

## COUNTRY PROFILE

### 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>1</sup>

#### STATE OF ORIGIN

**COUNTRY NAME:** The Kingdom of Cambodia

**PROFILE UPDATED ON:** 30-June-2021

### PART I: CENTRAL AUTHORITY

| 1. Contact details <sup>2</sup>  |  |
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| Name of office:  | Ministry of Social Affairs, Veterans and Youth Rehabilitation            |
| Acronyms used:   | MoSVY  |
| Address:   | #788, Monivong Blvd, Sangkat Beoung Trabek, Khan Chamkamorn, Phnom Penh. |
| Telephone:   | (855)23211848  |
| Fax:   | (855)23726103  |
| E-mail:  | info@icaa-cambodia.gov.kh<br>sopyheavy.mosvy@gmail.com                   |
| Website:   | www.icaa-cambodia.gov.kh   |
| Contact person(s) and direct contact details (please indicate language(s) of communication):   | LEV Sopheavy<br>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> |  |

<sup>1</sup> Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

<sup>2</sup> Please verify whether the contact details on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < [secretariat@hcch.net](mailto:secretariat@hcch.net) >.

## PART II: RELEVANT LEGISLATION

| <b>2. The 1993 Hague Intercountry Adoption Convention and domestic legislation</b>   |  |
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| <p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>  | <p>The Kingdom of Cambodia has acceded to the Hague Intercountry Adoption Convention on 1 August 2007.</p>   |
| <p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 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>Law on Inter-Country Adoption (ICA), 03 December 2009</p> <p>-Prakas No. 1980 MoSVY date, 07 August 2014 on Procedure to Authorize Inter-Country Adoption Agencies.</p> <p>-PrakasNo. 139 MoSVY dated, 23 January 2014 on The Guide to Implement Inter-Country Adoption Procedure for Child who Needs Special Care and Child with Special Needs.</p> <p>-Prakas No. 138 MoSVY dated, 23 January 2014 on The Guide to Implement Relative Inter-Country Adoption Procedure.</p> <p>-Instuction No. 003 MoSVY dated, 31 January 2013 on Criteria for Authorizing ICA Agencies.</p> <p><a href="http://www.icaa-cambodia.gov.kh">www.icaa-cambodia.gov.kh</a></p> <p>-Join PrakasNo. 1039 MEF.Pk dated, 21 September, 2016 on the provision of public services of the Ministry of Foreign Affairs and International Cooperation.</p> <p>-Praks No. 119 MoSVY dated, 08 June 2021 on Kinship Care and Foster Care.</p> |

| <b>3. Other international agreements on intercountry adoption<sup>3</sup></b>  |   |
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| <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 checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify):<br/>With Italy, Spain(Catalonia), Malta</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p> |

<sup>3</sup> 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).

## PART III: THE ROLE OF AUTHORITIES AND BODIES

| <b>4. Central Authority(ies)</b>  |  |
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| <p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p> | <p>Prakas 194MoSVY date, 05 November 2013 on the Organization and Functioning of the Central Authority for Inter-Country Adoption of the Kingdom of Cambodia.</p> <p>The Central Authority for Inter-Country Adoption of the Kingdom of Cambodia has the following duties:</p> <ol style="list-style-type: none"> <li>1. Develop and monitor the implementation of policies, laws, regulations and procedures concerning decisions on inter-country adoption.</li> <li>2. Cooperate and facilitate communication concerning inter-country adoption with other ministries, institutions and agencies, competent to deal with inter-country adoption in the Kingdom of Cambodia, and with Central Authorities and competent authorities in charge of inter-country adoption of receiving countries.</li> <li>3. Take appropriate measures to prevent improper financial or other gain related to inter-country adoption.</li> <li>4. Organize skills trainings related to inter-country adoption for relevant officials.</li> <li>5. Review the proposals of the Inter-country Adoption Administration in relation to each inter-country adoption case, as necessary.</li> <li>6. Conduct inspection on any work related to inter-country adoption. No one may prevent, deter or interfere with an inspection that is lawfully conducted.</li> <li>7. Take appropriate actions in collecting, preserving and exchanging information about a child's status and retain information related to the child's origin, his or her identity, his or her parents, and his or her health history.</li> <li>8. Maintain and provide statistics related to inter-country adoption to various countries at their requests.</li> <li>9. Receive expenses, fees and contributions from adopters through the inter-country adoption agencies or Central Authority or competent Authority which in charge of inter-country adoption of receiving country.</li> <li>10. Be responsible for recording and monitoring on expenses, fees and contributions which is collected and deposited to the account of the management committee of humanitarian contribution in National Treasury.</li> <li>11. Develop monthly, quarterly, annually report of expenses, fees and contributions which is collected and deposited to the account of management committee of</li> </ol> |

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|  | <p>humanitarian aid in National Treasury.</p> <p>12. Review, provide recommendations on, and forward each inter-country adoption dossier to the court.</p> <p>13. Fulfill other duties the Ministry of Social Affairs, Veterans and Youth Rehabilitation considers necessary for the enforcement of inter-country adoption affairs, in accordance with existing laws and regulations of the Kingdom of Cambodia.</p> <p><a href="http://www.icaa-cambodia.com.kh">www.icaa-cambodia.com.kh</a></p> |
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| <b>5. Public and competent authorities</b>  |   |
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| <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>I. Minister of Ministry Social Affairs, Veterans and Youth Rehabilitation is a head of the institution that in charge all the tasks of Ministry and has duty to responsibility instead of Prime Minister and the executive of the Kingdom of Cambodia to examine the final decision on the policy documents and strategic plan of the Ministry in particular Minister leads all the tasks directly in order to monitor the implementation of political programs and Rectangular Strategy Phase 3 of the government and the program of the Ministry as well as in charge of the task directly to assigned the officers, Department of Finance and Supply, and Inter-country Adoption Administration.</p> <p>II. Child Welfare Department (CWD) of MoSVY as the public authority shall exert all reasonable efforts to return the child to his/her birth family, and if such is not possible, to place the child for domestic adoption before considering the eligibility of the children for inter-country adoption. CWD in charge of applying the Alternative care policy, Permanency Planning, and Domestic Adoption.</p> <p>CWD will send the list of the children who have been determined to be eligible for inter-country adoption.</p> <p>III. The Inter-country Adoption Administration (ICAA) shall have the following roles and duties:</p> <ol style="list-style-type: none"> <li>1. organize and maintain a confidential list and dossiers of children eligible for inter-country adoption (sent by CWD);</li> <li>2. assess all children on the confidential list to determine the best form of care suited for the child and ensure they are receiving the required care;</li> <li>3. make every attempt (all efforts) to find a national solution through a permanent family-based care or permanent guardianship before proceeding with an inter-country adoption;</li> <li>4. receive, examine and process applications</li> </ol> |

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|  | <p>for inter-country adoption and other relevant documents of the adopters;</p> <p>5. match adopters with children eligible for inter-country adoption and provide opinions to the Minister in charge of Social Affairs on inter-country adoption cases;</p> <p>6. inform the central authorities, competent authorities or inter-country adoption agencies accredited by the receiving countries of the adoption procedures and the progress of adoption cases;</p> <p>7. facilitate the handing-over of the child to the adopters and the processing of travel documents of the child to the adopters' country;</p> <p>8. provide or facilitate appropriate post-adoption services to the child, family of the adopters and biological family, as necessary;</p> <p>9. provide opinions to the Central Authority responsible for inter-country adoption affairs on the authorisation of inter-country adoption agencies to operate in an inter-country adoption or the revocation of their authorisation;</p> <p>10. fulfil other responsibilities concerning inter-country adoption as necessary in accordance with existing laws and regulations of the Kingdom of Cambodia and as may be delegated to ICAA by the Central Authority (Last approved by Minister).</p> <p>IV. The court shall not be required to hold an oral argument when rendering a decision in any of the ICA cases.</p> <p>Where absolutely necessary to clarify relevant facts, the court may call the adopters or their representative, one or both parental power holder(s) or guardian for minor of the child, a representative of the relevant inter-country adoption agency, and other witnesses to present evidence, in writing or orally, as to the existence or non-existence of the facts in question.</p> <p>V. Ministry of Foreign Affairs and International Cooperation.</p> <p>Where the approval of Inter-Country adoption( letter to the Ministry of Social Affairs Veterans and Youth Rehabilitation).</p> |
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| <b>6. National accredited bodies<sup>4</sup></b>      |  |
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| a) Has your State accredited its own adoption bodies? | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No – <b>go to Question 7</b> |

<sup>4</sup>“National accredited bodies” in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter “GGP No 2”), available on the [Intercountry Adoption Section](#) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq.*

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| <p><i>See Arts 10-11.</i></p> <p><b>N.B.</b> the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).<sup>5</sup></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. <sup>6</sup>  |  |
| c) Please briefly describe the role of national accredited bodies in your State.   |  |
| <b>6.1 The accreditation procedure (Arts 10-11)</b>  |  |
| 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> .   |  |
| <b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>  |  |
| a) Which authority is competent to monitor / supervise national accredited bodies in your State?<br><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 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):<br><input type="checkbox"/> No |
| <b>7. Authorised foreign accredited bodies<sup>8</sup> (Art. 12)</b>   |  |
| a) Has your State authorised any foreign   | <input checked="" type="checkbox"/> Yes  |

<sup>5</sup> See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

<sup>6</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.

<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

<sup>8</sup> "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 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, *supra*, note 4, Chapter 4.2.

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| <p>accredited adoption bodies to work with, or in, your State?</p> <p><b>N.B.</b> the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.</p> | <input type="checkbox"/> No – <b>go to Question 8</b>   |
| <p>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.<sup>9</sup></p>                         | <p>One or two, unless if necessary for the best interests of Cambodian children to have more foreign accredited bodies.</p> <p>According to bilateral agreement with Italy, Spain, Malta.</p>   |
| <p>c) Please briefly describe the role of authorised foreign accredited bodies in your State.</p>   | <p>General duties</p> <p>A. Maintain harmonious collaborative relations with the Cambodian Central Authority and other competent authorities concerned with adoption, and respond to requests made;</p> <p>B. Prior to start of operations and annually thereafter, consult with the Cambodian Central Authority for ICA about the needs of adoptable children for families;</p> <p>C. Assist the competent authorities in Cambodia to find families for special needs children;</p> <p>D. Select and only submit applications for adoption which fulfil the legal requirements and conditions for ICA in Cambodia and which are in accordance with the needs of Cambodian children eligible for ICA;</p> <p>E. Direct and train the ICA agency’s authorised representatives and co-workers in Cambodia;</p> <p>F. Avoid any improper pressure concerning inter-country adoption in Cambodia;</p> <p>G. Keep the Cambodian Central Authority informed about the status of each case in the receiving country, such as whether the prospective adoptive parents accept the proposed child and whether the Central Authority of the receiving country gives its agreement for the adoption to proceed under Article 17 c) of the Hague Convention;</p> <p>During the adoptive parents stay in Cambodia</p> <p>H. Guide the prospective adoptive parents throughout their stay in Cambodia, and offer them suitable and reliable services (i.e. transportation, interpretation, accommodation) through competent persons under the ICA agency’s responsibility;</p> <p>I. Ensure that the prospective adoptive parents follow the legal and administrative requirements connected with the child’s</p> |

<sup>9</sup> See GGP No 2, *supra*, note 4, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

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|  | <p>adoption in Cambodia;</p> <p>J. Ensure, in cooperation with the ICAA, that the first contact between the child and the prospective adoptive parents only takes place after the match is accepted by the prospective adoptive parents (PAPs) and approved by both Central Authorities of Cambodia and the Receiving State;</p> <p>K. Support the ICAA and the child's caregiver in the physical, emotional and psychological preparation of the child matched for the first meeting, the period of familiarisation, and the eventual placement of the child with the adoptive parents in Cambodia;</p> <p>L. In cooperation with the ICAA and the child's caregiver, support the child matched and the prospective adoptive parents during their first meeting, ensuring that it is conducted sensitively; Orient the PAPs about the habits, preferences and behavior of the child matched to facilitate their adjustment process;</p> <p>M. Collaborate with the ICAA to obtain a Cambodian passport for the adopted child and to secure a foreign visa from the embassy of the receiving country;</p> <p>N. Ensure, in cooperation with the ICAA, that the transfer of the child to the adoptive family does not take place until after the issuance by the Cambodian Central Authority of the adoption certificate in compliance with Article 23 of the Hague Convention;</p> <p>O. Assist the adoptive parents when they receive the child and ensure that the adoptive parent(s) personally accompany the child during the journey from Cambodia to the receiving State.</p> <p>P. Assist the prospective adoptive parents where an unforeseen problematic situation arises with the child.</p> |
| <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 checked="" type="checkbox"/> Yes:</p> <p><input checked="" 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):</p> <p>The inter-country adoption agency shall assign one or two representative(s) who are Cambodian citizens or foreigners, for the inter-country adoption process in the Kingdom of Cambodia. In case of one representative must be Cambodian, if two representatives, one shall be Cambodian or both shall be Cambodian. The two representatives shall be authorized by the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Central Authority or competent authority of</p>  |



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|  | <p>the agency's country. <b>OR</b></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: <b>OR</b></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: <b>OR</b></p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p> |
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| <b>7.1 The authorisation procedure</b>  |   |
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| a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?  | Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY)   |
| b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>10</sup> If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. | <p>The procedure for granting authorization:<br/>The most important criteria are:</p> <ol style="list-style-type: none"> <li>1. The country of the ICA agency must have diplomatic relations with the Kingdom of Cambodia;</li> <li>2. The country of the ICA agency must be a party to the Hague Convention, or if not a signatory, there must be a Bilateral Agreement on ICA between the Government of the receiving country and the Kingdom of Cambodia, through the Ministry of Foreign Affairs and International Cooperation (MoFAIC).</li> <li>3. The receiving country of the ICA agency must have a Bilateral Agreement to Determine Number of ICA Agencies Authorised to Operate ICA with the Kingdom of Cambodia through the Ministry of Social Affairs, Veterans and Youth Rehabilitation.</li> <li>4. The ICA agency must be accredited as an ICA agency by the Central Authority or competent authority for ICA of the receiving country, and must be authorized by such authority of the receiving country to work in inter-country adoption in Cambodia;</li> <li>5. The ICA agency shall pursue only non-profit objectives and fulfil the legal requirements for non-profit legal persons or non-governmental organizations and other legal provisions relevant to the nature of such agencies. <ul style="list-style-type: none"> <li>5.1 The ICA agency must be incorporated, registered and/or licensed as a non-profit organisation in accordance with the laws of the receiving country in which it is accredited.</li> <li>5.2 The ICA agency must be endorsed by the</li> </ul> </li> </ol> |

<sup>10</sup>In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

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|   | <p>MoFAIC and certified by competent authorities as a non-profit legal person, in accordance with Cambodian laws concerning non-profit legal persons or NGOs.</p> <ol style="list-style-type: none"> <li>6. The ICA agency and its personnel must demonstrate integrity, professional competence, accountability and experience to carry out properly the functions entrusted to it. It shall be directed and staffed by persons qualified by their ethical and moral standards and by training or experience to work in the field of inter-country adoption;</li> <li>7. An ICA agency must not obtain, be involved in, or promote any improper financial or other gain.       <ol style="list-style-type: none"> <li>7.1 Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid by the ICA agency;</li> <li>7.2 The ICA agency shall ensure that its directors, administrators and employees do not receive remuneration which is unreasonably high in relation to services rendered;</li> </ol> </li> <li>8. The ICA agency shall not run or use any orphanage as a source to supply orphaned infants and children for inter-country adoption.</li> <li>9. The ICA agency shall respect and comply with the law on inter-country adoption and other existing legal provisions of the Kingdom of Cambodia, Convention on the Rights of the Child, Hague Convention on ICA, and other international legal instruments concerning inter-country adoption, ratified by or acceded to by the Kingdom of Cambodia and by the country of the agency.</li> <li>10. The ICA agency shall be subject to supervision by competent authorities as to their composition, operation and financial situation.</li> </ol> <p>The supplemental criteria are:</p> <ul style="list-style-type: none"> <li>- Governance and Credibility</li> <li>- Professional Competence</li> <li>- Ethical and Child-centred Approach</li> <li>- Non-profit Objectives</li> <li>- Prevention of improper financial gain</li> <li>- Separation of ICA Work from Contributions and Donations</li> <li>- Financial Stability, Transparency and Accountability</li> </ul> |
| c) For how long is authorisation granted?                                       | The validity period is two (2) years.  |
| d) Please briefly describe the criteria and procedure used to determine whether | The renewal is upon submission and fulfilment of the requirements by the agencies. It also depends on the results of the   |

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| <p>authorisation will be <i>renewed</i>.</p>  | <p>authorization visit and the evaluation of the living condition of the children in the receiving country.</p> <p>The criteria for renew authorization are:</p> <ul style="list-style-type: none"> <li>- Governance and Credibility</li> <li>- Professional Competence</li> <li>- Ethical and Child-centred Approach</li> <li>- Non-profit Objectives</li> <li>- Prevention of improper financial gain</li> <li>- Separation of ICA Work from Contributions and Donations</li> <li>- Financial Stability, Transparency and Accountability</li> </ul> <p>Ninety (90) days prior to the expiration of the authorization, the agency may reapply to the MoSVY, to renew the authorization to operate inter-country adoption in the Kingdom of Cambodia.</p> <p>MoSVY will conduct a due and acts on the application for renewal within sixty (60) days of working day after receiving the application.</p> |
| <p><b>7.2 Monitoring of authorised foreign accredited bodies</b></p>  |  |
| <p>a) Does your State monitor / supervise the activities of authorised foreign accredited bodies?<sup>11</sup></p>  | <p><input checked="" type="checkbox"/> Yes<br/> <input type="checkbox"/> No <b>-go to Question 8</b></p>   |
| <p>b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?</p>   | <p>Inter-country Adoption Administration (ICAA)</p>  |
| <p>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).</p> | <p>The ICAA will schedule the monitoring of the authorised foreign accredited bodies:</p> <ul style="list-style-type: none"> <li>-Inspection visit on site every six months.</li> <li>-Review of the activity plans submitted twice a year.</li> <li>-Review of the annual financial report.</li> <li>-Review of the post-adoption reports.</li> <li>-Co-operation with the Central Authority of the Agency's country to have updated information regarding whether or not the Agency's activities have violated the law and other legal provisions.</li> </ul>  |
| <p>d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>  | <p>Notwithstanding penalty provisions in the existing laws, the Ministry in charge of Social Affairs may suspend or revoke the authorisation or refuse to renew an authorization if any inter-country adoption agency is proven to have engaged in any of the acts below:</p> <ol style="list-style-type: none"> <li>1. the direct act of provoking, for profit-making purpose, the parent(s) to abandon an already-born or a yet-to-be-born child in order to be offered for inter-country</li> </ol>   |

<sup>11</sup> See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.

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|  | <p>adoption;</p> <ol style="list-style-type: none"> <li>2. the act of serving one-self as an intermediary/middle person between a couple who desires to adopt a child through inter-country adoption and a parent(s) who desires to abandon his/her/their already-born or a yet-to-be-born child, for profit making purpose;</li> <li>3. the act of serving one-self as an intermediary/middle person between a couple who desires to adopt a child through inter-country adoption and a woman accepting to bear a pregnancy of the child and to deliver this child to the adopter(s) afterward, for profit making purpose;</li> <li>4. falsifying or being an accomplice in falsifying extremely difficult situations in order to get consent from biological parent(s) or guardian for minor of a child;</li> <li>5. obtaining the consent of parent(s) or guardian for minor of a child by coercion, threat, fraud or inducement through payment, gift, compensation or any advantage, or through promise of payment, gift, compensation or advantage of any kind;</li> <li>6. releasing in whole or in part the dossiers and records concerning any specific inter-country adoption case without authorisation from the Ministry in charge of Social Affairs or competent court;</li> <li>7. imposing or accepting directly or indirectly any consideration, money, goods or services in exchange for an allocation of a child for adoption;</li> <li>8. offering money, goods or services to any official or representative of the Inter-country adoption Administration, the Ministry in charge of Social Affairs, Central Authority in charge of inter-country adoption affairs or another relevant officials to give preference in the inter-country adoption procedures to any adopters;</li> <li>9. advertising or publishing the identity or photograph of a child who is subject of adoption to influence any person to apply for adoption;</li> <li>10. appointing or designating any representative without the approval of the Ministry in charge of Social Affairs;</li> <li>11. engaging in matching arrangement or in any contact between the adopter(s) and biological parent(s) or guardian for minor of the child for the purpose of pre-identifying a child to be adopted;</li> <li>12. any other act in violation of this law, minimum standards on alternative care of children and other existing legal provisions of the Kingdom of Cambodia</li> </ol> |
| e) If authorised foreign accredited bodies | <input checked="" type="checkbox"/> Yes, please specify possible sanctions  |

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| <p>do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p> | <p>(e.g., fine, withdrawal of authorisation): This agency shall be administratively fined (non-criminal) from 1,000,000 (one million) Riels to 10,000,000 (ten million) Riels. In case, an agency that operates in the adoption process in the Kingdom of Cambodia shall not be authorized to run or use any orphanage as a source to supply orphaned infants and children in the Kingdom of Cambodia. The Ministry in charge of Social Affairs shall be the competent Ministry to impose administrative fine. The administrative fine shall be paid into a Child Welfare Support Fund.</p> <p>Notwithstanding penalty provisions stated in the law on inter-country adoption and other existing laws, the Ministry of Social Affairs, Veterans and Youth Rehabilitation may suspend or revoke an authorization or refuse to renew an authorization, if an inter-country adoption agency or its representative(s) are proven to have engaged in any of the prohibitive acts of the law on inter-country adoption and provisions of the kingdom of Cambodia.</p> <p>In case any agency fails to pay the administrative fine, the Ministry in charge of Social Affairs may send the case to the court.</p> <p><input type="checkbox"/> No</p> |
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| <b>8. Approved (non-accredited) persons (Art. 22(2))<sup>12</sup></b>  |  |
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| <p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Inter-country Adoption Section</a> of the Hague Conference website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>13</sup></p> | <p><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:</p> <p><input checked="" type="checkbox"/> No</p>  |
| <p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Inter-country Adoption</a></p>  | <p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p> |

<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.

<sup>13</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

| <b>9. The profile of children in need of intercountry adoption</b>   |   |
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| <p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).</p> | <p>The general profile of Cambodian children in need of intercountry adoption are from 1 years old to 18 years old.</p> <p>Both female and male, healthy or with a little medical and physical conditions. The children have been placed as the inter-country adoption note that the age range of 1 year to 8 year.</p> <p>-The child is of Cambodian nationality who permanently resides in the Kingdom of Cambodia.</p> |

| <b>10. The adoptability of a child (Art. 4 a))</b>                                   |  |
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| <p>a) Which authority is responsible for establishing that a child is adoptable?</p> | <p>-Department of Social Affairs, Veterans and Youth Rehabilitation is in charge of local adoption.</p> <p>-Child Welfare Department is in charge of domestic adoption.</p> <p>-Inter-country Adoption Administration is in charge of Inter-country Adoption.</p>  |
| <p>b) Which criteria are applied to determine whether a child is adoptable?</p>      | <p>The adoptability of a child is:</p> <p>-The child is below 8 (eight) years of age at the date of receipt of the application for adoption; except that in the case of children who need special care, adoption may be authorised at an age below 18 (eighteen) years old. In the case of children who are biological siblings and one sibling is under the age of 8 (eight) years, joint adoption may be authorised of that child together with his/her older biological siblings below 18 (eighteen) years old;</p> <p>-The child is residing in an orphanage or other appropriate placement that is supervised by the Ministry in charge of Social Affairs;</p> <p>-The child is under guardianship for minor or is under parental power holder(s) who is in extremely difficult circumstances; and</p> <p>-The child has been declared adoptable in accordance with Article 13 of this law.</p> <p>-In the case of a relative adoption, adoption may be authorized of a child of any age below 18 (eighteen) years old, who lives in or outside an orphanage.</p> <p>-The Ministry in charge of Social Affairs shall exert all reasonable efforts to return the child to his/her birth family, and if such is not possible, to place the child for domestic adoption within</p> |

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|  | <p>the Kingdom of Cambodia before considering the eligibility of the child for inter-country adoption. Except relative adoption.</p> <ul style="list-style-type: none"> <li>-The Child may be subject for Relative Adoption is grandchild, great-grandchild, niece or nephew; or who is the child, grandchild, great-grandchild, niece or nephew of his/her spouse of adopter.</li> <li>-The child until 8 years of age, boys and girls, regular children and special needs children, and relative children until 18 years of age.</li> <li>-Documentary proof of being an orphan, foundling, surrendered or neglected child</li> <li>-Follow all the principle of subsidiarity (Permanent Domestic Family refers to:             <ol style="list-style-type: none"> <li>1. Permanent kinship placement</li> <li>2. Domestic adoption or</li> <li>3. Permanent guardianship)</li> </ol> </li> </ul>  |
| <p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).</p> <p><b>N.B.</b> the issue of consent is dealt with at Question 12 below.</p> | <p>1. Cases of children being abandoned</p> <ul style="list-style-type: none"> <li>-Residential care director shall inform to Department of Social Affairs, Veterans and Youth Rehabilitation (DoSVY) director within 7 working days after arrival of the child.</li> <li>-DoSVY director shall report to the Child Welfare Department, which shall add the child's name to the Registry of Children Reported Abandoned.</li> <li>-The searching family shall be conducted for five months by DoSVY director.</li> <li>-DoSVY director reported to CWD that the domestic family sought is effort in order to enroll children in the list of children who have been abandoned. At the end of the search, whether the parents/guardians are found or not the Provincial/Municipal DoSVY shall submit one of the two reports are:             <ol style="list-style-type: none"> <li>a. Report of Parent or Guardian Found</li> <li>b. Report of Search without Finding Parents</li> </ol> </li> <li>-In case the birth parents are not found, DoSVY director shall prepare an application for a legal guardian for the child to court.</li> <li>-The director of the Provincial/Municipal DoSVY shall file dossiers with the court requesting for appointment of a guardian for minor of the child except if the child lives in an orphanage under the direct control of the MoSVY, in which case the director of the Child Welfare Department shall file dossiers with the court to appoint the guardian for minor of the child.</li> <li>-Then the DoSVY director find a permanent family for children in their province at least 4 months.</li> <li>-After the CWD has given due consideration to finding a domestic family and no appropriate family is found within 6 months.</li> <li>-The final solution, CWD shall reform the child's folder to inter-country adoptions to be the</li> </ul> |

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|  | <p>subject of inter-country adoptions.</p> <p>2. Cases of children whose parents have the most difficult situation</p> <p>-Before placing the child into any permanent family; Municipal DoSVY, Commune Committee for Women and Children (CCWC), DoSVY and CWD shall follow the step as bellow: provide family preservation services, family reunification services, family assessment services, child alternative care through child relative care, community residential care, and final permanency planning solution for the child.</p> <p>(CCWC is Commune Committee for Women and Children (CCWC), has the duty to visit the child or family who are facing difficult and circumstances that casue children to be at risk of family disintergration and also access the risks an strengths in the family.)</p> |
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### 11. The best interests of the child and subsidiarity (Art. 4 b)

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| <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>When a child is found abandoned and sent to an orphanage, and his/her parent(s) or relatives or guardian for minor cannot be found, the director of the orphanage shall inform the capital/provincial Department in charge of Social Affairs, about the presence of the child in the orphanage not later than 7 (seven) working days from the arrival of the child. The capital/provincial Department in charge of Social Affairs shall immediately inform the Ministry in charge of Social Affairs to place the child in its registry of children who have been reported abandoned.</p> <p>The capital/provincial Department in charge of Social Affairs shall exert all possible efforts to search for the child's parent(s), relatives and guardian for minor throughout the Kingdom of Cambodia, using possible public media such as TV, radio, newspaper and picture poster of the child. Any person claiming that he/she is a parent(s), relative or guardian for minor of the child shall provide evidence of his/her relative or guardianship link with the child, in accordance with existing legal provisions.</p> <p>If, after five months following such notification, the child's parent(s), relatives and guardian for minor still cannot be found, the capital/provincial Department in charge of Social Affairs shall make a report of their findings and send one copy to the Ministry in charge of Social Affairs to place the child in its registry of children who have been abandoned.</p> <p>From the moment when a child is found until a guardian for minor is appointed by the court, the Director of the capital/provincial Department in charge of Social Affairs shall be a temporary guardian of the child. The provisions regarding guardian for minor as set out in the Civil Code shall also be applied to the temporary guardian</p> |
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|   | <p>for minor. The temporary guardian for minor shall have no right to consent to adoption.</p> <p>The Ministry in charge of Social Affairs shall prepare and regularly update a registry of children who have been abandoned.</p> <p>In case the parent(s), relatives or guardian for minor of the abandoned child cannot be found and the abandoned child has no birth certificate, the director of the orphanage concerned shall apply for the child's birth registration in accordance with existing legal provisions.</p> <p>Parent(s) or guardian for minor who consider(s) that his/her/their consent was obtained by defect of declaration of intention may rescind or withdraw his/her/their consent until the writ of adoption of the court becomes final.</p> <p>According to Procedure to Implement the Policy on Alternative Care for Children 2011, there are:</p> <ol style="list-style-type: none"> <li>1. Child in Temporary Placement <ul style="list-style-type: none"> <li>-Relatives</li> <li>-Community</li> <li>-Residential</li> </ul> </li> <li>2. Permanency Planning <p>Before/during/after placement:</p> <ul style="list-style-type: none"> <li>-Termination or suspension of parental rights (voluntary or involuntary)</li> <li>-Temporary guardianship</li> </ul> </li> <li>3. Domestic Adoption</li> <li>4. Inter country adoption</li> </ol> |
| <p>b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?</p>                                      | <p>Court of First Instance of Phnom Penh Capital</p>  |
| <p>c) Please briefly explain how that decision is reached (e.g., whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.</p> | <p>From the moment when a child is found until a guardian for minor is appointed by the court, the Director of the capital/provincial Department in charge of Social Affairs shall be a temporary guardian of the child. The provisions regarding guardian for minor as set out in the Civil Code shall also be applied to the temporary guardian for minor. The temporary guardian for minor shall have no right to consent to adoption.</p> <p>The director of the Provincial/Municipal DoVY shall file dossier with the court requesting for appointment of a guardian for minor of the child except if the child lives in an orphanage under the direct control of the MoVY, in which case the director of the CWD shall file dossiers with the court to appoint the guardian for minor of the child.</p> <p>When Permanency Planning is not success and domestic family is not found then CWD shall refer the child to Inter contry adoption solution.</p>   |

| <b>12. Counselling and consents (Art. 4 c) and d)</b>  |  |
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| <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"> <li>(i) Both parents are known;</li> <li>(ii) One parent is unknown or deceased;</li> <li>(iii) Both parents are unknown or deceased;</li> <li>(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).</li> </ul> <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"> <li>(i) Parents shall be express their views to put their children to be subject for adoption using the Parents' consent form#1315, and must sign the consent on adoption.</li> <li>(ii) In case one of the parents is dead or is incapable of expressing his/her will or has been divested of his/her parental powers, the consent given by the other parent, who has parental power, alone is sufficient.</li> <li>(iii) In case the parents are dead or are incapable of expressing their will or have been divested of their parental powers, the consent shall be given by the guardian for minor.</li> <li>(iv) in case the parents are dead or are incapable of expressing their will or have been divested of their parental powers, the consent shall be given by the guardian for minor.</li> </ul>   |
| <p>b) Please describe the procedure for:</p> <ul style="list-style-type: none"> <li>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</li> <li>(ii) obtaining their consent(s) to an adoption.<sup>14</sup></li> </ul>  | <ul style="list-style-type: none"> <li>(i) Before giving any consent, the child's parent(s) or guardian for minor shall receive counseling from an authorized competent social service agent. The competent social service agent shall clearly inform those who will give consent about the effects of their consent, the fact that the child's adoption will put an end to the child's filiation with them and terminate their rights and obligations as parental power holder or guardian for minor, and how and when they may withdraw their consent until the decision of the court regarding the adoption becomes final. The social service agent shall write a report on his/her interview with the parent(s) or guardian for minor. In any case, the consent shall be witnessed in writing in the presence of the Commune/Sangkat chief of the parent(s) or guardian for minor's residence. The Commune/Sangkat chief and the competent social service agents shall make sure that the consent of the parent(s) or guardian for minor has been given in compliance with article 15 of this law. The Commune/Sangkat chief shall order a report on this consent after s/he has examined that a competent social service agent has beforehand duly counselled and informed the child's parent(s) or guardian for</li> </ul> |

<sup>14</sup>See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Convention.

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|   | <p>minor about the effects of their consent.</p> <p>(ii) Only after the expiration of 90 (ninety) working days following the date of consent to adoption of the parent(s) or guardian for minor.</p>   |
| <p>c) Does your State use the model form "Statement of consent to the adoption" developed by the Permanent Bureau of the Hague Conference?</p> <p><i>The model form is available on the <a href="#">Intercountry Adoption section</a> of the Hague Conference 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:</p> <p>1. Form 1317 Child's consent statement</p> <p>2. Form 1315 Parents's consent statement</p> <p>www.icaa-cambodia.com.kh</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>The court and other competent authorities involved in the inter-country adoption process shall ensure that during the adoption process the child who is capable of forming his or her own views (discerning) has been counseled and duly informed of the effects of the adoption taking into account the willingness of the child and give due weight to the child's views for the best interests of the child.</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><i>See Art. 4 d) 1).</i></p> | <p>-Child counselling and consent when the child is capable of forming his/her own views.</p> <p>-The child's consent is base on the counselling and consent form done by the social worker and filled in by the social worker of the child.</p> <p>-Child's consent is required before matching that specifically for children capable of forming his/her own views.</p> <p>-Child's consent is voluntary and the child is duly informed of the effect of such a consent.</p> |

### 13. Children with special needs

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| <p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p> | <p>Child how needs special care / child with special needs refer to:</p> <p>a. A child under the age of 18 with emotional and behavioral crisis or</p> <p>b. A child under the age of 18 with at least one sibling under 8 years old, or</p> <p>c. A child who has a serious physical disability or mental disability, or who has a chronic illness.</p>   |
| <p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>                  | <p>-ICAA shall send the list of children's code numbers and identities (sex, age, biography, photo and situation of the affected child) on a monthly basis to the ICA agencies or competent authorities in charge of ICA in the Contracting States which have a "Special Home Finding Program" for children who need special care and children with special needs. In order for them to provide information to those intending to seek adoption. ICA agencies or competent authorities</p> |

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|  | <p>in charge of ICA in the Contracting States have a maximum period of 30 (thirty) working days, after having received the list of children's code numbers, to let the Cambodian Central Authority for ICA know whether they consider or not having found a potential adopter. In order for the Cambodian Central Authority for ICA to proceed with the adoption procedure.</p> <p>-ICAA shall update the list of children's code numbers on a monthly basis and temporarily remove from the list the code numbers of the children under consideration for a period of 60 (sixty) working days, after the ICA agency or the competent authority in charge of ICA in the receiving country has indicated the availability of the potential adopter. In order for him or her to apply. If the potential adopter has not applied within the 60 (sixty) working days, the potential adopter shall be considered to have given up his or her application.</p> |
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#### 14. The preparation of children for intercountry adoption

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| <p>Is there a special procedure in your State to prepare a child for an intercountry adoption?</p> | <p><input checked="" 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):</p> <ul style="list-style-type: none"> <li>-The child living in the Center is help to verify to what degree the child understands what adoption means (that he/she will become a child of another family); more understand about leaving the center or foster family or community to a new country; to express the child feeling of seperation.</li> <li>-After approve of matching, the child shall be told what is going to happen and more information about the family customs, lifestyle, and new home. The child should be shown photos or videos of the Prospective Adoptive Parents. And superivsed by ICAA or CWD or Social Worker with the care giver. This is an important opportunity to support the child in taking the first steps in trusting another set of parents and establishing a relationship of openness;</li> <li>-Older child shall receive a progressive and careful preparation and counseling by the individuals responsible for his/her care. Also more then one time counselling shall be made, the child is help to resolve his/her feeling of loss, guilt, rejection or fear so the child could develop a new relationship.</li> </ul> <p><input type="checkbox"/> No</p> |
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| <b>15. The nationality of children who are adopted intercountry<sup>15</sup></b>                                     |  |
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| Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality? | <input type="checkbox"/> Yes, always<br><input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State): If the child capable to perform their own willing, it respects on the child's views. Under the law of Cambodia, the child could have dual Nationalities or base on PAP's decision.<br><input type="checkbox"/> No, the child will never retain this nationality |

## PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

| <b>16. Limits on the acceptance offices</b>  |   |
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| Does your State place any limit on the number of PAPs' files which are accepted from receiving States? <sup>16</sup> | <input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:<br><input checked="" type="checkbox"/> No |

| <b>17. Eligibility criteria for PAPswishing to undertake an intercountry adoption in your State<sup>17</sup></b>  |   |
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| <p>a) Do PAPswishing 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:<br><input checked="" type="checkbox"/> Married, heterosexual couples:<br><input type="checkbox"/> Married, same-sex couples:<br><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership:<br><input type="checkbox"/> Same-sex couples in a legally registered partnership:<br><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:<br><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:<br><input type="checkbox"/> Single men:<br><input type="checkbox"/> Single women:<br><input type="checkbox"/> Other (please specify):<br><input type="checkbox"/> No, there are no relationship status criteria for PAPs. |
| b) Are there any age requirements for PAPs wishing to undertake an  | <input checked="" type="checkbox"/> Yes, please specify:<br><input checked="" type="checkbox"/> Minimum age requirements: 30  |

<sup>15</sup> Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website <[www.hcch.net](http://www.hcch.net)>, at Chapter 8.4.5.

<sup>16</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.

<sup>17</sup> *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 Convention.

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| intercountry adoption in your State?   | <input checked="" type="checkbox"/> Maximum age requirements: 53<br><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: At least 22 years older than the child, but must not be more than 45 years older than the child<br><input checked="" type="checkbox"/> Other (please specify): Relative adoption and Special needs children: the maximum age requirements is 63.<br><input type="checkbox"/> No  |
| c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil? | <input checked="" type="checkbox"/> Yes:<br><input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): Capacity to care for the Special Needs child<br><input checked="" type="checkbox"/> Couples must supply evidence of infertility: health certificate<br><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): only one dependent child.<br><input type="checkbox"/> Other (please specify):<br><input type="checkbox"/> No |

### 18. Preparation and counselling of PAPs (Art. 5 b))

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| 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:<br>-Childhood experiences (from their parents' care when childhood)<br>-Reason to adopt and parenting training and other important point has been done by social worker in Home Study Report.<br>-Letter certifying that the adopter has received sufficient information and counselling on adoption of child who needs special care and child with special needs prior to adoption.<br><input type="checkbox"/> No |
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## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

### 19. Applications

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| a) To which authority / body in your State does the adoption file of PAPs have to be submitted?                      | ICAA  |
| b) Please indicate which documents must be submitted with an application:<br><br><i>Please tick all which apply.</i> | <input checked="" type="checkbox"/> An application form for adoption completed by the PAPs<br><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State<br><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) |

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|   | <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents<br><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates<br><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs<br><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):<br><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): health certificates<br><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): financial report (income properties...)<br><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Employee or Self employ, Contractor, Full time or Part time, salary, etc.)<br><input checked="" type="checkbox"/> Proof of no criminal record<br><input checked="" type="checkbox"/> Other(s): please explain counselling report |
| <p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>18</sup></p>          | <input checked="" 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. <sup>19</sup> Please also specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): Preparation of the home study, submission of the application file, preparation of the post adoption reports (English language is required; in case the ICAA deems it necessary, some documents need to be translated into Khmer language and facilitation of the finalization of adoption procedure in the receiving country. Additional documents can be required and shall be provided in Khmer and English.<br><br><input 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<br><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (i.e., a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):<br><br><input type="checkbox"/> A contract signed by the accredited body and the PAPs:  |

<sup>18</sup> See GGP No 1, *supra*, note 15, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

<sup>19</sup> See the definitions provided at notes 4 and 8 above.

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|  | <input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:<br><br><input checked="" type="checkbox"/> Other (please specify): In case the ICAA needs more documents about the PAPs, it would request them from the adoption accredited body.<br><br><input type="checkbox"/> No  |
| e) Please specify the language(s) in which any documents must be submitted:  | Translations into English and khmer   |
| f) Do any of the required documents need to be legalised or apostilled?  | <input checked="" type="checkbox"/> Yes, please specify which documents:<br>All documents shall be certified by the competent authorities of the adopter's country of permanent residence.<br><br>All documents shall be authenticated and transmitted through the Central Authority, embassy or office of the Representative of the receiving country attached to the Kingdom of Cambodia, who authenticated the documents, to the Ministry of Foreign Affairs and International Cooperation (MoFAIC). Then, MoFAIC forward the dossiers to Ministry in charge of Social Affairs, to the Inter-country Adoption Administration (ICAA).<br><br><input type="checkbox"/> No – <b>go to Question 20</b> |
| 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 Hague Apostille Convention)?<br><br><p><i>This information is available on the <a href="#">Status Table</a> for the Hague Apostille Convention (see the <a href="#">Apostille Section</a> of the Hague Conference website).</i></p> | <input type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State:<br><br><input checked="" type="checkbox"/> No  |

| <b>20. The report on the child (Art. 16(1) a))</b>   |   |
|--|---|
| a) Who is responsible for preparing the report on the child?   | Child Welfare Department  |
| b) Is a "standard form" used for the report on the child?  | <input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: 1321 form for Child Study Report<br><br><a href="http://www.icca-cambodia.gov.kh">www.icca-cambodia.gov.kh</a><br><br><input 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: |
| c) Does your State use the "Model Form – Medical Report on the Child" and the "Supplement to the general medical report on the child"? | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No  |



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| See GGP No 1 – Annex 7, available <a href="#">here</a> . |  |
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| <b>21. The report on the PAPs (Art. 15(2))</b>  |   |
|---|---|
| a) For how long is the report on the PAPs valid in your State?  | 1 year  |
| b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it.<br><i>E.g.</i> , does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure? | ICAA notifies the adoption accredited agency to submit an updated home study report and some necessary documents. |

| <b>22. Matching of the child and the PAPs (Art. 16(1) d) and (2))</b>  |   |
|--|---|
| <b>22.1 The authorities and the matching procedure</b>   |   |
| a) Who is responsible for the matching of the child and the PAPs in your State?  | ICAA  |
| b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority? | <p>-ICAA shall submit the child's profile and the profiles of the five families to the Matching Committee. The Matching Committee shall be comprised of the ICAA Director, one representative of the Child Placement team of third Bureau (Procedure Implementaton), one representative of the Family Resource team of fourth Bureau (Agency Management, and Inspection Department), one representative in charge of legal and inspection functions, and at least two "external child protection professionals" from the fields of social work, psychology, paediatrics medicine or law, who have been previously qualified and approved by MoSVY.</p> <p>-A multidisciplinary Committee who does the matching.</p> <p>-The three families selected are the subject of a recommendation in order of priority by the ICAA Director to the Central Authority of Final approval.</p> |
| c) What methodology is used for the matching in your State?  | <p>Matching is a key step in the adoption process. The decisions that will be taken by the adults responsible for the child will have a real impact on the child's future and that of the family taking him/her in. This step must be carried out diligently and rigorously and demands objectivity, a sense of fairness and professionalism.</p> <ul style="list-style-type: none"> <li>• It is important to possess good knowledge of scientific literature that specifically addresses child development, attachments, resilience and the effects of abandonment on toddlers and children.</li> <li>• Follow the Home Study recommendations. The PAPs have already been evaluated in</li> </ul>  |

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|  | <p>the receiving country by qualified professionals who have examined and discussed their preferences regarding the child to be adopted and their potential parental capabilities. The evaluation findings are contained in the Home Study. Following the Home Study recommendations will help avoid refusals by the selected PAPs or even possible ruptures between the PAPs and the child after the adoption.</p> <ul style="list-style-type: none"> <li>• Have a good idea of the characteristics of the desired family for each child, based on the child's profile, before the matching process begins.</li> </ul> <p>-Consider the conditions that best suit the physical and psychological needs of the child.</p> <p>-ICAA will examine both PAP's and child's dossiers.</p> <p>-Two teams (Procedure Implementation) meet regularly and identify five adoptive families possessing the desired characteristic for taking the child in question.</p> <p>-Three families selected are the subject of a recommendation in order of priority by the ICAA Director to the Central Authority for final approval (ICAA submits a letter to the Central Authority explaining the reasons for the matching).</p> <p>-The matching child's dossier is sent to the Central Authority or the adoption accredited agency of the receiving State, for its review and transmission to the adopters.</p> |
| <p>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)?</p> | <p><input checked="" type="checkbox"/> Yes, please specify: In making this matching, the ICAA considering the best interests of the child shall give due consideration to the desirability of continuity in the child's upbringing as well as the child's social, ethnic, religious and cultural background.</p> <p><input type="checkbox"/> No</p>   |
| <p>e) Who is responsible for notifying the receiving State of the matching?</p>  | <p>ICAA</p>   |
| <p>f) How does your State ensure that the prohibition on contact in Article 29 is respected?</p>   | <p>-ICAA do the matching, so they do not know in advance and we do in central.</p> <p>-The matching process is implemented with Central Authority or agency of receiving country and Central Authority of Cambodia.</p> <p>-Inter-country adoption shall be a full adoption and terminate the relationship between the child and his or her biological parents.</p>   |
| <b>22.2 Acceptance of the match</b>  |   |
| <p>a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?</p>                                   | <p><input checked="" type="checkbox"/> Yes, please provide details of the required procedure:</p> <p>After the adopters have expressed their consent in accordance with the provision of Article 29 of this law and the Central Authority of the receiving country has approved such</p>  |

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|   | <p>decision, the ICAA shall arrange, through the Central Authority, competent authority for inter-country adoption or inter-country adoption agency, of the receiving country, a meeting between the adopters and the child who have already been matched.</p> <p><input type="checkbox"/> No</p>  |
| b) How much time is the receiving State given to decide whether to accept a match?  | 60 (sixty) working day. If the PAP's do not inform ICAA of their decision within 60 (Sixty) working day, ICAA may deem that the adopters terminated their application.   |
| 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?  | <p>In case the adopters respond that they do not wish to adopt the child that was initially matched with them, the adopters may ask the ICAA to have them matched for the second time. A third matching shall not be allowed.</p> <p>In deciding on the request for re-matching or receipt of re-application, the ICAA shall consider the reasons for the adopters' initial failure to respond or refusal to accept the child initially matched.</p> |
| <b>22.3 Information following acceptance of the match</b>   |  |
| Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development ( <i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)? | <p><input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: ICAA</p> <p><input type="checkbox"/> No</p>  |

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| <b>23. Agreement under Article 17 c)</b>   |   |
| a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)? | <p>The ICAA shall forward the dossiers to the Minister in charge of Social Affairs as for his/her examination and recommendation on the inter-country adoption process.</p> <p>MoSVY (CAIA) and Central Authority of receiving country shall agree that the adoption may proceed.</p>   |
| b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?             | <p><input type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; <b>OR</b></p> <p><input checked="" type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; <b>OR</b></p> <p><input type="checkbox"/> Other (please specify):</p> |

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| <b>24. Travel of the PAPs to your State<sup>20</sup></b>  |  |
| 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:</p> <ul style="list-style-type: none"> <li>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: within 60 (sixty) working days after the adopters and the receiving State have agreed to the</li> </ul> |

<sup>20</sup> See GGP No 1, *supra*, note 15, Chapter 7.4.10.

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|  | <p>matching. the PAPs must travel to Cambodia to meet the child and fulfill the application to the court</p> <ul style="list-style-type: none"> <li>- How many trips are required to complete the intercountry adoption procedure: 2 trips (1. meeting between PAPs and Child -Understanding concept of the child -Uncomment to reject the PAP first meeting -They have to come to meet the interview) (2. official handing-over of the child). It takes about 45 (forty five) working days between the first trip and the second trip.</li> <li>- How long the PAPs need to stay for each trip: around one week</li> <li>- Any other conditions: In case of absolute necessity, PAPs may stay longer than one week and up to thier leave vocation.</li> </ul> <p><input type="checkbox"/> No</p> |
| <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> | <p><input type="checkbox"/> Yes, please specify in which circumstances:</p> <p><input checked="" type="checkbox"/> No</p>   |

### 25. Entrustment of the child to the PAPs (Art. 17)

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| <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>The ICAA shall organize a ceremony for the official handing-over of the child and the Certificate of Official Handing-over of the Child to the adopter(s). The ICAA shall coordinate with the competent authorities the processing and issuance of the passport, visa and other necessary documents for travel of the child to the adopters' country of permanent residence.</p> <ul style="list-style-type: none"> <li>-The ICAA, in cooperation with the individuals responsible for the child's care, shall assist with the gradual familiarization of the child with his new family, before the actual hand-over ceremony</li> <li>-Photo albume of orientation from the PAP's family (the updated photo family members with labels of the name each photos).</li> </ul> |
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### 26. Transfer of the child to the receiving State (Arts 5 c) and 18)

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| <p>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)?</p> | <ul style="list-style-type: none"> <li>-Passport, Visa</li> <li>-Adoption certificate.</li> <li>-Writ of decision.</li> <li>-Any necessary documents required by the Embassy of the receiving State.</li> </ul> |
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| <p>b) Which of the documents listed in response to Question 26a) above does your State issue?</p> <p>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>                | <p>-Adoption certificate issued by MoSVY</p> <p>-Writ of decision issued by The Court of First Instance of the Phnom Penh Capital.</p> <p>-Passport issued by the Ministry of Interior</p> |
| <p>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?</p> | <p><input checked="" type="checkbox"/> Yes, please specify: Any necessary documents required by the Embassy of the receiving State.</p> <p><input type="checkbox"/> No</p>                 |

| <b>27. Final adoption decision and the Article 23 certificate</b>  |  |
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| <p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>   | <p><input checked="" type="checkbox"/> In our State – <b><u>go to Question 27c)</u></b></p> <p><input type="checkbox"/> In the receiving State – <b><u>go to Question 27b)</u></b></p> |
| <p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>   | <p>(i)</p> <p>(ii)</p> <p><b><u>Go to Question 28</u></b></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 Convention?</p> <p><b><i>N.B.</i></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 Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</p> <p>The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</p> | <p>(i) Phnom Penh Municipal Court</p> <p>(ii) MoSVY</p>  |
| <p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7, available <a href="#">here</a>.</p>  | <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>  |

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| <p>e) Please briefly describe the procedure for issuing the Article 23 certificate.<br/><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> | <p>-After The Court of First Instance of the Phnom Penh Capital has issued the writ of decision, if nobody appeals within 15 days, MoSVY will issue the adoption certificate within 7 (Seven) working days.</p> <p>-The original certificate is always given to the PAPs.</p> <p>-Copies of the certificate are always given to the Central Authority and adoption accredited agency in the receiving State.</p> |
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## 28. Duration of the intercountry adoption procedure

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| <p>Where possible, please indicate the average time which it takes to:</p> <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>(i) The average time for the matching of a child is within 60 (Sixty) working days; except for a child with special needs who will be matched by the receiving State within 30 (thirty) working days.</p> <p>The final decision is made at Cambodia and we review the files, including for children with special needs.</p> <p>(ii) The child shall be entrusted to the PAPs once the match has been accepted by the PAPs and approved by the relevant authorities not later than 60 (sixty) working days after the decision.</p> <p>(iii) The court shall decide the inter-country adoption case and issue its writ of decision within the period of 30 (thirty) working days from the date of receipt of the petition for adoption.</p> <p>The appeal shall be made within 15 (fifteen) working days from the date when the adopters received the notification of the writ of decision.</p> |
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## 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")

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| <p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State.<br/>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>The child who is the child, grandchild, great grandchild or niece/nephew of the applicant or applicant's spouse.</p>  |
| <p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p><b>N.B.</b> If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, <b>the Convention is</b></p>  | <p><input checked="" type="checkbox"/> Yes – <b>go to Question 30</b></p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b>.Go to Question 30</b></p> <p><input type="checkbox"/> No – <b>go to Question 29c)</b></p> |

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| <b>applicable</b> , irrespective of the fact that the child and PAs are related: see further GGP No 1 at para. 8.6.4.   |   |
| <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 PAs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAs; 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 ADOPTION<sup>21</sup>

| <b>30. Simple and full adoption</b>   |  |
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| <p>a) Is "full" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 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 21 below.</i></p>  | <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b>go to Question 31</b></p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input checked="" type="checkbox"/> Other (please explain): To clarify that children are not eligible for intercountry adoption following a simple adoption.</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)<sup>22</sup> to a "full" adoption where this is in the child's best interests (i.e., 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 checked="" 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 / family<sup>23</sup> to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>  | <p>N/A</p>   |

<sup>21</sup> According to the 1993 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, *supra*, note 15, Chapter 8.8.8.

<sup>22</sup> Or other person(s) whose consent to the adoption is required under Art. 4 c) and d) of the 1993 Convention.

<sup>23</sup> *Ibid.*

## PART IX: POST-ADOPTION MATTERS

| <b>31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child</b>   |   |
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| a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?   | ICAA and The Court of First Instance of the Phnom Penh Capital.   |
| b) For how long is the information concerning the child's origins preserved?  | 60 (sixty) years from the date of Court's ruling.   |
| 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:<br>(i) the adoptee and / or his / her representative(s);<br>(ii) the adoptive parents;<br>(iii) the birth family; and / or<br>(iv) any other persons?<br><br>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)?<br><br><i>See Art. 9 a) and c) and Art. 30.</i> | (i) <input checked="" type="checkbox"/> Yes – please explain any criteria: An adopted child who has reached a sufficient age and level of maturity to understand the consequences of knowing his/her identity may be allowed access to his/her dossier.<br><input type="checkbox"/> No<br><br>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: Adoptive parents may petition the MoSVY to receive a copy of the dossier, including the identity of the child's biological parents.<br><input type="checkbox"/> No<br><br>(iii) <input type="checkbox"/> Yes – please explain any criteria:<br><input checked="" type="checkbox"/> No<br><br>(iv) <input type="checkbox"/> Yes – please explain any criteria:<br><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 checked="" type="checkbox"/> Yes – please specify: ICAA<br><input 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 checked="" type="checkbox"/> Yes – please specify:<br>ICAA will provide a proper counselling to the adoptee before accessing information in his/her dossier.<br><input type="checkbox"/> No  |

| <b>32. Post-adoption reports</b>  |   |
|---|---|
| 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):<br><input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report ( <i>e.g.</i> , medical information, information about the child's development, schooling): Motor development, Mental and Emotional development, social development and |



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|   | adjustment, special attention/skill/other challenges, child's health history, child's education, child and family's photos and other informations.   |
| <p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p> <p>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</p> <p>(ii) For how long (<i>e.g.</i>, until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p> | <p>(i) Semi-annual reports on the progress of the child for 3 (three) years after the child has been authorized to be adopted and once a year until the child reaches 18 years of age.</p> <p>(ii) Until the child reaches 18 years old.</p> <p>(iii) English</p> <p>(iv) PAPs</p> <p>(v) Social workers have to prepare the reports for the first year.</p> |
| <p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>  | <p>(i) If not, we could facilitate the cooperation by notify CA and accredited body of receiving state to submission of post adoption reports.</p> <p>(ii) Notify the CA and accredited body of receiving state to ask for additional information or clarification will be sent.</p>   |
| <p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p>  | <p>-They are put in a new combined file of the PAP's and the child.</p> <p>-To follow up the develop of the child after more after the placement.</p> <p>-Compare of the standard living of PAPs' in receiving state.</p>  |

## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>24</sup>

**States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.**

| <b>33. The costs<sup>25</sup> of intercountry adoption</b>                           |  |
|--|--|
| <p>a) Are the costs of intercountry adoption regulated by law in your State?</p>     | <p><input checked="" type="checkbox"/> Yes –please specify any relevant legislation / regulations / rules and indicate how they may be accessed (<i>e.g.</i>, link to a website or attach a copy). Please also briefly explain the legal framework:<br/>-www.icaa-cambodia.gov.kh "For Family and Fees"</p> <p><input type="checkbox"/> No</p> |
| <p>b) Does your State monitor the payment of the costs of intercountry adoption?</p> | <p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:<br/>Control and Management Committee humanitarian contributions have the following duties:<br/>-Account management and the use of</p>  |

<sup>24</sup>See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: *i.e.*, the *Terminology on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summarylist of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

<sup>25</sup> See the definition of "costs" provided in the Terminology, *ibid*.

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|   | <p>humanitarian funding contributions transparent and accountable.</p> <ul style="list-style-type: none"> <li>-Monitoring and evaluation of the proposed project to use funds from the Department of Child Welfare.</li> <li>-Counsel for the approval of the Minister of Social Affairs, Veterans and Youth Rehabilitation and the decision of the Minister of Economy and Finance before preparing withdrawal form for expenses from the deposit account of the Management Committee and managed humanitarian fund Contributions</li> <li>-Monitoring report of the central authorities, an adoption of the Kingdom of Cambodia the State of expenses and expense contributions collected payment and deposit into the account at the Treasury each month, quarterly and annual</li> <li>-Administrative review financial statements of an adoption of the central authorities, an adoption and child welfare department on the state spending and contribution expense every month, quarterly and annual.</li> <li>-Prepare the financial statements on the state revenue cost of expenses Expenses and contribute every month, quarterly and annual submitted to the Minister of Social Affairs, Veterans and Youth Rehabilitation and sign and send to the Minister of Economy and Finance</li> <li>-And other duties as tasked by H.E Chairman of the management committee and management humanitarian contributions.</li> </ul> <p><input type="checkbox"/> No</p> |
| <p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in 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> | <p><input checked="" type="checkbox"/> Through the accredited body: Adoption accredited Agency</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input checked="" type="checkbox"/> Other (please explain): Central Authority of receiving State.</p>   |
| <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>  | <p><input type="checkbox"/> Only by bank transfer:</p> <p><input checked="" type="checkbox"/> In cash: With receipt.</p> <p><input checked="" type="checkbox"/> Other (please explain): Bank Transfer and Cheque.</p>   |
| <p>e) Which body / authority in your State receives the payments?</p>   | <p>ICAA</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><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: MoSVY's information board and <a href="http://www.icaa-cambodia.gov.kh">www.icaa-cambodia.gov.kh</a></p> <p><input type="checkbox"/> No</p>  |

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| <p><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p> |  |
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| <b>34. Contributions, co-operation projects and donations<sup>26</sup></b>  |   |
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| <p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution<sup>27</sup> 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> | <p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• What type of contribution is required: Agency should be have the development projects, and aids programme for child's in Cambodia like shelter, education, transportation, etc.</li> <li>• A contribution of 5,000 U.S. dollars, which is considered humanitarian contribution, is required to be paid by the adopter for one child. This contribution fund is reserved to support various options of lalternative care programme for children and to support State orphanages across the country. The payements are in two instalments as follow:             <ol style="list-style-type: none"> <li>1. Administrative processing fee: The adopter shall pay the amount of 1,500 U.S dollars when the adoption dossier has been forwarded to inter-country adoption administration of the central authority for inter-country adoption; the amount of which is not refundable.</li> <li>2. Contributions: The adopter shall pay the amount of 3,500 U.S dollars prior to the official hand-over of the child.</li> </ol> </li> <li>• Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): The adoption accredited body or the Central Authority of the receiving State.</li> <li>• How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: This contribution fund is reserved to be used to support state orphanages across the country as well as other service fees related to alternative care programme. Also, the Managment Communittee is take care of this. It will be made after adoption is done at Cambodia.</li> </ul> |

<sup>26</sup> See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 24.

<sup>27</sup> See further the Terminology, *supra*, note 24, 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.

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|  | <input type="checkbox"/> No   |
| <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 checked="" 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"> <li>• What type of co-operation projects are permitted: Humanitarian aid like accredited body recommends the project, report activities plan to Ministry of Foreign Affairs (Based on INGO's law), then, they will need to have an MoU with MoSVY.</li> <li>• Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): Central Authority, agencies/INGOs of receiving States.</li> <li>• Whether such projects are monitored by an authority / body in your State: MoSVY.</li> <li>• How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: An agency that operates in the adoption process in the Kingdom of Cambodia shall not be authorized to run or use any orphanage as a source to supply orphaned infants and children in the Kingdom of Cambodia.</li> </ul> <p><input 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><b>N.B. This is <u>not</u> recommended as a good practice:</b> see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).</p> | <p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): The centre but not to the birth family and not during the adoption process.</li> <li>• What donations are used for: to support the basic needs of the children to support for <i>e.g.</i> milk, diappers, clothing, medicines, nursery, equipments, education, etc. after the adoption is finalized. If donation are made, the recipients must be identified.</li> <li>• Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): CA, accredited bodies, and PAPs through their agency to MoSVY.</li> <li>• At what stage of the intercountry adoption procedure donations are permitted to be paid: before handing over the child after adoption is finalized.</li> <li>• How it is ensured that donations do</li> </ul>   |

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|  | <p>not influence or otherwise compromise the integrity of the intercountry adoption process: The donation is made only after the family has accepted the child/ren after adoption is finalized.</p> <p><input type="checkbox"/> No</p> |
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| <b>35. Improper financial or other gain (Arts 8 and 32)</b>  |  |
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| a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention? | CAIA/ICAA and Anti Corruption Unit.  |
| b) What measures have been taken in your State to prevent improper financial or other gain?                                    | <p>The measures that have been taken to prevent improper financial or other gain are:</p> <ul style="list-style-type: none"> <li>-Law on Inter-country Adoption 2009</li> <li>-Prakas 448, Joint Prakas On The Determination of Expenses, Fees and Contributions for Inter-country Adoption.</li> <li>-Law on suppression of human trafficking and sexual exploitation, 2008</li> <li>-Criminal Code</li> <li>-Anti-Corruption Unit</li> </ul> |
| c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.                                   | Any person who engaged in improper financial or other gain shall be punished in accordance with the existing laws and other legal provisions of the Kingdom of Cambodia.   |

## PART XI: ILLICIT PRACTICES<sup>28</sup>

| <b>36. Response to illicit practices in general</b>  |   |
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| Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>29</sup> | ICAA notifies to CAIA, which gives approval to take the appropriate measures regarding the cases. |

| <b>37. The abduction, sale of and traffic in children</b>  |  |
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| <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 (e.g., accredited bodies (national or foreign), PAPs,</p> | <ul style="list-style-type: none"> <li>-Law on suppression of human trafficking and sexual exploitation, 2008</li> <li>-Criminal Code</li> <li>-CRC (The Convention on the Rights of the Child)</li> </ul> |

<sup>28</sup> "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 [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >).

<sup>29</sup>*Ibid.*

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| directors of children's institutions).  |  |
| b) Please explain how your State monitors respect for the above laws.   | -According to the report, referral, investigation by police, local authority, DoSVY, CWD, ICAA and treatment report by the center, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement and relevant authorities will submit determined issue to relevant authority. |
| c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)? | Any person who engaged in the abduction, sale of and traffic in children shall be punished in accordance with the existing laws and other legal provisions of the Kingdom of Cambodia.   |

### 38. Private and / or independent adoptions

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| <p>Are private and / or independent adoptions permitted in your State?</p> <p><b>N.B.</b> "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</p> <p>Please tick all which apply.</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> |
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## PART XII: INTERNATIONAL MOBILITY

### 39. The scope of the 1993 Convention (Art. 2)

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| <p>a) If foreign national PAPs, habitually resident in your State, 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: French national PAPs are habitually resident in Guinea 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 State<sup>30</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>Domestic Adoption (Civil Code 2007) Art. 1007-1033.</p> <p>Base on the Explanatory note to Domestic Adoption 2016 in Example 4. A couple (husband and wife) have nationality of a foreign country and live in Cambodia with their intent to take Cambodia as their permanent residence. The Cambodian law recognizes that the couple has a right of living permanently in Cambodia.</p> <p>In this case stated above, if the couple (husband and wife) wants to adopt a child of Cambodian nationality whose permanent residence is located in Cambodia, then this adoption shall be a domestic adoption implemented by the Civil Code. That is because the country of permanent residence of this couple is Cambodia.</p> <p><input type="checkbox"/> No</p> |
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<sup>30</sup>According to the 1993 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, *supra*, note 15, Chapter 8.4.

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| <p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 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 type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input checked="" type="checkbox"/> No</p>   |
| <p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 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 State<sup>31</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>-People with the Cambodian Nationality and people with other nationalities apply under the same conditions and procedures; they also need to get the approval from Central Authority for adoption of the receiving State.</p> <p>Explanatory note to Domestic Adoption 2016, example No.2: A couple (husband and wife) have Cambodian nationality and live in a foreign country with their intent to take this foreign country as their permanent residence. The law of the foreign country where this couple live recognizes that the couple have a right of living permanently in the country.</p> <p>In this case stated above, if the couple (husband and wife) wants to adopt a child of Cambodian nationality whose permanent residence is located in Cambodia, then this adoption shall be an inter-country adoption implemented by Law on Inter-country Adoption 2009. That is because the country of permanent residence of this couple is the foreign country.</p> <p><input type="checkbox"/> No</p> |

## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>32</sup>

| 40. Selection of partners  |   |
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| <p>a) With which receiving States does your State currently partner on intercountry adoption?</p>  | <p>Italy, Spain (Catalunia), and Malta.</p>   |
| <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 Contracting States to the 1993 Convention.</p> | <p>-Countries that are Party to the 1993 Hague Convention.</p> <p>-The receiving State must have diplomatic relations with the Kingdom of Cambodia.</p> |

<sup>31</sup>According to the 1993 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, *supra*, note 15, Chapter 8.4.

<sup>32</sup>In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

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| <p>To see which States are Contracting States to the 1993 Convention, please refer to the <a href="#">Status Table</a> for the 1993 Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</p> |   |
| <p>c) If your State also partners with <i>non</i>-Contracting States, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.<sup>33</sup></p>  | <p>Bilateral Agreement on Cooperation on Intercountry Adoption cooperation between the Kingdom of Cambodia (Ministry of Foreign Affairs and International Cooperaton) and the country of agency, if such country is not a signatory to the Hague Convention</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting</i> States to the 1993 Convention.</p>  |
| <p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement<sup>34</sup> with that receiving State)?</p>   | <p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>35</sup></p> <p>Bilateral Agreement ot ICA:</p> <ul style="list-style-type: none"> <li>-To determine the number of agencies that will be authorised to cooperate in inter-country adoption in the Kingdom of Cambodia.</li> <li>-The application nofication name of agency send by receiving states or no have regarding to receiving states implementation.</li> <li>-The deplomatic channel of the application and all file/dossier shall be sent MOFA of Cambodia and a copy of such shall be submitted to the Embassy or representative of agency based in the Kingdom of Cambodia.</li> <li>-The validity of agreement is 3 years.</li> </ul> <p><input type="checkbox"/> No</p> |

<sup>33</sup>See GGP No 1, *supra*, note 15, 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”.

<sup>34</sup>See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

<sup>35</sup>*Ibid.*