



*Working
with you*

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Adoption*

Adoption, next to guardianship, trusteeship and patronage is one of forms of arrangement of the children deprived of paternal care, that provides realization of right for a child on upbringing in family.

I. Who can be adopted

According to the Article 208 of Family Code of Ukraine a child, that is person junior than 18 years, and in the exceptional circumstances and adult person, can be adopted.

Record of children that are deprived of paternal care and can be adopted is carried out at a local and central level, accumulated in the Center of adoption of children.

II. Who can be an adoptive parent

Speaking about adoptive parents, the Ukrainian legislation gives priority to national adoption, however foreigners as well as persons without citizenship, with certain reservations, can adopt Ukrainian children and children-foreigners, that live in Ukraine.

Concerning persons, which desire to be adoptive parents, there are certain requirements (Articles 211, 212 of the Family Code). An adoptive parent is to be an adult, fully capable person senior than child at least on 15 years, and in the case of adoption of adult person - on 18 years.

A child can not be adopted by:

- Two persons, that are not married to each other and do not live as one family can not adopt the same child; and also two persons of the same sex
- If a child has only one parent, it can not be adopted by other person, that is not the husband/wife of mother/father of child, when they do not live as one family
- Those, who are not capable on the state the health to be adoptive parents: with limited capability or incapable at all; those, that practise upon an alcohol or drugs; are found on record or medical treatment in a psychoneurological or narcological clinic; patients with definite illnesses (for example, tuberculosis, AIDS, cancer)
- Those, who are deprived and not renewed in paternal rights and also those, that earlier were adoptive parents and because of their fault adoption was abolished or acknowledged invalid
- Those, that do not have permanent place of residence and earnings
- If interests of these persons conflict with interests of child (for example, condemned for the crimes of violence)

III. Procedure of adoption

Procedure of adoption needs the observance of definite terms.

At first it is needed to get a consent of persons directly involved in the process of adoption.

* Information is given according to the Ukrainian legislation valid on the 01. 04. 2006 . In each individual case of foreign citizenship international treaties need to be taken into consideration also.

The consent of child is needed always, except for the cases when it because of age or state of health does not realize the fact of adoption, and when lives in family of adoptive parents and considers them to be parents.

The consent of native parents is given after child is two month old, is to be absolute and laid out in a written form, witnessed by notary. If parents are minors, is also necessary consent of their parents (grandmother and grandfather of child). Such consent can be recalled before the decision of court about adoption goes into effect, and then adoption will be impossible. However the consent of parents is not needed when they are unknown, missing, incapable, deprived of paternal rights, when adult parents six months without good reasons did not live with a child and did not show the paternal care, did not educate and provide for the child.

Usually if child is adopted by one spouse of the married couple, it is needed to get the consent of the other, written and witnessed by notary. However such necessity is not present at the mode of separate residence of the married couple, incapability of the other spouse and other circumstances, that have the substantial value.

Consent of guardian, trustee, establishment of health protection or educational establishment, where the child lives is found necessary, but if it answers interests of child, a court can without regard to their disagreement allow adoption.

Next step for a person, that desires to adopt a child is to bring the personal statement about it to the court (at the place of inhabitation of this person or a child), and in the case if the Ukrainian child lives in a foreign country - in consular establishment or diplomatic representative office of Ukraine. Before decision of court about adoption goes into effect the statement can be recalled.

If adoptive parent is not the citizen of Ukraine, he needs permission of the Center of adoption of children. It is possible then, when a child during the year was found on record in the Center of adoption of children, and for this time none citizen of Ukraine expressed the desire to adopt, to take this child under guardianship or trusteeship. A term can be shortened, if a child is ill or foreigner is its relative. Adoption of the Ukrainian child should not lessen the volume of its rights in comparison with that in Ukraine, child keeps Ukrainian citizenship until its 18th birthday.

If no obstacles are present and this is in the best interests of child, a court or authorized organ in case of foreign adoption makes decision about adoption. When it goes into effect, the rights and duties between a child and native parents and relatives (except for the definite exceptions, for example when brothers and sisters, a grandmother or grandfather want to keep communication with a child) are terminated, and already between adoptive parents and adopted child are set legal connections as between native parents and their child. In addition, a child saves definite rights which it had prior to adoption: right to the pension, other social payments, on compensation of harm in connection with the loss of bread-winner.

On the basis of decision of court it is possible to get Certificate about adoption or new birth Certificate for a child, in which organs of registration of acts of civil state can change the name, last name, patronimic, date or birth-place in order to keep the secret of adoption. However it should be noted that after child is fourteen years old it receives a right to know about the adoption.

The supervision after the observance of rights for the adopted child in Ukraine before the child is eighteen years old, makes the organ of guardianship and trusteeship, and if children are adopted by foreigners and live outside Ukraine - consular establishment on the instructions of Ministry of external affairs of Ukraine.

IV. When adoption halts

Although adoption is directed on establishment of the protracted relations between people, unfortunately, the cases happen, when it does not achieve the purpose and is halted. The ways of stopping of adoption is recognizance of it invalid (it is annulled in a judicial order from the moment of realization, if sides did not desire to obtain rights and duties, there was no consent, documents were counterfeit), abolition of adoption (also through a court, if it does not provide family upbringing; child

is very ill and adoptive parent did not know and could not know about it; between a child and adoptive parents relations are very bad). In addition, those adoptive parents which were written down as a mother, father of a child can be deprived of paternal rights and that also halts adoption.

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