

NON OFFICIAL TRANSLATION

RATIFIED BY

THE PRESIDENT OF THE REPUBLIC
OF ARMENIA R. KOCHARYAN

10 March 2007

GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION No. 209-N of 1 February 2007

ON APPROVING THE PROCEDURE FOR REGISTRATION OF PERSONS WILLING TO ADOPT A
CHILD

In accordance with part 2 of Article 114 of the Family Code of the Republic of Armenia, the Government of the Republic of Armenia decides:

1. To approve the procedure for registration of persons willing to adopt a child as laid down in the Annex.
2. To assign the Minister of Labour and Social Issues to approve, within a period of six months, the procedure for home study, the form of home study report of the nationals of the Republic of Armenia residing in the Republic of Armenia and willing to adopt a child, forms of registers and adoption profiles of adoption candidates and application forms for registration as adoption candidate.
3. To repeal points 2, 4, 5, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of the Procedure for child adoption approved by the Decision No. 64 of 12 February 2000 of the Government of the Republic of Armenia "On approving the procedure for child adoption".
4. This Decision shall enter into force on the tenth day following its official publication.

SIGNED BY THE PRIME MINISTER OF THE REPUBLIC OF ARMENIA ON 3 MARCH 2007

Annex

Decision No. 209-N of 1 February
2007 of the Government of the
Republic of Armenia

PROCEDURE
FOR REGISTRATION OF PERSONS WILLING TO ADOPT A CHILD

I. GENERAL PROVISIONS

1. This Procedure lays down the relations concerning the registration of nationals of the Republic of Armenia, foreign nationals and stateless persons, as well as nationals of the Republic of Armenia residing outside the Republic of Armenia willing to adopt a child who is a national of the Republic of Armenia.

2. Any adult person, except for persons referred to in points "a" to "i" of part 1 of Article 116 of the Family Code of the Republic of Armenia, may be eligible to be an adopter.
3. Adoption shall be granted on the basis of the application submitted to court by a person or spouses who are registered as adoption candidates in accordance with this Procedure.
4. If a person or spouses willing to adopt a child have a pre-selected child eligible for adoption with regard to which there is a written consent of the child's parents, it shall be specified in the application.
5. The opinion on adoption eligibility of the nationals of the Republic of Armenia willing to adopt a child who is a national of the Republic of Armenia shall be issued by Marzpetarans (Regional Municipality) of the Republic of Armenia (Yerevan Municipality).
6. The registration of the nationals of the Republic of Armenia willing to adopt a child who is a national of the Republic of Armenia shall be carried out by Marzpetarans of the Republic of Armenia (Yerevan Municipality).
7. The opinion on adoption eligibility of foreign nationals and stateless persons, as well as nationals of the Republic of Armenia residing outside the Republic of Armenia willing to adopt a child who is a national of the Republic of Armenia shall be issued by the Republican Commission on Adoption (hereinafter referred to as "the Republican Commission"), where the Minister of Justice of the Republic of Armenia (Chairperson of the Commission), the Minister of Healthcare of the Republic of Armenia, the Minister of Labour and Social Issues of the Republic of Armenia, the Minister of Education and Science of the Republic of Armenia, the Deputy Minister of Foreign Affairs of the Republic of Armenia, the Deputy Minister of Defence of the Republic of Armenia, the Head of the Police of the Republic of Armenia, the head of the corresponding structural subdivision of the Staff of the Government of the Republic of Armenia (Secretary of the Commission) are *ex officio* included.
The composition and statute of the Republican Commission shall be approved by the Prime Minister of the Republic of Armenia.
8. The registration of foreign nationals and stateless persons as well as nationals of the Republic of Armenia residing outside the Republic of Armenia willing to adopt a child who is a national of the Republic of Armenia shall be carried out by the Ministry of Labour and Social Issues of the Republic of Armenia.
9. The centralised registration of the nationals of the Republic of Armenia willing to adopt a child who is a national of the Republic of Armenia shall be carried out by the Ministry of Labour and Social Issues of the Republic of Armenia.
10. When spouses wish to adopt a child, both of them shall be registered as adoption candidates.

II. REGISTRATION OF NATIONALS OF THE REPUBLIC OF ARMENIA RESIDING IN THE REPUBLIC OF ARMENIA AND WILLING TO ADOPT A CHILD WHO IS A NATIONAL OF THE REPUBLIC OF ARMENIA

11. To be registered as adoption candidates, the nationals of the Republic of Armenia residing in the Republic of Armenia shall apply to Marzpetarans of their place of residence personally or through an authorised person.

12. The application shall be accompanied by the following documents:

- 1) copy of passport,
- 2) statement on living conditions and composition of the family, issued from the place of residence,
- 3) statement on the position held and salary (if employed), issued by the employer,
- 4) personal reference given by a minimum of three persons or organisations on proper behaviour of the person, income declaration or statement of taxes and other mandatory payments,
- 5) medical notice stating that the person willing to adopt a child does not suffer from any disease included in the list approved by the Decision No. 517-N of 5 May 2005 of the Government of the Republic of Armenia,
- 6) copy of marriage certificate (if married),
- 7) written consent of one of the spouses in case of adopting a child by the other, except for cases where spouses have ceased their marital relationship, live separately for more than a year, or when the place of residence of the other spouse is unknown,
- 8) statement on absence of criminal record, at the time of adoption, for grave or particularly grave crime against human beings or public order and morality.

The application shall contain the following information about the child to be adopted: age, gender, number of children, as well as the consent of a person or spouses on carrying out a home visit in the process of home study.

If a national of the Republic of Armenia willing to adopt a child has a pre-selected child eligible for adoption, with regard to which there is a written consent of his/her parents or single parent, it shall be specified in the application.

13. Marzpetaran (Yerevan Municipality) shall conduct a home study of the person and draw up a relevant report within one month after receiving the application referred to in point 11 and the documents referred to in point 12 of this Procedure.

14. On the basis of the home study report and all the necessary documents submitted by the citizen, Marzpetaran (Yerevan Municipality) shall issue an opinion (effective for one year) on adoption eligibility of the person willing to adopt a child and on the basis of a positive opinion shall register him/her as adoption candidate, record submitted information in the register and fill in the adoption profiles (in two copies) of the adoption applicant.

15. For each registered adoption candidate a special registration file shall be created where the documents shall be kept.

The numbers of registration files shall correspond to the adoption candidates' record numbers in the register.

After child adoption or on expiration of the opinion on adoption eligibility, the files shall be kept in the manner and terms prescribed by the legislation of the Republic of Armenia.

16. When a person willing to adopt a child fails to submit the full package of documents referred to in point 12 of this Procedure, Marzpetaran (Yerevan Municipality) reveals the incorrect information

therein, the latter shall suggest the applicant to complete the necessary documents or correct the mistakes therein within a period of five days.

17. If a person willing to adopt a child fails to complete the necessary documents within the period referred to in point 16 or in case of failure to correct the mistakes therein or revealing false information in the documents, as well as on the basis of the home study report, Marzpetaran (Yerevan Municipality) shall issue a negative opinion on adoption eligibility and notify the applicant in writing within five days.

The applicant may appeal judicially against negative opinion on adoption eligibility.

18. Marzpetaran (Yerevan Municipality) shall, within a period of three days after registration, communicate one copy of adoption profile and copies of documents referred to in point 12 of this Procedure to the Ministry of Labour and Social Issues of the Republic of Armenia for centralised registration.

19. The Ministry of Labour and Social Issues of the Republic of Armenia shall open a record of the adoption candidate in the centralised register on the basis of information in the adoption profile received from Marzpetaran (Yerevan Municipality).

20. The Ministry of Labour and Social Issues shall, within a period of three days, inform about the centralised registration of the adoption candidate to Marzpetaran (Yerevan Municipality), which shall inform the adoption candidate thereon within three days.

21. Adoption candidate shall be taken off the register in the following cases:

1) upon his/her application,

2) one-year after the issuance of a positive opinion,

3) upon adoption of a child (if he/she has adopted the number of children specified in the application),

4) upon taking up residence outside the Republic of Armenia,

5) upon occurrence of any of the grounds provided for in part 1 of Article 116 of the Family Code of the Republic of Armenia.

III. REGISTRATION OF FOREIGN NATIONALS AND STATELESS PERSONS, AS WELL AS NATIONALS OF THE REPUBLIC OF ARMENIA RESIDING OUTSIDE THE REPUBLIC OF ARMENIA WILLING TO ADOPT A CHILD WHO IS A NATIONAL OF THE REPUBLIC OF ARMENIA

22. Foreign nationals, stateless persons, nationals of the Republic of Armenia residing outside the Republic of Armenia shall, for the purpose of being registered as adoption candidates, personally or through an authorised person or diplomatic representation or consular office of the Republic of Armenia in the given state, apply to the Republican Commission submitting the documents provided for in point 12 of this Procedure and the permit or reference on his/her registration as adoption candidate in the Republic of Armenia issued by the competent body in their country, the home study report and the statement of obligation to monitor post-adoption living conditions of the adopted child issued by an competent body in their country.

23. Foreign nationals, stateless persons, nationals of the Republic of Armenia residing outside the Republic of Armenia may submit the information mentioned in the document laid down in sub-points 2, 3 and 4 of point 12 of this Procedure in the form of a home study report of the adoption candidate approved by the competent body of the given country.
24. Foreign nationals, stateless persons, nationals of the Republic of Armenia residing outside the Republic of Armenia shall submit the original documents necessary for adoption to the Republican Commission in the procedure prescribed by international treaties of the Republic of Armenia and the Armenian translation thereof certified in the manner prescribed by the legislation of the Republic of Armenia.
25. When foreign nationals, stateless persons, nationals of the Republic of Armenia residing outside the Republic of Armenia willing to adopt a child submit the relevant documents to the Republican Commission through an authorised person, the power of attorney given to that person by the aforementioned parties and approved by the competent body shall be submitted together with these documents.
26. Upon receiving all necessary documents from foreign nationals, stateless persons and nationals of the Republic of Armenia, the Republican Commission shall apply to the Ministry of Foreign Affairs of the Republic of Armenia to verify the accuracy of documents.
27. Within a period of one month upon receiving the application, the Republican Commission shall, on the basis of examination of documents submitted by foreign nationals, stateless persons, nationals of the Republic of Armenia residing outside the Republic of Armenia and the relevant statement received from the Ministry of Foreign Affairs of the Republic of Armenia, issue an opinion on adoption eligibility which shall remain in force for a period of one year.
28. The Republican Commission shall open a file on each adoption candidate with regard to whom a positive opinion on adoption eligibility has been issued, where the originals and one copy of the documents in Armenian provided for in points 12 and 22 of this Procedure shall be kept. Upon the adoption of a child, the documents shall be kept in the manner and terms prescribed by the legislation of the Republic of Armenia.
29. In case of incompleteness or revealing of incorrect information in documents provided for in points 12 and 22 of this Procedure, the Republican Commission shall request the applicant to complete the required documents or correct the mistakes therein within a period of one month.
30. In case of failure to complete the required documents or correct the mistakes therein or in case of revealing false information as well as on the basis of the statement delivered by the Ministry of Foreign Affairs of the Republic of Armenia, the Republican Commission shall issue a negative opinion on adoption eligibility.
31. The Republican Commission shall inform the applicant in writing on the negative opinion on adoption eligibility within a period of one week. The applicant may judicially appeal against negative opinion on adoption eligibility.
32. The Republican Commission shall, within a period of three days, communicate one copy of the positive opinion on adoption eligibility, together with the application of a person or spouses and documents referred to in points 12 and 22 of this Procedure to the Ministry of Labour and Social Issues of the Republic of Armenia for registration.

33. The Ministry of Labour and Social Issues of the Republic of Armenia shall within a period of three days, on the basis of the documents received from the Republican Commission, register the person applying for child adoption as adoption candidate.

For each registered adoption candidate (spouses), a registration file shall be created where the documents shall be kept.

The numbers of registration files shall correspond to the registration numbers of adoption candidates in the register.

After child adoption or expiration of the opinion on adoption eligibility, the documents shall be kept in the manner and terms prescribed by the legislation of the Republic of Armenia.

34. The Ministry of Labour and Social Issues shall within three days inform the Republican Commission about registration of the adoption candidate, which shall inform the adoption candidate within a period of three days.

35. Adoption candidate shall be taken off the register in cases provided for in point 21 of this Procedure (except for cases laid down in sub-point 4 of the same point) as well as in case of changing his/her country of habitual residence.