



FAMILY LAW
AND PARENTAL
SUPPORT AUTHORITY

Excerpts from Swedish legal provisions concerning intercountry adoptions

Family Law and Parental Support Authority, August 2023

Social Services Act (2001:453)

Chapter 5 - Special provisions for various groups

Children and young persons

Section 1

The social welfare committee shall

1. endeavour to ensure that children and young persons grow up under secure and good conditions,
2. promote, in close co-operation with families, the comprehensive personal development and favourable physical and social development of children and young persons,
3. conduct outreach activities and other preventive work to prevent children and young persons from coming to harm
4. work actively to prevent and counter the abuse by children and young persons of alcoholic drinks, other intoxicants or addictive substances and doping preparations,
5. work actively to prevent and counter the misuse of gambling among children and young people,
6. in cooperation with public bodies, organisations and other parties affected monitor and work to ensure that children and young people do not spend time in environments that are harmful to them,
7. be especially observant of the development of children and young persons who have shown signs of developing in an unfavourable direction,
8. ensure, in close co-operation with families, that children and young persons at risk of developing in an undesirable direction receive the protection and support that they need and, where justified in the light of the young person's best interests, care and upbringing away from their home,
9. make provision, in its care of children and young persons, for the special needs of support and help which may exist following the conclusion of judicial or other proceedings concerning custody, residence, contact or adoption,
10. make provision, in its care of children and young persons, for the special needs of support and help which may exist after care and upbringing away from home has come to an end or after the execution of closed juvenile care pursuant to the Swedish law on the enforcement of closed juvenile care (1998:603) has ceased.

Chapter 6 - Out-of-home care

Special provisions on the reception of children

Section 6

No child may, without the consent of the social welfare committee or a care decision, be admitted, for purposes of permanent care and upbringing, into a private home not belonging to either of his or her parents or to any other person having custody of him or her.

The social welfare committee may not grant consent or decide about care without conditions in the individual home and the feasibility of care in the home having been investigated by a social welfare committee.

The social welfare committee may not place a child in a private home which on repeated occasions receives children for temporary care and upbringing (emergency home) unless conditions in the individual home and the feasibility of care in the home have been investigated by a social welfare committee.

Unless there are special reasons a child may be cared for in an emergency home for a maximum of two months from the date when the social welfare committee's investigation under Chap. 11, Section 2, on intervention to protect or support the child has been concluded.

Section 7

In the case of children being cared for in a family home, emergency home, other private home, supportive housing or home for care or residence, the social welfare committee shall

1. help to ensure that they receive good care and upbringing and grow up in generally favourable conditions,
2. endeavour to ensure that they receive suitable education,
3. endeavour to ensure that they receive the health care that they need,
4. give the custodians and parents the advice, support and other assistance that they need.

Section 8

If a child is being cared for pursuant to this Act in a home that is not its own, the social welfare committee shall consider at least once every six months whether this care is still needed and what focus and design the care should have.

Section 9

Consent under Section 6 to the reception of a child for permanent care and upbringing is granted by the social welfare committee in the same municipality as is responsible under Chap. 2 a for meeting the custodian's need of support and assistance.

The committee that has granted consent under Section 6 discharges the obligations referred to in Section 7.

Section 10

Private persons or associations may not conduct activities for the purpose of placing minors in homes referred to in Section 6.

Intercountry adoptions

Section 12

A child that is resident abroad may not be received by someone for the purposes of adoption without the consent of the social welfare committee. This consent shall have been granted prior to the child leaving the country in which they reside.

Consent may be granted if the applicant is suitable as an adoptive parent. If the child is known, the suitability of the applicant shall be assessed in relation to the individual child and it shall also be the case that the adoption is in other respects in the best interests of the child.

The social welfare committee shall conduct an overall assessment of the suitability of the applicant. The assessment shall specifically take into consideration

- the applicant's knowledge and insight concerning adoptive children and their needs and what the planned adoption entails,
- the applicant's personal qualities and social network,
- the applicant's age and state of health, and
- the stability of the relationship, if consent is being applied for by spouses or common-law spouses.

Before consent is granted, the applicant shall have participated in a pre-adoption parental education course indicated by the municipality. If the applicant has adopted children from abroad previously, consent may be granted even if he or she has not participated in parent education.

Section 12 a

Consent in accordance with Section 12 ceases to apply if the child has not been received into the applicant's care within three years of the date consent was granted.

Section 13

The person or persons wishing to adopt are required to notify the social welfare committee if their circumstances change substantially during the period in which the consent applies. If a child has not been suggested for adoption within two years of the date consent was granted, the social welfare committee shall check whether the circumstances have changed, if this is not unnecessary.

Consent shall be withdrawn if the prerequisites for the adoption are no longer in place. Consent may be withdrawn even when the child has been received by the person or persons wishing to adopt if continuing to stay with them would not be in the best interests of the child.

Section 14

On a certain child having been proposed for adoption, the social welfare committee shall consider promptly, and at the latest within two weeks of notice to this effect being given by the person or persons wishing to adopt, whether agreement shall be made to continue the adoption procedure. In the case of an adoption procedure to which the Act (1997:191) consequent on Sweden's accession to The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption is applicable, Section 3 of the said Act shall then apply. The time within which consideration as provided in this section shall take place may be extended if there are extraordinary reasons for doing so.

Section 15

Consent under Section 12, to the reception, with a view to its adoption, of a child domiciled abroad and agreement under Section 14 to the continuation of the adoption procedure, are granted by the social welfare committee of the same municipality as is responsible under Chap. 2 a for meeting the applicant's or applicants' need of support and assistance.

The social welfare committee that gives its agreement under Section 14 shall discharge the obligations under Section 7.

Section 16

Provisions concerning the right of authorized associations to mediate children from abroad for adoption in certain cases are contained in the Intercountry Adoption Intermediation Act (1997:192).

Children and Parents Code (1949:381)

Chapter 4 - Adoption of a child

Section 1

The best interests of the child shall be of the utmost importance in all matters pertaining to the adoption of a child.

Section 2

A child may only be adopted if it is appropriate taking all circumstances into consideration.

The child's need to be adopted and the suitability of the applicant as an adoptive parent shall be taken into consideration specifically when assessing whether an adoption is appropriate.

Section 3

A child shall be given information and be given an opportunity to express their opinions on matters pertaining to the adoption.

The child's opinions shall be given due weight in relation to the child's age and maturity.

Provisions concerning the child's consent are found in Section 7.

Adoption of an adult

Section 4

Persons who have reached the age of 18 years may only be adopted if there are special grounds for an adoption in view of the personal relationship between the applicant and the person who the applicant wishes to adopt, and if the adoption is also appropriate in other respects.

When assessing whether there are special grounds for an adoption, specific consideration shall be given to whether the applicant has raised the person whom the applicant wishes to adopt or whether the adoption is otherwise intended to confirm a relationship that corresponds to that between child and parent.

Who is permitted to adopt

Section 5

Persons who have reached the age of 18 years are permitted to adopt.

Section 6

Spouses and common-law spouses are only permitted to adopt jointly.

However, a spouse or common-law spouse may, with the consent of their spouse or common-law spouse, adopt his or her child. The second paragraph of Section 8 is applied with reference to consent. A spouse or common-law spouse may also adopt singly in other cases if the whereabouts of the other spouse or common-law spouse are unknown or the other spouse or common-law spouse is prevented from adopting as a result of a mental disorder or some other similar circumstance.

People who are not spouses or common-law spouses are not permitted to adopt jointly.

Consent

Section 7

Persons who have reached the age of 12 years may only be adopted if they consent to the adoption.

Consent is not required if the person whom the applicant wishes to adopt is permanently prevented from giving their consent as a result of a mental disorder or some other similar circumstance.

Before consent is given, the person whom the applicant wishes to adopt shall receive information about what an adoption and consent entail.

Section 8

A child may not be adopted without the consent of the parent who is legal guardian.

Consent is not required if

1. the parent is permanently prevented from giving their consent as a result of a mental disorder or some other similar circumstance,
2. the whereabouts of the parent are unknown, or
3. there are exceptional grounds.

Before consent is given, the parent shall receive information about what an adoption and consent entail.

That which is stated in the first to third paragraphs concerning a parent who is legal guardian also applies to a specially appointed legal guardian or another person who, due to the laws or customs of another state, may be regarded as having taken the place of the parents.

Section 9

The person who has given birth to the child may only give their consent once this parent has recovered sufficiently following the child's birth.

Ban on remuneration

Section 10

An application to adopt may not be granted if remuneration has been provided or promised from either side or an agreement has been entered into concerning the child's maintenance.

An agreement concerning remuneration or maintenance as referred to in the first paragraph is not enforceable.

Adoption cases

Section 11

An application to adopt may be made by the person or persons who wish to adopt.

Section 12

An application to adopt is made to the district court in the place where the person the applicant wishes to adopt is resident. If the person the applicant wishes to adopt is not resident in Sweden, the application is made to the district court in the place where the applicant or one of the applicants is resident.

If there is no competent court in accordance with the first paragraph, the application is made to Stockholm District Court.

Section 13

The court shall ensure that a case concerning adoption is investigated sufficiently.

Section 14

If the application pertains to the adoption of a child, the court shall instruct the social welfare committee to appoint a person to conduct an adoption investigation. This instruction shall be issued to the social welfare committee in the municipality in which the child is resident. If the child is not resident in

Sweden, the instruction shall be issued to the social welfare committee in the municipality in which one of the applicants is resident.

If there is no competent social welfare committee in accordance with the first paragraph, the instruction shall be issued to the social welfare committee in Stockholm Municipality.

The court shall determine a specific deadline for the completion of the investigation. The court may extend this deadline if necessary. The court shall ensure that the investigation is conducted swiftly. The court may designate guidelines for the adoption investigation.

Section 15

The person who is conducting an adoption investigation shall investigate whether the prerequisites for adoption are fulfilled. The investigator shall always attempt to elucidate the position of the child and the parents.

The investigator shall report what has emerged to the court and shall submit a proposed decision.

Section 16

A social welfare committee that has access to information that may be of significance to an adoption investigation is, notwithstanding confidentiality pursuant to Chapter 26, Section 1, first paragraph of the Public Access to Information and Secrecy Act (2009:400), obliged to provide such information upon request to the social welfare committee that has been issued with an instruction in accordance with Section 14. The same applies when the information is requested by the person the social welfare committee has appointed to conduct the investigation.

Section 17

If the person the applicant wishes to adopt is not a Swedish citizen and does not have either a permanent residence permit or permanent right of residence in Sweden, the court shall obtain an opinion from the Swedish Migration Agency, if this is not unnecessary.

Section 18

The court shall give the person who is a parent of the person the applicant wishes to adopt the opportunity to state their opinion within a certain period.

The first paragraph does not apply if

1. it is obviously unnecessary for the parent to be given the opportunity to state their opinion,
2. the parent is permanently prevented from stating their opinion as a result of a mental disorder or some other similar circumstance,
3. the whereabouts of the parent are unknown, or
4. there are exceptional grounds.

That which is stated about a parent in the first and second paragraphs also applies to a specially appointed legal guardian or guardian or another person who, due to the laws or customs of another state, may be regarded as having taken the place of the parents.

Section 19

The court shall give the person the applicant wishes to adopt the opportunity to state their opinion within a certain period, provided he or she has reached the age of 18 years.

The first paragraph does not apply if it is obviously unnecessary for the person the applicant wishes to adopt to be given the opportunity to state their opinion.

Section 20

The Court Matters Act (1996:242) applies to the court's processing of an adoption case in other respects.

Legal consequences of an adoption

Section 21

The person who has been adopted shall be regarded as the child of the adoptive parents and not as the child of their previous parents. However, if a spouse or common-law spouse has adopted the child of the other spouse or common-law spouse, the person who has been adopted shall be regarded as the joint child of the spouses or common-law spouses. An act or other statute that adds legal significance to the relationship between parent and child shall be applied to the person who has been adopted and his or her adoptive parent.

The first paragraph does not apply to the extent that something else is specifically stipulated or is pursuant to the nature of the legal relationship.

Section 22

If spouses or common-law spouses adopt a child, both spouses and common-law spouses have joint custody of the child from the point in time at which the adoption decision becomes legally binding. The same applies if a spouse or common-law spouse adopts the child of the other spouse or common-law spouse. In other cases, if a person adopts a child, the adoptive parent has custody of the child from the point in time at which the adoption decision becomes legally binding.

The child's right to information about the adoption

Section 23

A child who is adopted has a right to be informed of this by his or her parents. The parents shall inform the child that he or she is adopted as soon as this is appropriate.

Act (2018:1289) on Adoption in International Situations

Scope of the act

Section 1

This act applies to matters concerning adoption in international situations.

The act does not apply to the extent that something else applies by virtue of the Ordinance (1931:429) on Certain International Legal Relationships in respect of Marriage, Adoption and Guardianship or of another act.

A Swedish court's international jurisdiction

Section 2

An application to adopt may be considered by a Swedish court if

1. the person the applicant wishes to adopt is resident in Sweden,
2. the applicant or any of the applicants is resident in Sweden, or
3. in view of other ties to Sweden there are specific grounds for the matter to be considered here.

Applicable law

Section 3

An application to adopt is assessed in accordance with Swedish law.

When foreign decisions are recognised in Sweden

Section 4

A foreign decision concerning adoption that has been pronounced by a court or any other authority applies in Sweden once it has become legally binding, provided the decision has been pronounced or is otherwise applicable in

1. the state where the person who has been adopted was resident when the adoption process was initiated, or
2. the state where the adoptive parent or one of the adoptive parents was resident when the decision was pronounced.

Sections 5 and 6 contain provisions concerning additional prerequisites for the decision to apply in certain cases.

Section 5

If the Intercountry Adoption Intermediation Act (1997:192) was applicable to the adoption, the adoption is required to have been implemented in accordance with that act in order for a decision referred to in Section 4 to be applicable in Sweden.

If there are exceptional grounds, the authority determined by the Swedish Government may allow the decision to apply in Sweden in spite of the fact that the prerequisites in the first paragraph have not been fulfilled.

Section 6

If the person who has been adopted was a Swedish citizen or was resident in Sweden when the adoption process was initiated, a decision in accordance with Section 4 only applies if the authority referred to in Section 5, second paragraph allows this decision to apply.

Section 7

Even if the prerequisites in Section 4, first paragraph, points 1 and 2 are not fulfilled, the authority referred to in Section 5, second paragraph may allow a foreign decision that has been pronounced by a court or other authority and has become legally binding to apply in Sweden if there was reasonable justification for the matter to be considered in the other state.

Section 8

A foreign decision concerning adoption does not apply in Sweden if it would be obviously incompatible with the foundations of the Swedish legal system.

Section 9

It is possible to appeal to a general administrative court against a decision in accordance with Section 5, second paragraph, Sections 6 and 7.

Leave to appeal is required for an appeal to the Administrative Court of Appeal.

Legal consequences of a foreign decision that has been recognised in Sweden

Section 10

A foreign decision concerning adoption that applies in Sweden has the legal consequences specified in Chapter 4, Sections 21 and 22 of the Children and Parents Code.

Ordinance (2018:1296) on Adoption in International Situations

Section 1

The Family Law and Parental Support Authority considers matters pursuant to Section 5, second paragraph of the Act (2018:1289) on Adoption in International Situations.

Act (1997:191) consequent on Sweden's accession to The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption

Section 1

The Convention on Protection of Children and Co-operation in respect of Intercountry Adoption adopted on the 29th of May 1993 in The Hague shall, as worded in the original texts, have the standing of law in this country. The original texts shall have the same validity.

The original texts together with a Swedish translation are included as appendix to this law.

Section 2

The Family Law and Parental Support Authority is the central authority as referred to in the Convention and performs the tasks incumbent on such an authority, except where otherwise indicated by law or other statute.

The Family Law and Parental Support Authority issues certificates as referred to in Article 23 of the Convention when the adoption has taken place in Sweden or when a foreign adoption order has been transposed in this country as provided in Article 27 of the Convention and Section 5 of this Act.

Section 3

Applications as referred to in Article 14 of the Convention shall be made to the social welfare committee of the applicant's or applicants' municipality of residence.

The social welfare committee shall

- a) prepare reports as referred to in Article 15.1 of the Convention,
- b) consider matters of agreement as referred to in Article 17.c of the Convention,
- c) take measures as referred to in Article 21 of the Convention.

Chap. 6 Articles 12-15 of the Social Services Act (2001:453) contains provisions concerning examination by the social welfare committee of matters of consent to the reception, with a view to adoption, of children domiciled abroad.

Section 4

If an authorized association has been engaged for adoption assistance, that association shall

- a) pursuant to Article 15.2 of the Convention transmit reports as referred to in Article 15.1,
- b) pursuant to Article 16.2 of the Convention receive reports as referred to in Article 16.1,
- c) take steps incumbent on the Central Authority under Articles 18-20 of the Convention.

Section 5

When an adoption that is recognised in Sweden pursuant to the convention has been given assent in the state of origin without the legal relationship between the child and their original family having been terminated, the adoption may be converted into an adoption with the consequences specified in Chapter 4, Sections 21 and 22 of the Children and Parents Code. Conversion may only take place if the consents referred to in Article 27(1)(b) of the convention and in Chapter 4, Section 7 of the Children and Parents Code have been given.

A general court decides on any such conversion upon application by the adoptive parent or adoptive parents.

Section 6

A child residing in a country as a refugee or in a quasi-refugee situation shall be deemed, for the purposes of this Act, to be domiciled in that country. Appendix (Not included in this excerpt.)

Intercountry Adoption Intermediation Act (1997:192)

Introduction

Section 1

The provisions of this Act apply when a minor domiciled abroad is to be adopted by a person or persons domiciled in Sweden. Intercountry adoption intermediation

Section 2

"Intercountry adoption intermediation" refers to activity for the purpose of establishing contact between the person or persons wishing to adopt and authorities, organisations, institutions or private persons in the country where the child is domiciled, and also otherwise providing the assistance needed in order for an adoption to be possible.

Section 3

Adoptions of children from abroad may be mediated only by associations authorized under this Act.

Section 4

A person or persons wishing to adopt a child from abroad shall engage an association referred to in Section 3. This shall not apply, however, to individual cases of adoption involving related children or where there are otherwise special reasons for adopting without intermediation by an authorized association. In cases of this kind, the Family Law and Parental Support Authority shall, before the child leaves the country, consider whether the procedure is acceptable.

The authorized associations

Section 5

The Family Law and Parental Support Authority shall determine issues of authorization and exercises supervision over the authorized associations.

Section 6

Authorization to work with intercountry adoption intermediation in Sweden may only be granted to associations whose main purpose is the intermediation of intercountry adoptions. Authorization may only be granted if it is clear that the association will intermediate adoptions in an expert and judicious manner, on a non-profit basis and with the best interests of the child as its foremost guiding principle. Authorization is also subject to the association having a board and auditors and also statutes providing for the association being open.

Section 6 a

An association that is authorized in accordance with Section 6 may be granted authorization to work with intercountry adoption intermediation in another country, in a certain part of another country or with a certain adoption contact in another country on condition that

1. the other country has adoption legislation or some other reliable regulation of intercountry adoption, which takes into account the fundamental principles for intercountry adoption expressed in the United Nations Convention on the Rights of the Child and in the Hague Convention of 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption;
2. the other country or the relevant part of the other country has a functional administration concerning intercountry adoption operations; 11
3. it is clear that the association will intermediate adoptions from the other country or the relevant part of the other country in an expert and judicious manner, on a non-profit basis and with the best interests of the child as its foremost guiding principle;
4. the association reports its costs in the other country and how they are distributed;
5. with regard to costs and the other circumstances it is considered appropriate for the association to start or continue adoption cooperation with the other country; and
6. operations other than intercountry adoption intermediation conducted by the association will not jeopardise confidence in its adoption operations.

An association that has been granted authorization to work with intercountry adoption intermediation in another country, in a certain part of another country or with a certain adoption contact in another country may only conduct operations in that country if the competent authority in the other country has granted permission for it to do so or has declared that it is prepared to accept the association's operations in the country. On matters concerning authorization according to this Section, the Family Law and Parental Support Authority shall consult with the Swedish mission abroad in the other country, unless this is manifestly unnecessary and also, if necessary, consult the child rights organisations operating in the other country.

Section 7

Authorization in accordance with Section 6 may be granted for at most five years and authorization in accordance with Section 6 a may be granted for at most two years. If a new application has been submitted to the Family Law and Parental Support Authority before a previous authorization has expired, the former authorization decision shall apply pending the decision from the Family Law and Parental Support Authority. The authorization may also be combined with other conditions relevant to the conduct of the operation, for example the rules governing the payment of charges and rendering of accounts.

To cover the costs of its operation, an authorized association may require those persons using the association for intercountry adoption intermediation to pay reasonable charges.

Section 8

An authorized association is liable to provide intercountry adoption intermediation for applicants who have been granted consent to receive a foreign child for adoption.

This liability does not apply in the event that the association does not have any foreign contact who can intermediate children to the applicant. The same applies if the applicant has neglected his or her financial or other agreed obligations in relation to the association.

Section 8 a

The association shall rapidly notify the Family Law and Parental Support Authority of such changes in the operation of the association in Sweden and abroad together with such changes in political, legal and other circumstances abroad that may be relevant to the intermediation operation.

Section 8 b

An authorized association is liable to document the intermediation operation. The documentation shall show what decisions and actions have been implemented in matters and the actual circumstances and events of importance. The documentation shall be kept as long as it may be assumed to be of relevance for the person who has been intermediated for adoption through the association or for persons closely related to him or her.

Copies of documents referring to a particular adoption should be sent to the social welfare committee referred to in Chap. 6 Section 15, second paragraph, of the Social Welfare Act (2001:453).

If the association ceases its intermediation operation, the documentation concerning the intermediation operation shall be transferred to the Family Law and Parental Support Authority for storage.

Section 8 c

A person to whom the documents of an association in intermediation operations relate shall upon request be provided, as soon as possible, with the documents requested to be read or printed out at the place or as a transcript or a copy provided it may be assumed that no individual person will suffer thereby.

Questions concerning disclosure in accordance with the first paragraph shall be considered by the party responsible for the documents. If this party considers that some document or parts of a document should not be disclosed, he or she shall immediately with a statement of his or her own opinion hand over the issue to the Family Law and Parental Support Authority for consideration.

Section 8 d

It should at all times be possible to repay funds that an applicant has paid to an authorized association and which do not relate to compensation for fees earned, costs incurred or disbursements made, unless otherwise agreed. Such funds shall be held separately from the authorized association's own funds.

Section 8 e

An authorized association shall have financial funds to wind up the association.

Section 9

The Family Law and Parental Support Authority is entitled to inspect an authorized association's operation and may obtain the information and be given access to the documents necessary for the supervision.

A party whose operation is inspected is liable to provide the assistance necessary upon the inspection.

Section 9 a

The Family Law and Parental Support Authority may order an authorized association to remedy deficiencies in the intermediation operation.

Section 10

Authorization to work with intercountry adoption intermediation in Sweden shall be revoked if the preconditions referred to in Section 6 no longer exist. Such authorization shall also be revoked if the association does not provide the Family Law and Parental Support Authority with the information or documents requested in accordance with Section 9 or comply with the decision of the Authority under Section 9 a. The same also applies if the association has not intermediated any child during the last two years, unless there are special reasons.

Authorization to work with intercountry adoption intermediation in another country shall be revoked, if the preconditions referred to in Section 6 or Section 6 a no longer exist.

An authorization shall also be revoked if the association has not satisfied the conditions imposed for the authorization.

Section 12

If an authorized association has refused intermediation of an adoption in a particular case, the Family Law and Parental Support Authority may upon request by the person or persons applying for adoption direct the association to nevertheless intermediate the adoption.

Obligation of secrecy

Section 13

A person who is or has been active within an authorized association may not improperly divulge matters thus coming to his or her knowledge regarding the personal circumstances of individuals.

Appeals

Section 14

A decision of the Family Law and Parental Support Authority in accordance with Section 4 third sentence, Section 6, Section 6 a first paragraph, Section 7 first paragraph, Section 9 a and Section 10 may be appealed against to a general administrative court. Review permit is required to appeal to the Administrative Court of Appeal.

The provisions contained in Chap. 6 Section 7-11 of the Public and Official Secrets Act (2009:400) apply regarding appeals against decisions of the Family Law and Parental Support Authority under Section 8 c second paragraph.

Decisions of the Family Law and Parental Support Authority may not otherwise be appealed against.

Liabilities

Section 15

A person providing intercountry adoption intermediation contrary to Section 3 shall be fined. The same shall apply to a person who, contrary to Section 4, has a child removed from the country where it is domiciled.

Penal Code (1962:700)

Chapter 7 – Crimes against family

Section 2

Whosoever, upon another's adoption of a person under eighteen years of age, by means of unlawful coercion or misrepresentation or by means of offering or giving unauthorised payment, procures consent or permission for such an adoption, is guilty of unauthorised procurement of consent or permission to adopt a child and is sentenced to payment of fines or imprisonment for a maximum of two years.

Section 5

Attempted unauthorised procurement of consent or permission to adopt a child, corruption of a family's standing or unauthorised gross interference with a child is sentenced according to the penalties established in Chap. 23.

Aliens Act (2005:716)

Chapter 5 - Residence permits

Residence permit on the basis of ties

Section 3

Unless otherwise provided in Sections 17–17b, a residence permit shall be given to

1. an alien who is a spouse or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
2. a child who is an alien, is unmarried and
 - a. has a parent who is resident in or has been granted a residence permit to settle in Sweden or
 - b. has a parent who is married to or a cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
3. a child who is an alien, is unmarried and has been adopted or is intended for adoption by someone who at the time of the adoption decision was and who still is resident in or has been granted a residence permit to settle in Sweden, if the child is not covered by point 2 and if the adoption decision
 - has been issued or is intended to be issued by a Swedish court,
 - is valid in Sweden under the Act consequent on Sweden's Accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1997:191), or
 - is valid in Sweden pursuant to the Act (2018:1289) on Adoption in International Situations.
4. an alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection, if the child arrived in Sweden separately from both parents or from another adult person who may be regarded as having taken the place of the parents, or if the child has been left alone after arrival, and

5. an alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection, or another person who is deemed to have taken on the role of parent to that child, provided the alien is present in Sweden, and the decision regarding his or her application for asylum has been made in conjunction with the decision regarding the child's application for asylum.

When an application for a residence permit is based on a decision on adoption issued by a Swedish court, the ties that have arisen as a result of this decision shall be accepted in the residence permit case.

A residence permit pursuant to the first paragraph, points 1 and 2, shall also be granted if the person whom the alien cites a connection to (connection person) has been granted a temporary residence permit pursuant to 1 or Section 6, or pursuant to Chapter 12, Section 18, and has a likely basis to be granted a residence permit for a longer period.

Swedish Citizenship Act (2001:82)

Section 4

A child that has reached the age of 12 years and who is being adopted by a Swedish citizen becomes a Swedish citizen at the time of their adoption if

1. the child is being adopted in Sweden, Denmark, Finland, Iceland or Norway, or
2. the child is being adopted through a foreign decision that applies in Sweden by virtue of the Act (1997:191) consequent on Sweden's Accession to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption or the Act (2018:1289) on Adoption in International Situations.

Ordinance (2017:292) containing Instructions for the Family Law and Parental Support Authority

Duties

Section 1

The Family Law and Parental Support Authority shall conduct and promote evidence-based work and be responsible for disseminating knowledge of matters relating to the social welfare committees' family law cases concerning

1. children's custody, residence and access,
2. establishment of paternity and parenthood,
3. information discussions,
4. mediation that is taking place at the behest of a court, and

5. parental preparation, consent investigations and support for children and parents in the event of an intercountry adoption.

Section 2

The authority shall also conduct and promote evidence-based work and be responsible for disseminating knowledge of prevention initiatives within the areas

1. mediation that is not taking place at the behest of a court,
2. family advice, and
3. supporting parents in their parental role in order to promote the development and health of the child (parental support).

Section 3

In respect of intercountry adoptions, the authority shall specifically

1. monitor that Swedish authorised associations' work with intercountry adoption intermediation is taking place in accordance with the law and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and in a manner that is ethically acceptable in other respects.
2. monitor international developments and gather information about matters relating to adoption of foreign children, and
3. monitor changes to the costs associated with the adoption of foreign children.

Section 4

In respect of intercountry adoptions, the authority is also responsible for the duties incumbent on the authority pursuant to

1. the Act (1997:191) consequent on Sweden's Accession to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,
2. the Intercountry Adoption Intermediation Act (1997:192),
3. the Ordinance (2008:1239) on Central Government Grants to Authorised Adoption Associations and to National Organisations for Adopted People, and
4. the Ordinance (2018:1296) on Adoption in International Situations.

Section 5

The authority shall be responsible for the duties incumbent on the authority in respect of official statistics pursuant to the Official Statistics Ordinance (2001:100).

Section 6

In all its operations, the authority shall promote the rights of the child on the basis of the United Nations Convention on the Rights of the Child. The authority shall also promote gender equality and gender equal parenthood.

Reporting

Section 7

In its annual report, the authority shall report on developments within its field of activity, highlight current problems and describe what measures the authority has implemented.

Cooperation

Section 8

The authority shall consult other authorities and organisations whose work involves the activities referred to in Sections 1, 2 and 4.

Leadership

Section 9

The authority is led by the head of the authority.

Section 10

The authority shall have a supervisory council that consists of up to nine members.

Positions and duties

Section 11

The Director-General is the head of the authority.

Right to issue regulations

Section 12

The authority is responsible for regulations pursuant to what is specified in acts and ordinances and for general advice within its field of responsibility.

The authority proclaims its regulations in the Common Code of Statutes concerning Healthcare, Social Services, Medicinal Products, Public Health etc. in accordance with Appendix 1 to the Code of Statutes Ordinance (1976:725).

Derogations from the Government Agency Ordinance

Section 13

The following provisions of the Government Agency Ordinance (2007:515) shall not be applied to the authority:

Section 29 concerning a case register.