

APPENDIX

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#1: Sources to European and country-specific legislation, including information acts and legislation for Table 2 on the child’s consent to adoption.

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Spain

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3: Accountability in adoption from care proceedings: Criteria and commonalities

Format of proceedings	Hearing in the form of a meeting with all parties concerned in front of the decision maker, except <i>Finland:</i> meetings rarely take place; <i>Estonia:</i> judge's discretion to hold joint or separate meetings; only child and adoptive parents in hearing; <i>Germany:</i> separate meetings most common.
Decision format	Written decision, except <i>England:</i> Oral hearing recorded but transcript availability contingent on request of the parties or judge's discretion.
Recipients of decisions	Parties involved, incl. CPS / adoption agency, except <i>Estonia:</i> Adoptive parents and child only.
Reasoning	Substantial reasoning, including application of best interests principle to facts of the case and context of adoption. Additional focus on <i>Estonia, Finland:</i> Assessment of suitability of adopters; <i>Germany, Ireland:</i> Justification for substitution of / dispensing with parental consent
Appeal	Appeal allowed for specific reasons, and <i>Finland, Germany, Norway:</i> always allowed.
Public availability of decisions	Decisions not publicly available, except <i>England, Norway:</i> non-representative selection of decisions is publicly available.
Practical obstacles	Lack of clear and transparent procedures for requesting or reviewing adoption decisions. In addition, <i>England:</i> high cost of legal support and lack of legal aid; <i>Norway:</i> fee charged to private citizens for access to public case database.

#4: Extended summary of accountability mechanisms

	Format of proceedings	Decision-maker and format	Recipients of decisions**	Reasoning given in judgement	Appeal (full / partial)	Public available decision	Obstacles
Austria	<p>Oral hearing</p> <p>Present: Child, foster parents or manager of residential home where the child resides, child welfare services</p> <p>Not open to observers</p>	<p>District court; single judge</p> <p>Written</p>	<p>Child, birth parents, foster parents, adoptive parents, child welfare services agency</p>	<p>Yes</p> <p>Background information about the child's care trajectory leading to the adoption</p>	<p>Yes, partial</p>	<p>No</p>	
England	<p>Oral hearing</p> <p>Present: Child (usually via solicitor and Cafcass guardian), adoptive parents, local authority.</p> <p>Press and independent observers upon consent of the court</p>	<p>Family court; single judge</p> <p>Oral decision, but can be written at discretion of judge or upon the request of parties</p>	<p>Placement order: Parents, local authority, Cafcass guardian. Others with consent of judge.</p> <p>Adoption Order: adoptive parents, birth parents, adoption agency. Adopted young person/adult on request</p>	<p>Yes</p> <p>Background, on child, parents, harm experienced, services provided. Care plan for child, Reasons why adoption is necessary</p>	<p>Yes, partial</p>	<p>Yes</p>	<p>Cost</p>

Estonia	<p>Oral hearing</p> <p>Present: Child, adoptive parents, Social Insurance Board</p> <p>Researchers can attend at the discretion of the court.</p>	<p>District court; single judge</p> <p>Written</p>	Adoptive parents, child	<p>Yes</p> <p>Suitability of adoptive parents, including their commitment to form a family; if there are siblings, how their connection could be retained</p>	Yes, partial	No	
Finland	<p>Not obligatory to hold a hearing but the views of the parties need to be heard</p> <p>Independent observers possible</p>	<p>District court ratifies the petition filed by the future adoptive parents.</p> <p>Decision made by one or more legally trained persons.</p> <p>Written</p>	Parties involved (adoptive parents, child, birth parents, social welfare agency)	<p>Yes</p> <p>Content of the petition filed by adoptive parents; justifications for court's decision</p>	Yes, full	No	
Germany	<p>Oral hearing</p> <p>Present: Child, birth parents, adoptive parents, youth welfare office</p> <p>No independent observers</p>	<p>Family court; single judge</p> <p>Written</p>	Parties involved, Youth Welfare Office	<p>Yes</p> <p>Reasoning for overruling consent; circumstances of the child; facts about adoptive parents</p>	Yes, full	No	Cost

<p>Ireland</p>	<p>Oral hearing</p> <p>Present: Child, adoptive parents, Child and Family Agency or accredited adoption authority, guardian <i>ad litem</i>, and other family members</p> <p>Independent observers possible</p>	<p>Administrative body (AAI), panel of professionals</p> <p>Oral decision at hearing</p> <p>Written determination placed on file.</p> <p>Transcripts of hearing.</p>	<p>Adoptive parents, birth parent(s), child, Child and Family Agency or accredited adoption authority, General Registry Office</p>	<p>Yes</p> <p>Background circumstances, best interests of the child, supporting reasons for adoption and legal basis for the order to be made</p>	<p>High Court decision to set aside parental consent can be appealed to the Court of Appeal</p> <p>AAI can be judicially reviewed</p>	<p>AAI: No</p> <p>High Court: Yes</p>	
<p>Norway</p>	<p>Oral hearing</p> <p>Present: private and public parties, including testimonies from both parties</p> <p>Media and researchers upon consent of the court</p>	<p>Administrative court-like body (County Board); lawyer, expert member and layperson</p> <p>Written</p>	<p>Birth parents, child protection service, and the child (if 15 years or older)</p>	<p>Yes</p> <p>Facts, arguments from private and public parties, justification for decision</p>	<p>Yes, full</p>	<p>Yes</p>	<p>Cost</p>
<p>Spain</p>	<p>Oral hearing, but not mandatory</p> <p>Present: Children and adoptive parents</p> <p>Media and researchers upon consent of the court</p>	<p>Written court judgement</p> <p>Family court, single judge</p>	<p>Parties involved, public prosecutor</p> <p>Adoptions section staff of the child protection area</p> <p>Adoptive parents</p>	<p>Yes</p> <p>Judgement includes facts of the case and justifications to support the adoption decision</p> <p>Best interests of the child</p>	<p>Yes, partial and full</p>	<p>No</p>	