

Korea

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

Ministry of Health & Welfare

■ The Summary of Comprehensive Measures for Promoting Domestic Adoption

• Circumstances of Establishment

In addition to the already established Measures for Promoting Domestic Adoption (Mar. 30, 2006), "Comprehensive Measures for Promoting Domestic Adoption" has now been established and includes additional policies that allow adoptive parents the right to take adoption-leaves, lessen restrictions on the qualifications of adoptive parents, and promote domestic adoption with priority.

• Basic Directions

- Offering family-centered childcare services by promoting domestic adoption
- Increasing systematic and financial support to adoptive families
- Increasing public campaigns aimed towards Korean citizens with the intent of improving common understanding
- Establishing an effective post-adoption service system

• Main Policies

[Systematic Support]

- Beginning in **2007 "Adoption-Leaves"** will be enforced to be given to **public officials** as equivalent to "maternity-leaves" for the psychological adaptation of adopted children and adoptive parents (In consultation with the Ministry of Government Administration & Home Affairs)
- Introducing **the policy for promoting domestic adoption with priority** (from 2007), which signifies that adoption agencies pursue domestic adoption first, for a 5-month period, since the child is designated as a candidate for adoption
- Building up and managing **"the United Management System of Children for Adoption"** that provides comprehensive information on children who are candidates for adoption to families trying to adopt a child
- Lessening the current restrictions on the qualifications of adoptive parents: Permitting unmarried persons the right to adopt, decreasing the limit on the age gap between adoptive parent(s) and adopted children (less than 50 → 60 year difference), and planning to eliminate the restriction on the number of adoptive parents' children (currently less than 5)
- Seeking to include **adoptive families of disabled children as special candidates for public housing in order to stabilize their lives** (through the Ministry of Construction and Transportation)

[Improvement of the Culture of Adoption]

- Improving the culture of adoption through decreasing prejudices against adoption, encouraging open adoptions, and promoting domestic adoptions
- Encouraging religious groups and NGOs to participate in promoting domestic adoption

[Financial Support]

- Offering "**Adoption Financial Support**" to adoptive families at the time of adoption to decrease their financial burden and improve negative images on adoption (**2 million Won**)
- Offering "**Allowances for raising adopted child(ren)**" to support their healthy upbringing (**100,000 won per month**)
- Realization of allowances for raising disabled adopted children and financial support for their medical expenses
- Supporting the adoption agencies' counseling activities
- Pursuing to offer allowances for raising adoptees (Ministry of Gender Equality) and to support adoptees' educational expenses for pre-schools (Ministry of Education)

[Reinforcing Post Adoption Services]

- Establishing a comprehensive family and biological roots search support system
- Building an "**Adoptee Center**" to provide various information including Korean culture and employment and to offer long or short-term accommodations when overseas Korean adoptees are visiting and staying in Korea
- Increasing services for overseas adoptees' Korean language education, Korean cultural experiences, and employment counseling services

■ Special Act Relating to Promotion and Procedure of Adoption

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to provide the matter necessary for promoting the adoption of children requiring protection, and to improve the protection and welfare of those who are adopted.

Article 2 (Definition) The terms used in this Act are defined as follows:

1. The term "children" means those who are under eighteen years old.
2. The term "children requiring protection" means children requiring protection, as prescribed in Subparagraph 2, Article 2 of the Child Welfare Act.
3. The term "adopted child" means a child adopted by the above Act.
4. The term "person liable for support" means a person deserving supporting as prescribed in Subparagraph 5, Article 2 of the Livelihood Protection Act.



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Article 3 (Responsibilities)

- ① Each child shall be brought up soundly at the home where (s)he was born.
- ② The State and a local government shall take any measures and give any support necessary for offering another home to bring up soundly a child who cannot be brought up at the home where (s)he was born.
- ③ Every citizen shall cooperate in a sound bringing up of the adopted children.
- ④ The State and a local government shall enforce the following Subparagraphs for promoting the adoption of children requiring protection and the amicable adaptation to home life after the adoption.
 1. Establishment and enforcement of the adoption policies.
 2. Investigation of the actual conditions and research in adoption.
 3. Construction and operation of the procedure of adoption and post-adoption services.
 4. Support adoption and families.
 5. Providing counseling and social welfare services for the amicable adaptation after adoption.
 6. Education and information on adoption.
 7. Pick-out exemplary cases of adoption.
 8. Requirements as determined by the Ordinance of the Ministry of Health and Welfare.

Article 3-2 (Adoption day)

- ① May 11 is authorized for 'doption day' and a week following the day for 'Adoption week' for the settlement of sound adoption culture and the promotion of domestic adoptions.
- ② The State and a local government shall make an effort to perform the business such as events suitable for the object of 'Adoption day' prescribed in Paragraph ?

Chapter II REQUIREMENTS FOR ADOPTION

Article 4 (Eligibility Adopted Child) Any person who is eligible to be an adopted child under this Act, shall be a child requiring protection and falling under any of the following subparagraphs;

1. A person who is deserted from his/her protector and for whom the mayor of the Special City, the mayor of the metropolitan city or the provincial governor (hereinafter referred to as "city/province governor"), or the head of the Shi/Gun/Gu (limited to the autonomous Gu; hereinafter the same shall apply) requests the secure facilities as prescribed by the Livelihood Protection Act (hereinafter referred to as "secure facilities") to protect him/her, for it is impossible to confirm who is the person responsible for the child's support.
2. A person whose parents (if the parents are unable to give the consent due to death or by other reason, then other lineal ascendants) or the guardian consent(s) to the adoption, and a protection request is sent to the secure facilities or the adoption organization as prescribed in Article 10.
3. A child of a person who is declared in forfeiture of parental authority by the court, and whose protection is requested of the secure facilities by the city/province governor the head of Shi/Gun/Gu, and

4. A person whose protection is requested of the secure facilities by the city/province governor or the head of the Shi/Gun/Gu, because it is impossible to know the person responsible for his/her support.

Article 5 (Eligibility, etc. for Adoptive Parents)

- ① Those who are eligible to become the adoptive parents under this Act, shall be those who meet the following requirements;
 1. They shall possess enough property to support the adopted child.
 2. They shall allow the adopted child freedom of religion, and have the ability to bring up and educate him/her as a member of society.
 3. They shall live in perfect harmony with members of their family, and not have any noticeable mental or physical impediment that would restrict their ability to support the adopted child.
 4. They shall be eligible to become adoptive parents under the Act of their domicile, if they are not nationals of the Republic of Korea, and
 5. They shall meet such requirements as determined by the Ordinance of the Ministry of Health and Welfare for the sake of the welfare of the person to be adopted.
- ② The adoptive parents shall not have adopted child engage in any mean occupation or other occupation which might infringe upon the child's human rights.

Article 6 (Consent to Adoption)

- ① If a child falling under any of Subparagraph of Article 4 is to be adopted, the consent of his/her parents shall be obtained, and if the parents are dead or they are unable to consent for any other reason, the consent of another lineal ascendants shall be obtained. If it is impossible to know who the parents or other lineal ascendants are, the consents of his/her guardian shall be obtained. However, if the intention is to adopt a child falling under Subparagraph 2 of Article 4, the adoption consent made at the time of the request for protection may be substituted for the consent to adoption.
- ② If the intention is to adopt a person over fifteen years of age, the consent of the person to be adopted shall be obtained in addition to the consent referred to in Paragraph ①.
- ③ The guardian may give the adoption consent as referred to in Paragraph ① without obtaining the permission of the Family Court.
- ④ The adoption consent as referred to in Paragraph ① or ④ shall be made in writing, but documents and matters necessary for the consent shall be determined by the Ordinance of the Ministry of Health and Welfare.

CHAPTER III PROCEDURE OF ADOPTION

Article 7 (Effect of Adoption)

- ① Any adoption as prescribed by this Act shall take effect by making a report under the conditions as prescribed by the Family Registration Act.

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- ② The report as referred to in Paragraph ① shall be made in writing by the person to be adoptive parent, together with the guardian of the person to be adopted, but accompanied by the following documents;
1. Documents attesting that the person to be adopted is one falling under any of Subparagraphs, Article 4.
 2. Documents concerning the family situation of the person to be adoptive parent as prescribed in Paragraph ①, Article 5 and,
 3. Documents attesting the fact of the consent to the adoption under Article 6.
- ③ Documents as referred to in Subparagraph 1, and 2, Paragraph ② shall be issued after the organization prescribed by the Presidential Decree makes investigations and affirmation necessary for executing the documents concerned. But the matters necessary for the application procedure or the execution of documents concerned shall be determined by the Ordinance of the Ministry of Health and Welfare.

Article 8 (Adopted Child)

- ① If the adoptive parents want so, the person to be adopted under this Act shall follow his adoptive parents' family name and the place of origin.
- ② If the adoption is cancelled or disrupted, the adopted child who follows the adoptive parents' family name and place of origin under Paragraph ① (s)he shall follow his/her own family name and place of origin. In this case, the person who has been adopted, shall make a report on it by providing with the documents attesting that (s)he has fallen under any of Subparagraphs of Article 4, under the conditions as prescribed by the Family Registration Act.

Article 9 (Restriction on Action for Adoption Cancellation) If one year has elapsed after adoption under this Act, the adopted child, adoptive parents, birth parents, and other related persons may not take any action for adoption cancellation, except in the following cases;

1. Where a person who is deserted from his/her protector due to capture or enticements, is adopted, and
2. Where (s)he has expressed his/her will to be adopted due to any fraud or coercion.

CHAPTER IV ADOPTION AGENCY

Article 10 (Adoption agency)

- ① Any person who desires to operate an adoption agency, shall obtain the permission of the Minister of Health and Welfare as social welfare corporation as prescribed by the Social Welfare Service Act; provided, that any person who desires to mediate only any domestic adoption, shall obtain the permission of the city/province governor.
- ② If any person desires to modify important matters of those permitted under Paragraph ①, which are prescribed by the Presidential Decree, he shall obtain the permission on such modification.

- ③ No foreigner may be the head of the adoption agency.
- ④ If the head of an adoption agency desires to conclude any agreement on the adoption affairs with a country which wishes any adoption, or an authorized adoption agency in such country, (s)he shall report the matters as prescribed by the Ordinance of the Ministry of Health and Welfare to the Minister of Health and Welfare.
- ⑤ The matters included in any agreement on the adoption affairs shall be determined by the Presidential Decree, but the matters necessary for the facilities, employee's qualification, permission, and modification notice of the adoption agency shall be determined by the Ordinance of the Ministry of Health and Welfare.

Article 11 (Training of Employees of Adoption Organization) - rescinded on Jan. 21 1999.

Article 12 (Duties of Adoption Agency)

- ① Adoption agency shall protect the right and interest of the person requested to be adopted, provide enough counseling to the parents as determined by the Presidential Decree, and try their best to find lineal ascendants such as parents if the parents are unknown.
- ② In mediating the adoption, the head of the adoption agency shall investigate the fact as prescribed in Paragraph① of Article 5 with respect to the persons to be adoptive parents.
- ③ No person who is or was engaged in an adoption agency shall divulge any secret which (s)he has learned as to the affairs.
- ④ The head of the adoption agency shall conduct prior to the adoption, the education concerning the bringing-up of children, for those who are to be adoptive parents. After the adoption is achieved, (s)he shall hand over the adopted child and the report etc. on him to the adoptive parents or those who are to be adoptive parents under the Ordinance of Ministry of Health and Welfare and shall report the result to the head of Shi/Gun/Gu.
- ⑤ The head of the adoption agency shall furnish such post-adoption service as determined by the Ordinance of the Ministry of Health and Welfare, with respect to the conditions of the mutual adaptation between the adoptive parents and the adopted child, until six months elapse after the adoption is achieved. However, the post adoption services for a person adopted abroad, shall be up to the time (s)he acquires the nationality of the country concerned.
- ⑥ Even after an adopted person has acquired the nationality of the country concerned, the head of the adoption agency shall furnish necessary service as determined by the Presidential Decree, such as his/her motherland tour, etc., for the person adopted abroad.

Article 13 (Duties of Head of Adoption Agency as Guardian) When the head of the adoption agency takes over the person to be adopted from the head of the protective facilities, parents, other lineal ascendants or guardian to mediate the adoption, (s)he shall carry out the duties as guardian until the adoption is completed from the day on which (s)he takes over the child concerned.

Article 14 (Registration of Domicile of Child without Registered Domicile) If the head of the adoption agency takes over a child to be adopted under a condition without registered domicile, (s)he may find a family through a procedure of registration of a domicile for the child.

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Article 15 (Protection of Person, etc. Mediation of Whose Adoption is Difficult)

- ① If there is a person falling under any of the following Subparagraphs, the head of Shi/Gun/Gu.
 1. Person whose protection is requested under Subparagraph 2 of Article 4, and the mediation of whose adoption is difficult, and
 2. Person whose adoption as prescribed by this Act is cancelled or whose adoption is declared broken up, and whose protector requests his/her protection to an adoption agency.
- ② The city/province governor or the head of the Shi/Gun/Gu shall take without delay the protective measures of protection in facilities as prescribed in Article 12, for the person reported under Paragraph①.

Article 16 (Overseas Adoption in Korea)

If a foreigner desires to adopt a child falling under any of Subparagraphs of Article 4 in Korea, (s)he shall apply jointly with the guardian, for the authorization on adoption with the documents as prescribed in the following Subparagraphs under the Ordinance of the Ministry of Health and Welfare, to the family court having the jurisdiction over the place of the legal domicile or residence of the person to be adopted

1. Each document as prescribed in Paragraphs② of Article 7, and
2. If the person to be adopted falls under Subparagraph 1,3, or 4 of Article 4, documents attesting that a public notice to confirm the person responsible for support of the child is made.

Article 17 (Overseas Adoption in Foreign Country)

- ① If the head of the adoption agency who is requested a mediation of adoption by a foreigner, desires to mediate the adoption, (s)he shall apply for the permission on the emigration of the person to be adopted (hereinafter referred to as “permission on emigration”), to the Minister of Health and Welfare with the documents as prescribed in Subparagraphs of Article 16 provided.
- ② When the person to be adopted has left Korea after obtaining the permission on emigration, and acquired the nationality of the country concerned, the head of the adoption organization shall report it without delay to the Minister of Health and Welfare, and the Minister of Justice shall notify the agency in charge of the family register, having the jurisdiction over the legal domicile of the person concerned, to efface ex officio his/her nationality of the Republic of Korea.
- ③ The Minister of Health and Welfare may, upon receiving the application as referred to in Paragraph①, refuse to grant the permission on emigration, in the following cases;
 1. Where the person to be adopted is a missing child, or such person who is prescribed by the Ordinance of the Ministry of Health and Welfare.
 2. Where the head of the adoption agency fails to conclude any agreement on the adoption affairs with the country which wants the adoption, or any adoption agency authorized by such country, and
 3. Where the country which wants the adoption, is one under a state of war or hostility with the Republic of Korea.

Article 18 (Supervision, etc)

- ① The Minister of Health and Welfare, the city/province governor, or the head of the Shi/Gun/Gu shall supervise the adoption affairs carried on by a person who operates an adoption agency. If necessary, (s)he may order to make report or submit documents concerning the adoption affairs, or have any public official concerned inspect or ask any questions at the office or facilities of an adoption agency.
- ② The public official who investigates or asks any questions under Paragraph ①, shall carry with himself a certification indicating his/her competence and show it to the person concerned.

Article 19 (Revocation, etc. of Permission)

- ① The Minister of Health and Welfare or the city/province governor may order to suspend the service or revoke the permission as prescribed in Paragraph ① of Article 10 with a period less than six months fixed, if an adoption agency falls under any of the following Subparagraphs;
 - 1. Where it becomes unconfirmed to the criteria for the facilities and employees as prescribed in Paragraph ⑤ of Article 10.
 - 2. Where it commits any act detrimental to the right and interest of the person who is requested to adopted, in contravention of the provisions of Paragraph ① of Article 12.
 - 3. Where it fails to make report as prescribed in Article 18 without any justifiable reason, or makes a false report, or it refuses, interferes with, or evades the investigation, and
 - 4. Where it violates this Act or any order issued under this Act.
- ② The detailed criteria for any administrative disposition as referred to in Paragraph ①, shall be determined by the Ordinance of the Ministry of Health and Welfare, taking into consideration the reason of such administrative disposition, degree of the offence, etc.

Article 20 (Receipt of Expenses)

- ① The adoption agency as prescribed in Paragraph ① of Article 10 may receive part of the expenses disbursed actually for the mediation of adoption, from the persons to be adoptive parents under the conditions as prescribed by the Presidential Decree.
- ② The State and a local government may support the persons to be adoptive parents with all or part of the expenses disbursed actually for the mediation of adoption of Paragraph ①.

CHAPTER V WELFARE POLICY FOR ADOPTED CHILD, ETC.

Article 21 (prevention of Occurrence of Children Requiring Protection) The state and the local government shall consider the policy necessary for preventing occurrence of children requiring protection.

Article 22 (Social Welfare Service) The state and the local government shall furnish the social welfare services, such as consultation necessary for a sound bringing-up of the adopted children, use of the social welfare facilities, etc., to the families which have adopted children with a mediation of the adoption agency.

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Article 23 (Payment of Subsidy, etc. For Bringing up Adopted Child)

- ① If it is necessary for a sound bringing up of the adopted children, such as handicapped children, etc., adopted through a mediation of the adoption agency, the State and the local government may pay any subsidy for bringing up adopted children, such as medical expenses, etc. in such limit as determined by the Presidential Decree.
- ② The State and the local government may subsidize any operational expenses of the adoption agencies and expenses on foster homes for sound bringing up as well as everyday necessities and expenses determined by the Livelihood Protection Act.
- ③ Regarding to payment of subsidy of bringing up the adopted child prescribed in Paragraph ①, and financial support for the operational expenses of an adoption agency and expenses on foster homes referred as in Paragraph ②, the matters necessary are determined by the Presidential Decree.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 24 (Hearing) If the Minister of Health and Welfare or the city/province governor desires to make the disposition as prescribed in Paragraph ①, Article 19, (s)he shall hold a hearing.

Article 25 (Delegation of Authority) The authority of the Minister of Health and Welfare or the city/province governor as prescribed by this Act, may be delegated partially to the city/province governor or the head of the Shi/Gun/Gu under the conditions as prescribed by the Presidential Decree.

Article 26 (Relation with Civil Code) Except as provided otherwise by this Act, the matters concerning the adoption shall be subject to the conditions as prescribed by the Civil Code.

CHAPTER VII PENAL PROVISIONS

Article 27 (Penal Provisions)

- ① Any person who carries on the adoption mediation service without obtaining the permission as prescribed in Paragraph ① of Article 10, shall be punished by imprisonment for not more than 3 years, or a fine not exceeding twenty million Won.
- ② Any person who violates provisions in Paragraph ②, Article 10 or Paragraph ③, Article 12, shall be punished by imprisonment for not more than 1 year, or a fine not exceeding three million Won.

Article 28 (Joint Penal Provision)

- ① If a representative of a juristic person, or an agent, serviceman or employee of a juristic person or individual commits an offense as prescribed in Article 27, shall also be imposed on the juristic person or individual, in addition to the punishment of the offender.

ADDENDA (Jan. 21, 1999)

- ① (Enforcement Date) This Act shall enter into force at the expiration of three months after its promulgation.
- ② (Interim Measures concerning application of re-licensing of Authorization of Adoption) pursuant to the previous Act shall be considered as if he reported the change pursuant to the amended in Paragraph② of Article 10.
- ③ (Interim Measures concerning application of re-licensing of Authorization of Adoption) pursuant to the previous Act shall be considered as if he reported the ratification of the agreement reported pursuant to the amended in Paragraph④ of Article 10.
- ④ (Interim Measures concerning Penal Provisions) Any person who committed before this Act is entered into force it shall be punished by the previous provisions.

ADDENDA (Sep. 7, 1999)

Article 1 (Enforcement Date) This Act shall enter into force from Oct. 1, 2000.

ADDENDA (Jan. 12, 2000)

Article 1 (Enforcement Date) This Act shall enter into force at the expiration of six months after its promulgation.

ADDENDA (March 5, 2004)

This Act shall enter into force at the expiration of six months after its promulgation.

ADDENDA (March 31, 2005)

This Act shall enter into force at the expiration of six months after its promulgation.

■ Enforcement Ordinance

Article 1 (Purpose) The purpose of this Ordinance is to prescribe the matter necessary for delegated items from Special Act Relating to Promotion and Procedure of Adoption and for its enforcement.

Article 2 (Investigation Organization and Authority) “The organization prescribed by the Presidential Decree under Paragraph ③, Article 7 of Special Act Relating to Promotion and Procedure of Adoption (“hereinafter referred to as the Act”) falls under the following Subparagraphs;

1. Public authorities confirming the eligibility of the adoptive parents: The head of Shi/Gun/Gu (“limited to the autonomous Gu”) which a person to be adopted reside in.
2. Investigation Organization determining the family environment of the adoptive parents.
 - a. The head of Shi, Gun and Gu which the adoptive parents reside in
 - b. The head of an adoption agency (hereinafter referred to as “adoption Agency”) as prescribed in Paragraph①, Article 10 of the Act.
 - c. The head of children counselor’s office prescribed in Paragraph①, Article 8 of the Child Welfare Act.

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Article 3 (Document on the Information of Adoptive Parents) - rescinded

Article 4 (Report on Changes in Adoption Agency) As prescribed in Paragraph②, Article 10 of the Act, the head of an adoption agency shall report the following changes out of the important matters of those permitted:

1. Name of an adoption agency
2. Location of the adoption agency
3. Abolishment or suspension of the service of the adoption agency

Article 5 (Agreement on Adoption Agency) As prescribed in Paragraph④, Article 10 of the Act, if the head of an adoption agency concludes any agreement on the adoption affairs (hereinafter referred to as “agreement on adoption”) with a country which wishes any adoption, each Paragraph shall include:

1. Investigation of family environment of adoptive parents
2. Procedure of taking over and nationality arrangement of a child to be adopted
3. Investigation of the status of adaptation between a child to be adopted and adoptive parents, management after the adoption
4. Acquisition of enough number of welfare specialists to perform the adoption affairs under Subparagraph 1 or 3
5. Matters on the termination of an adoption agreement

Article 5-2 (Counseling, etc.) As prescribed in Paragraph④, Article 12 of the Act, the adoption agency shall carry out following subparagraphs.

1. Management of the parents of the person requested to be adopted
 - a. If it is considered that it is more eligible for the child to be brought up by the parents than to be adopted, shall provide the information on bringing-up the child, social adaptation services and services regarding bringing-up, etc.
 - b. If it is considered that it is more eligible for the child to be adopted than to be brought up by the parents, shall provide the information on the procedure of adoption, persons to be adoptive parents, adoption, and counseling.
2. If the person requested to be adopted is an abandoned child or a missing child, shall identify and find the lineal ascendants such as parents and guardian, in connection with the head of Shi/Gun/Gu/headquarters of the police and the organizations concerned.

Article 6 (Motherland Tour etc.) “Motherland Tour, etc. determined by the Presidential Decree” prescribed in Paragraph⑥, Article 12 of the Act mean the followings:

1. Motherland Tour
2. Language course for the mother tongue
3. Support for information on the motherland
4. Post adoption services for the adopted children which the Minister of Health and Welfare admits to be necessary

Article 7 (Submission of Business Plan, etc) - rescinded on Apr. 19, 1999

Article 8 (Expenses for Mediation of Adoption) An adoption agency may receive the expenses for the mediation of adoption from the adoptive parents as prescribed in Article 20 of the Act, within the total amount of money of the following, which is admitted by the Minister of Health and Welfare;

1. Labor costs used in the mediation of adoption
2. Fostering expenses
3. Expenses required for the procedure of the mediation of adoption
4. Operational and P.R. costs of the adoption agency

Article 9 (Payment of Subsidy, etc. for Bringing up Adopted Child)

- ① The term “an adopted children, such as handicapped children”, under Paragraph① of Article 23 of the Act, means children prescribed in each Subparagraph;
 1. A child who is under the state of the handicaps as prescribed in Subparagraph 2 of The Disabled Person Welfare Act.
 2. A child suffering from the diseases due to premature birth, underweight, deliver disorder, inheritance upon delivery.
 3. A child adopted to a family which the Minister of Health and Welfare recognizes as an adoptive family needing a bringing up support
- ② The scope of Subsidy for Bringing up an adopted child, prescribed in Paragraph①, Article 23 of the Act, which is given falls under each Subparagraph;
 1. Subsidy regularly paid to the foster homes of a handicapped child who is adopted (hereinafter referred to as “fostering subsidy”)
 2. Medical expenses
 3. Subsidies necessary for bringing up the adopted child, determined and notified by the Minister of Health and Welfare
- ③ The term “The medical expenses” prescribed in Subparagraph 2, Paragraph② means the expenses disbursed for medical examination, counseling, rehabilitation and treatment for adopted children.
 1. Personal share out of medical expenses or recuperation fees as prescribed in Paragraph① of Article 7 and Article 12 of The Medical Allowance Act.
 2. Personal share out of medical expenses or recuperation fees as prescribed in Paragraph①, Article 39 and Article 44 of The National Health Insurance Act.
 3. Personal share out of expenses disbursed for medical examination, counseling, rehabilitation and treatment supported by other Acts such as The Social Welfare Service Act, The Disabled Person Welfare Act, The Mental Health Act, etc.

Article 10 (Procedure, etc. of Payment of Subsidy for Bringing up an Adopted Child)

- ① Anyone who desire to get a subsidy for bringing up an adopted child, prescribed in Paragraph③, Article 23 of the Act, shall submit an application form, attaching the documents by the Decree of the Ministry of Health and Welfare, to the head of Shi/Gun/Gu.
- ② As prescribed in Paragraph①, the head of Shi/Gun/Gu who receives an application, if needed, may ask the public official for investigation of an adopted child's state of a handicap, disease, etc.



- ③ The public official who investigates or asks any questions under Paragraph② shall carry with himself a certification indicating his/her competence and show it to the person concerned.
- ④ Subsidy for bringing up an adopted child shall be paid from the next month of the month decided on payment and medical expenses shall be reimbursed within three months after decision of payment.

Article 11 (Payment of Expenses)

- ① Subsidy for bringing up an adopted child prescribed in Paragraph③ of Article 23 of the Act shall be shared by the state and a local government and their share in expenses shall be referred to in Article of the Ordinance on Budget and Management of Subsidy.
- ② The state and a local government may give financial assistance to an adoption agency within the budget every year, as prescribed in Paragraph③ of Article 23 of the Act.

Article 12 (Protection of Foster Homes)

- ① If the head of a secure facilities or adoption agency, prescribed in Article 32 of the Livelihood Protection Act, asks a foster home to protect a child who falls under each Subparagraph, Article 4 of the Act, may apply for the payment for the child to the head of Shi/Gun/Gu referred to in Article 21 of the Livelihood Protection Act.
- ② The head of Shi/Gun/Gu who receives the application falling under Paragraph①, and determines the payment for the child, shall provide a foster home with money and goods, as prescribed in Article 9 of the Livelihood Protection Act.

Article 13 (Procedure of Hearing) - rescinded on Dec. 31, 1997

ADDENDA

- (1) (Enforcement Date) This Ordinance shall enter into force from Jan. 16, 1996.
- (2) (Interim Measures concerning Agreement on Adoption)

ADDENDA (Dec. 31, 1997)

This Ordinance shall enter into force from Jan. 1, 1998

ADDENDA (April 19, 1999)

This Ordinance shall enter into force from April 22, 1999

ADDENDA (Sep. 6, 2004)

This Ordinance shall enter into force from Sep. 6, 2004

■ Enforcement Regulation

Article 1 (Purpose) The purpose of this Regulation is to provide the matter necessary for delegated matters from Special Act Relating to Promotion and Procedure of Adoption and the Ordinance for their enforcement.

Article 1-2 (Responsibilities of the State and a local government) “Requirements as determined by the Ordinance of the Ministry of Health and Welfare” prescribed in Subparagraph 8, Paragraph④, Article 3 of Special Act Relating to Promotion and Procedure of Adoption (hereinafter referred as to “the Act”) means the following subparagraphs.

1. Educational support by adoption counseling related specialist
2. Providing counseling and handicap related information when the child becomes handicapped after adoption

Article 2 (Eligibility of Adoptive Parents) “Eligibility of adoptive parents” prescribed in Subparagraph 5, Paragraph①, Article 5 of the Act, shall be over 25 years old and disparity in age shall be less than 60 years between them and a child to be adopted, but they shall be between 25 and 45 years old if they are not Koreans.

However if an authority (hereinafter referred as to “organizations investigating a family environment”) under each Subparagraph, Paragraph②, Article 2 of Enforcement Ordinance for Special Act Relating to Promotion and Procedure of Adoption (hereinafter referred as to “the Ordinance”) admits that the continued placement of the child with the adoptive parents is in the child’s best interests, it is not the case.

Article 3 (Consent to Adoption)

- ① The consent to adoption under Paragraph① and Paragraph②, Article 6 of the Act is given only by the form No. 1 in Appendix.
- ② The consent by Paragraph① shall be accompanied by certification of parents, lineal ascendants or guardian.

Article 4 (Qualification of a Child to be Adopted) Qualification form for a child to be adopted under Subparagraph 1, Paragraph②, Article 7 of the Act shall be filled in by the head of the secure facilities (hereinafter referred as to “secure facilities”) referred to in Article 32 of the Livelihood Protection Act or the head of the adoption agency (hereinafter referred to as “adoption agency”) prescribed in Paragraph①, Article 10 of the Act and it shall be submitted to the confirmatory organization prescribed in the Subparagraph 1, Article 2 of the Ordinance, and get confirmed.

Article 5 (Investigation of the Family Environment of the Adoptive Parents)

- ① Adoptive parents shall submit ‘request for investigation of the adoptive family environment’ to the organization investigating a family environment when they want it issued a document on a family environment under Subparagraph 2, Paragraph②, Article 7 of the Act. Under Paragraph①, Article 17 of the Act, in case of inter-county adoption, if the receiving state or accredited bodies of the receiving state (“international adoption agency”) request for adoption to domestic adoption agencies, the form can be replaced by the case.

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

- ② The organization investigating a family environment, when receiving a request prescribed in Paragraph ①, make persons in charge perform investigation by 'Written Investigation of Adoptive Family Environment,' form No. 4 in Appendix and decide on feasibility of adoption. If found qualified, (s)he shall submit 'Written Investigation of Adoptive Family Environment' to the applicants. However, in case of inter-county adoption prescribed in Paragraph ①, investigation form by the receiving country or international adoption agency (of the country) can be substituted.
- ③ Investigation under Paragraph ②, shall be performed by visiting their work, neighbors, and home at least twice, and without notifying in advance at least once.

Article 6 (Delivery and Report of a Child to be Adopted)

- ① When the report on the adoption prescribed in article 7 of the Act, the authorization on the adoption under Article 16, or the permission on the emigration is completed, the head of secure facilities or adoption agency who protects a child to be adopted shall hand over all the documents and belongings related to the child to adoptive parents immediately.
- ② As prescribed in Paragraph ①, the head of secure facilities or adoption agency shall immediately report on the delivery of the child to the head of Shi/Gun/Gu ("limited to autonomous Gu"). The same is applied to the case when delivering the child to the head of protective facilities or adoption agency referred to in Article 13 of the Act.

Article 7 (Permission, etc. on Adoption Agency)

- ① As prescribed in Paragraph ① of Article 10 of the Act, any person who desires to get the permission on an adoption agency shall submit an application form for the permission (including electronic application form) on an adoption agency, by form No. 5, attaching each document (including electronic document) falling under each Subparagraph via the mayor of the Special City, the mayor of the metropolitan city or the provincial governor (hereinafter referred to as "city/province governor") to the Minister of Health and Welfare. However, any person who wants to get the permission on an adoption agency which deals with domestic adoption only, shall submit them via the head of Shi/Gun/Gu to city/province governor.
 - 1. The articles and registration document of a corporation
 - 2. Resolution document of an adoption agency
 - 3. Ground plan of an adoption agency (shall display the size of the facilities by each section)
 - 4. Copy of the staff list and the certificates (shall include the work description by each employee)
 - 5. Plan on receipt of expenses disbursed for the mediation of adoption
 - 6. Plan on the business and the balance of payments
 - 7. List of properties (shall include the documents certifying the possession or right to use of land, building, etc.)
 - 8. Report on evaluation and profit of properties

- ② If it is possible to identify the information on the documents accompanied, as prescribed in each Subparagraph, Paragraph① through public access to administrative information under the Act of Promoting Electronization of an Administrative Structure, the identification may substitute the documents accompanied. And if the admission authority of an adoption agency and that of an Social Welfare corporation under Social Welfare Service Act are the same, submitting the documents falling under Subparagraph 1, 7, and 8, Paragraph① is not required.
- ③ When an in-between office receives an application for the permission on an adoption agency, it shall submit it with comments to the office which may give permission.
- ④ When the Minister of Health and Welfare or the city/province governor gives a permission on an adoption agency under Paragraph①, Article 10 of the Act, (s)he shall immediately grant a license by form No. 6 to the applicant.

Article 8 (Report, etc. on Modification of Adoption Agency)

- ① When the head of an adoption agency desires to modify the matters permitted falling under Paragraph②, Article 10 of the Act and Article④ of the Ordinance, (s)he shall submit 'Modification Report on Adoption Agency' by form No. 7 of Appendix with the following documents prescribed in Paragraph①, Article 7, to the in-between authorities.
 - 1. License
 - 2. Description of Modification
 - 3. Plan on Post Management (in case of abolishment or suspension of the adoption affairs only)
- ② When the Minister of Health and Welfare or the city/province governor receives a report on modification of matters permitted to adopt, prescribed in Paragraph②, Article 10 of the Act, (s)he shall issue a modified license.

Article 9 (Report on Agreement on Adoption Affairs) When an adoption agency concludes an agreement on adoption affairs, prescribed in Paragraph④, Article 10 of the Act, the head of the agency shall report with the following documents to the Minister of Health and Welfare within one month after the agreement;

- 1. Agreement on adoption practice
- 2. Copy of certified documents of foreign adoption agency from its government
- 3. Documents on facilities and staff of a foreign adoption agency
- 4. Business plan of this year and Record of performance of the last year of an international adoption agency
- 5. Post adoption service plan of adopted children
- 6. Notarized documents on No.2 or No.5

Article 10 (Standard for Facilities of Adoption Agency) Based on the standards for the facilities of an adoption agency, prescribed in Paragraph 5, Article 10 of the Act, office and counseling room shall be separated and the area shall be over 33m² together.

Article 11 (Standard for Staff) For the standards for staff of an adoption agency, which is prescribed in Paragraph 5, Article 10 of the Act, refer to the attached document No.1.



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Article 12 (Training of Employees of Adoption Organization) - rescinded on May 19, 1999

Article 13 (Post Adoption Services)

- ① As prescribed in Paragraph 5, Article 12 of the Act, “Post Adoption Services by the Decree of the Ministry of Health and Welfare” means the project as follows;
 - 1. Supervising on mutual adaptation state between the adoptive parents and the adopted child and providing a service needed
 - 2. Providing information necessary for bringing up a child at adoptive home
 - 3. Establishing a contact point for counseling facilities and staffing for the facilities
- ② As prescribed in Paragraph ①, an adoption agency shall keep the documents by the Decree of the Ministry of Health and Welfare, related to the adoption affairs of the adoptive parent and the adoptive child.

Article 14 (Application for Permission on Adoption)

- ① Any person who desires to apply for the permission on adoption affairs, prescribed in Article 16 of the Act, shall submit an application form for the permission on the adoption affairs by form No.9 of Appendix with the following documents to Family Court.
 - 1. Rescinded on July 3, 2006
 - 2. Consent of adoption by form No. 1
 - 3. Confirmation on the child to be adopted by form 2
 - 4. Investigation of family environment of adoptive parents
 - 5. Certificate on eligibility of adoptive parents by the law of the domicile
 - 6. Consent of adoption and financial guarantee of adoptive parents by form No. 10 (indicating the document notarized by the home government)
 - 7. Rescinded on May 19, 1999
- ② The public official in charge who receives the application as prescribed in Paragraph ①, shall identify the family register of a child to be adopted through public access to administrative information under Paragraph ①, Article 21 of the Act of Promoting Electron-ization of an Administrative Structure. However, if the applicant does not consent to this, the document shall be accompanied.

Article 15 (Application for Permission on the Emigration)

- ① If the head of the adoption agency apply for emigration of a child to be adopted as prescribed in Paragraph ①, Article 17, shall submit an application form for the permission on the emigration by form No. 12 of Appendix (including electronic application form), with the documents (including electronic documents) prescribed in Paragraph ② or ⑥, Article 16, to the Minister of Health and Welfare. However, if the permission on the emigration is given in Korea by Article 16 of the Act, the public official in charge shall identify the family register stating adoption permission determined by Family Court through public access to administrative information under Paragraph ①, Article 21 of the Act of Promoting Electron-ization of an Administrative Structure. However, if the applicant does not consent to this, the document shall be accompanied.

- ② If the information on the document accompanied, prescribed in Paragraph ①, may be identified through public access to administrative information under Paragraph ①, Article 21 of the Act of Promoting Electronization of an Administrative Structure, the identification may substitute the document accompanied.
- ③ When the Minister of Health and Welfare gives the permission on the emigration by Paragraph ①, (s)he shall notify the matter in the permission on the emigration to the applicant and the Minister of Foreign Affairs respectively using form No. 13 of Appendix.

Article 16 (Report on Acquisition of Nationality) When the person to be adopted acquired the nationality of the country concerned by the Paragraph ②, Article 17, the head of the adoption agency shall report it with form No. 14 of Appendix, to the Minister of Justice within one month after the recognition.

Article 17 (Restriction of Emigration) As prescribed in Subparagraph 1, Paragraph ③, Article 17 of the Act, a person who is refused to get the permission on the emigration as a person to be adopted, shall be a missing child and be a child requiring protection without a parental authority confirmed and shall be an abandoned child within six months of the admission to a secure facilities or adoption agency.

Article 18 (Criteria for Administrative Disposition)

- ① For the criteria for the administrative disposition for an adoption organization as referred to in Paragraph ②, Article 19 of the Act, refer to the attachment 2.
- ② When the authority which may give a permission disposes of the adoption organization as prescribed in Paragraph ①, it shall keep the record of the administrative disposition by form No. 15 of Appendix.

Article 19 (Application and Payment for Subsidy for Bringing up an Adopted Child)

- ① Anyone who desires to get a subsidy for bringing up an adopted child, prescribed in Article 10 of the Ordinance, shall submit an application form by form No. 16 of Appendix, attaching the following documents, to the head of Shi/Gun/Gu;
 1. The documents proving that a child to be adopted is handicapped, falling under each Subparagraph, Paragraph ①, Article 9 of the Ordinance. (in case of subsidy for bringing up an adopted child)
 2. Receipt of expenses for medical examination, counseling, rehabilitation and treatment of an adopted child (limited to medical expenses)
 3. Certification or receipt necessary for being paid with subsidy for bringing-up of an adopted child (limited to subsidy for bringing-up)
- ② As prescribed in Paragraph ①, the head of Shi/Gun/Gu who receives an application for subsidy for bringing up an adopted child, after deciding on the payment, shall notify the result to the applicant within fifteen days from the date of application.



ADDENDA

This Regulation shall enter into force from Jan. 16, 1996.

ADDENDA (May 19, 1999)

This Regulation shall enter into force on the day of its promulgation.

ADDENDA (Jun 8, 2005)

This Regulation shall enter into force on the day of its promulgation.

ADDENDA (Sep. 30, 2005)

This Regulation shall enter into force from Oct. 1, 2005.

ADDENDA (Oct. 17, 2005)

This Regulation shall enter into force on the day of its promulgation.

ADDENDA (July 3, 2006)

This Regulation shall enter into force on the day of its promulgation.

ADDENDA (Dec. 11, 2006)

This Regulation shall enter into force from Jan. 1, 2007.



Adoption Agencies

■ Eastern Social Welfare Society (ESWS)

Address: 493, Changcheon-dong, Seodaemonn-gu, Seoul, Korea

Telephone: +82-2-332-3941~5

Fax: +82-2-333-1588

Website: <http://www.eastern.or.kr>

Email: esws21@eastern.or.kr

[INTERCOUNTRY ADOPTION]

• Procedures

Child Intaking (with Counseling) → Request for Children Care and Protection,
Registration → Assigning Legal Guardian → Issuing Certificate of child's status
as an orphan → matching: US sister agencies. Australia State Government →
Permission → Issuing Passport → Issuing Visa → Escort → Departure

• Cost \$4,000-

[DOMESTIC ADOPTION]

• Procedures

Registration for Adoption → Pre-Adoption Education → Counseling and Document
Submit → Home Visitation of a Social Worker → First Meeting with the child →
Matching → Legal Works & Photo Submit

• Cost 2.20 million won

• Source http://eastern.or.kr/kor/3_adop/o1_adop.php

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■ Holt Children's Services Inc. (HOLT)

Address: 382-14 Hapjeong-dong, Mapo-gu, Seoul, Korea
 Telephone: +82-2-332-7501
 Fax: +82-2-332-8140
 Website: <http://www.holt.or.kr>
 Email: holtkorea@hotmail.com

[INTERCOUNTRY ADOPTION]

• Adoption Rules (Relevant Legislations)

- Special Act on the Promotion and Procedure of Adoption

Chapter 4 Adoption Agency

Article 10 (Adoption Agency)

- ④ If the head of an adoption agency desires to conclude any agreement on the adoption affairs with a country which wishes any adoption, or an authorized adoption agency in such country, he/she shall report to the Minister of Health and Welfare as designated in the Ordinance of the Ministry of Health and Welfare.
- ⑤ The matters necessary for agreements on the adoption affairs shall be determined by the Ordinance of the President, and the matters necessary for the criteria for facilities and employees of the adoption agency shall be determined by the Ordinance of the Ministry of Health and Welfare.

- Enforcement Regulation

Article 9 (Adoption Agreement Report)

When an adoption agency enters into an adoption business agreement pursuant to Paragraph

④ Article 10 of the Law, documents stated below must be attached and reported to the Minister of Health and Welfare within 1 month of the execution of the agreement.

1. Adoption Agreement
2. Copy of documents from the foreign adoption agency authorized by its country's government
3. Documents on the foreign adoption agency's facilities and staff
4. Foreign Adoption Agency's current year business plans and previous year business report
5. Plans for the adopted child
6. Authentication papers on documents related to Article 2 or Article 5

- The United States of America: Child adoption from a country which has an adoption agreement is conducted under the relevant laws of the child's country of residence.

- Norway : Same
- Denmark : Same
- France : Same
- Luxemburg : Same

INTERNATIONAL KOREAN ADOPTEE RESOURCE BOOK

• Who may be adopted?

Category	Condition of adoptees		Requirement for adoptive parents
	Age	condition of health	Special Act on Adoption, Chapter 2, Article 5 1. They shall possess enough property to support the adopted child 2. They shall allow the adopted child's freedom of religion, and have the ability to bring up and educate him as a member of the society 3. They shall live in harmony with members of family, and have not any noticeable mental or physical impediment in support of the adopted child 4. They shall be eligible for adoptive parents under their domestic law, if they are not nationals of Korea 5. They shall not have their adopted child engaged in an occupation that is disgraceful or potentially subject to human rights abuses Enforcement Ordinance of the Act Article 2. 2 1. Be 25 years old and over, and the age gap between adoptive parents and an adopted child should be less than 50 years. If adoptive parents are not Korean nationals, they should be no less than 25 and more than 45 years old 2. Have no children or less than five children including an adopted child 3. Be in married status
Child	Less than 6 month old	35% Disabled	
		65% Healthy	

• Yearly number of adoption

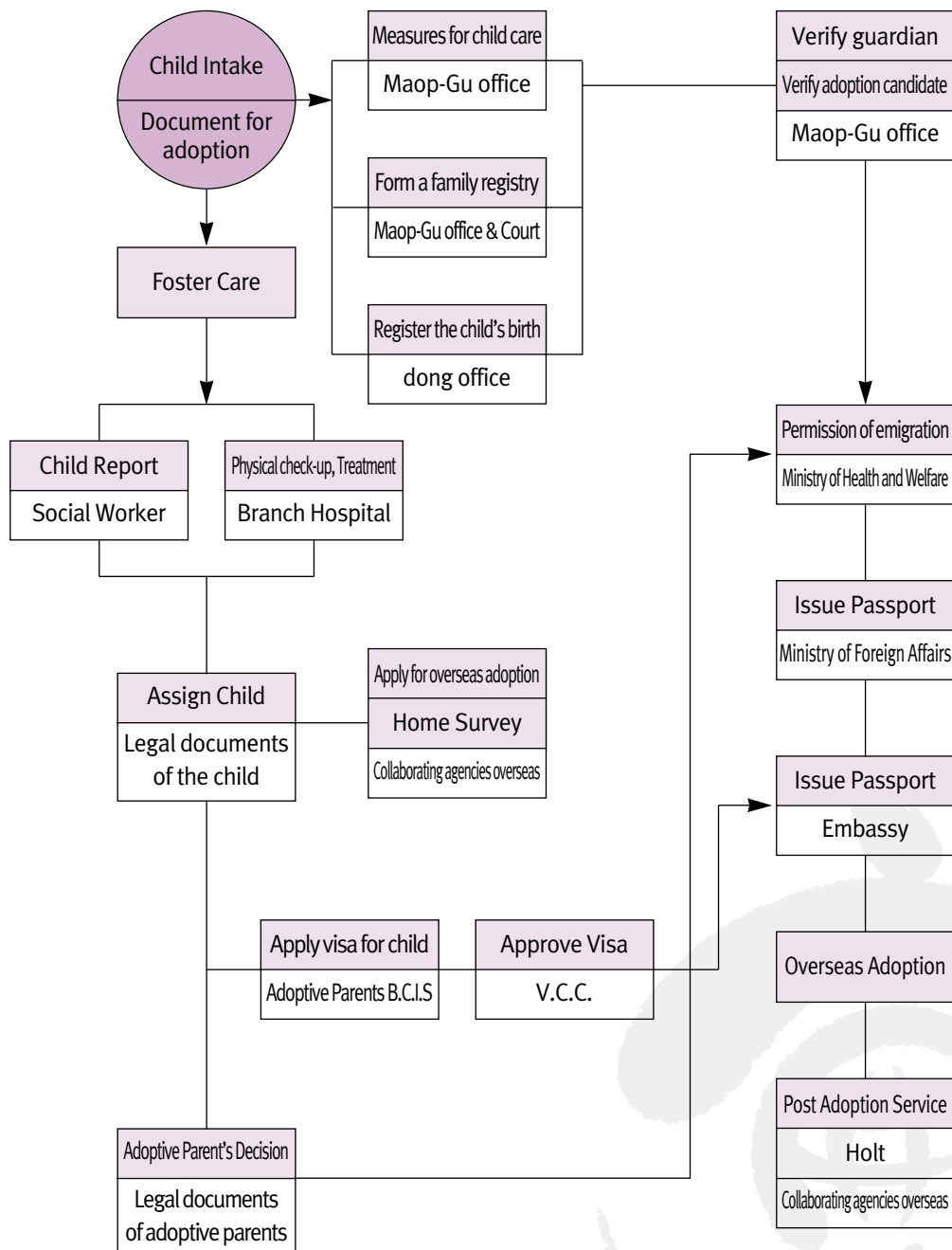
(Unit: Person)

Year Category	2002	2003	2004	2005	2006. 10
Total	1,048	984	958	847	579
Children without disability	684 (65%)	618 (63%)	596 (62%)	522 (62%)	325 (55%)
Children with disability	364 (35%)	366 (37%)	362 (38%)	325 (38%)	254 (44%)

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

• Procedure of Adoption



INTERNATIONAL KOREAN ADOPTEE RESOURCE BOOK

• Cost

A. Detailed Cost of Overseas Adoption (Survey by the Institute for Health and Social Welfares, 2001)

Item	Cost per detailed items			
	Total	Description	Subtotal	
			₩	\$
Personnel costs	4,275,300	Child Counselors	1,169,000	
		Assistant staff	1,873,800	
		Medical staff	929,400	
		Office administrators	303,000	
Child-caring costs	2,956,863	Foster care service	Foster care cost	2,335,500
			Foster mother subsidy	71,363
		Baby formula / supplementary food		300,000
		Expendable items		250,000
Medical expense	385,000	Physical check-ups		110,000
		Vaccination, etc.		50,000
		Examination / Hospitalization		150,000
		Nursing assistant		75,000
Procedural costs	1,135,000	Photographs		20,000
		Documents		40,000
		Visa & Passport Fee		490,000
		Travel cost		60,000
		Child transfers (Incl. Airport tax)		125,000
		Counseling for unmarried mothers		100,000
		Post adoption service		200,000
		Items for the exit of the country		100,000
Operational costs	864,000	General operational costs of an adoption agency		864,000
	\$10,122	Total(Exchange Rate: \$1.00: 950)		9,616,163
				\$10,122

*Airfare for child transfer is not included here.

B. Adoption cost received by Holt

USA KRW 8,550,000 (Adoption Fee KRW 6,982,500 + Donation KRW 1,710,000)

Europe KRW 8,265,000 (Adoption Fee KRW 6,840,000 + Donation KRW 1,425,000)

C. Exemption of Adoption Fee: If a child has medical disability, adoption fee can be exempt according to his/her level of medical issues due to the continuous need of surgery or treatment after the end of adoption.

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

• Special Policy for Korean Adoption?

According to the measures for promoting domestic adoption with priority by the Government, only children who could not be adopted domestically for 5 months after they become candidates for adoption can go on to the overseas adoption process since January, 2007.

• **Source** <http://www.mohw.go>: Ministry of Health and Welfare

[Domestic Adoption]

• Adoption Rules (relevant legislations)

- Special Act relating to the Promotion and Procedure of Adoption

Article 5 (Requirements for adoptive parents etc.)

- ① Under the Act, prospective adoptive parents should satisfy all the following qualification requirements. (Amendment-December 13, 1997)

Adoptive parents should

1. Have full financial ability to raise an adopted child.
 2. Recognize the adopted child's freedom of religion and provide the child with upbringing and education he/she is entitled to as a member of society.
 3. Have a healthy family environment and not have noticeable physical and/or mental disabilities hindering childrearing.
 4. If not Korean nationals, be qualified to become adoptive parents under relevant Korean laws.
 5. Meet requirements stipulated in the decrees of Ministry of Health and Welfare for the sake of the adopted child's welfare.
- ② Adoptive parents should not have their adopted child engaged in an occupation that is disgraceful or potentially subject to human rights abuses.

- Enforcement Ordinance

Article 2 (Additional requirements for adoptive parents)

Under the provision of Item 5, Clause 1, Article 5 of the law, prospective adoptive parents should satisfy the following qualification requirements. An exception is allowed if the party conforming to any of the items in Clause 2, Article 2 of the 'Enforcement Decree of the Act on Special Cases concerning the Promotion and Procedure of Adoption (the decree),' or a "home-study agency," acknowledges that the family environment of prospective adoptive parents is particularly suitable for healthy upbringing of an adopted child. (Amendment-May 19, 1999/ September 30, 2005)

Adoptive parents should

1. Be 25 years old and over, and the age gap between adoptive parents and an adopted child should be less than 50 years. If adoptive parents are not Korean nationals, they should be no less than 25 and more than 45 years old.
2. Have no children or less than five children including an adopted child.
3. Be in married status.

• Who may be adopted?

- Article 4(Requirements for an adopted child)

Under the law, a prospective adopted child, as a child in need of protection, should meet one of the following requirements. (Amendment-September 7, 1999)

A prospective adopted child should be a child who

1. Is separated from their guardians, and admitted to a social security facility in accordance with in National Basic Living Security Act (“social security facility”), by mayors of metropolitan cities/ provincial governors (“metropolitan mayors/governors”) or mayors/chiefs of districts (‘gun’s or autonomous ‘gu’s only), as the person responsible for the child’s upbringing cannot be identified.
2. Is admitted to a social security facility or an adoption agency under the provision of Article 10 as his/her parents (other immediate relatives when parents are not available, for example, in case of parents’ death) or guardians consent to adoption.
3. Is admitted to a social security facility by metropolitan mayors/governors or mayors/chiefs of districts as forfeiture of parental power is adjudicated to his/her parents by court.
4. Is in a situation where the person responsible for his/her upbringing is not identifiable, and is admitted to a social security facility by metropolitan mayors/governors or mayors/chiefs of districts.

※ Data on Children Domestically-adopted by Holt Children’s Services Inc. (2005)

• Gender

Division	Total	Male	Female
No. of children	434	126	308
Percentage (%)	100	29.0	71.0

• Age

Division	Total	Younger than 30 days	Younger than 60 days	Younger than 90 days	90 days and older	6 months and older	1 year and older
No. of children	434	154	200	58	11	2	9
Percentage (%)	100	35.5	46.1	13.4	2.5	0.4	2.1

• Health Status

Division	Total	Without disability	With disability
No. of children	434	432	2
Percentage (%)	100	99.6	0.4

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

• Entry into a Family Register

Division	Total	Entry as an own child	Entry as an adopted child
No. of children	434	426	8
Percentage (%)	100	98.2	1.8

• Birth Parents of Adopted Children

Division	Total	Illegitimate Children (from single mothers)	Children from welfare facilities	Married households		Unmarried households
				Low-income household	Dysfunctional households	
No. of children	434	335	1	35	12	51
Percentage (%)	100	77.2	0.2	8.1	2.8	11.7

• Procedure of Adoption

Full consent to adoption between spouses → Information gathering & consultation → Application for adoption → Consultation & education → Home visits → First face-to-face meeting with the baby → Adoption → Post adoption service

• Yearly number of adoption

Year	2000	2001	2002	2003	2004	2005
No. of children	527	617	552	521	534	434

• Cost

Act on Special Cases concerning the Promotion and Procedure of Adoption

Article 20 (Payment of and aid to adoption costs)

- ① Adoption agencies in accordance with Article 10 (Clause 1) are allowed to receive part of the practical costs required during the procedure of adoption from prospective adoptive parents under the provisions of the presidential decree.

Enforcement Decree of the Act on Special Cases concerning the Promotion and Procedure of Adoption

Article 8 (Fees for adoption service)

The adoption service fee that can be paid to adoption agencies by prospective adoptive parents, under the provision of Article 20, is an add-up of the following items and should be within the limit prescribed by the Minister of Health and Welfare.

1. Personnel costs
2. Child-caring costs
3. Other procedural costs
4. Operational costs and public relations (PR) costs of an adoption agency

※ Standard Fees Received for Adoption Service

(Study on Measures for Calculating and Allotting Adequate Level of Adoption Service Fees, 2001, Korea Institute for Health and Social Affairs)

Division	Details	Sum
Personnel costs	Costs for child counselors, assistant staff, medical staff and office administrators	982,900
Child-caring costs	Costs for foster care service (remuneration for foster mothers), baby formula, supplementary food, and expendable items (clothes, blankets, diapers, etc.)	551,100
Medical costs	Costs for physical check-ups, vaccination, emergency medical supplies, medical bills, etc.	80,000
Other procedural costs	Costs for photos, documentation, travels, child transfers, counseling for single mothers, education for adoptive parents, and post adoption service	340,000
Operational costs	General operational costs of an adoption agency	144,000
PR costs	Costs for promoting domestic adoption	100,000
Total		2,198,000

■ Korea Social Service, Inc. (KSS)

Address: 533-3, Sangmoon-dong, Dobong-gu, Seoul, Korea (132-891)

Telephone: +82-2- 908-9191~3

Website: <http://www.kssinc.org>

Email: kssinc@kssinc.org

Person in charge: Choon-hi Kim, Kyung-Sook Lee
International Affairs Department

[RELATED LAWS AND ORDINANCES]

Special Law on Promotion and Procedures on Adoptions

[INTERCOUNTRY ADOPTION]

• Regulations for Adoption Country

US (orphan, illegitimate children, single-parent children adoption)

• Who may be adopted? (Domestic Terms)

Refer to “Special Law on Promotion and Procedures on Adoptions”



- **Procedures**

Refer to “Special Law on Promotion and Procedures on Adoptions”

- **Yearly number of adoption by country** 92 in 2005

- **Cost** \$ 9,000 (the first half of 2005)/ \$ 9,800 (the second half)

[DOMESTIC ADOPTION]

- **Adopting Regulations (related statutes)**

Refer to “Special Law on Promotion and Procedures on Adoptions”

- **Who may be adopted?**

- A Healthy Child (state of health during the pregnancy, parturition, and present)
- A child whose birth parents are healthy both physically and mentally
- A child who fits to the sex, blood type and the time that adoptive parents hope for

- **Procedures**

Refer to “Special Law on Promotion and Procedures on Adoptions”

- **Yearly number of adoption by country** 13 in 2005

- **Cost** 2,100,000 Won per child

■ **Social Welfare Society, Inc. (SWS)**

Address: 718-35, Yeoksam-dong, Gangnam-gu, Seoul, Korea

Telephone: +82-2-567-8891

Website: <http://www.alovenest.com>

Email: sws@sws.or.kr

Person in Charge: Hye-Gyung Sun (General Manager)

Shin-Hye Kang (Post Adoption Service Manager)

[RELATED LAWS AND ORDINANCES]

Special Act relating to the Promotion and Procedures of Adoptions

[ADOPTION ACT]

- 1961: Guardianship of the child at the Welfare-Special Act on Adopting Orphan
- 1971: Special Act on Adoption
- 1995: Special Act Relating to the Promotion and Procedure of Adoption

[ADOPTION AUTHORITIES]

- Department of Children's Welfare, Ministry of Health and Welfare
Kuem-Chan Kim, Assistant Junior Officer
Telephone: +82-31-440-9649

[INTERCOUNTRY ADOPTION]

- **Regulations for Adoption Country** U.S.A., Sweden, Canada
- **Who may be adopted?** Children of unmarried single mothers
- **Procedure**
Initial inquiry to the Welfare organization → Designation of guidance → Naming the child (Family name and Family origin) → Application and Assessment of prospective adoptive parents → Matching a child → A match is made → Approval of immigration from the Ministry of Health and Welfare → Applying for passport and visa Adopting → Acquiring a citizenship → Removing original citizenship
- **Yearly number of adoption** Around 450
- **Cost** starts from \$9,000 (costs maybe differ from the country)
- **Any Special Policy for Korean Adoption?**
Special Act Relating to Promotion and Procedure of Adoption
- **Source** Same as other organizations

[DOMESTIC ADOPTION]

- **Who may be adopted?**
 - Person who is deserted by the protector and for whom the city/provincial governor, or the head of the Shi/Kun/Ku requests the protective facilities
 - Person whose guardian is unknown and for whom the city/provincial governor, or the head of the Shi/Kun/Ku requests the protective facilities
- **Procedure**
Initial inquiry to the Welfare organization → Designation of Guardians → Application and Assessment of prospective adoptive parents → Matching a child → A match is made → Adoptive parents do official registration as a family member accordance with the Family Registration Act
- **Yearly number of adoption** Around 400
- **Cost** ₩2,000,000 ~ 2,200,000
- **Source** Same as other organizations

Adoptive Countries

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I. North America

A. Canada

■ Enfants d'Orient

Address: 12383 Fernand Gauthier, Montreal Que, Canada H1E 6C4

Telephone: +1-514-881-0818

Fax: +1-514-881-6014

Website: <http://www.enfantsdorient.org>

Email: ginette.leroux@enfantsdorient.org

Person in charge: Ginette Leroux

[COUNTRY/STATE] Province of Quebec, Canada

[YEAR OF SET-UP] 1983

[INTERCOUNTRY ADOPTION]

• Who may be adopted?

- Age between 0 to 5 years old from Korea, Taiwan and Thailand

• Who may adopt?

- Canadian citizens or permanent residents of Canada

- Age from 25 to 47 (Korea 25-45), married for at least 3 or 5 years

• Procedure

- Home study

- Medical examination for both parents

- Birth and marriage certificate

- Police check

- Financial statement and letters of reference

• Yearly number of adoption by country

- Korea : 45

- Taiwan : 25

- Thailand : 15

INTERNATIONAL KOREAN ADOPTEE RESOURCE BOOK

- **Cost**
 - Korea : \$20,000
 - Taiwan : \$20,000
 - Thailand : \$10,000 incl. trip
- **Any special policy for Korean adoption?**
 - High school studies compulsory
 - Overweight candidates not accepted
 - No mental stress such as mild anxiety
 - Too many different nationalities in same family not accepted

[DOMESTIC ADOPTION]

- **Who may be adopted?**
 - From 0 to 15 year old
- **Who may adopt?**
 - Canadian citizens or permanent residents
 - No age restriction
 - Married or living on common law
- **Procedure**
 - Home study
 - Medical, financial statement and references
- **Yearly number of adoption** Unknown but few
- **Cost** Nil

■ **Canadian Adoption Statutes**

<http://www.hoa.gov.nl.ca/hoa/statutes/ao2-1.htm>

B. USA■ **Bethany Christian Services**

Address: 901 Eastern Ave NE / PO Box 294 Grand Rapids, MI 49501-0294

Telephone: +1-616-224-7446 (Alison's direct number)

Website: <http://www.bethany.org>

Email: aadema@bethany.org

Person in charge: Bill Blacquiere, President

John Wynbeek, Director of International Services

Alison Adema, Korea Program Coordinator

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

[COUNTRY/STATE] Bethany's main office is in Grand Rapids, Michigan; but we have more than 75 branch offices throughout the United States.

[YEAR OF SET-UP] Bethany Christian Services started in 1944. Our International adoption program started with Korea in 1982.

[INTERCOUNTRY ADOPTION]

• Who may be adopted?

PROGRAM	AGES OF CHILDREN AVAILABLE AT REFERRAL	CARE FOR CHILDREN
China	9 months - 12 years mostly girls; boys with minor needs	Orphanages and foster care
Hong Kong	6 months - 15 years; special needs only	Orphanages, foster care, group homes
Philippines	2 years - 14 years old; healthy & special needs	Orphanages and foster care
Korea	healthy infants: 3 months - 1 year special needs; 3 months - 5 years	Foster care and Holt Reception Center
Colombia Ayudame	3 months - 15 years	Orphanages
Colombia Chiquitines	3 months - 15 years	Orphanages
Colombia CRAN	3 years - 15 years	Orphanages
Colombial ICBF	9 months - 15 years- infants/12-18 months; toddlers/15-30 months	Orphanages and some foster care
Colombia Los Pisingos	3 months - 15 years	Orphanages
*Haiti	Birth - 6 years	Orphanages
Guatemala	Birth - 5 years	Foster care
Albania	24 months - 15 years	Orphanages
Kazakhstan	12 months - 15 years	Orphanages
Kosovo	3 - 6 years	Orphanages
Lithuania	1 year - 15 years Healthy & Spec. Needs	Orphanages
*Russia Irkutsk	9 months - 15 years	Orphanages
*Russia -10 Regions	15 months - 15 years	Orphanages
*Russia St. Petersburg	15 months - 15 years	Orphanages
Uzbekistan Pilot Prg	1 - 15 years	Orphanages
Ukraine	18 months - 15 years	Orphanages

INTERNATIONAL KOREAN ADOPTEE RESOURCE BOOK

• Who may adopt?

PROGRAM	ADOPTIVE PARENTS' AGES	SINGLE APPLICANTS	LENGTH OF MARRIAGE	CHILDREN IN FAMILY
China	0-12 mos/ 30-45 yrs 1 - 3 yrs/46-50 yrs	Yes - women only on a limited basis	1 year minimum 2 yrs recom if prev. divorce	4 maximum
Hong Kong	25 - 50 years	Yes	2 years 3 years if divorced	Varies
Philippines	27 - 45 years	Need special request to adopt	3 years	Varies
Korea	25 - 43 years	No	3 years	4 maximum
Colombia Ayudame	25-38 years	Yes - woman only for older or special needs	3 years	Childless or one child
Colombia Chiquitines	25-38 years	Yes - woman only for special needs	3 years	Childless
Colombia CRAN	25 - 50 years	Yes - woman only for older or special needs	3 years	Varies
Colombia ICBF	25-38 years	Yes - woman only for older or special needs	3 years	Varies
Colombia Los Pisingos	25-38 years	Yes - woman only for older or special needs	3 years	Childless or one child
*Haiti	28 years	Women only, over 32 yrs for infant	6 years - prefer 10 years	Yes-childless couples pref. for infants
Guatemala	Varies	Yes - women	Varies	Varies
Albania	25 - 50 years	Yes- Women only	Varies	Varies
Kazakhstan	No more than 45 years between parent & child	Yes - Women only Preference given to couples	Varies	Varies
Kosovo	No less than 18 yrs between parent & child	Yes - Women only	Varies	Varies

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

PROGRAM	ADOPTIVE PARENTS' AGES	SINGLE APPLICANTS	LENGTH OF MARRIAGE	CHILDREN IN FAMILY
Lithuania	25 - 48 years at application	Yes, women only with Lithuanian heritage for 6 years and older	Varies	Varies
*Russia Irkutsk	No more than 45 years between parent & child	Yes - women only	Varies	2 maximum
*Russia -10 Regions	No more than 45 years between parent & child	Yes - women only	Varies	Varies
*Russia St. Petersburg	No more than 45 years between parent & child	Yes - women only	Varies	Varies
Uzbekistan Pilot Prg	25-50 years	Yes - women only	Varies	Varies
Ukraine	No more than 45 years between parent & child	Yes - women only Preference given to couples	Varies	Varies

• Procedure

- Attend Bethany Christian Services' international adoption information meeting.
- Complete and return the pre-application. (view online preliminary application)
- Apply for your passports.
- Obtain and complete the I-600 Orphan Packet from USCIS (United States Citizen and Immigration Service).
- Begin the Immigration Pre-filing Process with a finger printing appointment.
- Complete Bethany's formal application and return it to Bethany with a \$550 non-refundable fee.
- Receive Bethany's approval of your formal application; assigned to a social worker.
- If you live in a state where Bethany has an office, a Bethany social worker begins the family assessment. Families living in states not served by a Bethany office must contact a Bethany-approved, licensed adoption agency to complete the family assessment.
- Complete the family assessment and pay the balance of the Bethany fee.
- Complete the dossier (if required).
- Bethany sends your family assessment and/or dossier to the country you have chosen.
- Wait for your referral from the country you have chosen.
- The country identifies a child for you and you receive a referral.
- Accept the referral and complete the acceptance documents.

INTERNATIONAL KOREAN ADOPTEE RESOURCE BOOK

- Begin the court process (in your local county or the birthcountry of your child).
- The birthcountry completes the necessary legal procedures before the child may travel (This period of time varies by country).
- Receive visa approval through the USCIS.
- Travel to the country if desired or required.
- Complete the court and immigration process.
- Your social worker begins the required post-placement reports.
- Apply for a birth certificate after receiving your Final Order of Adoption.

- **Cost**

This is the country fee only and does not include the Bethany fees for homestudy, post placement and other services. The Bethany fee varies branch by branch from \$6500 to \$11,000 for local services (Homestudy, post-placement, education, etc)

PROGRAM	Country Fees**
*China	\$5,910
Hong Kong	\$1,500
*Philippines	\$5,500
Korea	\$12,635, \$10,355 if travel
Colombia - Ayudame	\$11,600
Colombia - Chiquitines	\$9,300
Colombia - CRAN	\$11,600
Colombia - ICBF	\$2,400
Colombia - Los Pisingos	\$11,250
*Haiti	\$7,500 - \$7,000 additional child
Guatemala	\$19,000
Albania	\$9,500
Kazakhstan	\$16,500, \$27,500 for 2 sibs
Kosovo	\$9,500
Lithuania	\$11,500, \$9,500 - SN
*Russia-Irkutsk	\$10,500, \$12,500 for sibs
*Russia - 10 Regions	\$16,700, \$27,700 for siblings
*Russia - St. Petersburg	\$15,604, \$26,104 for sibs
Uzbekistan Pilot Prg	\$17,000, \$28,000 Sib
Ukraine	\$17,000, \$28,000 for 2 sibs



- **Any special policy for Korean adoption?**

- Bethany does not allow families to specify gender.
- Families should have a minimum income requirement of \$30-35,000
- Cancer free 5 years
- No mental health issues - especially related to stress/anxiety/depression related to parenting or infertility
- Applicants must be HS graduates
- No criminal history (however it depends on the severity)

- **Source**

<http://www.bethany.org/A55798/bethanyWWW.nsf/o/A638F473E63192A885256CE60059142C>

[DOMESTIC ADOPTION]

- **Who may be adopted?**

- It varies on the program - Bethany has more than one domestic program - open, infant adoption, older special needs, foster care (foster to adopt)

- **Cost**

- Varies by branch and by income, and which domestic program a family is adoption through.

- **Source**

<http://www.bethany.org/A55798/bethanyWWW.nsf/o/54C135013A9102E885256CE600590922>

■ **Dillon International, Inc.**

Address: 3227 E. 31st Street, Suite 200 Tulsa, OK 74105, USA

Telephone: +1-918-749-4600

Fax: +1-918-749-7144

Website: <http://www.dillonadopt.com>

Email: Um@dillonadopt.com

Person in charge: Um, Duk Kyung

[COUNTRY/STATE] USA / Oklahoma, Korean Program in Texas, Missouri, Arkansas, Kansas and can place special needs children in all states

[YEAR OF SET-UP] Began adoption in Korea in 1972

[AUTHORIZED ORGANIZATION]

Oklahoma Department of Human Services
 Address: 2400 N. Lincoln Blvd. Oklahoma City, OK 73125, USA
 Telephone: +1-405-521-3646
 Website: <http://www.okdhs.org>

[INTERCOUNTRY ADOPTION]• **Who may be adopted?**

- 6 to 24 months of age from China, Guatemala, Haiti, India, Korea, Vietnam

• **Who may adopt?**

- Couples must be married for a minimum of 2 years.
- Married couples are defined as being between a man and a woman.
- Second marriages must be at least 3 years in length.
- No more than 15 years age difference between husband and wife. (no more than 10 years age difference for Korea)
- Single heterosexual women who are living alone may adopt from Haiti, Guatemala, India, Vietnam, rarely China.
- At least one applicant must be citizen of the United States.
- Age
 - * Korea: 25-44
 - * China: 30-50
 - * Guatemala: 25-50
 - * India: 27-42
 - * Vietnam: 25-50

• **Procedure** - Varies depending on country• **Yearly number of adoption by country** - 2005 figures

- Korea: 75
- China: 55
- India: 13
- Ukraine: 4
- Guatemala: 41
- Haiti: 6

• **Cost**

- Korea: \$18,100 (total w/ travel)
- China: \$15,260-\$16,310 (total w/ travel)
- Guatemala: \$28,250 (total w/ travel)
- India: \$13,975-\$14,975 (total w/ travel)
- Vietnam: \$19,050-20,080 (total w/ travel)



• **Any special policy for Korean adoption?**

- No more than 10 years age difference between husband and wife for Korea
- Couples must be married for a minimum of 3 years.

• **Source** <http://www.dillonadopt.com/policies.htm>

■ **Family & Children's Agency, Inc. (FCA)**

Address: 9 Mott Avenue Norwalk, CT 06850, USA

Telephone: +1-203-855-8765

Website: <http://www.familyandchildrensagency.org>

Email: mschneider@fcagency.org / ksacco@fcagency.org

Person in charge: Mary Kate Schneider, Director

Kathleen Carney Sacco, Korea Program Coordinator

[COUNTRY/STATE] USA / Connecticut

[YEAR OF SET-UP] Began Korean adoption 1982- FCA has been in existence for over 60 years

[INTER-COUNTRY ADOPTION]

• **Who may be adopted?** Children from Korea, China, Taiwan, Russia

• **Who may adopt?**

- As far as age restrictions or marital status-this is often dictated by the country requirements.
- If parents are adopting overseas-US regulations require at least one parent has to be a US citizen and the parents also have to have a national police clearance completed.

• **Procedure**

- Parents fill out application
- Go through the home study process and education
- Some countries have dossier packets that have to be compiled
- Receive the referral of a child
- Review referral
- Get child home and go through post placement requirements

• **Yearly number of adoption by country** - Approximate numbers

- Korea: 60
- China: 100
- Taiwan: 10
- Russia: 20
- Domestic: 5

- **Cost** \$20-40,000

- **Any special policy for Korean adoption?**

- Parents are given additional education regarding transracial adoption issues.

- **Source**

- <http://www.jcics.org>

- <http://www.uscis.org>

- http://www.childwelfare.gov/systemwide/laws_policies/statutes/intercountryall.pdf

- <http://www.coanet.org>

- http://www.travel.state.gov/family/adoption/adoption_485.html

[DOMESTIC ADOPTION]

- **Who may be adopted?**

- Domestic infant adoption: Infants voluntarily relinquished by birth parents

- Public or state adoptions: Those children who have been removed from the birth families due to abuse, neglect, etc. The parental rights have been terminated by the courts and the children are available for adoption.

- **Who may adopt?**

- Domestic infant adoptions: Birth parents select the adoptive Family

- State adoptions: Generally no requirements about marital status, age, etc. Some state have passed laws stating that same sex couples (homosexual) couples are not allowed to adopt

- **Procedure** Same as intercountry adoption

- **Yearly number of adoption** Only about 5-10 domestic infant adoptions

- **Cost** Infant adoptions \$22,000



■ Lutheran Social Service of Minnesota

Address: 2414 park Avenue, Mpls., MN 55404, USA

Telephone: +1-612-871-0221

Website: <http://www.minnesotaadoption.org>

Email: rsmith@lssmn.org

Person in charge: Richard Smith

Director of Adoption and Birth Parent Services

[COUNTRY/STATE] USA / Minnesota

[YEAR OF SET-UP] 50 plus years

[INTER-COUNTRY ADOPTION]

• **Who may be adopted?**

- Varied includes Columbia, Guatemala, China, Vietnam and others
- No longer handles Korean adoption

• **Who may adopt?** Varies

• **Procedure**

- Pre-adoption training
- Assessment required

• **Yearly number of adoption by country** 150

• **Cost**

- Vietnam : \$16,220
- Colombia : \$16,550
- Guatemala: \$24,130
- China : \$17,625
- Russia : \$24,380 - \$24,565
- Ukraine : \$15,350 - \$22,850

• **Source** <http://www.minnesotaadoption.org>

[DOMESTIC ADOPTION]

• **Who may be adopted?** Varies

• **Who may adopt?** Varies

- **Procedure**

- Information Meeting
- Registration
- Application
- Adoption Training Seminars
- Adoption (Home) Study Interviews
- Submit Family Profile Book
- Match Meeting: Birth parents and adoptive parents
- Cooperative Agreement Meeting: Birth parents and adoptive parents
- Placement of Infant with the Adoptive Family
- Post Placement Supervision
- Finalization of Adoption/Legal Adoption
- Open Adoption Relationship Building

- **Yearly number of adoption** 150

- **Cost** \$16,000 + up

- **Source** <http://www.minnesotaadoption.org>

■ Spence-Chapin Services

Address: 6 East 94th Street New York, NY 10128, USA

Telephone: +1-212-369-0300

Website: <http://www.spence-chapin.org>

Person in charge: Jeannie Dunn, Coordinator, Korea

[COUNTRY/STATE] USA / New York

[INTER-COUNTRY ADOPTION]

- **Who may be adopted?**

- Over 6 months
- Orphanage (institutional care), foster care, combo of both

- **Who may adopt?**

- Married couples
- Singles in some countries
- American citizen(s)
- Over 25 years



Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

- **Procedure**
 - Court proceedings w/ final adoption in some countries
 - IR3 + IR4 visas
- **Yearly number of adoption by country** 112 in 2005
- **Cost** \$6,000 - \$22,000 (Sliding fee scale for S-C fees)
- **Any special policy for Korean adoption?** SWS Guidelines
- **Source** <http://www.spence-chapin.org>

[DOMESTIC ADOPTION]

- **Who may be adopted?** Children from birth and older
- **Who may adopt?** All ages, race, religion with clear parental ability
- **Procedure**
 - Home study and follow-up meetings
 - Supporting documentation
- **Yearly number of adoption** 75
- **Cost** \$0 - \$28,000 (Sliding fee)
- **Source** <http://www.spence-chapin.org>

■ Welcome House® Adoption Program of Pearl S. Buck International

Address: 520 Dublin Road Perkasie, PA 18944, U.S.A.

Telephone: +1-215-249-0100 (extension 137)

Fax: +1-215-249-9657

Website: <http://www.pearlsbuck.org>

Email: lboiarski@pearlsbuck.org

Person in charge: Leonette Boiarski

Director of Welcome House® and Opportunity Programs

[COUNTRY/STATE] USA / Pennsylvania

[YEAR OF SET-UP] 1949

[INTER-COUNTRY ADOPTION]**• Who may be adopted?**

- Under 16 years of age
- Birth country: Korea, China, The Philippines, Vietnam
- Gender and age
 - *Korea: more boys available than girls; usually 5 months to 2 years of age
 - *China: mostly girls; usually 10 to 14 months of age, although children up to age 14 can be adopted
 - *The Philippines: mostly boys; usually children 5 years old and older
 - *Vietnam: mostly boys although children of both genders need families; usually 6 to 14 months of age, although older children are also waiting to be adopted

• Who may adopt?

- From Korea
 - *25 to 44 years old
 - *Married couples: must be married for 3 years or more
At least one spouse must be U.S. citizen
- From China
 - *Married couples: married for 2 years or more. 30 to 55 years
 - *Single women: 30 to 50 years old
 - *At least one spouse must be U.S. citizen
- From the Philippines
 - *At least 27 years old
 - *Age difference between parent and child: at least 16 years but no more than 47 years
 - *Married couples: must be married at least for 3 years
 - *Single women
 - *At least one spouse must be U.S. citizen
 - *Religion: The family must be an active member of a religious community
- From Vietnam
 - *25 to 55 years
 - *Couples in a committed relationship for 2 or more years
 - *Single women
 - *At least one spouse must be U.S. citizen

• Procedure

- Submit the application.
- Both adoptive parents must attend a one-day pre-adoptive parent training.
- The Adoption Coordinator visits the adoptive family's home and interviews the family members.
- The family's home study or dossier is then sent to the country that the family hopes to adopt from.
- Families wait to receive a referral of a specific child.
- After the family accepts the referral, they wait either for travel or for their child to be escorted to the US.
- When the families return home they will have several post-placement visits with their Adoption Coordinator.

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

• Yearly number of adoption by country

- 2005 figures
 - *Korea: 57
 - *China: 25
 - *The Philippines: 3

• Cost

- Korea : \$23,730 (total cost: \$24,430)
- China : \$10,245 (total cost: \$20,745)
- The Philippines: \$12,050 (total cost: \$17,150)
- Vietnam : \$19,500 (total cost: \$26,100)

• Any special policy for Korean adoption?

Families adopting for the first time through Pearl S. Buck International cannot request the gender of their child. Families adopting for a second time may request either a boy or a girl.

• Source

- <http://www.uscis.gov>: U.S. Citizenship and Immigration Services
- Under "Services and Benefits" there is a section on inter-country adoption.
- <http://www.icab.com.ph>: Intercountry Adoption Board in the Philippines
- <http://www.china-ccaa.org>: China Center of Adoption Affairs
- <http://www.pearl-s-buck.org/welcomehouse>: Welcome House® Adoption Program of Pearl S. Buck International

[DOMESTIC ADOPTION]

• Who may be adopted?

- Birth County: United States of America
- Health: Nearly all of the children have some special needs, particularly emotional and behavioral special needs
- Gender and age: The children are primarily boys between 10 and 18 years of age. There are sibling groups waiting for families as well.

• Who may adopt?

- No age restriction
- Couples must have been in a committed relationship for at least 2 years
- Single men and single women
- It is recommended that at least one parent should be a U.S. citizen

• Procedure

- Submit the application.
- Both adoptive parents must attend a one-day pre-adoption training, focusing specifically on the needs of children who have been abused and neglected.

- The Adoption Coordinator visits the adoptive family's home and interviews the family members.
- When the home study has been approved and signed, it is distributed to social workers within local child welfare agencies.
- Pre-placement visitation
- Placement
- Post-placement supervision is provided for a minimum of 6 months.

• **Yearly number of adoption** Average of 2

• **Cost** No cost to the family to adopt children from the public child welfare system.

• **Source**

<http://www.diakon-swan.org>: Pennsylvania Statewide Adoption Network

<http://www.pearl-s-buck.org/welcomehouse>: Welcome House® Adoption Program of Pearl S. Buck International

<http://www.adoptpakids.org/default.asp>: Pennsylvania Adoption Exchange

<http://www.dpw.state.pa.us>: Pennsylvania Department of Public Welfare

■ Wide Horizons For Children

Address: 38 Edge Hill Road Waltham, MA 02451, USA

Telephone: +1-781-894-5330

Fax: +1-781-899-2769

Website: <http://www.whfc.org>

Email: vpeterson@whfc.org / contact@whfc.org

Person in charge: Vicki Peterson

[COUNTRY/STATE] USA / Massachusetts

[YEAR OF SET-UP] 1974

[INTER-COUNTRY ADOPTION]

• **Who may be adopted?**

Children up to age 16 may be eligible for an Orphan visa from the U.S. government.

• **Who may adopt?**

- Married couples: at least one prospective adoptive parent must be a U.S. citizen.

- Single person must be a U.S. citizen.

- All prospective parents must meet the requirements of their agency and their state of residence.



Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

• Procedure

- Candidates for adoption apply to an agency.
- After application all candidates have several meeting with a social worker.
- A Home Study report is written which describes the prospective family.
- The prospective parents apply to the U.S. government for approval of an immigrant visa for a child.
- The orphan visa is approved once the U.S. government has approved both the preliminary application of the prospective parents and the legal documents of a prospective child for those applicants.

• Yearly number of adoption by country

Approximately 670 children from other countries in the U.S. in 2005

• Cost Generally \$20,000 to \$25,000

• Any special policy for Korean adoption?

- Wide Horizons is only allowed to place Korean children with families who live in the states of MA, NH, CT, RI, NY, VT and FL.
- Single parent adoptions are not allowed.

[DOMESTIC ADOPTION]

• Who may be adopted?

A child of any age may be adopted if the biological or adoptive parents relinquish legal custody of that child and another person or agency takes the legal responsibility of that child.

• Who may adopt?

- Married couples: either citizens of the U.S. or another country
- Single persons: either citizens of the U.S. or another country

• Procedure

- The same as that for intercountry adoption except that in the case of domestic adoption the candidates usually put together a picture album of their family plus a letter for birthparents.

• Yearly number of adoption Approximately 30

• Cost On average approximately \$30,000 to \$35,000 (covers all fees and travel expenses)

■ World Association for Children And Parents (WACAP)

Address: PO Box 88948, Seattle, WA 98138, USA

Telephone: +1-206-575-4550

Fax: +1-206-575-4148

Website: <http://www.wacap.org>

Email: wacap@wacap.org

Person in charge: Lillian Thogersen, Chief Operating Officer and acting CEO

[COUNTRY/STATE] USA / Licensed in Washington, Alaska and Oregon

[YEAR OF SET-UP] 1976

[INTER-COUNTRY ADOPTION]

• Who may be adopted?

- Children from China, India, Kazakhstan, Korea, Thailand and Russia.
- Under 15 years

• Who may adopt?

- Prospective adoptive parents must meet the guidelines set forth by the child sending country
- At least one parent must be a US citizen.

• Procedure

- Determined by the guidelines set forth by the child's sending country.
- Per US immigration standards, all prospective adoptive parents must have I-600A approval.

• Yearly number of adoption by country 2005 figures

- China : 151
- India : 22
- Kazakhstan : 0
- Korea : 32
- Thailand : 9
- Russia : 51

• Cost On average \$15,000 - \$35,000 (total fees including travel for placement)

• Source

<http://www.uscis.gov/graphics/formsfee/forms/i-600a.htm>: USCIS I-600A form

<http://www.wacap.org>: information on all of WACAP's programs can be found here (guidelines, age restrictions by country, etc.)



[DOMESTIC ADOPTION]

• Who may be adopted?

- Children from a hospital setting or private foster care situation
- Children from foster care situations through the state of their residence

• Who may adopt? At least one prospective adoptive parent must be a US citizen

• Procedure

- Apply
- Complete a home study before being eligible to adopt a child
- Once their home study is approved, an adoption coordinator will work with them to prepare any specific paperwork necessary (e.g. Family profile, photographs, birth parent letter, etc.) for referral and placement of child

• Yearly number of adoption 48

• Cost

- Placement through the state : \$0,00
- Placement from other private non-profit agencies: up to \$20,000 (total fees)

• Source <http://www.wacap.org>

■ State Adoption Statutes

Alabama

<http://www.legislature.state.al.us/CodeofAlabama/1975/127565.htm>
<http://www.legislature.state.al.us/CodeofAlabama/1975/26-10A-31.htm>

Alaska

http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattxo4/query=*/doc/{t11400}?
http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattxo4/query=*/doc/{t11417}?

Arizona

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=8>
<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/8/00121.htm&Title=8&DocType=ARS>

California

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=09001-10000&file=9200-9206>

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=08001-09000&file=8600-8622>

<http://www.weblocator.com/attorney/ca/law/co8.html> (Overview)

Colorado

<http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0>

Connecticut

<http://www.cga.ct.gov/2005/pub/Chap803.htm>

Delaware

http://198.187.128.12/delaware/lpext.dll/Infobase/13bfo/14568?f=templates&fn=fs-main-doctoc.htm#JD_t13ch9

Florida

http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&URL=Choo63/titloo63.htm

http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Choo63/SEC142.HTM&Title=----->2004----->Choo63----->Section%20142#0063.142

<http://www.weblocator.com/attorney/fl/law/family.html#110> (overview)

Georgia

<http://www.legis.ga.gov/legis/GaCode/?title=19&chapter=8>

Hawaii

http://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0578/HRS_0578-.htm

http://www.capitol.hawaii.gov/hrscurrent/vol12_cho501-0588/hrs0578/HRS_0578-0015.html daho

Idaho

<http://www3.state.id.us/idstat/TOC/16015KTOC.html>

<http://www3.state.id.us/cgi-bin/newidst?sctid=160150011.K>

<http://www3.state.id.us/cgi-bin/newidst?sctid=390020059.K>

Illinois

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2098&ChapAct=750%26nbsp%3BILCS%26nbsp%3B50%2F&ChapterID=59&ChapterName=FAMILIES&ActName=Adoption+Act%2E>

<http://www.ilga.gov/legislation/ilcs/documents/0750005ook18.1.htm>

<http://www.weblocator.com/attorney/il/law/adoplaw.html> (overview)

Indiana

<http://www.in.gov/legislative/ic/code/title31/ar19/>

<http://www.in.gov/legislative/ic/code/title31/ar19/ch21.html>



Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

Iowa

<http://www2.legis.state.ia.us/IACODE/1999/600/>

Kansas

<http://www.kslegislature.org/legsrv-statutes/getStatute.do?number=22401>

<http://www.kslegislature.org/legsrv-statutes/getStatute.do?number=22407>

Kentucky

<http://lrc.ky.gov/KRS/199-00/CHAPTER.HTM>

Louisiana

<http://www.legis.state.la.us/lss/lss.asp?doc=72658>

<http://www.legis.state.la.us/lss/lss.asp?doc=72642>

Maine

<http://janus.state.me.us/legis/statutes/18-A/title18-Ach9seco.html>

<http://janus.state.me.us/legis/statutes/22/title22sec2706-A.html>

Maryland

<http://198.187.128.12/maryland/lpext.dll/Infobase/261e8/266a7?f=templates&fn=fs-main.htm&2.0>

Massachusetts

<http://www.mass.gov/legis/laws/mgl/210-1.htm>

<http://www.mass.gov/legis/laws/mgl/210-5d.htm>

Michigan

[http://www.legislature.mi.gov/\(gktxifvqzulohm55gflkyg45\)/mileg.aspx?page=getobject&objectname=mcl-710-68&highlight=](http://www.legislature.mi.gov/(gktxifvqzulohm55gflkyg45)/mileg.aspx?page=getobject&objectname=mcl-710-68&highlight=)

[http://www.legislature.mi.gov/\(f2zqex45lfo2fhznq5ltpu45\)/mileg.aspx?page=getobject&objectname=mcl-710-21&highlight=](http://www.legislature.mi.gov/(f2zqex45lfo2fhznq5ltpu45)/mileg.aspx?page=getobject&objectname=mcl-710-21&highlight=)

Minnesota

<http://www.revisor.leg.state.mn.us/stats/259/89.html>

<http://www.revisor.leg.state.mn.us/stats/259/>

<http://www.weblocator.com/attorney/mn/law/family.html#18o> (overview)

Mississippi

<http://198.187.128.12/mississippi/lpext.dll/Infobase/3603e/3643c?fn=fs-main.htm&f=templates>

<http://198.187.128.12/mississippi/lpext.dll/Infobase/3603e/3669f/367c6/367d9?fn=fs-main.htm&f=templates>

Missouri

<http://www.moga.state.mo.us/STATUTES/C453.HTM>

<http://www.moga.state.mo.us/statutes/C400-499/4530000120.HTM>

Montana

http://data.opi.state.mt.us/bills/mca_toc/42.htm

http://data.opi.state.mt.us/bills/mca_toc/42_6.htm

Nebraska

<http://statutes.unicam.state.ne.us/Corpus/statutes/chap43/R4301013.html>

<http://statutes.unicam.state.ne.us/corpus/chapall/chap43.html>

Nevada

<http://www.leg.state.nv.us/NRS/NRS-127.html>

<http://www.leg.state.nv.us/NRS/NRS-127.html#NRS127Sec152>

New Hampshire

<http://www.gencourt.state.nh.us/rsa/html/indexes/170-B.html>

<http://www.gencourt.state.nh.us/rsa/html/XII/170-B/170-B-19.htm>

North Dakota

<http://www.legis.nd.gov/cencode/t14c15.pdf>

<http://www.legis.nd.gov/cencode/t14c031.pdf>

Ohio

<http://www.oscn.net/applications/oscn/index.asp?ftdb=STOKST10&level=1>

Oklahoma

<http://www.oscn.net/applications/oscn/deliverdocument.asp?citeID=64530>

<http://www.oscn.net/applications/oscn/deliverdocument.asp?citeID=64514>

Oregon

<http://www.leg.state.or.us/ors/109.html>

Pennsylvania

<http://members.aol.com/StatutesPA/23.html>

<http://members.aol.com/StatutesPA/23.Cp.29.html>

Rhode Island

<http://www.rilin.state.ri.us/Statutes/TITLE15/INDEX.HTM>

<http://www.rilin.state.ri.us/Statutes/TITLE15/15-7.2/INDEX.HTM>



South Carolina

<http://www.scstatehouse.net/code/t20c007.htm>

South Dakota

<http://legis.state.sd.us/statutes/index.aspx>

Tennessee

<http://198.187.128.12/tennessee/lpext.dll/Infobase/16a21/16a2a?f=templates&fn=fs-main.htm&2.0>

http://198.187.128.12/tennessee/lpext.dll/Infobase/16a21/16a2a/16a64/16cfe?f=templates&fn=fs-main.htm&2.0#JD_t36ch1

Texas

<http://tlo2.tlc.state.tx.us/statutes/fa.toc.htm>

<http://www.weblocator.com/attorney/tx/law/co8.html> (overview)

Utah

http://www.le.state.ut.us/~code/TITLE78/78_29.htm

http://www.le.state.ut.us/~code/TITLE78/htm/78_29037.htm

Virginia

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC6302000>

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1247>

West Virginia

<http://www.legis.state.wv.us/WVCODE/48/masterfrm2frm.htm>

<http://www.legis.state.wv.us/WVCODE/49/masterfrm2frm.htm>

Wisconsin

<http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Wl:Default&d=stats&jd=top>

<http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Wl:Default&d=&jd=top>

II. Europe

A. Denmark

[ADOPTION AUTHORITIES]

- The Danish National Board of Adoption
Address: Stormgade 2-6 DK-1470 KØbenhavn K
Telephone: +45-33-92-33-02
Fax: +45-39-27-18-89
Website: <http://www.adoptionsnaevnet.dk>
Email: an@adoptionsnaevnet.dk
- Joint Councils: The Danish Ministry of Family and Consumer Affairs, Department of Family Affairs
Telephone: Stormgade 2-6 DK-1470 KØbenhavn K
Phone: +45-33-92-33-02
Fax: +45-39-27-18-89

[ADOPTION]

- **Who may be adopted?** Under the age of 18 years old
- **Who may adopt?**
 - Only married couples have been living together for at least 2.5 years can adopt jointly
 - At least 25 years old
 - The age difference between the applicant and the child should not be more than 40 years
- **Procedure**
 - The question whether the applicant fulfils the general conditions for approval as a prospective parent
 - Pre-adoption counseling course to provide a basis for the applicants themselves to assess, whether or not they possess the necessary resources to adopt a foreign child
 - One or more interviews with the secretariat of the joint council to investigate if the applicant possesses the individual resources to adopt a child
 - Home study report about the applicant is put before the joint council and the final decision on approval is made

Guide to Korea

FOR OVERSEAS ADOPTED KOREANS

• Yearly number of intercountry adoption by country 2001-2005

	2001	2002	2003	2004	2005	In total	Share during the last 5 years
In total	631	609	522	527	586	2875	100%
China	134	145	178	164	207	828	29%
India	115	93	65	100	65	438	15%
Colombia	88	81	58	38	37	302	11%
Korea	69	46	56	53	46	270	9%
Vietnam	62	75	19	13	72	241	8%
Ethiopia	22	20	40	41	30	153	5%
Bolivia	17	23	14	20	30	104	4%
South Africa	0	8	13	26	46	93	3%
Czech Republic	20	19	16	18	13	86	3%
Thailand	22	19	10	17	16	84	3%
Belarus	13	25	19	15	0	72	3%
Bulgaria	15	22	10	3	4	54	2%
Philippines	5	9	5	5	7	31	1%
Ecuador	8	7	7	3	0	25	1%
Peru	5	7	2	3	1	18	1%
Hungary	9	3	2	0	0	14	0%
Poland	8	0	1	1	4	14	0%
Guatemala	3	1	1	2	4	11	0%
Nepal	3	4	1	1	0	9	0%
Rumania	6	0	0	0	0	6	0%
Burkina Faso	2	0	4	0	0	6	0%
Haiti	0	1	1	2	0	4	0%
Sri Lanka	0	0	0	2	2	4	0%
Slovakia	2	0	0	0	0	2	0%
Lithuania	0	1	0	0	0	1	0%
Estonia	1	0	0	0	0	1	0%
Latvia	1	0	0	0	0	1	0%
Namibia	0	0	0	0	1	1	0%
Uzbekistan	0	0	0	0	1	1	0%
Nicaragua	1	0	0	0	0	1	0%

• **Source** http://www.adoptionsnaevnet.dk/info_english/adoptions.htm

B. France

[ADOPTION AUTHORITIES]

- Administrative procedure
 - *The Head of the District Council (“President du Conseil General du departement”)
 - *The Childhood Social Services (“service de l’aide sociale a l’enfance”)
 - *The Assent Commission (“Commission d’agrement”)
- Judicial procedure: the District Court (“Tribunal de Grande Instance”)
- Mission for International Adoption (“Mission de l’Adoption Internationale”)
- : Provides security and certainty to the process of international adoption
- Address: 244 Bd Saint German 75303 PARIS 07 SP
- Telephone: +33-1-43-17-90-90
- Fax: +33-1-43-17-93-44
- Website: <http://diplomaie.gouv.fr/mai>

[ADOPTION]

• Two kinds of adoptions

- Plenary adoption (“adoption Pleniére”): The adopter(s) and the adopted child assume the same legal relationship as if the children had been born to the adopter(s) within marriage
- Ordinary adoption (“adoption simple”): adopted child keeps some legal bond with his original family while being given a legal relationship with his new family

• Who may be adopted?

- Under fifteen
 - *Only allowed where the child has lived in home of the prospective adopter(s) for at least six months
 - *Be the subject of an ordinary adoption
- Older than fifteen: Plenary adoption is permitted during the minority of the child and within two years following his coming of age

• Who may adopt?

- Married couple has lived together (not judicially separated) more than two years unless both are older than 28 years
- Married person alone
- Single person must be over 28 years
- Adopters must be 15 years older than the child

• Procedure

- Administrative procedure
 - *Request for adoption to the Head of the District Council (“President du Conseil General du departement”) of the district in which the applicant resides
 - *The Childhood Social Services (“service de l’aide sociale a l’enfance”) informs applicants,



inter alia, on psychological and legal aspects of adoption, on the number of wards, and the number of persons who received an assent

*Apply with

- ① a copy of his/her birth certificate and family file ("livret de famille") if the applicant has children
- ② a copy of his/her police record (bulletin n°3 du casier judiciaire)
- ③ a medical certificate attesting that his/her health and the health of those persons living in his or her home are compatible with welcoming the adopted child
- ④ any document attesting to his/her financial means

*Interviews with agents of the District Council for assessing the proposed adoption

*The Assent Committee ("Commission d'agrément") gives its opinion regarding the applicant's adoption proposal

*Applicant is notified of the grant or the refusal within nine months of the registration of the application

- Judicial procedure

*Request for a formal adoption order to the local District Court of the district in which the applicant resides through the service of a lawyer or directly to the Procureur de la Republique (a judge who intervenes on behalf of the State) if the child is younger than 15 years

*The Court examines the request

*The Court notifies the grant or the refusal

*The Court judgment can be appealed within 15 days of receipt, by applicant, Procureur de la Republique, or a third party who was notified the decision

• **Source** <http://www.adoptionpolicy.org/pdf/eu-france.pdf>

C. Germany

[ADOPTION AUTHORITIES]

- The Central Authorities (Central Agencies of the Federal States and the Federal Prosecutor General (Generalbundesanwalt)): placement of international adoptions
- Public Youth Welfare Authorities of Local Governments and City Councils: placement of domestic adoptions

[ADOPTION]

• Who may be adopted?

- There is no minimum age for a child to be adopted. However parents who give up their child for adoption may not consent to adoption until the child has reached the age of eight weeks
- There is no maximum age. However a person who has reached the age of majority may only be adopted if the adoption is "morally justified" (sittlich gerechtfertigt)

- **Who may adopt?**

- Married couple living together can adopt jointly.: Married person cannot adopt alone
- Unmarried individuals can adopt alone
- Registered partner (like one of same sex couple) can adopt alone
- The minimum age: 25years old
- There is no maximum age prescribed by law

- **Procedure:** covered under the FGG

- **Source** <http://www.adoptionpolicy.org/pdf/eu-germany.pdf>

D. The Netherlands

[ADOPTION AUTHORITIES]

- The Dutch Civil Courts: oversee the domestic adoption process
- The Minister of Justice: grant approval for foreign adoptions
- The Dutch Council for the Protection of Children: investigations of the adoptive family in both intercountry and domestic adoption

[INTERCOUNTRY ADOPTION]

- **Who may be adopted?**

- Under the age of six at the time of their arrival in The Netherlands

- **Who may adopt?**

- Married couple of a different sex
- Single person
- Each of applicant adoptive parent(s) must be under the age of 42
- The age difference between the child and the applicant parent may not exceed 40 years

- **Procedure**

- Adoption order: It is not necessary to have a decision by a Dutch court if an adoption order issued in the state of origin of the child is recognized in the Netherlands
- Consents: The applicant parents must demonstrate, by means of records, that the biological parent(s) have given up the child for adoption
- Interim orders: It is not necessary of one or three years' placement in the host if an adoption order issued in the state of origin of the child is recognized in the Netherlands



[DOMESTIC ADOPTION]

• Who may be adopted?

- Under the age of 18 at the date of the first request for adoption

• Who may adopt?

- Couple have been living together for at least three years and must have cared for and raised the child for at least one year: It is not relevant whether they are married or not, and whether they are same-sex couple or not, either
- Single person: generally must have cared for and educated the child for the preceding three years
- Each of applicant adoptive parent(s) must be at least 18 years older than the child

• Procedure

- Adoption order: Court decision by the Dutch civil courts
- Consents: The child reached the age of 12 years at the date of the request for adoption and the child's biological parents may object to the adoption
- Interim orders: It is necessary for a child to be cared for and educated for either one or three years by the applicant adoptive parents

- **Source** <http://www.adoptionpolicy.org/pdf/eu-netherlands.pdf>

E. Norway

■ Children of the World, Norway

Address: Bogstadveien 27 B0355 Oslo, Norway

Telephone: +47-22-59-52-00

Fax: +47-22-59-52-01

Website: <http://www.verdensbarn.no>

Email: adopsjon@verdensbarn.no

Persons in Charge: Una Sveen

[ADOPTION AUTHORITIES] The Ministry of Children and Family Affairs

[INTERCOUNTRY ADOPTION]

• Who may be adopted?

- The age of children vary from country to country

• Who may adopt?

- Married couple have been living together for a minimum of two years
- Persons no more than 45 years old

- **Procedure**

- Apply for advance approval
- Social report: The competent authority makes a home study of the family, interview them and writes a social report on the application, consisting of two parts:
 - (1) A summary of the applicants background, marriage, everyday life, interests, motives for wanting to adopt a child from abroad etc.
 - (2) A description of the social worker's impressions of the family and their capabilities to become parents by adoption

- **Yearly number of adoption by country**

- In 2005, a little less than 500 children were adopted from Asia
- More than 300 children came from China and 81 came from Korea

- **Cost** NOK 77,500~ (\$11,737~)

- **Any special policy for Korean adoption?**

Any one couple who has an advance approval from Norwegian government and has been married for 3 years when they receive a referral, can adopt from Korea

[DOMESTIC ADOPTION]

- **Who may adopt?**

- Married couples can adopt jointly
- At least 25 years old

- **Procedure**

- The application is handled and decided only by Regional Offices of Children and Youth and Family Affairs

- **Yearly number of adoption**

- Step children adoption: 140
- Consent adoptions: less than 20

- **Cost** Domestic adoptions do not go through an adoption organization, and do not cost anything

- **Source**

<http://www.bufetat.no/filestore/Bufetatno dokument/Adopsjon/IntercountryadoptioninNorway.doc>
<http://www.odin.no/bld/english/doc/legislation/acts/004021-200002/dok-bn.html>



F. Sweden

[ADOPTION AUTHORITIES]

- The Swedish National Board for Intercountry Adoptions ("NIA"): Intercountry adoption
- The Local Child Welfare Authority: Domestic adoption
- The Local Social Welfare Authority: Investigation

[INTERCOUNTRY ADOPTION]

• Procedure

- As soon as the child arrives in Sweden it must be reported to the local social welfare authority
- From arrival and till the completion of the formalities of the adoption in Sweden, the family is under the supervision of the social authorities
- If the adoption is completed in the child's country of origin, the adoptive parents must apply to the Swedish National Board for Intercountry Adoptions (NIA) in order to have the adoption order declared valid in Sweden
- If the child has not been adopted in its country of origin, the prospective parents by adoption have to apply for adoption by petitioning a Swedish District Court

• Yearly number of intercountry adoption by country

- 2001: 1044
- 2002: 1107
- 2003: 1046
- 2004: 1109

[DOMESTIC ADOPTION]

- **Who may be adopted?** Under the age of 18 years

• Who may adopt?

- Married couple can adopt jointly
- Single person
- Homosexual couples legally registered
- Over 25 years old
- No upper age limit statutorily specified

• Procedure

- Home study: Investigation of prospective adoptive family taking into consideration of the followings by The Local Social Welfare Authority
 - *Previous conditions as to their childhood and adolescence, education, occupations and relations to parents and brothers and sisters
 - *Present living conditions

- *Previous and present state of health
- *Personality
- *Religious affiliation and/or attitudes
- *Marriage and marital relationships
- *Motives for adoption
- *Knowledge and experience of children, ideals of upbringing
- *Expectations and preparations as to parenthood
- *References from at least two persons who know the applicants well
- *Assessment of the resources of the applicants as adoptive parents and their ability to take care of children of a certain age and with certain needs
- Obtain consent from The Local Child Welfare Authority
- Apply to the district court for adoption

• **Yearly number of domestic adoption** 113 in 2000

• **Source**

<http://www.adoptionpolicy.org/pdf/eu-sweden.pdf>

<http://www.helplinelaw.com/law/sweden/adoption/adoption1.php>

<http://www.mia.eu>

G. Switzerland

[INTERCOUNTRY ADOPTION]

• **Procedure**

- Based on the Hague Convention, an adoption pronounced abroad is acknowledged in Switzerland through a facilitated procedure. A wardship is also pronounced so as to provide the parents and child with support and follow-up
- This wardship lasts for maximum 18 months
- If the Hague Convention is not applicable for the country from which adoption is made then an adoption performed in the foreign country of residence or of origin of the adoptive parents may be acknowledged in Switzerland and recorded in the Swiss civil status registers
- One pronounced, the adoption ruling is notified to the Registry Offices which enter a new record for the child

[DOMESTIC ADOPTION]

• **Who may adopt?**

- Couples married for 5 years
- Unmarried person
- Over 35 years old



• Procedure

- Any adoption plan must be approved by the competent cantonal authority which carries out
- A social investigation and draws up a report on the parents, leading to a provisional authorization for placement of the child
- The parents may then take the necessary steps abroad, either personally or with the help of local institutions to advise them
- In general, such independent institutions serve as intermediaries between the child to be adopted and its future parents
- In case of international adoptions, one must ensure that an adoption pronounced abroad actually serves the child's overriding interest
However, the proof of consent of the biological parents, assessment of the child's interests by the competent authorities is essential
- The duration of the child's placement is one year, together with a guardianship order

• **Source** <http://www.helplinelaw.com/law/switzerland/adoption/adoption.php>

■ Adoption Statutes

Denmark

http://www.adoptionsnaevnet.dk/info_english/legal.htm

Germany

<http://www.iuscomp.org/gla/statutes/AdVermiG.htm>

The Netherlands

<http://legalminds.lp.findlaw.com/list/queerlaw/msg02312.html>

Norway

<http://www.odin.no/bld/english/doc/legislation/acts/004021-200002/dok-bn.html>

Sweden

<http://www.finlex.fi/sv/laki/kaannokset/1985/en19850153.pdf>

III. Oceania

A. Australia

■ Adoption and Family Information Service, Families SA, Department for Families and Communities Government of South Australia

Address: 45 Walefield Street Adelaide, SA 5000, Australia

Telephone: +61-8-8207-0060

Fax: +61-8-8207-0066

Website: <http://www.adoptions.sa.gov.au>

Email: cynthia.beare@dfc.sa.gov.au

Person in charge: Cynthia Beare, Manager

[COUNTRY/STATE] South Australia

[INTERCOUNTRY ADOPTION]

• Who may adopt?

- The person is a permanent resident of Australia
- The person is living in South Australia
- The person is an Australian citizen, and in the case of joint applicants, at least one of the applicants is an Australian citizen

• Procedure

- Application and assessment (Home study)
- Approval and preparation
- Matching of a child
- The child enters Australia
- The legal requirements

• **Cost** AUS 15,000 - AUS 30,000

• **Source** http://www.adoptions.sa.gov.au/Section4/4_adopt_os_child.htm

[DOMESTIC ADOPTION]

• Who may adopt?

- Applicants must be permanent residents of Australia
- Applicants must live in South Australia
- At least one of the applicants must be an Australian citizen



- **Procedure**

- Initial Screening: Inquiry, interview
- Workshop / Application / Assessment
- Allocation / Placement
- After the adoption Order

- **Yearly number of adoption** 3-6 children under the age of 12 months

- **Cost** More than Aus 3,000

- **Source** http://www.adoptions.sa.gov.au/Section3/3_adopt_aust_child.htm

■ Adoption and Guardianship Consultancy & Counseling

Address: PO Box 200, Mt. Helena, WA 6082, Australia

Telephone: +61-8-9512-1326

Fax: +61-8-9572-1326

Email: trosenwald@iinet.net.au

Person in charge: Trudy Rosenwald (formerly of Adoptions International of Western Australia)

[COUNTRY/STATE] Western Australia

[YEAR OF SET-UP] 1996

[INTERCOUNTRY ADOPTION]

- **Who may be adopted?**

- Under 18 years
- Child from China, Ethiopia, Hong Kong, India, South Korea, the Philippines, Sri Lanka, Taiwan and Thailand
- Child must be at least one year younger than any other child in your Family

- **Who may adopt?**

- Over 18 years
- If in a marriage or de facto relationship, the relationship has existed for at least 3 years
- At least one person must be an Australian citizen and the other be a citizen of a country that gives similar rights to adopted persons
- Resident or domiciled in Western Australia
- The maximum age difference between the child and the youngest of the applicants is 45 years and 50 years between the child and the oldest applicant in case of the first adoption

- **Procedure**

- Enquiry
- Attending the education seminars
- The formal application to adopt, followed by assessment and approval
- Once approved to adopt a suitable match with a child may be found
- Placing the child with the adoptive parents and proceeding to apply for the Adoption Order from the Family Court
- Application for Adoption Order

- **Cost** \$8,000 to \$25,000 (total cost)

- **Source**

<http://www.aihw.gov.au/publications/index.cfm/criteria/adoption/subject/5>
<http://www.community.wa.gov.au/Resources/Adoption/>

[DOMESTIC ADOPTION]

- **Who may be adopted?**

- The same at that for intercountry adoption

- **Who may adopt?**

- The same at that for intercountry adoption except that in the case of domestic adoption allow same sex couples to apply to adopt and have their suitability assessed

- **Source**

<http://www.aihw.gov.au/publications/index.cfm/criteria/adoption/subject/5>
<http://www.community.wa.gov.au/Resources/Adoption/>

■ Adoption Statutes

Australia

http://www.austlii.edu.au/cgi-bin/download.cgi/download/au/legis/act/consol_act/aa1993107.txt

South Australia

http://www.austlii.edu.au/au/legis/sa/consol_act/aa1988107/index.html#s4

New South Wales

http://www.austlii.edu.au/au/legis/nsw/consol_act/aa2000107/



Western Australia

http://www.austlii.edu.au/au/legis/wa/consol_act/aa1994107/

Northern Territory

http://www.austlii.edu.au/au/legis/nt/consol_act/aoca191/

Queensland

http://www.austlii.edu.au/au/legis/qld/consol_act/aoca1964191/

Tasmania

http://www.austlii.edu.au/au/legis/tas/consol_act/aa1988107/

Victoria

http://www.austlii.edu.au/au/legis/vic/consol_act/aa1984107/

IV. Asia

A. Japan

Provided: Nobe Yoko
Ph. D. student, Tokyo University
Email: yoko_nobe@hotmail.com

[ADOPTION AUTHORITIES]

The Ministry of Justice, The Department of Civil Affairs

[RELATED LAWS AND ORDINANCES]

The Civil Law , Article 792-817, Ordinary adoption (effected in 1898)

The Civil Law , Article 817 , 2-17 Special adoption (effected in 1988)

Kind of Adoption		Ordinary adoption	Special adoption
Purpose		Not stated	To promote child's interest taking a serious view of child's welfare
Effect		1898	1988
Conditions of Adoption	Adopter	Single persons can adopt	Married couples can adopt jointly
	Age of adopter	Majority (including by marriage)	At least one of the couple is over 25 years old
	Age of adoptee	No limit	Under 6 years old at the time of application in principle
Conditions of Adoption	Consent	Consent of biological parents is necessary	Consent of biological parents is necessary (in a case of a illegitimate child without affiliation, consent of father is not necessary)
	Necessities of Adoption(Conditions of protection required)	Nothing special	Impossible to be raised by biological parents and considerably inappropriate of supervision and protection for child
Procedure of Adoption	Duration of care for and raising child	Nothing special	Duration of care for and raising child for more than 6 months
	Means of Adoption	By agreement(of the parties)	By judgment

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Kind of Adoption		Ordinary adoption	Special adoption
Effect of adoption	Relationship with biological parents and relatives	Continues	Ends
Cancellation of adoption	Conditions	Possible by agreement of the parties	Principally not approved (but it is possible if there is a proof that the adoptive relationship keeps harming the child's welfare)
	Presentation	By adopter or adoptee (over 15 years old)	By adoptee (over 15 years old), biological parents, prosecutor (no adopter)
		By a legal representative for under 15 years old	
Listing in the family register	Parents	Names of both biological parents and adoptive parents	Names of adoptive parents only
	Relationship	Adoptive son, adoptive daughter	The same as real child
	Statement	Stated as adoptive son, adoptive daughter	Not stated

[INTERCOUNTRY ADOPTION]

- Intercountry adoption is not specified in the law
- Applicable with the procedure of Ordinary Adoption and Special Adoption of the Civil Law

• Procedure

- Adoption intermediary is not specified in the law, but there is a notice from Ministry of Health, Labour and Welfare, [About the guidance of adoption intermediary commencement](1987)
- Three types of intermediary
 - * Through a child consultation center
 - * Through a private organization
 - * Through individuals (such as lawyer, a maternity clinic)

• Yearly number of adoption The number of children adopted to USA (1991-1995)

- 1991: 83
- 1992: 71
- 1993: 64
- 1994: 49
- 1995: 63

INTERNATIONAL KOREAN ADOPTEE RESOURCE BOOK

• **Cost**

- Not specified in the law
- No cost through a child consultation center
- Varies through a private organization, individuals (such as lawyer, a maternity clinic)
- According to a survey, it varies from ¥ 0 to ¥ 2,000,000

• **Source**

<http://www.moj.go.jp/MINJI/index.html>: The Ministry of Justice, The Department of Civil Affairs

<http://www.issj.org/index-j.html>: International Social Service Japan

[DOMESTIC ADOPTION]

- **Procedure** The same as intercountry adoption
- **Yearly number of adoption** 1988-2003

Year	Ordinary Adoption	Special Adoption
1988	1,726	730
1989	1,491	1,205
1990	1,397	743
1991	1,386	578
1992	1,185	496
1993	1,146	460
1994	1,074	452
1995	956	479
1996	971	426
1997	760	361
1998	759	375
1999	994	381
2000	994	362
2001	976	346
2002	960	349
2003	1,113	357

※ **Gender of Adoptees through Special Adoption**

	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Male	319	571	398	292	234	244	238	250	223	179	205
Female	411	634	345	286	235	216	214	229	203	182	170
Total	730	1205	743	578	469	460	452	479	426	361	375

(Source: Justice Statistics)

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※ Age of Adoptees through Special Adoption

	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Total	730	1205	743	578	469	460	452	479	426	361	375
Age 0	37	147	145	124	109	114	100	126	125	90	102
Age 1	69	130	101	102	88	92	94	107	82	74	65
Age 2	112	150	117	86	84	77	94	80	74	75	63
Age 3	112	155	86	69	65	52	70	70	61	43	52
Age 4	98	129	64	35	37	48	20	31	31	29	36
Age 5	123	178	102	76	40	42	38	35	24	30	37
Age 6	84	162	68	53	26	16	27	18	15	10	15
Age 7	95	154	60	33	20	19	9	12	14	10	5
Age over 8 and unknown	-	-	-	-	-	-	-	-	-	-	-

(Source: Justice Statistics)

※ Legitimacy of Adoptees through Special Adoption

	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Number of special adoption	730	1205	743	578	469	460	452	479	426	361	375
Legitimate	199	342	163	112	89	88	76	97	45	63	54
Illegitimate (with affiliation)	49	64	41	28	18	28	22	24	15	14	15
Illegitimate (without affiliation)	482	799	539	438	362	344	354	358	366	284	306

(Source: Justice Statistics)

• **Cost** The same as intercountry adoption

• **Source**

<http://www.moj.go.jp/MINJI/index.html>: The Ministry of Justice, The Department of Civil Affairs

<http://www.issj.org/index-j.html>: International Social Service Japan