course of 3 months after the entry into force of the present law shall:

- a) submit to the Parliament proposals to harmonize the effective laws to the present law;
- b) bring its normative acts in line with the present law;
- c) assure the review and repeal by the ministries and other central public administration authorities of the normative acts which contradict the present law;
- d) approve the procedure for accrediting foreign organizations with responsibilities in the field of international adoption, the list of services and activities which these may carry out, according to art. 9, establish the amount, the method of payment and the purpose of the fee provided for in art. 39 in case of procedures related to international adoption.

(4) At the date the present law enters into force, the authorizations for accrediting the organizations which carry out activities in the field of international adoption, issued based on the Regulation on the accreditation of foreign organizations with responsibilities in the field of child adoption in the Republic of Moldova, approved by Governmental Decree no. 62 of 3 February 1994, shall lose their validity.

(5) Adoption approval applications that are under review in the competent courts at the date of entry into force of the present law shall be settled according to the legal provisions in force at the date the application was submitted to the court.

SPEAKER OF THE PARLIAMENT

Mihai GHIMPU

No. 99. Chişinău, 28 May 2010.