



International Adoption

Cambodia • Vietnam • China • Bulgaria • Kazakhstan
Romania • Russia • Ukraine • Haiti • India • South
Korea

October 2006

LL File No. 2006-03298
LRA-D-PUB-002312

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2006-03298

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CAMBODIA, VIETNAM
INTERNATIONAL ADOPTION**

CAMBODIA

The Law on Marriage and Family was passed by the National Assembly on July 17, 1989, and promulgated on July 26, 1989.¹ As of January 2006, the Law was still in force.² Section IV of the Law governs adoption, including adoption by foreigners the adoption process.

VIETNAM

Vietnam's National Assembly adopted the Marriage and Family Law on June 9, 2000. It became effective on January 11, 2001. The Law has articles on marriage and family relationships involving foreign elements in Chapter XI. Article 105 states that foreigners applying to adopt Vietnamese children or foreign children permanently residing in Vietnam must abide by the provisions of the Law and by the laws of the country in which the applicant is a citizen. Adoption in general is governed in Chapter VIII.³

Prepared by Constance A. Johnson
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October 2006

¹ Translation widely available, including in the WORLDLII database at <http://www.worldlii.org/kh/legis/lotmaf230/> (last visited Sept. 14, 2006). Text published in 1 THE COMPENDIUM OF CAMBODIAN LAWS (Phnom Penh, 1995) (unpaginated).

² Telephone consultation with the Royal Cambodian Embassy in Washington, DC, on Jan. 18, 2006.

³ Marriage and Family Law. English translation available in A SELECTION OF FUNDAMENTAL LAWS OF VIETNAM: LATEST LEGISLATION 73-118 (Hanoi, 2001).

2006-03298

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CHINA

INTERNATIONAL ADOPTION

The China Center of Adoption Affairs (CCAA) is the institution authorized by the Chinese government to be responsible for “inter-country adoption work, the nurture of children in the social welfare institutions, and the domestic adoptions.” China’s Adoption Law and Measures for Registration of Adoption of Children by Foreigners in the People's Republic of China can be found on the CCAA website at http://www.china-ccaa.org/zcfg/zcfg_index_en.jsp.

Prepared by Rui Geissler
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SELECTED COUNTRIES OF EASTERN EUROPE
INTERNATIONAL ADOPTION

In Bulgaria, Kazakhstan, Romania, Russia, and the Ukraine, the issue of international adoption is regulated by specific provisions of the nation's primary legal act on family relations. As a rule, each country has a Family Code, as well as implementing Government regulations that define the authority of the government agency in charge of adoption, formalize the registration of prospective parents and children eligible for adoption, and specify the adoption procedure. In Kazakhstan and Russia, the court procedure for child adoption is based on a relevant ruling of the national Supreme Court. In each country, the primary legal acts in the field of adoption are the following:

Bulgaria

Family Code of the Republic of Bulgaria of 1985, amended in 1992. Published in the official gazette DERZHAVEN VESTNIK, 1992, No. 11; and

Government Regulation No. 3 of September 16, 2003 on Procedure of Adoption of Bulgarian Children by Foreigners, DERZHAVEN VESTNIK, 2003, No. 82.

Kazakhstan

Law on Marriage and Family, published in the government owned newspaper KAZAKHSTANSKAIA PRAVDA (official publication), No. 241, Dec.24, 1998;

Law on Rights of a Child, KAZAKHSTANSKAIA PRAVDA, No. 174, Aug. 13, 2002;

Government Resolution of November 12, 2002, on Approval of Rules Regarding the Adoption of Children by Foreigners, KAZAKHSTANSKAIA PRAVDA, No. 211, Nov. 17, 2002; and

Resolution of the Supreme Court of Kazakhstan of December 22, 2000, on Application of Laws Regarding Child Adoption, BIULLETEN VERKHOVNOGO SUDA (Supreme Court Bulletin), 2001, No. 1.

Romania

Family Code, Title 3; and

Law on International Adoptions, entered into force on Jan. 1, 2005, MONITORUL OFICIAL (official gazette) 273/2004.

Russia

Family Code of the Russian Federation, adopted by the Russian Federation State Duma on December 29, 1995, Title 6, Section 19; .

Civil Code of the Russian Federation, adopted by the Russian Federation State Duma on November 30, 1994, v. 1; and

Supreme Court Ruling No. 8 of April 20, 2006, on Application of Legislation by the Courts Resolving Adoption Cases, BIULLETEN VERKHOVNOGO SUDA (Supreme Court Bulletin), 2006, No. 6.

Ukraine

Family Code of Ukraine, VIDOMOSTI VERKHOVNOI RADY (official gazette), 2002, No. 21-22, Item 135;

Government Resolution No. 1377 of August 28, 2003, on Registration of Children Eligible for Adoption and Prospective Parents, OFITSYINYI VISNIK (official bulletin) 2003, No. 41, Item 3952; and

Amendments to the Law on Government Charging the Ministry of Family, Youth, and Sports with Responsibility for the Adoption process, Law No. 3335-IV, of Jan. 12, 2006.

Prepared by Peter Roudik
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October 2006

2006-03298

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HAITI

INTERNATIONAL ADOPTION

I. Adoption in Haiti

The adoption of Haitian children by Haitian citizens or foreigners is governed by a Decree of April 4, 1974 entitled "Décret du 4 Avril 1974 sur l'adoption renforçant les droits de l'adopté dans sa nouvelle famille."¹

The Institut du Bien Etre Social et de Recherches (IBESR) in Port-au Prince, Haiti, is the Haitian Government's adoption agency. It provides the necessary authorization to adopt before a Haitian court approves the adoption.²

Prepared by Nicole G. Atwill
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September 2006

¹ CODE DE LOIS USUELLES, vol. I, 379-384,

² The IBESR is located at 18, Avenue des Marguerites-Turgeau, Port-au-Prince, Haiti. The telephone number is 011-509-245-2611.

2006-03298

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INDIA

INTERNATIONAL ADOPTION

The government of India has not enacted any statute concerning international adoption. However, the Supreme Court of India, in its twenty-seven page opinion in the case of *Laxmi Kant Pandey v. Union of India*, (A.I.R. 1984 S.C. 469) has laid down the law for the international adoptions.¹

Briefly stated, a party must obtain from a court, by petition, an order of guardianship concerning the child to be adopted. The court must be satisfied concerning the economic ability of the petitioner to adopt. If the conditions of adoption set up by the court are satisfied, after obtaining an order of guardianship, the Government of India would authorize the issuance of a passport for the child to be taken out of the country.

Krishan Nehra
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October 2006

¹ The Library of Congress Photoduplication Service (Telephone: 202-707-5640) would provide copies of the above decision for a fee.

2006-03298

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SOUTH KOREA
INTERNATIONAL ADOPTION

In South Korea, there is a special law that is applied to domestic and international adoption: the Act on Special Cases Concerning the Promotion and Procedure of Adoption. The English translation of the act can be purchased at Korea Legislation Research Institute's website:

<http://elaw.klri.re.kr/indexE.jsp>. The Law Library also has a hard copy of the translation:

LC Control Number: 98453027

Main Title: Statutes of the Republic of Korea.

Description: 20 v. (loose-leaf); 25 cm.

Call No.: KPA13 1997 EAST

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October 2006