Adoption procedures are complex and vary greatly among countries. In some cases, countries that recognize multiple forms of adoption may apply different legal procedures for each form. For instance, full adoption in Uruguay is granted by the courts, while simple adoption is effected by a notarized deed accepted by the adopted person or his or her legal representatives. In Madagascar, full adoption is granted by a competent court, while simple adoption is made by a declaration in front of a registrar. In general, there are seven phases of the adoption procedure:

1. **Adoption application.** Most adoption procedures start with the prospective adoptive parents applying or petitioning for an adoption. This application may be lodged by an individual alone or by two persons jointly. Depending on the laws of the country, prospective adoptive parents may apply directly to the competent court or administrative authority or may avail themselves of an adoption agency, which may be private or State-run. For instance, among such agencies in Italy we can mention: Associazione Italiana Pro Adozioni – Onlus Erga Pueros, Associazione Adozioni «Alfabeto» Onlus, Associazione «Rete Speranza» Onlus, Associazione «La Cicogna – Amici di Chernobyl», Associazione «Ariete Onlus», Associazione «Brutia Onlus», Associazione «Bambini di Chernobyl Onlus».

2. **Declaration of adoptability.** The second phase of the adoption procedure usually consists in identifying an adoptable child. One of the most common requirements for declaring a child adoptable is to obtain the consent of his or her birth parents or guardians. Almost all countries have statutory provisions regarding consent to the adoption by the birth parents or other guardians, especially when the adoption involves a minor. This is consistent with article 21 (a) of the United Nations Convention on the Rights of the Child (1989), which states that, where appropriate, the persons concerned should give their informed consent to the adoption. In addition, the notion that a child should be able to express an opinion relating to his or her adoption is also reflected in the United Nations Convention on the Rights of the Child, as well as in the legislation of many countries. Furthermore, article 4 of the Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption (1993) requires Contracting States to ensure that a child «has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent
is required». In most countries the consent of children who are 10 years of age (including the Republic of Belarus) or older is required. For example, according to article 345 of *the Civil Code of France* an adopted child must personally consent to his plenary adoption, if he or she is older than thirteen.

3. Authority charged with overseeing, approving and granting the adoption. Once authorities have established that the adoption is in the best interests of the child, an adoption order or decision can be made. For example, in Spain adoption is granted by judicial order after taking into consideration the best interests of the child and the suitability of the prospective adoptive parents. In the Republic of Belarus, the Russian Federation and Turkey adoption decisions are also adjudicated by court order.

4. Probationary period. Some countries require children to live with their prospective adoptive parents for a certain period before an adoption can be completed. This procedure is meant to ensure that the adoption takes place in accordance with the child’s best interests. For instance, in France a period of six months must elapse after a child has been placed with a family before the adoption application is submitted.

5. Date of entry into force. National laws differ with respect to when an adoption takes effect. In the Republic of Belarus and Lithuania individuals are considered the child’s adoptive parents from the date of enforcement of the court decision. However, in China an adoption becomes effective from the date of its registration with the competent civil administrative authority. In France, under article 355 of the Civil Code an adoption becomes effective from the day of the filing of the petition for adoption.

6. Revocation or annulment of the adoption. In many countries adoption is considered irrevocable. For instance, in Costa Rica adoption is defined as a permanent, definitive alternative care option that excludes any return to the original family. However, some countries recognize that an adoption may be annulled or revoked under certain circumstances. Thus, in Ethiopia, under article 195 of the Family Code, a court may reverse an adoption decision in cases of abuse. In Turkmenistan, an adoption may be invalidated or annulled if statutory provisions and procedures are breached or if the child’s interests are prejudiced. Only the courts may annul or invalidate an adoption in such cases. Different rules are sometimes applied, based on the type of adoption. In France and Senegal, a full adoption is considered irrevocable, but a simple adoption may be revoked under certain circumstances.

7. Post-adoption monitoring. Some countries have put in place mechanisms to monitor the welfare of adopted persons. In Romania, competent authorities are required to monitor the wellbeing of adopted children for at least two years following the approval of the adoption order. In Ukraine, the upbringing and well-being of children adopted by foreign nationals is supervised in accordance with
the instructions issued by the Ministry of Foreign Affairs or Ukraine’s consular offices, which keep records on such children until the age of 18.

To sum up, adoption laws differ greatly among countries. In some jurisdictions adoptions are overseen by a judge, while in others an administrative authority is charged with approving and granting adoptions. Countries also have different requirements for prospective adoptive parents and adopted children.

Современные тенденции правового регулирования института усыновления в праве иностранных государств

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1. Установление минимального и максимального возраста для кандидатов в усыновители. В рамках СНГ минимальный возраст, по достижении которого совершеннолетнее дееспособное лицо может быть усыновителем, предусмотрен в п. 1 ст. 211 Семейного кодекса Украины (далее — СК Украины) — 21 год — и в п. 1 ст. 121 Семейного кодекса Молдовы (далее — СК Молдовы) — 25 лет. Максимальный возраст закреплен в ст. 121 СК Молдовы (50 лет) и п. 1 ст. 49 Кодекса Кыргызской Республики о детях (60 лет). В европейских государствах, например, во Франции и Германии, возраст потенциальных усыновителей должен быть соответственно более 28 лет (ст. 343-1 Гражданского кодекса Франции (далее — ГК Франции)) и более 25 лет (§ 1743 Гражданского Уложения Германии (далее — ГУ Германии)). Требование о возрасте не применяется в случае усыновления ребенка супруга.

2. Установление испытательного срока, по истечении которого суд принимает решение об удовлетворении или об отказе в удовлетворении заявления об усыновлении. Согласно ч. 1 ст. 345 ГК Франции до подачи заявления об усыновлении кандидат на усыновление должен быть предварительно помещен в семью потенциальных усыновителей не менее чем на 6 месяцев. В Италии, исходя из п. 1 ст. 23 Закона Итальянской Республики № 184 «О праве ребенка на семью», продолжительность испытательного срока со-