

Adoption Act

Act No 22/2012, adopted on 20 January 2012

Chapter 1

General provisions

Section 1

Purpose of adoption

The purpose of adoption is to promote the welfare of a child by creating a child–parent relationship between the adoptee and the prospective adopter.

Section 2

Best interests of child

In all decisions and other measures concerning the adoption of a minor child, the best interests of the child shall be the paramount consideration.

Particular attention shall be paid in assessments of the best interests of the child to how a child who cannot grow up in his or her family of origin can best be ensured a permanent family as well as balanced development and wellbeing.

Chapter 2

Conditions for adoption

Section 3

Adoption of minor

The adoption of a minor child may be granted if it is deemed to be in the best interests of the child and if it has been established that the child will be well taken care of and brought up.

In decisions on the matter, the child's wishes and views shall be taken into consideration having regard to his or her age and degree of maturity.

Section 4

Adoption of adult

The adoption of an adult may be granted if it has been established that, while still a minor, he or she was in the care of and was brought up by the prospective adopter or that a relationship comparable with that between a child and parent was otherwise established between him or her and the prospective adopter while the adoptee was still a minor.

Section 5

Prohibition of remuneration

An adoption may not be granted if any remuneration for the adoption has been given or promised or if someone other than the prospective adopter has, with a view to the adoption being granted, made or undertaken to make remunerative payments for the maintenance of the child.

Any contract or commitment concerning the payment of remuneration referred to in subsection 1 shall be null and void.

Section 6

Minimum and maximum age of adopter

The adopter shall have attained the age of 25 years. If the adoptee is a minor, the adopter may not be over the age of 50 years.

Notwithstanding the provisions of subsection 1, an adoption may be granted if the adopter has attained the age of 18 and:

- 1) the adoptee is the child of the adopter's spouse or the adopter's own child who has previously been adopted by someone else;
- 2) a relationship comparable with that between a child and parent has been established between the adoptee and the adopter; or
- 3) there are other justified grounds based on the best interests of the child to grant the adoption.

Furthermore, the adoption of a minor can be granted even if the adopter is aged 50 years or older if the adopter had not attained the age of 50 years at the time the child was designated for placement with him or her with a view to adoption.

Section 7

Age difference

If the adoptee is a minor, the age difference between the adoptee and the adopter shall be at least 18 years and no more than 45 years.

An adoption may be granted regardless of an age difference that is smaller or larger than that provided under subsection 1 if:

- 1) the adoptee is the child of the adopter's spouse or the adopter's own child who has previously been adopted by someone else;
- 2) a relationship comparable with that between a child and parent has been established between the adoptee and the adopter; or
- 3) there are other justified grounds based on the best interests of the child to grant the adoption.

Section 8

Conditions concerning spouses

Married spouses may only adopt a child jointly.

A spouse may, however, alone adopt a child of the other spouse or his or her own child who has previously been adopted by someone else.

Furthermore, a spouse may alone adopt a child if the other spouse cannot validly express his or her will due to an illness or disability or if the whereabouts of the other spouse are unknown.

Section 9

Joint adoption

Persons other than married couples may not adopt a child jointly.

Section 10

Adoptee's consent

An adoption may not be granted without the consent of the adoptee if he or she has attained the age of 12 years. The adoptee's consent is, however, not necessary if he or she cannot express his or her will due to an illness or disability.

Moreover, adoption may not be granted against the will of a child who has not attained the age of 12 years if the child is so mature that his or her will can be taken into consideration.

Section 11

Parents' consents

The adoption of a minor may not be granted in the absence of his or her parents' consent thereto.

On very exceptional grounds, however, an adoption may be granted even if a parent has denied or withdrawn his or her consent if the adoption strongly serves the best interests of the child and there are no sufficient grounds for the denial or withdrawal of consent, taking into account the degree of contact between the child and the parent and the nature of their mutual relationship.

If a parent cannot validly express his or her will due to an illness or disability or if the whereabouts of the parent are unknown, the adoption may, on very exceptional grounds, be granted if the adoption strongly serves the best interests of the child.

Section 12

Relation of adoption to establishment of parentage

Where parentage has not been established but there is reason to assume that parentage might be established at a later date, the adoption of a minor may only be granted under the conditions laid down in section 11(3).

Where proceedings for the establishment of parentage have been instituted before a court of law or other authority, the adoption of a minor may not be granted before a final decision has been made on the matter concerning parentage, unless grounds thereto exist as laid down in section 11(3).

Section 13

Other consents

Where one of two spouses wishes to alone adopt his or her own minor child who has previously been adopted by someone else, the adoption may not be granted in the absence of the other spouse's consent.

Where a partner in a registered partnership or in a cohabiting partnership wishes to adopt a minor child, the adoption may not be granted in the absence of the other partner's consent.

Where it is not possible to obtain the consent of either of the parents of a minor child due to the parents' death or a reason specified in section 11(3) or 12(1), the adoption may not be granted unless consent has been obtained from a person who has custody of the child or who is the child's other legally authorised representative.

An adoption may be granted in the absence of consent referred to in subsections 1—3 if:

1) the person whose consent would be required for the adoption cannot validly express his or her will due to an illness or disability or if his or her whereabouts are unknown; or

2) there are very serious grounds based on the best interests of the child to grant the adoption.

Section 14

Submission of consents

The consent to adoption of a parent and of a person specified in section 13 shall be submitted to a municipal organ (*municipal social welfare organ*) referred to in section 6 of the Social Welfare Act (710/1982) or to an adoption agency referred to in section 22(1) of this Act. Outside Finland the consent shall be submitted to an official who, according to section 33 of the Consular Services Act (498/1987), is competent to exercise the functions of the notary public; alternatively, the consent may be submitted as provided in section 67(1) of this Act.

Where the consent-giver has not received the adoption counselling referred to in Chapter 4, a consultation in which he or she is provided with the information referred to in section 24(2)1 and 2 shall be organised with him or her before his or her consent is obtained.

Further provisions on the receipt of consents may be given by government decree.

Section 15

Period of reflection

A parent's consent to an adoption may not be received until the parent has had the opportunity to consider the matter thoroughly and eight weeks have elapsed from the birth of the child.

The mother's consent may, however, be received earlier than eight weeks from the birth of the child if the prospective adopter is in a registered partnership with the mother and the adoptee was born as a result of fertility treatment referred to in the Act on Assisted Fertility Treatments (1237/2006) provided during their registered partnership.

Section 16

Form of consent

Consent to an adoption shall be given in writing. The document shall be dated and signed by the consent-giver.

Section 17

Withdrawal of consent

Consent to an adoption may be withdrawn before the granting of the adoption.

Chapter 3

Legal effects of adoption

Section 18

Transfer of parentage

Once an adoption has been granted, the adoptee shall be deemed the child of the adoptive parents and not of the former parents, unless otherwise expressly provided by law or unless otherwise follows from the nature of adoption.

If a spouse, during marriage or after its dissolution through the death of the other spouse, has alone adopted a child of the other spouse, the child shall, however, be regarded as the child of both spouses.

Section 19

Discharge from maintenance obligation

Once an adoption has been granted, the child's former parents shall be discharged from their obligation to maintain the child.

If the child's former parent has, prior to the adoption, contractually agreed, or been judicially ordered, to pay maintenance for the child, that parent shall be discharged from the obligation to make the payments that fall due after the adoption. If the maintenance has been fixed to be paid in a lump sum, the former parent shall be discharged from the

obligation to make the payment if the payment had not been made before the adoption.

Section 20

Adoptee's surname and nationality

Provisions concerning an adoptee's surname are laid down in the Names Act (694/1985) and those on the nationality of an adoptee in the Nationality Act (359/2003).

Chapter 4

Adoption counselling

Section 21

Requesting for adoption counselling

A parent of a minor child intending to relinquish the child for adoption and a person intending to adopt a minor child shall request adoption counselling from the municipal social welfare organ of his or her municipality of habitual residence or from an adoption agency licensed by the National Supervisory Authority for Welfare and Health.

Section 22

Providers of adoption counselling

Adoption counselling may be provided by municipal social welfare organs and by adoption agencies licensed by the National Supervisory Authority for Welfare and Health to provide adoption counselling (*providers of adoption counselling*).

A public servant or employee attending to the provision of adoption counselling shall fulfil the qualification requirement for social workers in accordance with section 3 of the Act on Qualification Requirements for Social Welfare Professionals (272/2005). He or she shall also be acquainted with adoption issues.

Section 23

Beginning of adoption counselling

Following a request for the provision of adoption counselling made by a parent of a minor child intending to relinquish the child for adoption, the provider of adoption counselling shall designate a social worker responsible for adoption counselling for the adoptee (*social worker responsible for adoption counselling*) and begin the provision of adoption counselling without delay.

Section 24

Duties of providers of adoption counselling

The provider of adoption counselling shall in all adoption-related issues oversee the best interests of the child as well as provide the child, the child's parents, prospective adopters and other persons whose consent is required for the adoption with advice, assistance and support.

Adoption counselling shall, in particular:

- 1) provide the persons specified in subsection 1 with information about the purpose of, conditions for and legal effects of adoption;
- 2) provide the child's parents with information about the social services and financial support measures that are available to them and the child and help them make a thoroughly considered decision;
- 3) help the prospective adopters assess their capacities to become adoptive parents and prepare for adoptive parenthood;
- 4) determine and assess whether the conditions for adoption are met;
- 5) determine whether an agreement upon contact between the child and his or her former parents can be entered into and, where necessary, assist in the formulation of the agreement;
- 6) where necessary guide the prospective adopters to apply for intercountry adoption services;
- 7) where necessary guide the prospective adopters to apply for permission for adoption;

8) where necessary take care of the placement of the child with the prospective adopters;

9) without delay after the placement of a child take measures to support and monitor the success of the placement with a view to ensuring the best interests of the child; and

10) ensure that the prospective adopters submit a petition for the granting of the adoption without delay and, where necessary, assist in the filing of the petition.

If the adoption counselling is provided by an adoption agency, it shall obtain a statement of the circumstances of the child and the prospective adopters from the social welfare organ of their municipality of habitual residence.

Further provisions on the content and provision of adoption counselling may be given by government decree.

Section 25

Adoption counselling after granting of adoption

The provider of adoption counselling shall, where necessary, also provide the advice, assistance and support referred to in section 24(1) after the granting of an adoption. The adoptive parents shall also be offered the opportunity to have the adoptee's and adoptive family's need for special assistance and support assessed to the extent necessary.

The provider of adoption counselling shall, where necessary, guide the adoptee and the adoptive family as well as the child's former parents to access to social or health care services or other assistance and support at the earliest possible stage.

Section 26

Consultation of minor child

The social worker responsible for adoption counselling shall personally discuss the adoption with a minor adoptee if this is possible considering his or her age and degree of maturity. The child shall be provided in a manner appropriate for his or her age and degree of maturity with the

information referred to in section 24(2)1 as well as the information pertaining to the adoption case in question that can be assumed to be relevant to the child.

The social worker responsible for adoption counselling shall seek to determine the child's attitude towards the adoption. Where necessary, efforts should be made to also determine the child's attitude towards maintaining contact with his or her former parents after the adoption. The child shall be consulted for his or her views discreetly and sensitively, ensuring that this does not result in any unnecessary harm to relations between the child and his or her parents or others close to him or her.

Following the consultation for his or her views, a child over the age of 12 shall be allowed the opportunity to give his or her consent to the adoption.

Section 27

Placement of child

When placing a child with prospective adopters with a view to adoption, the following principles shall, where possible, be followed:

- 1) the child shall be placed with those prospective adopters who are assessed to have the best capacities to attend to his or her good care and upbringing;
- 2) the child shall be placed with a family where he or she will have two adoptive parents, unless there are very serious grounds based on the best interests of the child for his or her placement in a single-parent family;
- 3) siblings shall be placed in the same family unless contrary to the child's best interests considering the circumstances;
- 4) any existing children of the family shall be older than the adoptee;
- 5) the wishes of the child's parents concerning the qualities and circumstances of the adoptive family shall be taken into consideration, unless taking these into consideration is contrary to the child's best interests.

The placement of the child shall be attended to by the social worker responsible for adoption counselling in cooperation with another social worker or other employee acquainted with child protection.

Section 28

Measures following unsuccessful placement of child

If it is detected by the provider of adoption counselling prior to the granting of an adoption that the placement of a child with the prospective adopters is not in the best interests of the child, the provider shall in cooperation with the child protection authority arrange for a new placement with a view to adoption for the child. Where this is not possible, the provider of adoption counselling and the child protection authority shall take other necessary measures to arrange for such care for the child that is in the best interests of the child.

If the adoptee is a child who has entered Finland from a foreign state, the provider of adoption counselling and the child protection authority shall carry out the measures in accordance with subsection 1 in collaboration with the service provider referred to in section 32. Where a child cannot be provided with a new placement or care that is in accordance with his or her best interests in Finland, the provider of adoption counselling, the child protection authority and the service provider shall also take measures to return the child to his or her state of origin if the return of the child is in the best interests of the child.

A person attending to the measures referred to in subsections 1 and 2 shall personally discuss the matter with the child if this is possible considering the child's age and degree of maturity. The child's views on the matter shall be determined and taken into consideration if the child has attained the age of 12 years or if the child is so mature that his or her will can be taken into consideration.

Section 29

Suspension of adoption counselling

The provider of adoption counselling may suspend the provision of adoption counselling to a prospective adopter if it is apparent on the basis of issues that have emerged during counselling that the conditions for adoption are not met.

The prospective adopter may appeal against a decision referred to in subsection 1 by lodging an appeal in an Administrative Court as provided in the Administrative Judicial Procedure Act (586/1996). An appeal against a decision by an Administrative Court may be lodged by the prospective adopter if leave to appeal is granted by the Supreme Administrative Court.

Provisions on the temporary suspension of adoption counselling are laid down in section 49(3).

Section 30

Report on provision of adoption counselling

For the purpose of submission of an application for adoption permission and petition for the granting of an adoption, the provider of adoption counselling shall provide a written report on the provision of adoption counselling. The report shall provide the necessary information about those concerned and their circumstances.

Where a minor child who is habitually resident in Finland is intended to be given up for adoption to a prospective adopter habitually resident in a foreign state, the provider of adoption counselling shall compile a detailed report on the child that shall provide the necessary information about the child and his or her circumstances.

Further provisions on the more detailed content, period of validity and delivery of reports may be given by government decree.

Chapter 5

Intercountry adoption service

Section 31

Requesting for intercountry adoption service

A prospective adopter who is habitually resident in Finland and intends to adopt a child under the age of 18 years who is habitually resident in a foreign state shall request for an intercountry adoption service.

A prospective adopter who has been issued permission referred to in section 42 need not, however, request for an intercountry adoption service.

Section 32

Service providers

An intercountry adoption service may be provided by municipal social welfare organs and other organisations (*service providers*) which have been licensed thereto by the Adoption Board.

A service provider may only cooperate with an authority, organisation or other organ carrying out corresponding tasks outside Finland (*foreign service provider*) where a licence referred to in section 90 has been issued for the cooperation.

Section 33

Service providers' duties

A service provider shall assist a prospective adopter in measures relating to the intercountry adoption of a child under the age of 18 years and monitor that the adoption takes place in the best interests of the child, with respect for the fundamental rights of the child as recognised in international law and without anyone deriving improper financial or other gain therefrom.

The specific duties of the service provider shall be to:

1) provide a child under the age of 18 years who is habitually resident in a foreign state and in need of adoptive parents and for whom suitable adoptive parents cannot be found in his or her state of habitual residence with a prospective adopter with habitual residence in Finland;

2) assist in measures relating to the granting of the adoption;

3) assist the adoptee and his or her custodians and, following the adoptee's death, his or her descendants and their custodians in gaining access to information about the child and his or her origin from the child's state of origin; and

4) provide the information recipient in the context of information access referred to in paragraph 3 with the necessary support and guidance.

The service provider may also provide a child under the age of 18 years who is habitually resident in Finland and in need of adoptive parents and for whom suitable adoptive parents cannot be found in Finland with a prospective adopter with habitual residence in a foreign state.

The service provider shall attend, as an accredited body referred to in Chapter III of the Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption (Treaty Series of the Statutes of Finland 29/1997), hereinafter *Hague Convention*, to the tasks required under the Convention entrusted upon the service provider under an act or government decree.

Further provisions on the service providers' duties shall be given by government decree.

Section 34

Service providers' other obligations

In each case the service provider shall ascertain that no remuneration, as referred to in section 5, for the adoption or maintenance of the child has been given or paid or promised or undertaken to be supplied.

If the service provider detects prior to the granting of the adoption that the placement of a child with the prospective adopters is not in the best interests of the child, the service provider shall, notwithstanding any secrecy provisions, contact the provider of adoption counselling for the purpose of measures referred to in section 28.

Section 35

Service fee and compensation for costs

The service provider may charge a fee for an intercountry adoption service and charge for the costs incurred in the case. The amount charged may not exceed the costs actually incurred by the service provider in the performance of the activities. Further provisions on the fee and costs to be compensated for shall be given by government decree.

The service provider may require that the fee and compensation for costs be paid in advance or that an acceptable security for them be given. The service provider shall, on request, provide in advance a written estimate of the fees and costs to be paid in the case.

No payment obligation shall arise from any unnecessary fees or costs incurred in the case due to the service provider's error or neglect.

Where service provision is suspended and a fee or compensation for costs has been paid in advance, the service provider shall refund those payments insofar as they pertain to measures that will not be carried out due to the suspension.

Section 36

Appeals, interest for late payment and enforcement

A claim for adjustment may be presented to a service provider concerning a decision made by the service provider's public servant or employee concerning a service fee or compensation for costs. Provisions regarding the procedure for claims for adjustment are laid down in the Administrative Procedure Act (434/2003).

Appeals against decisions taken on the basis of claims for adjustment may be lodged in an Administrative Court as provided in the Administrative Judicial Procedure Act. Appeals against decisions by an Administrative Court may be lodged by a party liable for payment or by a service provider if leave to appeal is granted by the Supreme Administrative Court.

Where the payment of a service fee or compensation for costs has fallen overdue, interest for late payment may be charged on the amount in accordance with section 4(1) of the Interest Act (633/1982). Sections 5, 6, 10 and 11 of the Interest Act shall also apply to interest for late payment.

Service fees and compensations for costs and any interest for late payment charged thereon shall be directly enforceable as provided in the Act on the Enforcement of Taxes and Charges (706/2007).

Section 37

Refusal to provide intercountry adoption service

A service provider may refuse to provide an intercountry adoption service or suspend service provision if:

1) a prospective adopter does not fulfil the requirements set by foreign service providers cooperating with the service provider; or

2) a prospective adopter has neglected his or her payment obligation or obligation to lodge a security in accordance with section 35 and has, despite a reminder, failed to fulfil his or her obligation within the reasonable period of time provided thereto.

A prospective adopter may appeal against a decision referred to in subsection 1 by lodging an appeal in an Administrative Court as provided in the Administrative Judicial Procedure Act. An appeal against a decision by an Administrative Court may be lodged by the prospective adopter or by the service provider if leave to appeal is granted by the Supreme Administrative Court.

Provisions on the temporary suspension of service provision are laid down in section 49(3).

Section 38

Peremptory nature

A contractual term that deviates from the provisions laid down in sections 35—37 to the detriment of an intercountry adoption service user shall be null and void.

Chapter 6

Permission procedure in adoption matters

Section 39

Permission requirement

Where a prospective adopter or a child under the age of 18 years is or both are habitually resident in Finland, the prospective adopter may not take in the child with a view to adoption, the provider of adoption counselling may not place the child with the prospective adopter with a view to adoption and the service provider may not provide the child with a prospective adopter unless the prospective adopter has been granted permission for adoption.

Permission for adoption shall not, however, be required if both the prospective adopter and the child are habitually resident in Finland and:

1) a spouse intends, during marriage or after its dissolution through the death of the other spouse, alone to adopt the other spouse's child; or

2) a child, who has been taken in by the prospective adopter for a purpose other than with a view to adoption, has been cared for and brought up by the prospective adopter in an established manner.

Section 40

Conditions for permission for domestic adoption

If the prospective adopter is habitually resident in Finland and intends to adopt a child who is habitually resident in Finland, permission for adoption may be granted if the conditions for adoption laid down in

sections 3 and 6—9 as well as section 13(1), (2) and (4) are fulfilled and the prospective adopter has been provided with adoption counselling.

Section 41

Conditions for permission for adoption from foreign state to Finland via service provider

If the prospective adopter is habitually resident in Finland and intends to adopt a child who is habitually resident in a foreign state, permission for adoption may be granted if the conditions for adoption laid down in sections 3 and 6—9 as well as section 13(1), (2) and (4) are fulfilled, the prospective adopter has been provided with adoption counselling and the prospective adopter is provided with an intercountry adoption service.

Section 42

Conditions for permission for adoption from foreign state to Finland without service provider

If the prospective adopter is habitually resident in Finland and intends to adopt a child who is habitually resident in a foreign state and the adoption cannot take place via a service provider, permission for adoption may be granted if the conditions for adoption laid down in sections 3 and 6—9 as well as section 13(1), (2) and (4) are fulfilled and the prospective adopter has been provided with adoption counselling.

Permission referred to in subsection 1 may only be granted for the adoption of a child who:

1) is a close relative of the prospective adopter or of his or her spouse or a former close relative of the prospective adopter's adopted child; or

2) has been taken in by the prospective adopter for a purpose other than with a view to adoption and has been cared for and brought up by the prospective adopter in an established manner.

Section 43

Conditions for permission for adoption from Finland to foreign state

If the prospective adopter is habitually resident in a foreign state and intends to adopt a child habitually resident in Finland, permission for adoption may be granted if:

1) the conditions for adoption laid down in Chapter 2 are fulfilled and the child has been provided with adoption counselling;

2) the prospective adopter has presented a report provided by the competent authority or other competent body of the state of his or her habitual residence concerning the prospective adopter's identity and circumstances as well as his or her eligibility and suitability to adopt;

3) the prospective adopter has presented documentation on the prospective adopter and the child's parents and other persons whose consent to the adoption is required having been provided with the necessary counselling; and

4) the prospective adopter has presented proof that the child is or will be authorised to enter and reside permanently in the prospective adopter's state of habitual residence.

Section 44

Permission authority

Permissions for adoption shall be granted upon prospective adopters' application by the Adoption Board.

Section 45

Special condition or restriction for permission

When granting permission, the Adoption Board may impose a special condition or restriction on the adoption.

Section 46

Certificate of permission for adoption

The Adoption Board shall issue certificates of permissions for adoption granted.

Further provisions on the content and delivery of the certificates may be given by government decree.

Section 47

Period of validity of permission

Permissions shall be valid for a fixed period not exceeding two years.

The Adoption Board may, upon application, extend the period of validity of permissions by a maximum of two years at a time following its receipt of a statement on the matter by the provider of adoption counselling and, where necessary, by the service provider.

If the child has within the period of time specified in the permission been placed with the prospective adopter with a view to adoption, the permission shall remain valid until the adoption has been granted.

The permission shall expire if the child is removed from the prospective adopter owing to unsuccessful placement.

Section 48

Permission cancellation

The Adoption Board may cancel permission for adoption if the prospective adopter's circumstances have materially changed since the granting of the permission in a manner whereby the adoption taking place in accordance with the permission would not be in the best interests of the child. Permission may not, however, be cancelled after the adoption has been granted.

Provisions laid down in sections 50—53 of the Administrative Procedure Act shall apply to corrections of errors in decisions taken by the Adoption Board.

Section 49

Notification obligation

In the event that any material changes take place in a prospective adopter's circumstances during the permission's period of validity, he or she shall notify the Adoption Board thereof without delay. The Adoption Board shall, notwithstanding any secrecy provisions, inform the provider of adoption counselling and, where the prospective adopter is provided with an intercountry adoption service, the service provider of the notification without delay and, where necessary, request from them further information on the change in circumstances.

The provider of adoption counselling and the service provider shall, notwithstanding any secrecy provisions, inform the Adoption Board without delay of any change in the prospective adopter's circumstances brought to their attention that may result in the cancellation of the permission for adoption and of any issue that may result in the annulment of the Board's decision under section 50 of the Administrative Procedure Act. If the notification is submitted by the provider of adoption counselling and the prospective adopter is provided with an intercountry adoption service, the Adoption Board shall, notwithstanding any secrecy provisions, inform the service provider of the notification without delay.

Where the provider of adoption counselling or the service provider has submitted a notification referred to in subsection 2 or been informed of a notification referred to in subsection 1 or 2 submitted by another party, it shall discontinue the provision of adoption counselling or intercountry adoption service until a decision has been made on the matter by the Adoption Board. No appeal shall lie against decisions concerning discontinuation.

Matters referred to in this section shall be considered expeditiously by the Adoption Board.

Section 50

Appeals

A prospective adopter may lodge an appeal against a decision taken by the Adoption Board concerning a matter referred to in this Chapter in an Administrative Court as provided in the Administrative Judicial Procedure Act.

An appeal against a decision by the Administrative Court may be lodged by the prospective adopter or the Adoption Board if leave to appeal is granted by the Supreme Administrative Court.

Chapter 7

Granting of adoption

Section 51

Granting of adoption

An adoption shall be granted by judicial decision.

Proceedings in a matter concerning the granting of an adoption shall be instituted by a written petition filed with a District Court by the prospective adopter.

Provisions concerning the competent court in matters relating to the granting of adoptions are laid down in Chapter 10 of the Code of Judicial Procedure.

Section 52

Documentation to be submitted to court

The necessary documentation on the fulfilment of the statutory conditions for the granting of the adoption shall be enclosed with the petition for the granting of an adoption.

Further provisions on the documentation to be enclosed with petitions may be given by government decree.

Section 53

Obtaining of evidence

The court shall, on its own initiative, order that all the evidence necessary to resolve a matter concerning the granting of an adoption be produced.

The court shall, where necessary, hear all the persons who can provide information on a matter concerning the adoption.

Section 54

Hearings

A parent of a minor child as well as the child's custodian and guardian shall be provided with the opportunity to be heard in a matter concerning the granting of an adoption. If the child's parent is a person without legal capacity, his or her custodian and guardian shall also be provided with the opportunity to be heard. If the prospective adopter's competency has been restricted, his or her guardian shall also be provided with the opportunity to be heard.

A hearing in accordance with subsection 1 shall, however, not be necessary if the summons cannot be served on the person to be heard or the opinion of the person to be heard has already earlier been reliably ascertained or if hearing him or her is otherwise to be deemed unnecessary for the resolution of the matter.

If the child's parent informed when consenting to the adoption that he or she does not wish to be heard by the court, he or she may not be provided with the opportunity to be heard without a special reason thereto.

Section 55

Appointment of guardian

Where there is or may be a conflict between the interests of a minor adoptee and the interests of his or her custodian or guardian during the consideration of a matter concerning the granting of an adoption by a court, the court shall *ex officio* appoint a

guardian for him or her to represent his or her interests in the matter.

The guardian appointed by the court under subsection 1 shall have the right to receive from State funds a fee and compensation for his or her costs in accordance with the provisions laid down in sections 17 and 18 of the Legal Aid Act (257/2002) on the fee and expenses of an attorney. Otherwise the provisions of the Guardianship Services Act (442/1999) shall apply to the guardian.

Section 56

Right of appeal

The prospective adopter, the child and a person to be heard under section 54(1) shall have the right of appeal against the court's decision in a matter concerning the granting of an adoption.

Section 57

Expeditiousness of proceedings

Matters concerning the granting of adoption shall be considered expeditiously at all instances.

Chapter 8

Adoptee's right to maintain contact with former parent

Section 58

Granting of right of contact

The court may, in conjunction with the granting of an adoption or following this, decide that a minor adoptee shall have the right to meet his or her former parent or maintain contact with him or her in another manner. The granting of a right of contact shall be subject to the condition that the former parent and the adoptive parents have agreed upon the maintenance of contact and there is no reason to assume that the

maintenance of contact would be contrary to the child's best interests.

In making the decision the court may, on request, make minor amendments or specifications to the conditions of contact agreed between the child's former parent and adoptive parents if this promotes the actualisation of contact and is in the best interests of the child.

Section 59

Amendments to granted right of contact

A decision concerning a right of contact may be amended by a new decision by the court where the child's former parent and adoptive parents have agreed upon an amendment to a right of contact granted, if there has been a change in circumstances after the granting of the right of contact or if there are other reasons thereto.

Section 60

Taking child's views into consideration

In decisions on a matter concerning contact the child's wishes and views shall be taken into consideration having regard to his or her age and degree of maturity.

Section 61

Institution of proceedings

Proceedings in a matter concerning contact shall be instituted by a written petition filed with a District Court by the child's former parent, adoptive parent, custodian or municipal social welfare organ.

If a matter concerning contact is brought before a court in a context other than in conjunction with the granting of an adoption, the matter shall be considered by a court that, under Chapter 10 of the Code of Judicial Procedure, is competent in matters concerning rights of access.

Section 62

Hearings

The child's former parents, adoptive parents and custodian shall be provided with the opportunity to be heard concerning the petition.

A hearing in accordance with subsection 1 shall, however, not be necessary if the summons cannot be served on the person to be heard or the opinion of the person to be heard has already earlier been reliably ascertained or if hearing him or her is otherwise to be deemed unnecessary for the resolution of the matter.

Section 63

Obtaining of report, hearing of child and issue of interim order

To learn the child's wishes and views and determine the other circumstances affecting the decision on the matter, the court shall, where necessary, obtain a report from the social welfare organ of the municipality of habitual residence of the child, his or her former parent and adoptive parent. If such a person does not have a municipality of habitual residence in Finland, the report shall be obtained from the social welfare organ of the municipality in which the person is staying.

As regards the hearing of children in person in court, inclusion of secret information and the issue of interim orders, the provisions of sections 15(2), 16(3) and 17 of the Child Custody and Right of Access Act (361/1983) concerning court hearings of access right matters shall apply.

Section 64

Enforcement of court order

A court order pertaining to the right of contact shall be enforced in accordance with the provisions of the Act on the Enforcement of Court Orders Concerning Child Custody and Right of Access (619/1996) relating to the enforcement of court orders on access

rights. The enforcement of a court order pertaining to the right of contact may not, however, involve an order for the child to be picked up.

Chapter 9

Rules of private international law

Section 65

Court jurisdiction

Finnish courts shall have jurisdiction over a petition for the granting of an adoption if the adoptee or the prospective adopter is habitually resident in Finland.

A petition for the granting of an adoption may also be reviewed by a Finnish court if:

1) the adoptee or prospective adopter is a Finnish citizen; and

2) the matter cannot be reviewed in the state wherein the adoptee or the prospective adopter is habitually resident or domiciled or if judicial proceedings on the matter in such a state would involve excessive difficulties.

When the adoptee and the prospective adopters are citizens of Finland, Denmark, Iceland, Norway or Sweden, Finnish courts shall, however, have jurisdiction over a petition for the granting of an adoption only if the domicile of either of the prospective adopters is in Finland.

Section 66

Applicable law

The procedure employed in the granting of adoptions and the conditions for adoption shall be determined by Finnish law.

Section 67

Consenting to adoption in foreign state

In a foreign state, consent to the granting of an adoption may be also given in accordance with the formalities and procedure stipulated by the law of that state.

If consent required for an adoption has not been obtained because the institution of adoption is not legally regulated in the state in which the consent should be given, the adoption may be granted if it obviously corresponds to the will of those whose consent is required for the adoption.

Section 68

Recognition of foreign adoption and revocation of adoption

An adoption or revocation of adoption granted in a foreign state shall be recognised in Finland as provided below.

A decision or other judicial act in a foreign state may, for the purposes of this Act, be deemed to constitute the granting of adoption if its essential purpose is to create a relationship of child and parent even if the legal effects of the decision or act in that state do not correspond to the legal effects of adoption under Finnish law.

Section 69

Recognition of foreign adoption without separate confirmation

An adoption that has taken place in a foreign state in accordance with permission for adoption referred to in Chapter 6 shall be valid in Finland without a separate confirmation.

An adoption that has taken place in a foreign country shall also be valid in Finland without a separate confirmation:

1) if both of the adopters were habitually resident in that state at the time of the adoption and had been habitually resident therein continuously for at least one year immediately prior to the adoption; or

2) if the adoption is valid in the state wherein the adopters were habitually resident at the time of the adoption and wherein they had been continuously habitually resident for at least one year immediately prior to the adoption.

Where permission for adoption was required for an adoption referred to in subsection 2, the adoption shall, however, be

valid in Finland only if the permission was granted.

Section 70

Recognition of foreign revocation of adoption without separate confirmation

A revocation of adoption that has taken place in a foreign country shall be valid in Finland without a separate confirmation if:

1) the adoptee and both of the adoptive parents were habitually resident in that state at the time of the revocation and had been habitually resident therein continuously for at least one year immediately prior to the revocation of adoption; or

2) the revocation is valid in those states wherein the adoptee and the adoptive parents were habitually resident at the time of the revocation and wherein they had been continuously habitually resident for at least one year immediately prior to the revocation of adoption.

Section 71

Clarifying confirmation order by Court of Appeal

Despite any recognition of an adoption or its revocation under section 69 or 70 without a separate confirmation, the Court of Appeal of Helsinki may, upon petition, confirm that the adoption or its revocation is valid in Finland.

Section 72

Recognition of decision made in another Nordic country

Notwithstanding the provisions of sections 69 and 70, an adoption or a revocation of adoption that has taken place in Iceland, Norway, Sweden or Denmark in accordance with the Convention between Finland, Iceland, Norway, Sweden and Denmark containing rules of private international law regarding marriage, adoption and guardianship (Treaty Series of the Statutes of

Finland 20/1931) shall be valid in Finland without a separate confirmation.

Section 73

Recognition and legal effects of adoption certified as having been made in accordance with Hague Convention

An adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without a separate confirmation regardless of the provisions of section 69.

An adoption referred to in subsection 1 shall have at least the legal effects provided for in Article 26, paragraph 1 of the Hague Convention.

Where an adoption referred to in subsection 1 has not resulted in the termination of the legal parent-child relationship of the child and his or her parent under the law of that state, the Court of Appeal of Helsinki may, upon petition by the adoptive parents or the adoptee, confirm the adoption to be of a kind the effect whereof is to terminate the legal parent-child relationship between the child and his or her former parents. A further prerequisite for this is that the consents referred to in Article 4, sub-paragraphs c and d of the Hague Convention, have been or are given for the purpose of such an adoption.

Section 74

Confirmation of foreign adoption by decision of Court of Appeal

An adoption other than one referred to in section 69, 72 or 73 that has taken place in a foreign state shall be valid in Finland only if confirmed by the Court of Appeal of Helsinki.

The Court of Appeal of Helsinki may, upon petition, confirm an adoption referred to in subsection 1 if, at the time of the granting of the adoption, the adoptee or either of the adopters had, by reason of habitual residence, domicile or citizenship, such a connection with the state wherein the adoption was

granted that the authorities of that state can be deemed to have had sufficient cause to exercise jurisdiction over the matter.

If an adoption has taken place in a way other than through a decision of an authority, it may be confirmed only if the adoptee or either of the adopters had a connection referred to in subsection 2 with the state wherein the adoption took place and the measure is valid under the law of that state.

The Court of Appeal of Helsinki may not confirm under this section an adoption for which permission for adoption should have been applied.

Section 75

Confirmation of foreign revocation of adoption by decision of Court of Appeal

A revocation of adoption other than one referred to in section 70 or 72 that has taken place in a foreign state shall be valid in Finland only if confirmed by the Court of Appeal of Helsinki.

The Court of Appeal of Helsinki may, upon petition, confirm a revocation of adoption referred to in subsection 1 if, at the time of the revocation, the adoptee or either of the adoptive parents had, by reason of habitual residence, domicile or citizenship, such a connection with the state wherein the revocation of adoption took place that the authorities of that state can be deemed to have had sufficient cause to exercise jurisdiction over the matter.

If the revocation of adoption has taken place in a way other than through a decision of an authority, it may be confirmed only if one of the parties had a connection referred to in subsection 2 with the state wherein the revocation of adoption took place and the measure is valid under the law of that state.

Section 76

Contrariness to public policy in Finland

An adoption referred to in sections 69 and 73 or a revocation of adoption referred to in section 70 shall not be considered valid in Finland and the Court of Appeal of Helsinki

shall not confirm the adoption or its revocation under section 71, 74 or 75 if this, taking special account of the best interests of the child, would lead to a result which is contrary to Finnish public policy (*ordre public*).

Section 77

Certification of adoption granted in Finland as having been made in accordance with Hague Convention

A court of law that has granted an adoption may, upon petition, certify that the adoption took place in accordance with the Hague Convention.

Section 78

Report on content of law of foreign state

If the law of a foreign state is of relevance to the resolution of a matter under this Act, the court or other authority shall, if not familiar with the law of the foreign state or familiarised with it as ascertained by a party, request the Adoption Board to provide a report on the contents of the law of the foreign state.

Section 79

Statement by Adoption Board

In cases referred to in sections 65(2) and 74 and 75, the Adoption Board shall be provided with the opportunity to give its statement on the issues which are of relevance to the resolution of the matter, unless clearly unnecessary.

The court or other authority may request the Adoption Board to give its statement on the matters referred to in sections 67—73 and 77.

Section 80

Statement by municipal social welfare organ

A court or other authority may, when considering a matter referred to in sections

68—75 that pertains to a child under the age of 18 years, where necessary, request a statement on the circumstances of a party from the social welfare organ of his or her municipality of habitual residence.

Section 81

Statement by Nordic child welfare authority

If an adoptee who is under 18 years of age is a citizen of Denmark, Iceland, Norway or Sweden and domiciled in the state of his or her citizenship, the court shall, before the granting of the adoption, provide the child welfare authorities of that state with the opportunity to give their statement on the matter.

Section 82

Ascertainment of reliability of foreign document

A foreign document submitted to the Court of Appeal of Helsinki for the consideration of a matter referred to in section 71, 74 or 75 shall be legalised or accompanied with a certificate of its origin issued by a competent authority of the state in question, subject to liability to carry out obligations under an international agreement by which Finland is bound, unless an exception therefrom is granted by the Court of Appeal for a special reason. The submitter of a foreign document shall, where necessary, have the document submitted by him or her translated into Finnish or Swedish and legalised.

The Court of Appeal may, where necessary, request a statement by the Finnish Ministry for Foreign Affairs, the Finnish Immigration Service or a police authority concerning the authenticity and reliability of a document referred to in subsection 1.

Section 83

Expeditiousness of proceedings

Matters relating to the recognition of foreign adoptions and foreign revocations of adoption shall be considered expeditiously.

Section 84

Appeals

Provisions concerning appeals against decisions by the Court of Appeal of Helsinki are laid down in Chapter 30 of the Code of Judicial Procedure.

Chapter 10

Administration of adoption matters

Section 85

General planning, guidance and supervision

The general planning, guidance and supervision of adoption counselling and intercountry adoption services shall belong to the domain of the Ministry of Social Affairs and Health.

Section 86

Adoption Board

The special expert, permission and supervisory authority in adoption matters shall be the Adoption Board operating under the National Supervisory Authority for Welfare and Health.

The Adoption Board shall also act:

1) as the Central Authority referred to in Article 6, paragraph 1 of the Hague Convention; and

2) as the national authority referred to in Article 15 of the European Convention on the Adoption of Children (*Council of Europe Convention*) done at Strasbourg on 27 November 2008.

The Board shall have a chairperson, a vice-chairperson and the necessary number of other members. Each of the latter members shall have a personal deputy.

The chairperson and the vice-chairperson as well as the members and deputy members of the Board shall be appointed by the Government for a maximum term of five years at a time. In the event of resignation or death of the Board's chairperson, vice-chairperson, member or deputy member

during the term, he or she shall be replaced by a new chairperson, vice-chairperson, member or deputy member appointed by the Ministry of Social Affairs and Health for the remainder of the term.

The Board shall have a plenum tasked with the monitoring of development in adoption affairs and, where necessary, taking initiatives in issues relating to adoption. The Board shall consider other issues within its competence divided into sections.

Further provisions concerning the composition, sections, tasks and other operational arrangements of the Board shall be given by government decree.

Section 87

Licence to operate adoption agency and provide intercountry adoption service

The National Supervisory Authority for Welfare and Health may, upon application, grant a licence to operate an adoption agency to a joint municipal authority or other joint municipal body, an association registered in Finland or an association registered in another European Economic Area Member State or other corresponding organisation.

The Adoption Board may, upon application, grant a licence to provide intercountry adoption services to a municipal social welfare organ, a joint municipal authority or other joint municipal body, an association registered in Finland or an association registered in another European Economic Area Member State or other corresponding organisation.

A licence to operate an adoption agency or provide intercountry adoption services may be granted to a non-profit organisation that is considered capable of providing adoption counselling or intercountry adoption services in a professional, sustained and reliable manner. A further condition for granting the licence is that commencing such activities is to be deemed appropriate for the organisation of adoption counselling or intercountry adoption services.

Provisions concerning the documentation to be enclosed with the application and notifications to be submitted regarding

licence decisions shall be given by government decree.

Section 88

Licence conditions

A licence to operate an adoption agency or provide intercountry adoption services shall be granted for a fixed period not exceeding five years at a time.

When granting the licence, further provisions on the provision of adoption counselling or intercountry adoption services may be issued.

Section 89

Licence cancellation

The National Supervisory Authority for Welfare and Health or the Adoption Board may cancel a licence granted under section 87 if the adoption counselling or intercountry adoption service is not provided in compliance with the provisions in force or if shortcomings or faults are detected in the activity and these are not remedied or eliminated within the time limit set by the Authority or Board.

Section 90

Licence for international cooperation

The Adoption Board may, upon application, grant a service provider a licence to cooperate with a foreign service provider if:

1) the foreign service provider has the competence to carry out tasks relating to intercountry adoption in the state in which it is situated;

2) sufficient proof has been presented of the foreign service provider carrying out the tasks referred to in paragraph 1 in a professional, sustained and reliable manner, in the best interests of the child and with respect for the fundamental rights of the child as recognised in international law and

without anyone deriving improper financial or other gain from adoptions; and

3) the cooperation can be regarded as justified, taking special account of the need for intercountry adoptions in that state.

A licence shall be granted for a fixed period not exceeding five years at a time.

The Adoption Board may cancel a licence if the foreign service provider has lost its competence to carry out tasks relating to intercountry adoptions in the state in which it is situated or there is reason to suspect that it is not carrying them out in the manner referred to in subsection 1(2).

Section 91

Provision of information

Providers of adoption counselling and service providers shall, notwithstanding any secrecy provisions, be obliged to provide the Ministry of Social Affairs and Health, the National Supervisory Authority for Welfare and Health and the Adoption Board free of charge with the information and reports requested by them necessary for supervision or attendance to other duties provided in this Act.

Service providers shall, notwithstanding any secrecy provisions, be obliged to present the Adoption Board free of charge with the information and reports concerning a foreign service provider requested by the Board that are necessary for supervision. Service providers shall without delay inform the Board of any issues brought to their attention that may result in the cancellation of a licence referred to in section 90.

The Ministry of Social Affairs and Health, the National Supervisory Authority for Welfare and Health and the Adoption Board shall, notwithstanding any secrecy provisions, have the right to disclose to each other the information and reports necessary for the performance of the duties referred to in subsection 1.

Chapter 11

Miscellaneous provisions

Section 92

Retention and transfer of documents

Providers of adoption counselling and service providers shall retain the documents concerning adoptees and their former parents created or received in conjunction with adoption counselling or intercountry adoption services for a minimum period of 100 years from the date of their creation.

A service provider may transfer the documents referred to in subsection 1 for retention by a provider of adoption counselling if the provider of adoption counselling agrees thereto. When transferring documents, the service provider shall maintain a list of the destinations of documents transferred.

If an adoption agency or a service provider terminates its activities referred to in this Act, the documents referred to in subsection 1 shall be transferred for retention by the municipal social welfare organ which is assigned by the National Supervisory Authority for Welfare and Health with the task of receiving them.

Section 93

Right of access to information

An adoptee, his or her custodian and, following the adoptee's death, his or her descendant and the descendant's custodian shall, notwithstanding any secrecy provisions, have the right to access information contained in the documents referred to in section 92 from the organisation retaining it. The information recipient shall be provided with the necessary support and guidance in the context of information access.

Access to information referred to in subsection 1 may, however, be denied if there are reasonable grounds to believe that access to the information would harm the health or development of the adoptee or other

person requesting the information or if access to the information would otherwise be manifestly contrary to his or her best interests or other private interests.

Where the identity of a former parent is known, information thereof shall always be disclosed, notwithstanding the provisions of subsection 2:

1) to an adoptee who has attained the age of 12 years and, following the death of an adoptee, to his or her descendant who has attained the age of 12 years; and

2) to a custodian of a minor adoptee and, following the death of an adoptee, to the custodian of his or her minor descendant.

A decision concerning access to information may be appealed to an Administrative Court as laid down in the Administrative Judicial Procedure Act. An appeal against a decision by an Administrative Court may be lodged if leave to appeal is granted by the Supreme Administrative Court.

Section 94

Attendance to requests for information

Where the Adoption Board receives a request for information referred to in Article 15 of the Council of Europe Convention, the Board shall request a report on the matter from that municipal social welfare organ which the Board regards as the most capable of obtaining the information requested.

Further provisions on attendance to requests for information may be given by government decree.

Section 95

Representation of adoptee

Where a provider of adoption counselling or a foreign service provider has placed a child with a prospective adopter with a view to adoption, the prospective adopter shall have the right to decide instead of the custodian upon the whereabouts, care, upbringing, supervision and other looking after of the child and well as the education and health care required by the child. The

prospective adopter shall also have the right to represent the child in any other urgent matters concerning his or her person.

The provisions concerning the custodian laid down in section 4(2) and section 5 of the Child Custody and Right of Access Act shall apply to prospective adopters exercising their right referred to in subsection 1.

Section 96

Application of Act on Status and Rights of Social Welfare Clients

The provisions of the Act on the Status and Rights of Social Welfare Clients (812/2000) shall apply to clients of adoption counselling and intercountry adoption services, subject to the provisions of this Act. The provisions of the said Act relating to social welfare authorities shall also apply to the Adoption Board when considering matters referred to in Chapter 6 or section 94 of this Act.

Section 97

Liability for acts in office

Provisions concerning criminal liability for acts in office shall apply to persons employed by an adoption agency or service provider while performing duties referred to in this Act.

Chapter 12

Entry into force and transitional provisions

Section 98

Entry into force and provisions repealed

This Act enters into force on 1 July 2012. Sections 86(2)2 and 94 will, however, enter into force on a date to be defined by government decree.

This Act repeals the Adoption Act (*laki lapsesiottamisesta* 153/1985).

Section 99

Adoptions that took place prior to 1980

If consent to an adoption was given by a court prior to 1 January 1980, that adoption shall be governed by the law then in force unless otherwise provided below.

An adoption may not be revoked by a court order even if the adoption took place prior to 1 January 1980.

If consent to an adoption was given by a court prior to 1 January 1980, the court shall, upon petition by the adoptee, confirm that the adoption is governed by the provisions of this Act. The matter shall be reviewed by the District Court which, in accordance with the provisions of Chapter 10 of the Code of Judicial Procedure, would have jurisdiction in a matter concerning the granting of the adoption.

Section 100

Right of inheritance in adoptions that took place prior to 1980

If consent to an adoption was given by a court prior to 1 January 1980, the adoptee's and his or her descendants' right of inheritance and right to inherit the adoptee and his or her descendants shall be governed by the law in force on the date on which the consent was given.

The provisions of subsection 1 shall not, however, apply if a court has confirmed under section 56(3) of the Adoption Act repealed by this Act that the adoptive relationship is governed by the provisions of the said Act or has confirmed under section 99(3) of this Act that the adoption is governed by this Act. However, if the deceased leaving the inheritance died before the date of the court's decision, the right to the estate of the deceased person shall be determined in accordance with the law in force on the date of the decision of consent referred to in subsection 1, unless otherwise provided in subsection 3.

If the deceased leaving the inheritance died since the entry into force of this Act, the provisions of this Act shall, by derogation

from the provisions of subsection 1, apply, instead of the law in force on the date of the decision of consent regardless of the court having given its consent to the adoption prior to 1 January 1980, to:

- 1) decisions on who has the right to inherit an adoptee or his or her descendant; and
- 2) an adoptee's and his or her descendants' right to inherit the adoptive parents and their relatives.

Section 101

Transitional provisions

1. The provisions of law in force at the time of entry into force of this Act shall apply to the adoption if the child was placed with the prospective adopter with a view to adoption prior to the entry into force of this Act or if the matter concerning the adoption was brought before the Finnish Board of Inter-Country Adoption Affairs or a court of law prior to the entry into force of this Act.

2. If a prospective adopter at the time of the entry into force of this Act holds permission for intercountry adoption referred to in section 25 of the Adoption Act repealed by this Act, the period of validity of the permission may, upon application, be extended once after the entry into force of this Act. The provisions of law in force at time of the entry into force of this Act shall apply to such applications and adoptions taking place in accordance with permissions granted upon them.

3. Section 33(2)3 and 4 and section 93 of this Act shall, however, apply to adoptions to which earlier law is applied under subsection 1 or 2. Section 25 shall also apply to them if they are granted after the entry into force of this Act.

4. Section 39 of this Act shall not apply to a domestic adoption if the provision of adoption counselling to the prospective adopter commenced prior to the entry into force of this Act. In matters referred to in this subsection, the provisions of law in force at the time of the entry into force of this Act concerning the certificate of the provision of adoption counselling shall apply instead of section 30.

5. Matters that were being considered by the Finnish Board of Inter-Country Adoption Affairs at the time of the entry into force of this Act shall be passed over to the Adoption Board after the entry into force of this Act. Sections 48—50 shall, notwithstanding the provisions of subsections 1 and 2, apply when permission decisions are issued by the Adoption Board after the entry into force of this Act.

6. The provisions of law in force at the time of the entry into force of this Act shall apply to recognitions of adoptions and revocations of adoptions that took place in a foreign state prior to the entry into force of this Act. The same shall apply to recognitions of such adoptions to which earlier law applies under subsection 1 or 2. A decision by the Court of Appeal of Helsinki in recognition matters may, however, be appealed against as provided in section 84 if the decision is given after the entry into force of this Act.

7. The consideration of licence or other matters concerning the provision of adoption counselling or intercountry adoption services that had been referred to the Ministry of Social Affairs and Health prior to the entry into force of this Act shall be completed in compliance with the provisions of law in force at the time of the entry into force of this Act.

8. Where a licence to operate an adoption agency or provide intercountry adoption services has been issued by the Ministry of Social Affairs and Health under the Adoption Act repealed by this Act, the licence holder may operate an adoption agency or provide an intercountry adoption service under the licence for the period of time set upon its issue, unless the licence is cancelled in accordance with section 89.

9. Where the Finnish Board of Inter-Country Adoption Affairs has approved a foreign service provider under the Adoption Act repealed by this Act, the Finnish service provider that submitted the application for approval shall be regarded as having the licence referred to in this Act for cooperation with the foreign service provider for the period of time set in the approval decision,

unless the licence is cancelled in accordance with section 90(3).

Section 102

References to previous Act

If an act or decree contains a reference to a provision replaced by a provision of this Act, the corresponding provision of this Act shall apply after the entry into force of this Act.

Provisions of an act or decree relating to the Finnish Board of Inter-Country Adoption Affairs shall apply to the Adoption Board after the entry into force of this Act.

Section 103

Authorisation for implementation measures

Measures necessary for the implementation of this Act may be undertaken before its entry into force.