German Articles on International Adoption Law

The German legal journal "Das Jugendamt" (The Youth Welfare Office) attends in its new volume 8 (2006) in particular to international adoption law. It contains articles concerning this topic as well as judicial decisions, which focus on problems concerning the recognition of foreign adoptions, such as the question whether German public policy is violated if the interests of the child have not taken into account sufficiently.

Contents (concerning international adoption law):

1. *Jörg **Reinhardt**, Die Praxis der Anerkennung ausländischer Adoptionsentscheidungen aus Sicht der Adoptionsvermittlung* (The recognition of foreign adoptions from the perspective of adoption agencies), p. 325
    - *Jörg Reinhardt* describes in this article the recognition of foreign adoptions from the point-of-view of adoption agencies.
2. *Mathias **Beyer**, Zur Frage der ordre public-Widrigkeit ausländischer Adoptionsentscheidungen wegen unzureichender Elterneignungs- und Kindeswohlprüfung* (On the violation of German public policy by foreign adoptions due to an insufficient examination of the adoptive parents´ qualifications and the child´s interests), p. 329
    - *Mathias Beyer* annotates in his article two decisions of German local courts which concerned the question whether German public policy is violated if no sufficient examination of the future adoptive parents´ suitability and the interests of the child has taken place.
3. *Wolfgang **Weitzel**, Anerkennung einer Auslandsadoption nach deutschem Recht trotz schwerwiegender Mängel der ausländischen Entscheidung?* (Recognition of a foreign adoption according to German law despite serious legal flaws of the foreign decision?), p. 333
    - *Wolfgang Weitzel* discusses in his article a decision of the *Amtsgericht* (Local Court) *Hamm* (see below) which concerns the question whether a foreign adoption can be recognized in Germany even if the adoption was

flawed.

4. ***KG Berlin,*** *4 April 2006 – 1 W 369/05, p. 356*

    - In this decision the court ruled that an adoption which has been carried out without taking the interests of the child into account violates German public policy and can therefore not be recognized.

5. ***LG Dresden****, 26 January 2006 – 2 T 1208/04, p. 360*

    - In this decision the court ruled that the relevant point in time for assessing whether the recognition of the foreign adoption violates German public policy is when deciding about the recognition.

6. ***AG Hamm****, 3 February 2006 – XVI 41/05, p. 361*

    - The court ruled that a foreign adoption which has been carried out without an examination of the prospecitve adoptive parents´ qualification violates German public policy.

7. ***AG Hamm****, 17 April 2006 – XVI 44/05, p. 363*

    - The court ruled that a foreign adoption can be recognized even if it is legally flawed as long as it serves the interests of the child and is consistent with the essential principles of German law.