

**System, in support of children without parental care
in Azerbaijan**

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MONEE Country Analytical Report
November 2006

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State Statistical Committee of The Republic of Azerbaijan (2006), 'System, in support of children without parental care in Azerbaijan'. Baku: State Statistical Committee of The Republic of Azerbaijan. Country Analytical Report prepared for the MONEE Project, UNICEF IRC.

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**STATE STATISTICAL COMMITTEE
OF THE REPUBLIC OF AZERBAIJAN**

**MECHANISMS ON PROVIDING OF CHILDREN WITHOUT PARENTAL
CARE WITH ASSISTANCE**

Baku – 2006

a) Official system on child care

Republic of Azerbaijan had joined to Convention on Rights of Children in accordance with Law of the Republic of Azerbaijan dated 21 July 1992, № 236.

Convention came into force in the Republic of Azerbaijan on 13 August 1992.

In accordance with Law of the Republic of Azerbaijan on “Rights of Children”, person under 18 years old is a child. According to article 1 of stated Law, all provided rights and duties in it are applied to all persons under 18 years old.

In connection with article 114.1 of the Family Code, protection of rights and interests of children is placed on bodies of guardianship of local bodies of executive authorities in case of death of parents, deprivation of their parental rights, restriction of their parental rights, recognizing of parents as incapable, diseases of parents, long-term absence of parents, evasion of parents from upbringing of children or protection of their rights and interests, including parents refused to take own children from institutions social protection of population, educational institutions, medical institutions and other similar institutions as well as in other cases of lack of parental care.

According to article 114.2 of stated Code, corresponding body of guardianship finds out children without parental care and keeps their record and selects form of placement of such children as well as realizes control regarding their maintain, fosterage and education.

According to article 114.3 of Family Code, the activity of legal and natural entities on placement of children without parental care is not allowed, except bodies of guardianship of executive authorities.

In accordance with article 115.1 of Family Code, officials of primary and secondary general educational institutions, medical and other institutions as well as other citizens having information on children, indicated in article 114.1 of Code, should inform about it bodies of guardianship.

Corresponding body of guardianship should conduct a survey on living conditions of child during three days after receiving of such information. Body of guardianship should provide a protection of rights and interests of child before

solving of the problem of placement on establishing of the fact on lack of care of parents or close relatives (article 115.2 of Family Code).

Heads of institutions of social protection of population as well as educational, medical and other similar institutions should inform the corresponding body of guardianship during seven days after they have been known that child could be placed in family for foster (article 115.3 of Family Code).

Corresponding body of guardianship provides placement of the child during month of receiving of the information stated in article 115.1 and 115.2 of Family Code. On impossibility of the placing of child in the family according to article 115.5 of the stated Code, the documents of this child are forwarded for centralized register. Corresponding body of the executive authority keeps centralized record of children without parental care, and then contributes to placement of child in family (article 115.5 of Family Code).

Cabinet of Ministers of the Republic of Azerbaijan defines an order of carrying out of the centralized record of children without parental care in accordance with article 115.6 of Family Code.

Heads of institutions stated in article 115.3 of Family Code as well as officials of the corresponding bodies of guardianship are answerable according to established legislation (article 115.7 of Family code) for dereliction of duties provided for articles 115.2-115.5 of Family Code and for presenting of inadequate information as well as other activities directed to concealment of child from placement in family.

Children without parental care should be placed in family (adoption, guardianship, foster family), but on lack of such possibility they should be placed in institutions of social protection of population, medical and other similar institutions provided for children without parental care or orphaned children (article 116.1 of Family Code).

Cabinet of Ministers of the Republic of Azerbaijan could establish other forms of placement of children without parental care (article 116.2 of Family Code).

Ethnic origin, belonging to specified religious and culture, native language, the most favourable conditions for child's education and upbringing should be considered on placement of the child (article 116.3 of Family Code).

Carrying out of duties of guardian temporarily is placed on bodies of care and guardianship before placement of children without parental care in family or institute.

Children lost parents or deprived of parental care as well as persons refers to them are provided and protected by government according to article 3 of the Law of the Republic of Azerbaijan on "Social protection of children lost parents or deprived of parental care".

The Cabinet of Ministers of the Republic of Azerbaijan, Ministry of Health, Ministry of Labor and Social Protection of Population, Ministry of Education, Ministry of Youth, Sport and Tourism within own authority develops and conducts target programs on social protection of children, who lost parents and deprived of parental care, and persons refer to them, and creates state institutions on social adoption and rehabilitation based on centralized special places of residence as well as institutions of education, social service and others.

Ministry of Youth, Sport and Tourism with the help of UNICEF established a drop-in centre based on one of the NGOs for children living and working in the street. One of the programs is focused on activity with parents/guardians of children.

In accordance with article 9 of the Republic of Azerbaijan on "Social protection of children who lost parents and deprived parental care", the protection of rights and legitimate interests of children who lost parents and deprived of parental care as well as persons referred to them realizes by legal representatives, guardians, and corresponding bodies of the executive authorities, bodies of court and public prosecutor, municipalities, as well as public unions and trade unions provided for legislation of the Republic of Azerbaijan.

Children before coming of age of 23 years old are under care of the government according to Law on “Social protection of children who lost parents and deprived of parental care” adopted 22 June 1999.

Children lost parents and deprived of parental care are provided with free of charge food, clothes, place of residence, education, medical services according to this Law. Guardians of children of current category should be provided with monthly public allowances according to article 5 of the Law.

The allowances for purchasing of the textbooks during the period of education in higher and specialized secondary educational institutions are also provided. They are empowered using of all type of transport means freely.

On graduating of the secondary and higher educational institutions they should be provided with free of charge seasonal clothes and shoes as well as monetary support at the rate of about 2 average wage.

According to article 6 abovementioned Law, they should also be provided with free of charge sanatorium-and-spa treatment.

According to article 7 of the Law, orphaned children, earlier having not dwellings, should be provided with place of residence for three months before graduation of educational institution, termination of military service, terms of being in imprisonment.

According to article 8 of stated law, children lost parents or deprived of parental care should be provided with one of each 50 job places. Corresponding state body should provide them with cloths, shoes and outfits, as well as allowances at the rate of not less than 15 average wages.

Free of charge presentations, concerts, charitable actions and conditions for children’s participation in different festivals are organized for children deprived of parental care and children from refuge families.

Based on official statistical data for the state of the beginning of 2006, 23780 orphaned children and children without parental care were registered in Azerbaijan.

However, it is necessary to note that 13293 (56%) children were adopted by families, 7716 (32%) – under guardianship care.

The rest 12 per cent (2171) were in state institutions for children who need in state support.

During last four years it was observed downtrend in number of orphaned children and children deprived of parental care.

This indicator is reduced for 15% compared to 2002.

	2000	2001	2002	2003	2004	2005
Number of registered orphaned children and children deprived of parental care, person	26977	27275	28055	26494	25547	23780
including:						
Placed in families:						
under foster/guardian care	9036	9090	9295	9215	8842	7716
adopted	15089	15001	14962	14749	14228	13293
placed in:						
nurseries	107	101	85	57	55	59
children's home	139	207	266	249	232	438
boarding schools for orphaned and children deprived of parental care	368	356	342	348	341	330
special boarding schools for children with limited health	280	181	228	136	321	280
boarding - home for mentally retarded children	203	244	185	154	112	61
boarding schools of general type	1755	2095	2692	1586	1416	1603

There are 903 orphaned children and children without parental care per 100,000 children at age of 0-17 years old.

	2000	2001	2002	2003	2004	2005
Number of registered orphaned children and children deprived of parental care, person	26977	27275	28055	26494	25547	23780
Population at age of 0-17 years old, thsd. person	2916,9	2860,2	2797,7	2729,9	2674,9	2632,1
Per 100,000 children at age of 0-17 years old	925	954	1003	971	955	903

b) Boarding institutions system

According to article 31 of the Law of the Republic of Azerbaijan Republic on “Rights of children”, protection of children deprived of parental care is provided for placing of these children for adoption, guardian/foster care, other families and in case of impossibility of realizing such ways – placing of children in corresponding institutions. On definition of the ways of protection of children it is necessary to take into account ethnic origin of the child, belonging to specified religious and culture, native language, and continuity of upbringing. Children deprived of parental care and placed in child care institutions are in complete social security.

In accordance with article 138 of the abovementioned Code, guardians are not assigned for children deprived of parental care that are under fully social security and placed in foster and treatment institutions as well as institutions of social protection of population. Implementation of these duties are placed the on administration of these institutions. Temporarily placement of child in such institution doesn't restrict a right and duties of guardian as regards to this child. Bodies of guardianship carry out regular control of maintenance conditions, upbringing and education of the children in the institutions, indicated in present article of the Code. Protection of the rights of graduates of the institutions, indicated in present article, is laid on bodies of guardianship.

According to article 140 of the indicated Code, children without parental care and placed in educational and treatment institutions as well as institutions of social protection of population and other similar institutions, have the right to:

- maintenance, upbringing and education, development, respect of their dignity and providing of their interests;
- pension, allowance and other social payments;
- reservation of rights of property for dwelling or using of the living space; on lack of dwelling – right on receiving of the living space according to housing legislation;
- benefits on job placement, provided by labour legislation of Azerbaijan Republic on termination of residence time in these institutions;
- children without parental care and placed in indicated institutions have the rights provided by article 50 (contact right of children with parents and other relatives), 51 (protection right) and 52 (right on expression of opinion) of the Family Code.

There is different state teaching and educational institutions in Azerbaijan for children need in social support: children’s home, boarding schools for children deprived of parental care and orphaned children; special boarding schools for children with limited health, boarding homes for mentally retarded children.

	2000	2001	2002	2003	2004	2005
Nurseries	4	4	4	4	4	4
children in them, person	197	191	173	152	144	156
Of which: orphaned children and children without parental care	107	101	85	57	55	59
Children’s home	6	6	6	6	6	6
Children in them, person	684	705	749	750	719	734
Of which: orphaned children and children without parental care	139	207	266	249	232	438
Boarding schools for orphaned children and children without parental care	2	2	2	2	2	2

Children in them, person	554	540	516	500	494	480
Of which: orphaned children and children without parental care	368	356	342	348	341	330

	2000	2001	2002	2003	2004	2005
Special boarding schools for children with limited health						
Children in them, person	13	13	12	12	14	12
Of which: orphaned children and children without parental care	2679	2731	2860	2933	3324	2915
	280	181	228	136	321	280
Boarding homes for mentally retarded children						
children in them, person	2	2	2	2	2	2
Of which: orphaned children and children without parental care	300	348	359	366	381	298
	203	244	185	154	112	61

Nurseries. At present, there are 4 nurseries in Azerbaijan, where resides 156 children at age of under 3 years old. From total number of residents 59 are orphans and children without parental care. If nurseries are not changed during last 6 years, number of residents is decreased 21% compared to 2000. Number of orphans and children without parental care is decreased by half.

Children's home. 6 state children's home were functioned in Azerbaijan in 2005 and 734 children inhabited in these institutions, of which 322 made up girls (44%). From total number of children, 60% were orphans or children without parental care.

The system of children's home was not changed during last 6 years, but number of inhabitants was increased 7% compared to 2000.

According to age groups distribution of children was as follows: 2 years -8 persons, 3-6 years -182 person, 7-15 years 472 persons, 16 years and over - 52 persons. Main age is 7-15 years old. All children over 7 years old educated in schools or in other educational institutions.

During 2005, 136 children left children's home, of which 7% - for continuation of the education, 28% - for working, 10% - other boarding institutions, 34% - went to relatives, 20% - adoption.

Almost all pedagogical staff has higher or specialized secondary education. Technical state of the buildings of the children's homes is unsatisfactory. From total number of children's home 4 were in emergency state, the rest required capital repair.

Boarding schools for orphans and children without parental care. 480 children were educated in 2 state boarding schools during 2005, of which 69% were orphans or children without parental care. 23% of all foster children made up girls. The system was not changed in comparison with 2000, and number of children was increased 13%.

According to age groups distribution of children was as follows: 6 years - 4 persons, 7-15 years 393 persons, 16 years and over - 83 persons. All foster children covered by education in school.

During 2005, 86 children left these institutions, of which 29% - for continuation of the education, 8% - for working, 22% - other boarding institutions, 28% - went to relatives, 13% - other reasons.

All pedagogical staff has higher or specialized secondary education. One boarding school required capital repair.

Special boarding schools for children with limited health. At the beginning of 2005/2006 school years 2915 children were in 12 state special boarding schools with limited health. Each of 10 children was orphan; each of third was girl, 28% - disabled. During last years there were tendency of growth of contingent, so in comparison with 2000/2001 school years size of foster children increased 9%.

Boarding homes for mentally retarded children. At the beginning of 2006, 2 boarding homes for mentally retarded children with 605 beds functioned in the country, in which resided 298 children. From total number of residents

20% made up orphans or children without parental care. However, it is necessary to note that during last 6 years positive tendency is observed in decreasing of the number of orphans and children without parental care. So, compared with 2000 their number had decreased for 142 children or 70%. During 2005, 129 children left boarding home for mentally retarded children and 45 children had came.

c) Alternative system of the child care

Besides forms, attached to Family Code, there is SOS Kinderdorf international. At present, SOS Kinderdorf international consists of 14 family type homes, kindergartens and 6 homes for employees. 88 children live in family type homes, of which 69 and 19 attend schools and kindergartens correspondingly. Child living here should be a person, who has lost both parents and should has not even relatives – this is because nobody can present rights for child and take him off.

d) Adoption

According to data of Ministry of Justice of Azerbaijan, 803 children were adopted and placed in families during 2005, of which 365 were girls and 438 – boys. 9 children has been adopted by foreigners and persons having not citizenship, of which 5 – girls and 4 – boys.

	Total	Of which by age groups							
		Under 1 year	1 year	2 years	3 years	4 years	5 years	6-10 years	11-17 years
Adopted placed in families children	803	134	63	79	71	47	64	198	147
Of which:									
girls	365	65	33	33	23	21	28	97	65
boys	438	69	30	46	48	26	36	101	82
From total number of children were adopted by foreigners and persons having not citizenship	9	1	-	4	1	1	-	1	1
Of which:									
girls	5	1	-	-	1	1	-	1	1
boys	4	-	-	4	-	-	-	-	-

According to 32 of the Law of the Republic of Azerbaijan on “Rights of Children”, adoption of child is allowed by established legislation of the Republic of Azerbaijan. Person who adopted a child should have corresponding possibilities for normal development and upbringing of child. Adoption of the child for the purpose of personnel profits is prohibited. The secrecy of the foster parents is protected by government. Rules on adoption of child, who is citizen of Azerbaijan Republic, by foreigners as well as rules on adoption of foreign child by citizens of Azerbaijan Republic are defined by interstate agreements and legislation of the Republic of Azerbaijan.

Family code of Azerbaijan Republic contains the following articles (117-135) related to adoption:

- 117.1. Adoption is admitted with respect to minors and only in their interests.
- 117.2. The same child could not be adopted by two persons (except spouses).
- 117.3. Spouse can adopt his/her natural child or the child of another spouse.
- 117.4. Adoption of brothers and sisters by different persons is not admitted, with the exception of cases when the adoption meets the interests of a child.
- 117.5. Adoption of children by foreign citizens or persons without citizenship is admitted only in case of impossibility of breeding up in the families of citizens of Azerbaijan Republic, or in case of refusal of adoption by their relatives independently of citizenship or place of residence.
- 117.6. Children can be fostered by citizens of Azerbaijan Republic who reside outside of Azerbaijan Republic, foreigners who are not relatives of

- children, and persons without citizenship during three months after centralized registration in accordance with article 115.5 of Family code.
- 118.1. Adoption is promoted by court on application of person(s) willing to adopt a child. Consideration of matters on adoption is made by court on the basis of special rules foreseen by civil procedure legislation with participation of appropriate bodies of guardianship and trusteeship of executive authority.
 - 118.2. Rights and duties of foster parents and fostered children occur from the day of taking effect of court decision on adjudication of adoption of a child.
 - 118.3. During three days after the day of taking effect of court decision on child adoption the court is obliged to forward excerpt from this court decision to the bodies of state registration of acts of civil status of the Ministry of Justice of Azerbaijan Republic.
 - 118.4. Child adoption is subject to registration on the base fixed for the state registration of acts of civil status.
 - 118.5. Adoption on any conditions for any period or through the representatives is not admitted.
 - 118.6. In case of death of a child the adoption is not admitted.
 - 119.1. Registration of children who are subject to adoption is realized on the basis determined by the Cabinet of Ministers of Azerbaijan Republic.
 - 119.3. Registration of foreigners and persons without citizenship willing to adopt children who are citizens of Azerbaijan Republic is realized by appropriate bodies of executive authorities.
 - 120.1. Fosters could be adults of both sex, except:
 - persons recognized by court as incapable or with limited capabilities (120.1.1);
 - persons deprived of parental rights by court or limited in parental rights by court (120.1.2);
 - persons discharged from duties of guardians or trustees for improper implementation of duties entrusted by the law (120.1.3);
 - former foster parents the rights of adoption of which are cancelled by the court because of their fault (120.1.4);
 - persons who because of their health state could not realize parental duties (120.1.5).
 - 120.2. List of diseases that do not allow the adoption, guardianship and trusteeship is fixed by the Cabinet of Ministers of Azerbaijan Republic.
 - 120.3. Persons who are not married could not jointly adopt the same child.
 - 121. Difference in age between adopted child and foster parent:
 - 121.1. Difference in age between unmarried foster parent and adopted child should be not less than sixteen years. Because of reasons that are recognized as valid by court the difference in age could be shortened.
 - On adoption of child by step-father (step-mother) the difference in age fixed by article 121.1. of Family code is not required.

- 122.1. Adoption of child having parents could be made only by approbation of parents, excluding fixed in article 123 of Family code. On adoption of children of juvenile parents the consent of guardians (trustees) and their parents is needed, and in absence of parents, guardians and trustees – the consent of appropriate body of guardianship and trusteeship of the local bodies of executive authority. Written consent of parents for adoption of their children should be verified notarially by the head of establishment where the child is without parental care, or by guardianship body on place of adoption, either on place of residence of parents. Consent could be also expressed verbally in the court on adoption.
- 122.2. Parents have rights to withdraw their consent for adoption of their children before the pronouncement of judgment on their adoption.
- 122.3. Parents could give consent for adoption of child by concrete person either without indication of concrete person.
- 122.4. The appropriate body of guardianship and trusteeship presents the conclusion to the court about comply of adoption with the interests of child. If foster parents are foreigners and persons without citizenship required in this article the conclusion should be coordinated with Commission on issues of adoption under the Cabinet of Ministers of Azerbaijan Republic. In case of adoption of child by step-father (step-mother) the conclusion is not required.
- 123.1. Consent of parents of child for his/her adoption is not required in cases when they are deprived of parental rights and since that moment the year has passed, either they are recognized as incapable on the basis fixed by the law or as missed.
- 123.2. If parents do not live jointly with child for more than six months, deviate from participation of his/her fostering or maintenance, do not make parental care in spite of notification of bodies of guardianship and trusteeship, the adoption could be made without their consent.
- 124.1. For adoption of children under guardianship (trusteeship) the written consent of guardians (trustees) is necessary.
- 124.2. For adoption of children under dependence of foster families the written consent of their foster parents is necessary.
- 124.3. For adoption of children from establishments of population social protection, educational, patent care and other analogical institutions the written consent of heads of these institutions is necessary.
- 124.4. Court has a right to pronounce judgment in the interests of child about his/her adoption and without consent of persons indicated in articles 124.1-124.3 of Family code.
- 124.5. For adoption of child coming of age of 10 years, his/her consent is necessary.
- 124.6. If before application for adoption the child lived in family of foster parent and considers him/her as parent, the adoption could be made without consent of child.

- 125.1. On request of foster parent the child could be named by last name of foster parent and by new first name. Patronymic of adopted child is defined by name of foster parent if foster parent is men, and on adoption of child by women it is defined by her instruction, except the cases of reservation of rights and duties of child's father with respect to child. On adoption of child by unmarried person the last and first name and patronymic of child's mother (father) are recorded in birth registration book by instruction of this person.
- 125.2. If last name of spouses-foster parents are different the last name of one of them is given to adopted child on consent of spouses-foster parents.
- 125.3. Change of last and first name and patronymic of adopted child who comes of age of 10 years could be made only on his/her consent, except the cases foreseen by article 124.6 of Family code.
- 125.4. Fact of giving of last and first name and patronymic to adopted child, as well as changing of his/her name is indicated in court decision on his/her adoption.
- 126.1. For provision of confidentiality of adoption the place and date of birth (for not more than three months) of adopted child could be changed on request of foster parent.
- 126.2. Change of date and place of birth of adopted child is permitted before child comes of age of a year.
- 126.3. Change of date and place of birth of adopted child is indicated in court decision.
- 127.1. On request of foster parents court can make a decision on record of foster parents in birth registration book as parents of the adopted children.
- 127.2. For making such record as regard to adopted child who comes of age of 10 years the consent is necessary, except the cases foreseen in article 124.6. of Family code.
- 127.3. The necessity of record of foster parents as real parents is indicated in court decision on adoption of child.
- 128. In case of death of foster parent the fact of adoption could be fixed juridically only on the stipulation that minors are taken to family as kin children, as well as foster parent had present application to the court when he/she was alive.
- 129. Minors having for the moment of his/her adoption the right for pension and welfare payment assigned them in connection with death of family head reserve this right after adoption.
- 130.1. Confidentiality of child adoption is protected by the law.
- 130.2. Provision of any information about adoption without permission of foster parents (in case of their death – body of guardianship and trusteeship), as well as issue of excerpts from registration books of acts of civil status indicating that fosters are not parents of adopted child is prohibited.
- 130.3. Persons divulging the secret about adoption under protest of his/her foster parents are called to account in accordance with law established procedure.

- 131.1 Abolition of adoption of child is made juridically.
- 131.2. Cause on abolition of adoption is investigated with participation of body of guardianship and trusteeship.
- 131.3. Adoption is stopped since the day of effectiveness of court decision on abolition of adoption.
- 131.4. During three days since the day of effectiveness of court decision on abolition of child adoption the court is obliged to forward a docket from this decision of court to bodies of state registration of acts of civil status of the Ministry of Justice of Azerbaijan Republic by place of state registration of adoption.
- 132.1. Adoption is abolished in the following cases:
 - if foster parents are deviated from implementation of parental duties (132.1.1.);
 - if foster parents abuse their parental rights (132.1.2.);
 - if foster parents cruelly treat with adopted child (132.1.3.);
 - if foster parents are chronic alcoholics and drug addicts (132.1.4.).
- 132.2. Court has a right to abolish adoption of child on other basis as well, on the assumption of child's interests and with consideration of his/her opinion.
- 133. Abolition of adoption could be required by foster parents, real parents of child, adopted child who comes of age of 14 years and corresponding bodies of guardianship and trusteeship.
- 134.1. Adopted children and their generation regarding to foster parents and their relatives, and foster parents and their relatives regarding to adopted child and their generation have equal personal non-property and property rights and duties as regard to relatives by birth.
- 134.2. Adopted children forfeit personal non-property and property rights and are exempted from duties as regard to their parents (relatives).
- 134.3. On adoption of child the personal non-property and property rights and duties could be reserved at will of mother if foster is man and at will of father if foster is woman.
- 134.4. If one of the parents of adopted child had died then at request of parents of died parent (grandfather of grandmother of child) the personal non-property and property rights and duties regarding to relatives of died parent could be reserved if the interests of child require it. Right of relatives of died parent for intercourse with adopted child is realized in accordance with article 62 of Family code.
- 134.5. Reservation of rights for intercourse with adopted child with one of the parents or relatives of died parent is indicated in court decision on adoption of child.
- 134.6. Legal consequences of child adoption foreseen by articles 128.1 and 128.2 of Family code are set independently from record of foster parents as real parents in official paper on birth of this child.
- 134.7. On abolition of adoption of child by the court the mutual rights and duties of adopted child and foster parents (relatives of foster parents) are

stopped and the mutual rights and duties of child and his/her parents (relatives) are restored if the interests of child require it.

- 134.8. On abolition of adoption the child is handed over to the parents by decision of court.
- 134.9. In case of absence of parents, as well as if handing over the child to the parents contradicts his/her interests, the child is handed over to the appropriate bodies of guardianship and trusteeship.
- 134.10. Court also settles the question about are child's first and last name and patronymic reserved in connection with his/her adoption.
- 134.11. Changing of first name, last name and patronymic of child who comes of age of 10 years is possible only with his/her consent.
- 134.12. Based on child's interests the court has right to make decision on retention from former foster parent and payment of means for maintenance of child in amount indicated in articles 76-78 of Family code.
- 135. On attainment of majority by child the abolition of adoption is not permitted. However, abolition of adoption is permitted based on mutual consent between foster parent, adopted child and parents of adopted child (if they are alive, not deprived from parental rights, not recognized incapable by the court).

Civil and procedural code of Azerbaijan Republic also contains corresponding articles regarding to adoption procedures:

- 345. Application for establishment of adoption of child is presented by person(s) willing to adopt child to the court by place of residence (location) of the adopted child.
- 346.0. In application on establishment of adoption of child below-mentioned should be indicated:
 - last name, first name, patronymic, date of birth, place of residence, type of occupations of foster parent(s) (346.0.1.);
 - last name, first name, patronymic, date of birth of adopted child, his/her place of residence (location), information on his/her parents, presence of his/her brothers and sisters (346.0.2.);
 - circumstances justifying the request of foster parent(s) about establishment of adoption of child and arguments confirming these circumstances (346.0.3.);
 - request on changing of last name, first name, patronymic of adopted child, date of his/her birth (on adoption of child aged of under 1 year), about record of foster parent(s) in official paper on birth of child as real parent(s) (346.0.4.).
- 347.1. The following documents should be enclosed to application for establishment of adoption of child:
 - copy of birth certificate of foster parent – on adoption of child by unmarried person (347.1.1.);
 - copy of certificate of marriage of foster parent(s) – on adoption of child by married person (347.1.2.);

- on adoption of child by one of spouses – consent of another spouse or document confirming that spouses had stopped family relations, didn't cohabit for more than a year. If it is impossible to enclose appropriate document to application the arguments confirming these facts should be indicated in application (347.1.3.);
- medical certificate on health state of foster parent(s) (347.1.4.);
- reference from place of work about position and wage or another document on incomes of foster parent(s) (347.1.5.);
- document confirming the right of use of living space or property right for living space (347.1.6.).
- 347.2. On adoption of child who is citizen of Azerbaijan Republic by foreign citizens or persons without citizenship, the documents indicated in articles 347.1.1 – 347.1.6. of civil and procedural code, as well as conclusion of competent authority of the government the citizens of which are foster parents (on adoption of child by persons without citizenship – government where these persons have permanent residence) about conditions of their life and possibilities to be foster parents, permission of competent authority of the corresponding government for entrance of adopted child and his/her residing in its territory are enclosed to application about establishment of adoption.
- 347.3. On adoption in the territory of Azerbaijan Republic by citizens of Azerbaijan Republic the documents indicated in articles 347.1. – 347.1.6 of civil and procedural code, as well as consent of legal representative of child and competent authority of the government the citizen of which is adopted child, and if it is required the consent of child for adoption in accordance with legislation of the indicated government and (or) international agreement of Azerbaijan Republic, are enclosed to application about establishment of adoption.
- 347.4. Documents of persons who are foreign citizens should be legalized in accordance with established procedure. After legalization they should be translated into Azerbaijan language and the translation should be notarially certified.
- 348.1. On preparation of case for court examination the judge pronounce the definition on direction of application together with enclosed documents to body of care and guardianship (by place of residence (location) of adopted child) that is obliged to present conclusion about validity and appropriation of adoption to the interests of adopted child. By this definition the procedure is stopped before getting the indicated conclusion.
- 348.2. The followings should be enclosed to conclusion of body of care and guardianship:
 - statement on investigation of living conditions of foster parent(s) compiled by body of care and guardianship by place of residence (location) of adopted child or by place of residence of foster parent(s) (348.2.1.);
 - medical certificate on health state, physical and mental development of adopted child (348.2.2.);

- certificate on birth of adopted child (348.2.3.);
- consent of adopted child who comes of age of 10 years for adoption, as well as for possible change of his/her first name, patronymic and last name and record of foster parent(s) as real parents (except cases when such consent in accordance with law is not required) (348.2.4.);
- consent of child's parents for his/her adoption except cases when there are circumstances on which the adoption of child in accordance with law is permitted without consent of his/her parents (348.2.5.);
- consent of guardians, adoptive parents or head of institutions where the child is without parental care (348.2.6.);
- on adoption of child by citizens of Azerbaijan Republic permanently residing outside the territory of Azerbaijan Republic, foreign citizens or persons without citizenship – document confirming the presence of information on adopted child in centralized data register, as well as on impossibility of adoption by relatives of child, independently of citizenship and place of residence of these relatives. If foster parents are foreigners and persons without citizenship, the conclusion required in this article should be coordinated with Commission on questions of adoption under the Cabinet of Ministers of Azerbaijan Republic (348.2.7.).
- 348.3. If necessary court could require another information also.
- 348.4. When conclusion of body of care and guardianship is entered to court, the judge revives the procedure and assigns trial in judicial sitting.
- 349. Court investigates the issues on establishment of adoption of child in executive session with obligatory participation of foster parents, representative of body of care and guardianship, in necessary cases – other interested persons and child him/herself who comes of age of ten years.
- 350.1. Court investigating the application on establishment of adoption of child pronounces the judgment on allowance or refusal in satisfaction of request of foster parent(s). On satisfaction of declared request the court considers the child adopted by concrete person(s) and indicates in decision all information about adopted child and foster parent(s) that is necessary for registration of adoption in bodies of registration of act of civil status.
- 350.2. Court could satisfy request on establishment of adoption and at that refuse request of foster parent(s) about record them as real parents of child in official paper on his/her birth, as well as change of date and place of birth of child.
- 350.3. On satisfaction of applied request the mutual rights and duties of foster parent(s) and adopted child are fixed since the day of effectiveness of court decision on establishment of adoption of child.
- 350.4. Court decision established the adoption of child is directed during three days since the day of legal effectiveness of decision to the body of registration of acts of civil status by place of pronouncement of judgement for state registration of adoption of child.
- 351. Investigation and disposition of cases on abolition of establishment of child adoption are made in action proceedings.