

STATE OF ORIGIN

COUNTRY NAME: Macao SAR, China

PROFILE UPDATED ON: April, 2022

PART I: CENTRAL AUTHORITY

1. Contact details ¹	
Name of office:	Instituto de Acção Social (Social Welfare Bureau)
Acronyms used:	IAS
Address:	Estrada do Cemitério, no.6, Macao, People's Republic of China
Telephone:	+853 2836 7878
Fax:	+853 2855 9529
E-mail:	psec@ias.gov.mo
Website:	www.ias.gov.mo
Contact person(s) and direct contact details (please indicate language(s) of communication):	Director of the Social Welfare Bureau (languages of communication: official language Chinese, Portuguese preferred, English)
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your State? <i>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i>	1st January 2006

¹ Please verify whether the contact details on the “Adoption Section” of the HCCH website < www.hcch.net > under “Central Authorities” are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>“ Social Protection System about Minors in Judicial Area’ - Decree-Law N°65/99/M <B.O. 43 (I), 25/10/1999> (in Portuguese & Chinese), may be accessed at: http://bo.io.gov.mo/bo/i/99/43/declei65.asp; and http://bo.io.gov.mo/bo/i/99/43/declei65_cn.asp#65</p> <p>"Civil Code" - Decree N°39/99/M <B.O. 31 (I), 03/08/1999> (in Portuguese and Chinese), may be accessed at: http://bo.io.gov.mo/bo/i/99/31/codcivpt/default.asp</p> <p>“ Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption” stipulated in Hague on 29 May 1993 - Notice N° 11/2006 of Chief Executive □ B.O. 11 (II), 15/03/2006□ , may be accessed at: http://bo.io.gov.mo/bo/ii/2006/11/aviso11.asp; and http://bo.io.gov.mo/bo/ii/2006/11/aviso11_cn.asp</p>
---	---

3. Other international agreements on intercountry adoption ²	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Social Welfare Bureau(SWB) was appointed as the Central Authority of the Macau SAR to be responsible for the implementation of the 1993 Convention.</p>

² See Art. 39(2) which states: “Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention” (emphasis added).

	<p>Among the main functions it should be stressed that the SWB conducts preliminary adoption procedures, including the analysis and selection of the prospective parents and the matching procedures; during the pre-adoption period, the SWB has the power/duty to follow-up the child's situation, by means of contacts with the requesting authority/entity; if the SWB considers that the situation of the child does not correspond to his/her best interests, it must take the necessary measures to find an alternative solution; the SWB makes a "viability" study of the adoption.</p>
--	---

5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>The SWB is the only MSAR body authorised to handle the various procedures in connection with domestic or intercountry adoption and also the competent authority to issue an Adoption Certificate.</p> <p>The Court of First Instance of Macau ("Tribunal Judicial de Base" in Portuguese) is the competent authority to issue the decision of judicial entrustment which is taken account of the conclusion of the feasibility reports of adoption by SWB in accordance with the Decree-Law no. 65/99/M.</p>

6. National accredited bodies ³	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><i>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).⁴</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <u>go to Question 7</u></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁵</p>	

³ "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* ("GGP No 2"), available on the [Adoption Section](#) of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

⁵ *Ibid.*, Chapter 3.4.

c) Please briefly describe the role of national accredited bodies in your State.	
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	
6.2 Monitoring of national accredited bodies⁶	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11(c).</i>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No
7. Authorised foreign accredited bodies⁷ (Art. 12)	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State? <i>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – <u>go to Question 8</u>

⁶ *Ibid.*, Chapter 7.4.

⁷ "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Adoption Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *ibid.*, Chapter 4.2.

<i>communicated by your State to the Permanent Bureau of the HCCH.</i>	
b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number. ⁸	
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	
<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): OR</p> <p><input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: OR</p> <p><input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: OR</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	
c) For how long is authorisation granted?	

⁸ See GGP No 2, *ibid.*, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

⁹ In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹⁰	<input type="checkbox"/> Yes <input type="checkbox"/> No – <u>go to Question 8</u>
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	
e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of authorisation): <input type="checkbox"/> No

8. Approved (non-accredited) persons (Art. 22(2))¹¹	
a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State? <i>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</i>	<input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State: <input checked="" type="checkbox"/> No
b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?	<input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State: <input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).

¹⁰ *Ibid.*, Chapter 7.4 and, in particular, para. 290.

¹¹ *Ibid.*, Chapter 13.

¹² *Ibid.*, Chapter 13.2.2.5.

<p><i>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website.</i></p>	
---	--

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (<i>e.g.</i>, age, sex, state of health).</p>	<p>In accordance with the provisions of Macao adoption law, article 162 of the Decree-Law 65/99/M of 25 October, "the placement for adoption outside Macao of child habitually resident in the Macao SAR is not permitted if the child can be placed for adoption within Macao." Therefore, the child habitually resident in the Macao SAR who is eligible for intercountry adoption is generally in special need conditions, such as physical disability and/or intellectual and developmental retardation. In the past 2 intercountry adoption cases(happened in 2002 and 2010), the children are with mild physical disabilities.</p>

10. The adoptability of a child (Art. 4(a))	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>The SWB is responsible for the establishment of the adoptability of the child, and the adoption proceeding should be accompanied with a social report for the judiciary, including court and procuratorate, to confirm.</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>According to Article 1830 of the Macao Civil Code, to be eligible for adoption in Macao, the child to be adopted must meet the criteria listed below:</p> <ul style="list-style-type: none"> • being a minor (under 18 years old); or • being the biological child of the legal or de facto spouse of the prospective adopter; or • being a person who has been legally declared totally incapable by reasons of mental anomaly; and • under 16 years old when the request for adoption is instituted before the court; or • under 18 years old when the request for adoption is instituted before the court, provided that he/she is not emancipated at that time and has been taken care of by one or

	<p>both of the prospective adoptive parents before attaining 16 years of age.</p> <ul style="list-style-type: none"> • have been taken care of by one or both of the prospective adoptive parents before attaining 16 years of age if he/she is the biological child of one of them or if he/she is an incapable person. <p>Additionally, according to article 1831 of the Macao Civil Code, the child to be adopted must be in one of the following circumstances:</p> <p>(1) His/her parents are unknown or deceased;</p> <p>(2) Prior consent for adoption has been obtained;</p> <p>(3) He/she was abandoned by his/her parents;</p> <p>(4) He/she has parents who, by action or negligence, have endangered his or her safety, health, moral upbringing and education in a way that it might seriously damage the typical parent-child affection relationship; or</p> <p>(5) He/she is under the care of an institution or person, other than her/his parents, provided that his/her parent's conduct revealed a blatant lack of care or interest in his/her regard, which is to the extent of jeopardizing the typical parent-child affection relationship for at least 6 months before the request for an entrustment has been submitted.</p> <p>In the circumstances described in paragraphs (1), (3), (4) and (5), however, an adoption order cannot be made if the child to be adopted is living with a legal guardian or with close relatives and under their dependence, except when any of these relatives or guardians jeopardize his/her safety, health, moral edification or education or if the Court deems the situation inadequate to ensure the interests of the child.</p> <p>And according to Art. 162 of the Decree-Law 65/99/M, If it is shown that a minor in Macau is feasible to be adopted locally, it is not allowed to arrange him to be adopted abroad.</p>
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (<i>e.g.</i>, search for the child's birth family).</p>	<p>The SWB is responsible for conducting an investigation and evaluation report which illustrates the benefit of adoption for the child. The decision of adoption is issued by the Court of First Instance of Macau which takes into account of the SWB's report.</p>

N.B. the issue of consent is dealt with at Question 12 below.

11. The best interests of the child and subsidiarity (Art. 4(b))	
<p>a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (<i>e.g.</i>, through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).</p>	<p>The SWB will try to help the family for those who think of giving up their child for adoption through the provision of family support service, the promotion of family reunification and domestic alternative care solutions. The SWB will also provide counselling service for the mentioned family to decide carefully if the above provisions is not for the best interests of the child.</p>
<p>b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?</p>	<p>The SWB - the only authorized department in Macao SAR to proceed any adoption applications - and the Court of First Instance of Macau.</p>
<p>c) Please briefly explain how that decision is reached (<i>e.g.</i>, whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.</p>	<p>Once the request has been accepted, the SWB makes a "viability" study of the adoption. For the purposes of this study, it must verify if all imperative requisites provided by the MSAR law are fulfilled, such as, <i>inter alia</i>, if the necessary consents were given in the terms of the MSAR law (<i>i.e.</i>, informed and free), if the competent authority or entity of the requesting State/Territory recognizes the prospective parent(s) as eligible and suitable to adopt, if the adoption is possible in that State/Territory, if the law of that State/Territory provides for a mandatory period of pre-adoption acquaintanceship, if the adoption really benefits the child and whether it is based on legitimate reasons, if the adoption has the same effects as in the MSAR. The report is communicated to the requesting authority/entity. In case the SWB reaches a favourable conclusion, the report is also sent to the MSAR Procurator together with a request for judicial entrustment to be filed. The court's entrustment decision also entails a decision on the viability of the adoption and on the fulfilment of all the adoption requisites.</p> <p>The above mentioned procedures are happened during the Matching and Judicial Entrustment stage of the intercountry adoption.</p>

12. Counselling and consents (Art. 4(c) and (d))	
<p>a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where:</p> <ul style="list-style-type: none"> (i) Both parents are known; (ii) One parent is unknown or deceased; (iii) Both parents are unknown or deceased; (iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent). <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<ul style="list-style-type: none"> (i) Consent to the adoption must be given before a judge by both parents - even though they have not reached the age of majority and even if they do not exercise parental responsibility - unless (i) a Court entrustment decision has been rendered; or, (ii) if the child is living with and being cared for by an ascendant, a collateral relative until the 3rd degree or a guardian, which in this case, the consent must be given by the respective relative or by the guardian (Articles 1831(2), 1833(1)(c)(d) and 1834(1) of the Macao Civil Code). (ii) Consent to the adoption must be given before a judge by the known/alive parent - even though he/she not reached the age of majority and even if he/she does not exercise parental responsibility - unless (i) a Court entrustment decision has been rendered; or, (ii) if the child is living with and being cared for by an ascendant, a collateral relative until the 3rd degree or a guardian, which in this case, the consent must be given by the respective relative or by the guardian (Articles 1831(2), 1833(1)(c)(d) and 1834(1) of the Macao Civil Code). (iii) If both parents are unknown or deceased, the Court may dispense the consent to the adoption (Article 1833 (2)(a) of the Macao Civil Code). (iv) The Court may dispense the consent to the adoption (Article 1833 (2)(a) of the Macao Civil Code) if a Court entrustment decision has been rendered; or, (ii) if the child is living with and being cared for by an ascendant, a collateral relative until the 3rd degree or a guardian, which in this case, the consent must be given by the respective relative or by the guardian (Articles 1831(2), 1833(1)(c)(d) and 1834(1) of the Macao Civil Code), except when any of these relatives or guardians jeopardize his/her

	safety, health, moral edification or education or if the Court deems the situation inadequate to ensure the interests of the child.
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.¹³</p>	<p>(i) Once the SWB learned that the child's birthparents/family want to give up the child for adoption, the SWB will provide counselling for the child's birthparents/family, particularly with regard to the consequences of the adoption arrangements.</p> <p>(ii) According to Articles 1833 (1)(c)(d) and 1834(a) of the Macao Civil Code, the birthparents/family of the child to be adopted must give their consent(s) before the judge.</p>
<p>c) Does your State use the model form "Statement of consent to the adoption" developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the Adoption section of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose: The consent given before a judge is registered in written form by the Court clerk.</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4(d)(2).</i></p>	<p>A court hearing must be given to a child over the age of 7 and under the age of 12 years old, unless he/she is deprived of his/her mental capability or if, for any other reason, it is very difficult to hear him or her (Article 1836 (a) of the Macao Civil Code). MSAR law guarantees the participation of the child in the adoption process and gives due weight to his or her feelings, opinions and wishes, according to his age and maturity. In the Court hearing, the judge hears the child's opinion on the adoption and has the opportunity to explain him/her about the meaning and the effects of the adoption.</p>
<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p>	<p>Over the age of 12 years, the child's consent to be adopted is mandatory (Article 1833 (1) of the Macao Civil Code).</p> <p>Moreover, the SWB keeps close contact with the social workers which counsel and inform the child to be adopted about the effects of the adoption and at the same time collects the child's opinions, feelings and wishes on the adoption.</p>

¹³ See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Adoption Convention.

<i>See Art. 4(d)(1).</i>	
--------------------------	--

13. Children with special needs	
a) In the context of intercountry adoption, please describe what is meant in your State by “children with special needs”.	The Macao SAR law does not enshrine a definition of children with special needs (considering the broad meaning). According to SWB data, the 2 (two) intercountry adoption cases (which took place in 2002 and 2010, respectively) were of children with physical disabilities in general.
b) What, if any, procedures does your State use to expedite the adoption of children with special needs?	We do not have any procedures to expedite the adoption of children with special needs. All adoptions assessment will follow the previously mentioned procedures to confirm about the adoptability of the child with special needs, then the matching process will follow.

14. The preparation of children for intercountry adoption	
Is there a special procedure in your State to prepare a child for an intercountry adoption?	<input type="checkbox"/> Yes, please provide details (<i>e.g.</i> , the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): <input checked="" type="checkbox"/> No

15. The nationality of children who are adopted intercountry¹⁴	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input type="checkbox"/> Yes, always <input type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i> , the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State): <input checked="" type="checkbox"/> No, the child will never retain this nationality

PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

16. Limits on the acceptance of files
--

¹⁴ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

Does your State place any limit on the number of PAPs' files which are accepted from receiving States? ¹⁵	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
--	---

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁶	
<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Married, heterosexual couples: Married for at least three years and not de facto separated and if both are older than 25; <input type="checkbox"/> Married, same-sex couples: <input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: De facto couples living together in a conjugal relationship (de facto union) for more than 5 years and if both are older than 25; <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: De facto couples living together in a conjugal relationship (de facto union) for more than 5 years and if both are older than 25; <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Single men: over 28 years old; or over 25 years old if the child is born to his/her spouse or de facto spouse; in the latter the couple must have been living together in a de facto union for more than 3 years; <input checked="" type="checkbox"/> Single women: over 28 years old; or over 25 years old if the child is born to his/her spouse or de facto spouse; in the latter the couple must have been living together in a de facto union for more than 3 years. <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No, there are no relationship status criteria for PAPs.

¹⁵ See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

¹⁶ *I.e.*, this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Adoption Convention.

<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: over 28 years old, if the PAP is a single man/woman; over 25 years old, if the PAPs are a married couple/couple living in a de facto union for more than 3 years or if the PAP is adopting the child's spouse or the child's de facto spouse living together for more than 3 years;</p> <p><input checked="" type="checkbox"/> Maximum age requirements: The PAP cannot be over 60 years of age at the time of the child's entrustment.</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: An age differential between the adopter and the child is also required: more than 18 years and less than 50 years, except where significant reasons can be given otherwise, which have to be determined by a Court's decision.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): The adoption shall not lead to unfair sacrifice for the children of the PAPs and/or of the person to be adopted (even though it is not necessary to obtain his/her/their consent(s). Therefore, a court hearing (the judge should hear their views on the matter) must be given to the children over the age of 12, of the PAPs and/or of the person to be adopted, unless he/she/they are deprived of his/her/their mental capability or if, for any other reason, it is very difficult to hear him/her/them (Article 1836 (b) of the Macao Civil Code).</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

18. Preparation and counselling of PAPs (Art. 5(b))	
Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i> ?	<input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: The adoption application must include a cover letter and an assessment report stating the intention for adoption and providing detailed information on the prospective adopter(s)'s personal circumstances, health, financial situation and reasons for applying. <input type="checkbox"/> No

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	All intercountry adoption applications should be made directly to the SWB of the Macao SAR.
b) Please indicate which documents must be submitted with an application: <i>Please tick all which apply.</i>	<input type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input checked="" type="checkbox"/> Copies of the PAPs' birth certificates <input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):

	<input checked="" type="checkbox"/> Proof of no criminal record <input checked="" type="checkbox"/> Other(s): please explain The application should be accompanied by the documents that proved to meet the following requirements: <ul style="list-style-type: none"> • The consent for the adoption has already been given or that it has been exempted pursuant to the requirements set forth in the Macao SAR law; • Documentation that proved the prospective adoptive parents have been evaluated and declared eligible to adopt by an authorized entity in their country of residence; • The State law of the prospective adoptive parents' place of residence provides for a mandatory period of pre-adoption acquaintanceship, where the child and the adoptive live together enough time to enable an evaluation of their relationship; • The adoption will provide actual benefits to the adoptee, which is based upon valid reasons and it is likely that the adoptee and the adopter will develop a parental relationship; • The prospective adoption in the prospective adoptive parents' place of residence entails the same effects as those stipulated in the Macao law. • Copy of school credentials;
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<input type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies. ¹⁸ Please also specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i> , for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): <input checked="" type="checkbox"/> No
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<input checked="" type="checkbox"/> Yes <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to

¹⁷ See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

¹⁸ See the definitions provided at notes 3 and 7 above.

	<p>act on their behalf in relation to the intercountry adoption):</p> <p><input checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
e) Please specify the language(s) in which any documents must be submitted:	Chinese and Portuguese are the official languages in Macao SAR, the processing time will be speed up if the application documents are written in Chinese and Portuguese.
f) Do any of the required documents need to be legalised or apostilled?	<p><input checked="" type="checkbox"/> Yes, please specify which documents: As a general rule, the documents needed for the adoption process should be legalised, unless the Hague Apostille Convention is applicable to the case concerned.</p> <p><input type="checkbox"/> No – go to Question 20</p>
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Apostille Convention)?</p> <p><i>This information is available on the Status Table for the Apostille Convention (see the Apostille Section of the HCCH website).</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: 04/02/1969</p> <p><input type="checkbox"/> No</p>

20. The report on the child (Art. 16(1)(a))	
a) Who is responsible for preparing the report on the child?	The Social Welfare Bureau.
b) Is a “standard form” used for the report on the child?	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: There is no standard form used, however, the information such as the age, gender, health and background information of the child to be adopted and the pictures of the child to be adopted will be included</p>

	in the report whereas an official letter will be sent together by the SWB.
<p>c) Does your State use the “<i>Model Form – Medical Report on the Child</i>” and the “<i>Supplement to the general medical report on the child</i>”?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	There is no restriction on the validity of the report. However, the information of the report must be updated before the matching process begins.
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</i>	

22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))	
22.1 The authorities and the matching procedure	
a) Who is responsible for the matching of the child and the PAPs in your State?	The SWB is the sole authority to deal with adoption applications in Macao SAR. All adoption matching arrangements are followed by the SWB, and the matching related procedure has to be finalized by the Court of First Instance through judicial entrustment.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	As mentioned in 22.1a)
c) What methodology is used for the matching in your State?	The SWB will first consider in accordance with the stipulation of Hague Convention and the Decree-Law 65/99/M of Macao, and the best interest of the child, then will go through and screening out the most suitable PAPs from the waiting list of the Foreign Citizens PAPs database for the matching.

d) Is any preference given to PAPs who have a close connection with your State (e.g., nationals of your State who have emigrated to a receiving State)?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	The Social Welfare Bureau.
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	The SWB will also notify the PAPs that the contact with the child must be done through the SWB.
22.2 Acceptance of the match	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: In accordance with the stipulation of Decree-Law 65/99/M, article 166(b) that there is proof of the prospective adoptive parents have been evaluated and declared eligible to adopt by an authorized entity in their country of residence. <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	The PAPs will be requested to reply their decision as soon as possible in principle. The SWB will check with the Central Authority of the PAPs if no decision have been made 2 months after the first notice has been sent.
c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?	No consequences.
22.3 Information following acceptance of the match	
Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (i.e., during the remainder of the intercountry adoption procedure and prior to entrustment)?	<input type="checkbox"/> Yes, please specify who is responsible for providing this information: <input checked="" type="checkbox"/> No

23. Agreement under Article 17(c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	The SWB. However, the Court of First Instance is the competent authority to make the decision of judicial entrustment to proceed adoption.
b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	<input type="checkbox"/> Our State sends the Article 17(c) agreement to the receiving State with the proposed match; OR

	<input checked="" type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17(c) agreement; OR <input type="checkbox"/> Other (please specify):
--	--

24. Travel of the PAPs to your State¹⁹	
<p>a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?</p>	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: After the Court made the decision to entrust the child to the specific PAPs for intercountry adoption. - How many trips are required to complete the intercountry adoption procedure: Once in general. - How long the PAPs need to stay for each trip: It depends on the satisfactory of relationship building between the child to be adopted and the prospective adoptive parents, and the decision of the Court to allow the the child to be adopted to leave Macao. It takes two to three months in general. - Any other conditions: No. <input type="checkbox"/> No
<p>b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?</p>	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

25. Entrustment of the child to the PAPs (Art. 17)	
<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (<i>e.g.</i>, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>Once the Court of Macao SAR decides to entrust the child, the SWB will request the PAPs to travel to Macao in order to live together with the child for a minimum period of six weeks (which can be up to 12 weeks).</p> <p>The SWB will keep close contact with the social worker of the institution and the child to be adopted to counsel him/her about the intercountry adoption and prepare him/her for the first contact with the PAP's before the first visit. During this visit, the SWB will evaluate the PAP's relationship with the child.</p>

¹⁹ See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

	Upon evidence that the PAPs and the child are likely to develop a satisfactory relationship, while the child is already living together with the PAPs in Macao, the SWB will request to the Court of First Instance to render its decision to allow the PAPs to leave Macao with the child.
--	---

26. Transfer of the child to the receiving State (Arts 5(c) and 18)	
a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (<i>e.g.</i> , passport, visa, exit permit)?	The SWB will provide assistance to the prospective adoptive parents, in particular for the application of obtaining a birth certificate and a travel document.
b) Which of the documents listed in response to Question 26 a) above does your State issue? Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.	Travel Document such as, passport and travel permit.
c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No

27. Final adoption decision and the Article 23 certificate	
a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	<input type="checkbox"/> In our State – <u>go to Question 27 c)</u> <input checked="" type="checkbox"/> In the receiving State – <u>go to Question 27 b)</u>
b) Following the making of the final adoption decision in the receiving State: (i) Are any further steps required in your State to complete the procedure (<i>e.g.</i> , obtaining a copy of the final adoption decision from the receiving State)? (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?	(i) While the child is living with the prospective adoptive parents in the receiving State, the SWB will continue its monitoring activities during the pre-adoption placement period through close collaboration with the competent authority in the place where the applicant is habitually resident, in order to follow up and evaluate the progress of the prospective adoptive relationship. For this purpose, the competent authority in the place where the applicant is habitually resided is required to

	<p>submit progress reports to the SWB of Macao SAR. These progress reports will be submitted to the Court of Macao SAR where the provisional entrustment decision was rendered. An adoption decree should be obtained in the receiving State to complete the adoption procedures.</p> <p>(ii) The Social Welfare Bureau and the Court of Macao SAR where the provisional entrustment decision was rendered.</p> <p><u>Go to Question 28</u></p>
<p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Adoption Convention?</p> <p><i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</i></p> <p><i>The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under “Authorities”), available on the Adoption Section of the HCCH website.</i></p>	<p>(i)</p> <p>(ii)</p>
<p>d) Does your State use the “Recommended model form – Certificate of conformity of intercountry adoption”?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</p>	

28. Duration of the intercountry adoption procedure	
Where possible, please indicate the average time which it takes to:	(i) In case the aforementioned report considers that the adoption is feasible, the SWB of the Macao SAR will request the Court

<p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	<p>to proceed with the judicial entrustment. This Stage takes about 6 months to 1 year accordingly.</p> <p>(ii) After obtaining the authorization for judicial entrustment, the prospective adoptive parents must come to Macao SAR to live together with the child for a period of time. During this visit, the SWB of the Macao SAR will evaluate the relationship between the prospective adoptive parents and the child. Upon evidence that the PAP's and the child are likely to develop a satisfactory relationship, the SWB of the Macao SAR will request to the Court to render its decision to allow the PAP's to leave Macao with the child. While the child is living with the prospective adoptive parents aboard, the SWB of the Macao SAR will continue its monitoring activities during the pre-adoption placement period through close collaboration with the competent authority in the place where the applicant is habitually resident, in order to follow up and evaluate the progress of the prospective adoptive relationship. In accordance with Macao adoption law, the pre-adoption placement period should be within 1 year.</p> <p>(iii) It is in the receiving State to make the Court Decision.</p>
---	--

PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “<i>intra-family intercountry adoption</i>” in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a “relative” of those PAPs.</p>	<p>In accordance with the stipulation of the Civil Code, article 1461: Marriage, kinship, affinity and adoption are sources of legal relations relatives.</p>
<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – <u>go to Question 30</u></p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . <u>Go to Question 30</u></p> <p><input type="checkbox"/> No – <u>go to Question 29 c)</u></p>

<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>
---	---

PART VIII: SIMPLE AND FULL ADOPTION²⁰

30. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 31</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a “simple” adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family’s consent(s)²¹ to a “full” adoption where this is in the child’s best interests (<i>i.e.</i>, so that a “conversion” of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1)(b) and Art. 4 (c) and (d).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child’s birth mother / family²² to the conversion of a “simple” adoption into a “full” adoption (in accordance with Art. 27) when the</p>	

²⁰ According to the 1993 Adoption Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1 (*op. cit.* note 14), Chapter 8.8.8.

²¹ Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.

²² *Ibid.*

request is made many years after the original adoption?	
---	--

PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?	The Social Welfare Bureau.
b) For how long is the information concerning the child's origins preserved?	Those case files will be permanently retained in the Social Welfare Bureau.
c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child: (i) the adoptee and / or his / her representative(s); (ii) the adoptive parents; (iii) the birth family; and / or (iv) any other persons? If so, are there any criteria which must be met for access to be granted (<i>e.g.</i> , age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)? <i>See Art. 9(a) and (c) and Art. 30.</i>	(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: For those who were placed for adoption by the SWB can write to the Director of the SWB, the SWB will assist accordingly in a case by case basis. <input type="checkbox"/> No (ii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No (iii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No (iv) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input type="checkbox"/> Yes – please specify: <input checked="" type="checkbox"/> No
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i> , regarding making contact with his / her biological family, tracing extended family)?	<input type="checkbox"/> Yes – please specify: <input checked="" type="checkbox"/> No

32. Post-adoption reports	
a) Is there a model form which is used by your State for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i> , provide a link or attach a copy):

	<input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (e.g., medical information, information about the child’s development, schooling): N/A
b) What are the requirements of your State in relation to post-adoption reports? Please indicate: (i) How frequently such reports should be submitted (e.g., every year, every two years); (ii) For how long (e.g., until the child is a certain age); (iii) The language in which the report must be submitted; (iv) Who should write the reports; and (v) Any other requirements.	(i) N/A (ii) N/A (iii) N/A (iv) N/A (v) N/A
c) What, if any, are the consequences in your State if post-adoption reports are either: (i) Not submitted at all; or (ii) Submitted, but not in accordance with your requirements?	(i) N/A (ii) N/A
d) What does your State do with post-adoption reports? (i.e., to what use are they put?)	N/A

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²³

States of origin are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.

33. The costs ²⁴ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: <input checked="" type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: <input checked="" type="checkbox"/> No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in	<input type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs:

²³ See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH website: i.e., the *Terminology on the financial aspects of intercountry adoption* (“Terminology”), the *Note on the financial aspects of intercountry adoption* (“Note”), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²⁴ See the definition of “costs” provided in the Terminology, *ibid*.

<p>the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 86.</i></p>	<input checked="" type="checkbox"/> Other (please explain): N/A
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 85.</i></p>	<input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain): N/A
<p>e) Which body / authority in your State receives the payments?</p>	<p>N/A</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</p>	<input type="checkbox"/> Yes – please indicate how this information may be accessed: <input checked="" type="checkbox"/> No

34. Contributions, co-operation projects and donations²⁵	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁶ to your State if it wishes to engage in intercountry adoption in your State?</p> <p><i>For good practices relating to contributions, see the “Note on the financial aspects of intercountry adoption” at Chapter 6.</i></p>	<input type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> • What type of contribution is required: • Who is responsible for paying it (i.e., the Central Authority or the relevant authorised foreign accredited body): • How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <input checked="" type="checkbox"/> No

²⁵ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 23.

²⁶ See further the Terminology, *supra*, note 23, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children’s institutions (e.g., for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of “highly recommended contribution”, but in practice it is “mandatory” for the PAPs in the sense that their application will not proceed if the payment is not made.

<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> • What type of co-operation projects are permitted: • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): • Whether such projects are monitored by an authority / body in your State: • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><i>N.B. This is not recommended as a good practice: see further the “Note on the Financial Aspects of Intercountry Adoption” at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are permitted to be paid: • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>

35. Improper financial or other gain (Arts 8 and 32)

<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>The SWB is the Central Authority and is the sole authority to deal with adoption applications in Macao SAR. The SWB is responsible for the prevention of improper financial gains within the adoption procedures in accordance with the stipulation of the Convention and Macao adoption law.</p>
---	--

<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>In accordance with the existing provisions of the Macao SAR, the SWB is the sole authority to deal with adoption applications. All intercountry adoption application shall be made directly to the SWB by the locally authorized department of the country or region of habitual residence of the applicant, the SWB will then study and evaluate about the case. Besides, all adoption matching arrangements are followed by the SWB, then the matching related procedure has to be finalized by the court through judicial entrustment. Therefore, the relevant provisions and procedures can help prevent improper financial gains.</p>
<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>N/A</p>

PART XI: ILLICIT PRACTICES²⁷

36. Response to illicit practices in general	
<p>Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.²⁸</p>	<p>No experience. However, please refer to the following responses 37 (a), (b) and (c).</p>

37. The abduction, sale of and traffic in children	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State's intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (<i>e.g.</i>, accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>The Criminal Code of Macao provides for criminal offences that explicitly relate to the protection of children (alongside with other traditional criminal offences, as for example, slavery, kidnapping, procurement, whereby whenever the offence is committed against a child, the corresponding penalties are aggravated).</p> <p>Abduction (in the sense of the Hague Convention on the Civil Aspects of International Child Abduction) is an autonomous criminal offence (referred to as 'subtraction of minor') provided for under Article 241 of the Criminal</p>

²⁷ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >).

²⁸ *Ibid.*

	<p>Code of Macao and punishable with a penalty of up to 3 years of imprisonment.</p> <p>Trafficking in children and sale of children also constitute criminal offences. Under the law on the fight against trafficking in persons, Law 6/2008, of 23 June, a new provision was added to the Criminal Code of Macao, Article 153-A. The law criminalizes autonomously trafficking in persons, with special emphasis in relation to children, as well as the sale of children for adoption and the removal of human organs or tissues.</p> <p>In this Article, the element of ‘means’ is not required when the crime is committed against a child (i.e., up to 18 years old), the penalty is more severe (5 to 15 years of imprisonment), and a specific aggravation in relation to the trafficking in children under 14 years old is determined (i.e., the penalty of 5 to 15 years of imprisonment is aggravated by one third in its minimum and maximum limits).</p> <p>Besides, several conducts related to unlawful adoption of children were also explicitly criminalized under paragraph 4 of Article 153-A. More precisely, the giving or receiving of payments or any other benefits to surrender, cede or acquire a minor or to obtain or give the consent to the adoption of a minor, which are punishable with a penalty of 1 to 5 years of imprisonment.</p> <p>Article 153-A applies to all individuals as well as legal persons (Article 5 of the referred law), regardless of the place where the offences were committed. Indeed, Law 6/2008 also amended other Articles of the Criminal Code of Macao and of the Criminal Procedure Code of Macao. Under such provisions, the scope of application of the MSAR's criminal law was expanded in relation to those offences and the protection of child victims during the judicial proceedings related to them was reinforced.</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>Please refer to the previous response in what regards Article 153-A, paragraph 4, of the Criminal Code of Macao, as well as to the scope of application of that Article.</p> <p>Moreover, the 2003 Convention against Corruption is applicable in the MSAR. The rules on corruption are very strict, covering not only active and passive corruption in the public sector, but also in the private sector, with penalties ranging from 6 months to 8 years of imprisonment (Articles 337 to 339 of the</p>

	<p>Criminal Code of Macao and Articles 3 to 6 of Law 19/2009, of 17 August).</p> <p>An autonomous entity, the Commission against Corruption, which also functions as Ombudsman, has been granted investigation powers (including in the criminal proceedings 'inquiry' stage) on matters of corruption, without prejudice to the relevant powers of the Procurators and other competent entities. In this respect, it is important to clarify that in the MSAR legal system, Procurators are magistrates, independent and free from any interference. Their functions are, inter alia, the upholding of legality, representation of minors and other persons with diminished legal capacity in all actions necessary for the exercise of their rights and interests. In criminal matters, they have the competence to promote/institute criminal proceedings and to supervise the investigation and inquiry stages of those proceedings.</p> <p>In addition, the "Human Trafficking Deterrent Measures Concern Committee" was established to combat human trafficking, and a 24-hour hotline was set up for reporting trafficking cases.</p>
<p>c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?</p>	<p>As mentioned above, the referred crimes are punishable with imprisonment and, in case of legal persons, fines and judicial dissolution.</p>

38. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><i>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</i></p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>

PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Adoption Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State,</p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State²⁹ and please briefly</p>

²⁹ According to the 1993 Adoption Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

<p>are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPS are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p>explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: If the foreign national PAPS do not obtain the Macao resident status, they must apply adoption through the authorized department or via licensed bodies engaged in this kind of intermediary activities of the country or region of their origins.</p> <p>note: the PAPS can apply adoption to SWB if they obtain the Macao resident status.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPS, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPS are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: If the foreign national PAPS do not obtain the Macao resident status, they must apply adoption through the authorized department or via licensed bodies engaged in this kind of intermediary activities of the country or region of their origins.</p> <p>note: the PAPS can apply adoption to SWB if they obtain the Macao resident status.</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPS are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: PAPS who are Macao permanent resident but habitually resident in the Contracting State can apply adoption in the Contracting State .</p> <p>note: the PAPS can apply adoption to SWB if they can come back to Macao throughout the assessment stage .</p> <p><input type="checkbox"/> No</p>

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³¹

40. Selection of partners

³⁰ According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPS and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

³¹ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

a) With which receiving States does your State currently partner on intercountry adoption?	N/A
<p>b) How does your State determine with which receiving States it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	N/A
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases. ³²	<input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (<i>e.g.</i> , the conclusion of a formal agreement ³³ with that receiving State)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³⁴ <input checked="" type="checkbox"/> No

³² See GGP No 1 (*op. cit.* note 14), Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

³³ See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

³⁴ *Ibid.*