

## Country Profile for the 1993 Adoption Convention<sup>1</sup>

### State of origin

COUNTRY NAME: SOUTH AFRICA

PROFILE UPDATED ON: 31 MAY 2026

#### I Central Authority(ies) designated by [South Africa]

##### 1. Contact details<sup>2</sup>

Central Authority (Art. 6(1))	
1.1. Name of the office (including acronyms used):	South African Central Authority (SACA)
1.2. Address:	Department of Social Development (DSD) Private Bag X901 Pretoria, 0001
1.3. Telephone:	+27 (12) 312 7143/4
1.4. Fax:	NONE
1.5. Email:	TebogoMa@dsd.gov.za
1.6. Website:	www.dsd.gov.za
1.7. Contact person 1	Direct contact details: Dr Tebogo Mabe Direct telephone: +27 (12) 312 7143/4 Direct email: TebogoMa@dsd.gov.za Language(s) of communication: ENGLISH Preferred method of communication: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Other (please specify):

<sup>1</sup> All HCCH documents on adoption mentioned in this document are available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Adoption Section”.

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

1.8. Contact person 2 (if applicable)	Direct contact details: Direct telephone: Direct email: Language(s) of communication: Preferred method of communication: <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Other (please specify):
<b>Other designated Central Authority(ies), if applicable (Art. 6(2))<sup>3</sup></b>	
1.9. Name of the office (including acronyms used)	
1.10. Address:	
1.11. Telephone:	
1.12. Fax:	
1.13. Email:	
1.14. Website:	
1.15. Contact person 1	Direct contact details: Direct telephone: Direct email: Language(s) of communication: Preferred method of communication: <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax <input type="checkbox"/> Other (please specify):
1.16. Contact person 2 (if applicable)	Direct contact details: Direct telephone: Direct email: Language(s) of communication: Preferred method of communication: <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> Fax

<sup>3</sup> This section will be expandable in order to allow for the inclusion of additional Central Authorities.

	<input type="checkbox"/> Other (please specify):
<b>Last Update: 31 May 2026</b>	

## II Relevant legislation in South Africa

### 2. The 1993 Adoption Convention and domestic legislation

<p>2.1. When did the 1993 Adoption Convention enter into force in South Africa?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website <a href="http://www.hcch.net">www.hcch.net</a>).</i></p>	<p>December 2003</p>
<p>2.2. Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in South Africa. 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.</i></p>	<p>The Children's Act 38 of 2005 and its Regulations which came into operation on 1 April 2010.</p>
<b>Last Update: 31 May 2026</b>	

### 3. Other international agreements on intercountry adoption<sup>4</sup>

<p>Is South Africa party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p>See Art. 39.</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> Regional agreements (please specify): The agreement with Lesotho</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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<sup>4</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 Arts 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).

### III The role of authorities and bodies

#### 4. Central Authority(ies)

<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in South Africa</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>To develop policies, procedures, standards and guidelines related to intercountry adoption.</p> <p>Regulate and monitor intercountry adoption.</p> <p>Accredit and monitor child protection organisations providing intercountry adoption.</p> <p>Enter into working agreements on intercountry adoption with foreign countries</p> <p>Prevent improper financial gain by adoption service providers</p> <p>Cooperation between Central Authorities to protect children and to achieve the other objects of the Convention.</p> <p>Collect, preserve and exchange information with other Central Authorities about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption</p> <p>Facilitate, follow and expedite proceedings with a view to finalise the adoption and ensure that post adoption services are rendered to the adoptive families</p>
<p><b>Last Update: 31 May 2026</b></p>	

#### 5. Public and competent authorities

<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in South Africa.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Magistrate courts are regarded as the children’s courts and has jurisdiction on any matter arising from the application of the Children’s Act.</p> <p>Every Magistrate is the Presiding officer of a children’s court and adjudicates any adoption matter.</p> <p>They adjudicate on matters where parents or children give consent to the adoption</p> <p>They issue an intercountry adoption order if they are satisfied that the adoption is in the best interests of the child.</p>
<p><b>Last Update: 31 May 2026</b></p>	

## 6. National accredited bodies<sup>5</sup>

<p>6.1. Has South Africa accredited its own adoption bodies?</p> <p>See Arts 10-11.</p> <p><i><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 HCCH (see Art. 13).<sup>6</sup></i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b><u>go to Question 7</u></b></p>
<p>6.2. Please indicate the number of national accredited bodies in South Africa, including whether this number is limited and, if so, on what basis.<sup>7</sup></p>	<p>Child Protection Organisations accredited for both National and Intercountry Adoption are nine (09)</p>
<p>6.3. Please briefly describe the role of national accredited bodies in South Africa.</p>	<p>The role of Child Protection Organisations accredited for Intercountry adoption are:</p> <ul style="list-style-type: none"> <li>- to ensure that all inter-country adoptions should be in the best interests of the child;</li> <li>- to ensure that inter-country adoption is considered as an alternative means of permanent care for a child when a suitable adoptive or foster family cannot be found nationally;</li> <li>- to ensure that the standards of inter-country adoption conform with the Hague Convention on Inter-country Adoption</li> <li>- to ensure that suitable homes in other countries be found for children who cannot be placed in countries of origin;</li> <li>- to ensure that children who are to be adopted are not discriminated against with regards to race, gender, language, religion, disability or any other status and that the biological parents of children who are adopted are not discriminated against;</li> <li>- to prevent pre-identification of children and privately arranged adoptions by prospective adoptive parents;</li> <li>- to ensure that all inter-country adoptions are agreed upon by the Central /Competent Authorities of both countries and adhere to the requirements of The Hague</li> </ul>

<sup>5</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 Adoption Convention by the competent authorities in your State. See further HCCH, *Guide to Good Practice No 2: Accreditation and Adoption Accredited Bodies*, Bristol, Family Law (Jordan Publishing Limited), 2012 ([GGP No 2](#)), Chapters 3.1 et seq.

<sup>6</sup> *Ibid.*, Chapter 3.2.1 (para. 111).

<sup>7</sup> *Ibid.*, Chapter 3.4.

	<p>Convention and the adoption laws of both countries;</p> <ul style="list-style-type: none"> <li>- to ensure that the receiving country meets the needs of the adoptable children;</li> <li>- to ensure that post adoption services and support are provided to the adoptive families by the adoption agencies involved for the agreed period of time &amp; receive post adoption reports</li> </ul>
<b>The accreditation procedure (Arts 10-11)</b>	
<p>6.4. Which authority / body is responsible for the accreditation of national adoption bodies in South Africa?</p>	<p>National Department of Social Development</p>
<p>6.5. Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>The Child Protection Organisation (CPO) applying for accreditation must:</p> <ul style="list-style-type: none"> <li>- be designated as a CPO in terms of section 107 of the Children’s Act</li> <li>- pursue only non-profit making objectives and have sound financial standing to enable them to render adoption services</li> <li>- have an experience in providing child protection services</li> <li>- have a clearly delineated organisational structure and resources to make adoption arrangements, a written policy and working procedures regulating the adoption work of the organisation</li> <li>- be staffed by social workers experienced and registered in accordance with the South African Social Service Professions Act, to undertake adoption services</li> <li>- have a board set up by the management of the agency to monitor services of the organisation</li> <li>- have a good track record in providing other child care and protection services, including adoption</li> <li>- not have any member of the board, management or staff with criminal record/s or conviction for offences against children (check Child Protection Register, Sexual Offences Register &amp; Police clearance)</li> <li>- submission of latest financial statements</li> </ul> <p>The procedure for granting accreditation is as follows:</p> <ul style="list-style-type: none"> <li>- The CPO forward the application and supporting documents to the provincial DSD office for consideration</li> </ul>

	<ul style="list-style-type: none"> <li>- The DSD provincial panel evaluate the application and make a recommendation, then forward all the documents to National DSD</li> <li>- The provincial coordinator present all the applications received before the National DSD panel</li> <li>- The National DSD panel accredit the CPO if all the requirements were met and issue an accreditation letter.</li> </ul>
6.6. For how long is accreditation granted in South Africa?	For a period of five (5) years.
6.7. Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	Same as above 6.5
<b>Monitoring of national accredited bodies<sup>8</sup></b>	
6.8. Which authority is competent to monitor / supervise national accredited bodies in [name of your State]?	Both National and Provincial DSD
<i>See Art. 11(c).</i>	
6.9. Please briefly describe how national accredited bodies are monitored / supervised in South Africa (e.g., if inspections are undertaken, how frequently).	The monitoring and evaluation of adoption service providers include on-site visits at the adoption service provider's work premises; and or request the submission of required information or documentation to assess compliance to all the requirements of the children's legislation concerning adoption and the accreditation criteria.
6.10. Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).	Repetitive actions of malpractice or unethical conduct might lead to punitive measures, which might include suspension or termination of accreditation to provide adoption services.
6.11. If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): Withdrawal of accreditation <input type="checkbox"/> No
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## 7. Authorised foreign accredited bodies (Art. 12)<sup>9</sup>

7.1. Has South Africa authorised any foreign accredited adoption bodies to work with, or in South Africa?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – <b>go to Question 8</b>
<i>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be</i>	

<sup>8</sup> *Ibid.*, Chapter 7.4.

<sup>9</sup> In relation to authorisation of accredited bodies, *ibid.*, Chapter 4.2.

<p><i>communicated by your State to the Permanent Bureau of the HCCH.</i></p>	
<p>7.2. Please indicate the number of foreign accredited bodies authorised to work with, or in South Africa. If this number is limited in any way, please indicate on what basis South Africa limits the number.<sup>10</sup></p>	<p>Fourteen (14)</p>
<p>7.3. Please briefly describe the role of authorised foreign accredited bodies in South Africa.</p>	<p>The authorized foreign accredited body must provide the following to the partner CPO:</p> <ul style="list-style-type: none"> <li>- Suitable prospective adoptive parents for adoptable children as prescribed in Article 5 of The Hague Convention</li> <li>- A home study report as prescribed in Article 15 of the Hague, including information about prospective adoptive parent's circumstances</li> <li>- The dossiers prepared and containing the following authentic copies of: <ul style="list-style-type: none"> <li>• certified copies of passport/s</li> <li>• marriage certificate if applicable</li> <li>• approved home study report compiled by a suitably qualified adoption social worker who is employed or contracted by the partner organisation</li> <li>• employment certificates</li> <li>• medical report of applicant's health status</li> <li>• police clearance certificate/s</li> <li>• birth certificate or proof of citizenship or permanent residence</li> <li>• character references</li> <li>• evidence of eligibility and suitability as required under Article 17 of The Hague Convention</li> <li>• adoption service providers and prospective adoptive parent/s post placement commitment <ul style="list-style-type: none"> <li>- Provide information to the CPO on adoptive families travel arrangements</li> <li>- Post adoption services to the adoptive family including: <ul style="list-style-type: none"> <li>• to receive letters and photos from the adoptive parents transmit them to the child protection organisation and the Central Authority</li> <li>• post-placement reports prepared by an adoption social worker and transmitted to the child protection organisation and the Central Authority by the adoption agency during the first five years after the placement of the child</li> </ul> </li> </ul> </li> </ul> </li> </ul>

<sup>10</sup> See [GGP No 2](#), *ibid.*, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

	<p>Time frame: Year 1: Post adoption report to be provided six months after placement</p> <p>Year 2-5: Post adoption reports to be provided annually</p> <p>Depending on the case, more after care reports may be required.</p>
<p>7.4. Are there any requirements concerning the way foreign accredited bodies must operate in South Africa?</p> <p><i>Please tick any which apply.</i></p>	<p>X Yes:</p> <p><input type="checkbox"/> The foreign accredited body must establish an office in [name of your State] with a representative and professional staff (from the receiving State or from [name of your State] – please specify): <b>OR</b></p> <p><input type="checkbox"/> The foreign accredited body must work with [name of 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 [name of your State]: <b>OR</b></p> <p>X<input type="checkbox"/> Other (please specify): The foreign accredited body must be approved by both Central Authorities to work in South Africa (SA)</p> <p>They should have an intercountry adoption working agreement with the CPO in SA and both Central Authorities must approve the working agreement.</p> <p><input type="checkbox"/> No</p>
<b>The authorisation procedure</b>	
<p>7.5. Which authority / body in South Africa is responsible for the authorisation of foreign accredited bodies?</p>	<p>The South African Central Authority in the Department of Social Development (DSD)</p>
<p>7.6. Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.<sup>11</sup> If South Africa does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p>	<p>The following are the documents required for granting authorisation of a foreign accredited body:</p> <ul style="list-style-type: none"> <li>- a copy of its accreditation document</li> <li>- authorization of the adoption agency by the Central Authority of its country</li> <li>- the adoption legislation or policy of that country.</li> <li>- procedure that is being followed on inter-country adoption in that country.</li> <li>- the coordinating body or authority within the country e.g. if the country has several authorities or states.</li> <li>- the names of other countries that the foreign country is cooperating with.</li> </ul>

<sup>11</sup> In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

7.7. For how long is authorisation granted?	Five years
7.8. Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	If there is no breach of the working agreement, corruption, non-compliance to the principles mentioned and relevant legislation of both countries and international legal instruments. Then, the authorisation may be renewed.
<b>Monitoring of authorised foreign accredited bodies</b>	
7.9. Does South Africa monitor / supervise the activities of authorised foreign accredited bodies? <sup>12</sup>	<input type="checkbox"/> Yes X No – <b><u>go to Question 8</u></b>
7.10. Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	
7.11. Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in [name of your State] (e.g., if inspections are undertaken, how frequently).	
7.12. Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked ( <i>i.e.</i> , withdrawn).	
7.13. If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation):  <input type="checkbox"/> No
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## 8. Approved (non-accredited) persons (Art. 22(2))<sup>13</sup>

<p>8.1. Is the involvement of approved (non-accredited) persons <i>in South Africa countries</i> permitted in intercountry adoption procedures in South Africa?</p> <p><i><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 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p> <p><i>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>14</sup></i></p>	<input type="checkbox"/> Yes, [name of your State] has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in [name of your State]:  X No
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<sup>12</sup> *Ibid.*, Chapter 7.4 and, in particular, para. 290.

<sup>13</sup> *Ibid.*, Chapter 13.

<sup>14</sup> *Ibid.*, Chapter 13.2.2.5.

<p>8.2. Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in South Africa?</p> <p><i>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in [name of your State]:</p> <p>X No, [name of your State] has made a declaration according to Article 22(4).</p>
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## IV The children proposed for intercountry adoption

### 9. The profile of children in need of intercountry adoption

<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in South Africa (e.g., age, sex, state of health).</p>	<p>Ages: All ages less than 10 years old</p> <p>Sex; Both males &amp; females</p> <p>State of Health: Healthy and children with special needs</p>
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### 10. The adoptability of a child (Art. 4(a))

<p>10.1. Which authority is responsible for establishing that a child is adoptable?</p>	<p>South African Central Authority &amp; the Children's Courts</p>
<p>10.2. Which criteria are applied to determine whether a child is adoptable?</p>	<p>A child is adoptable if:</p> <ul style="list-style-type: none"> <li>- the child is an orphan and has no guardian or caregiver willing to adopt him/her</li> <li>- the child has been abandoned</li> <li>- the whereabouts of the child's parents or guardian cannot be established</li> <li>- The child's parent or guardian has abused or deliberately neglected the child, or has allowed the child to be abused or deliberately neglected</li> <li>- the child is in need of a permanent alternative placement</li> <li>- the child is the stepchild of the person intending to adopt</li> <li>- the child's parent or guardian has consented to the adoption, unless consent is not required</li> <li>- If an adoptable child placed on the Register for Adoptable Children and Prospective Adoptive Parents (RACAP) for more than sixty days, then the child may be considered for intercountry adoption.</li> </ul>

<p>10.3. Please briefly describe the procedures used in South Africa to determine whether a child is adoptable (e.g., search for the child’s birth family).</p> <p><i>N.B. the issue of consent is dealt with at Question 12 below.</i></p>	<p>If it is an abandoned child, a Notice to be placed on a Notice Board at the local office of DSD or designated CPO to trace the family for a period of 3 months. Notice is published on a website of the relevant provincial DSD for a period of 3 months to trace the family.</p> <p>If a period of 3 months has lapsed since the publication of the Notice and that no person has claimed responsibility for the child, the child is considered as abandoned.</p> <p>If parent/s have consented, the child is considered adoptable</p> <p>If another parent's whereabouts are unknown, a Notice is placed for the period of 3 months at the local office of DSD or designated CPO or published on a website of the relevant provincial DSD to trace the parent.</p>
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## 11. The best interests of the child and subsidiarity (Art. 4(b))

<p>11.1. Please briefly describe how South Africa ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).</p>	<p>The CPO is expected to trace the child’s family if abandoned and ensure that reunification with the family is prioritised.</p> <p>If the child cannot be placed within the family, alternative placement is considered which include National Adoption.</p> <p>If the child cannot be adopted nationally, intercountry adoption is considered.</p> <p>If the requirements of the subsidiarity principle have been adhered to, the child is then considered for intercountry adoption, which is the last resort.</p>
<p>11.2. Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child’s best interests?</p>	<p>The South African Central Authority and Children’s Courts</p>
<p>11.3. 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>Compliance to both national and international legislation.</p>
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## 12. Counselling and consents (Art. 4(c) and (d))

<p>12.1. According to South Africa’s domestic legislation, please explain which person,</p>	<p>(i) Both parents are known; they are expected to consent to the adoption of their child</p>
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<p>institution or authority has to consent to the adoption of a child in the following scenarios below.</p> <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>	<p>(ii) One parent is unknown or deceased; A Notice is placed to trace the other parents if whereabouts are unknown and if deceased, a copy of a death certificated must be submitted if deceased.</p> <p>(iii) Both parents are unknown or deceased; A Notice is placed for a period of 3 months to trace them. Copies of death certificates must be submitted, if parents are deceased.</p> <p>(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). SACA ensures that parents are not deprived of their Responsibilities and Rights.</p>
<p>12.2. Please describe the procedure for:</p>	<p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; Counselling is provided to the parent/s by the adoption service providers before giving consent to the adoption, and</p> <p>(ii) obtaining their consent(s) to an adoption.<sup>15</sup> Consent is given by parents in the Children's court before the Presiding officer, who ensures that the parent/s were not coerced to give consent to the adoption of their children.</p>
<p>12.3. Does South Africa use the model form "Statement of consent of the legal parents or the legal representative of the child to the adoption (Art. 4(c))" developed by the Permanent Bureau of the HCCH?</p> <p>See <a href="#">Recommended Model Forms</a> for use under the 1993 Adoption Convention - Form No 1.<sup>16</sup></p>	<p><input type="checkbox"/> Yes</p> <p>X No – please provide (or link to) any form(s) which [name of your State] uses for this purpose:</p> <p>The Children's Courts use the prescribed forms in terms of the Children's Act.</p>
<p>12.4. Does South Africa use the model form "Statement of consent of the child to the intercountry adoption (Art. 4 (d))" developed by the Permanent Bureau of the HCCH?</p> <p>See <a href="#">Recommended Model Forms</a> for use under the 1993 Adoption Convention - Form No 5.</p>	<p><input type="checkbox"/> Yes</p> <p>X No – please provide (or link to) any form(s) which [name of your State] uses for this purpose:</p> <p>The Children's Courts use the prescribed forms in terms of the Children's Act.</p>
<p>12.5. Having regard to the age and degree of maturity of a child, please briefly describe how South Africa ensures that</p>	<p>Child participation is one of the principles used during the adoption process.</p>

<sup>15</sup> See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Adoption Convention.

<sup>16</sup> HCCH, *Recommended Model Forms for use under the 1993 Adoption Convention*, 2024 ([Model Forms](#)).

<p>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>12.6. Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in South Africa.</p> <p><i>See Art. 4(d)(1).</i></p>	<p>In terms of the Children's Act, children who are 10 years and above and those under the age of 10 years but is of age, maturity and stage of development to understand the implications of such consent are allowed to give consent to their adoption.</p>
<p>12.7. 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>Counselling is provided to the child before giving consent in the children's court. The Presiding officer also ensures that the child understand the implication of giving consent before signing the consent form.</p>
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### 13. Children with special needs

<p>13.1. In the context of intercountry adoption, please describe what is meant in South Africa by "children with special needs".</p>	<p>Children with special needs are children who needs special care in terms of age, disability or chronic illnesses.</p>
<p>13.2. What, if any, procedures does South Africa use to expedite the adoption of children with special needs?</p>	<p>A confirmation through the foreign adoption agency is required from the prospective adoptive parents that they are willing and able to adopt a special needs child.</p>
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### 14. The preparation of children for intercountry adoption

<p>Is there a special procedure in South Africa to prepare a child for an intercountry adoption?</p>	<p>X Yes, please provide details (e.g., the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used):</p> <p>After the accredited CPO has received Article 17 from both Central Authorities, preparation commence, which will include counselling the child and video calls with the prospective adoptive parents</p> <p><input type="checkbox"/> No</p>
<p><b>Last Update: 31 May 2026</b></p>	

**15. The nationality of children who are adopted intercountry<sup>17</sup>**

<p>Are children who are nationals of South Africa and who are adopted intercountry permitted to retain their nationality?</p>	<p><input type="checkbox"/> Yes, always</p> <p><input 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):</p> <p><input type="checkbox"/> No, the child will never retain this nationality</p>
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**V Prospective Adoptive Parents (PAPs)**

**16. Limits on the acceptance of files**

<p>Does South Africa place any limit on the number of PAPs’ files, which are accepted from receiving States?<sup>18</sup></p>	<p><input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:</p> <p>X No</p>
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**17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in [name of your State]<sup>19</sup>**

<p>17.1. Do PAPs wishing to undertake an intercountry adoption in South Africa 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>	<p>X Yes, the following person(s) may apply in South Africa for an intercountry adoption:</p> <p>X<input type="checkbox"/> Married, heterosexual couples:</p> <p>X<input type="checkbox"/> Married, same-sex couples:</p> <p>X<input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p>X<input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Single men:</p> <p>X<input type="checkbox"/> Single women:</p>
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<sup>17</sup> Regarding nationality, see further HCCH *Guide to Good Practice No 1: The implementation and Operation of the 1993 Intercountry Adoption Convention* Bristol, Family Law (Jordan Publishing Limited), 2008 (“GGP No 1”), Chapter 8.4.5.

<sup>18</sup> See [GGP No 2](#) (op. cit. note 5), Chapter 3.4.2 and, in particular, para. 121.

<sup>19</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 Adoption Convention and HCCH, Note on Habitual Residence and Scope of the 1993 Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, 2018 ([Note on Habitual Residence](#)).

	<input checked="" type="checkbox"/> Other (please specify): Partners in a permanent domestic life partnership Other persons sharing a common household & forming a permanent family unit <input type="checkbox"/> No, there are no relationship status criteria for PAPs.
17.2. Are there any age requirements for PAPs wishing to undertake an intercountry adoption in [name of your State]?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> Minimum age requirements: <input type="checkbox"/> Maximum age requirements: <input type="checkbox"/> Difference in years required between the PAPs and the child: <input type="checkbox"/> Other (please specify): The PAP should be above the age of 18 years <input type="checkbox"/> No
17.3. Are there any <i>other</i> eligibility criteria which South Africa requires PAPs to fulfil?	<input checked="" type="checkbox"/> Yes: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): PAP's must have the capabilities and training to care for a special needs child <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): No <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
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## 18. Preparation and counselling of PAPs (Art. 5(b))

Does South Africa require that PAPs wishing to undertake an intercountry adoption in South Africa 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: Preparation on adopting a child of different race and culture. The importance of bonding and attachment to be considered. The child might be interested to trace his or her origin after reaching the age of 18 years & PAP's must be prepared for that. <input type="checkbox"/> No
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## VI The intercountry adoption procedure

### 19. Applications

<p>19.1. To which authority / body in [name of your State] does the adoption file of PAPs have to be submitted?</p>	<p>It differs, as other countries submit files directly to partner organisations and others submit to the Central Authority.</p>
<p>19.2. Please indicate which documents must be submitted with an application:</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of “approval to adopt” issued by a competent authority in the receiving State</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the “home study” and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs’ passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs’ birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain: proof of residence in a foreign country</p>
<p>19.3. Is it compulsory in South Africa for an accredited body to be involved in an intercountry adoption procedure?<sup>20</sup></p>	<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>21</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 South Africa, for all stages of the procedure):</p>

<sup>20</sup> See [GGP No 1](#) (*op. cit.* note 17), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

<sup>21</sup> See the definitions provided at notes 5 and 9 above.

	<p>The national accredited body together with the foreign authorised accredited body are involved in the adoption process. The national accredited body determine the adoptability of the child and compile a child study report and the foreign accredited body screen the applicants. If they are found to be fit and proper to adopt, they compile a home study report and forward the dossier to the sending country.</p> <p><input type="checkbox"/> No</p>
<p>19.4. Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p>X<input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p>X<input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p>X<input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>19.5. Please specify the language(s) in which any documents must be submitted:</p>	<p>English</p>
<p>19.6. Do any of the required documents need to be legalised or apostilled?</p>	<p>X<input type="checkbox"/> Yes, please specify which documents:</p> <p><input type="checkbox"/> No – <b>go to Question 20</b></p>
<p>19.7. Is South Africa party to the HCCH <i>Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Apostille Convention)?</p> <p><i>This information is available on the <a href="#">Status Table for the Apostille Convention</a> (see the <a href="#">Apostille Section</a> of the HCCH website).</i></p>	<p>X<input type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in [name of your State]:</p> <p>The country acceded to the treaty &amp; officially came into force on 30 April 1995</p> <p><input type="checkbox"/> No</p>
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## 20. The report on the child (Art. 16(1)(a))

<p>20.1. Who is responsible for preparing the report on the child?</p>	<p>Accredited Child Protection Organisations</p>
<p>20.2. Is a “standard form” used for the report on the child?</p>	<p>X<input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p>

	<p>Regulation 112 of the Children's Act</p> <p><input type="checkbox"/> No. Please indicate whether South Africa 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:</p>
<p>20.3. Does South Africa use the model forms "<a href="#">Medical report on the child (Art. 16)</a>" and "<a href="#">Report concerning the psychological and social circumstances of the small child (Art. 16)</a>" developed by the Permanent Bureau of the HCCH?</p> <p>See Recommended <a href="#">Model Forms</a> for use under the 1993 Adoption Convention - Forms No 3 and 4.</p>	<p><input type="checkbox"/> Yes</p> <p>X <input checked="" type="checkbox"/> No</p>
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## 21. The report on the PAPs (Art. 15(2))

21.1. For how long is the report on the PAPs valid in South Africa?	
21.2. Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <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?	An updated report is required from the partner organisation in the foreign country.
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## 22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))

The authorities and the matching procedure	
22.1. Who is responsible for the matching of the child and the PAPs in South Africa?	Accredited Child Protection Organisations
22.2. What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	
22.3. What methodology is used for the matching in South Africa?	A panel of experienced adoption officials of the CPO's check the PAP's profiles & the needs of the children.
22.4. Is any preference given to PAPs who have a close connection with South Africa (e.g., nationals of South Africa	<p><input type="checkbox"/> Yes, please specify:</p> <p>X <input checked="" type="checkbox"/> No</p>

who have emigrated to a receiving State)?	
22.5. Who is responsible for notifying the receiving State of the matching?	Accredited CPO
22.6. How does South Africa ensure that the prohibition on contact in Article 29 is respected?	CPO's are aware of this prohibition & the Central Authority ensures that they comply.
<b>Acceptance of the match</b>	
22.7. Does South Africa require that the matching be approved by the relevant authorities / bodies of the receiving State?	X <input type="checkbox"/> Yes, please provide details of the required procedure: The Central Authority is expected to issue an Article 17(c) after the prospective adoptive parents have accepted proposed match with the child. <input type="checkbox"/> No
22.8. How much time is the receiving State given to decide whether to accept a match?	No time frame
22.9. If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in South Africa?	None
<b>Information following acceptance of the match</b>	
22.10. Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (i.e., during the remainder of the intercountry adoption procedure and prior to entrustment)?	X <input type="checkbox"/> Yes, please specify who is responsible for providing this information: The CPO liaise with the foreign accredited body to provide such information of the child to the PAP's. <input type="checkbox"/> No
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### 23. Agreement under Article 17(c)

23.1. Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	South African Central Authority & the Central Authority of the receiving countries.
23.2. At what point in the adoption procedure is the Article 17(c) agreement given in South Africa.	X <input type="checkbox"/> South Africa sends the Article 17(c) agreement to the receiving State with the proposed match; <b>OR</b> <input type="checkbox"/> The receiving State must accept the match first and then [name of your State] will provide its Article 17(c) agreement; <b>OR</b> <input type="checkbox"/> Other (please specify):
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## 24. Travel of the PAPs to [South Africa]<sup>22</sup>

<p>24.1. In order to undertake an intercountry adoption in South Africa is it mandatory for PAPs to travel to [South Africa] at any point?</p>	<p><input 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 South Africa: After the PAP's have accepted, the match and both Central Authorities have issued Article 17 (c) and the CPO has secured a court date for finalisation of the adoption.</li> <li>- How many trips are required to complete the intercountry adoption procedure: One trip</li> <li>- How long the PAPs need to stay for each trip: -3 months The CPO monitors the bonding of the child with the PAP's for a period of 3 - 4 weeks before finalisation of adoption.</li> <li>- Any other conditions:</li> </ul> <p><input type="checkbox"/> No</p>
<p>24.2. Does South Africa 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: X <input type="checkbox"/> No</p>
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## 25. Entrustment of the child to the PAPs (Art. 17)

<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs? Please include an explanation of the procedures used to prepare the child for entrustment (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>The PAP's are supposed to come to the country and the CPO will ensure that bonding takes place through visits to where the PAP's are staying. Then, variation of placement (temporary care) with the PAP's is done, where the child will stay with PAP's for bonding &amp; attachment before the adoption is finalised at the children's court.</p>
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## 26. Transfer of the child to the receiving State (Arts 5(c) and 18))

<p>26.1. Which documents does South Africa require in order for the child to be permitted to leave South Africa and travel to the receiving State (e.g., passport, visa, exit permit)?</p>	<p>Inter-county adoption order, Certificate of Conformity and Passport/Visa</p>
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<sup>22</sup> See [GGP No 1](#) (op. cit. note 17), Chapter 7.4.10.

<p>26.2. Which of the documents listed in response to Question 26.1 above does South Africa issue? Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>	<p>Intercountry adoption order is issued by the Department of Justice and Constitutional Development The Certificate of Conformity is issued by the South African Central Authority Passport &amp; visa is issued by the Department of Home Affairs or Embassy of the respective countries</p>
<p>26.3. 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 South Africa and travel to the receiving State?</p>	<p><input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No</p>
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## 27. Final adoption decision and the Article 23 certificate

<p>27.1. In intercountry adoption cases, is the final adoption decision made in South Africa or in the receiving State?</p>	<p><input checked="" type="checkbox"/> In South Africa – <b>go to Question 27.3</b> <input type="checkbox"/> In the receiving State – <b>go to Question 27.2</b></p>
<p>27.2. Following the making of the final adoption decision in the receiving State:</p>	<p>(i) Are any further steps required in [name of your State] to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)?  (ii) Which authority or body in [name of your State] should receive a copy of the Article 23 certificate issued by the receiving State?  <b>Go to Question 28</b></p>
<p>27.3. If the final adoption decision is made in South Africa, which competent authority:</p> <p><i><b>N.B.</b> According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</i></p> <p><i>The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (under “Authorities”), available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p>	<p>(i) Makes the adoption decision; The Department of Justice and Constitutional Development &amp; issues the intercountry adoption order and (ii) The South African Central Authority issues the Certificate of Certificate under Article 23 of the 1993 Convention.</p>
<p>27.4. Does South Africa use the “Recommended model form – Certificate of conformity of intercountry adoption”?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>See Recommended <a href="#">Model Forms</a> for use under the 1993 Adoption Convention - Form No 9.<sup>23</sup></p>	
<p>27.5. Please briefly describe the procedure for issuing the Article 23 certificate. E.g., 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>The intercountry adoption court documents received by the South African Central Authority are verified. The adoption is registered in the adoption register and the Registrar of intercountry adoption signs the adoption order.</p> <p>An Article 23 is issued within five working days of receipt of the court documents. The PAP's are given the original Intercountry Adoption Order, birth certificate of the child &amp; Article 23 certificate.</p> <p>Some countries require the original intercountry adoption order &amp; Certificate of Conformity.</p>
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## 28. Duration of the intercountry adoption procedure

<p>Where possible, please indicate the average time which it takes to:</p>	<ul style="list-style-type: none"> <li>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</li> <li>(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; 3-4 weeks for bonding</li> <li>(iii) Match a final adoption decision following the entrustment of a child to PAPs (if applicable in South Africa: i.e., if the final adoption decision is made in South Africa and not in the receiving State). After bonding has taken place, the CPO compile a supplementary report to that effect.</li> </ul>
<p><b>Last Update: 31 May 2026</b></p>	

## VII Intra-family intercountry adoptions

### 29. Procedure for the intercountry adoption of a child who is a relative of the PAPs (intra-family intercountry adoption)

<p>29.1. Please explain the circumstances in which an intercountry adoption will be classified as an “<i>intra-family</i> intercountry adoption” in South Africa.</p>	<p>This is an adoption of a child by his/her family or relatives residing in another country.</p>
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<sup>23</sup> [Model Forms](#) (op. cit. note 16).

<p>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>29.2. Does South Africa apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further <a href="#">GGP No 1</a> at para. 8.6.4.</i></p>	<p>X <input 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, then proceed to <b>Question 30</b>:</p> <p>.</p> <p><input type="checkbox"/> No – <b>go to Question 29.3</b></p>
<p>29.3. If [name of your State] does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p>	<p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>
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## VIII Simple and full adoption<sup>24</sup>

### 30. Simple and full adoption

<p>30.1. Is “full” adoption permitted in South Africa ?</p> <p>See <a href="#">GGP No 1</a> at Chapter 8.8.8 and note 24 below.</p>	<p>X <input 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>30.2. Is “simple” adoption permitted in South Africa?</p> <p>See <a href="#">GGP No 1</a> at Chapter 8.8.8 and note 24 below.</p>	<p><input type="checkbox"/> Yes</p> <p>X <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 type="checkbox"/> Other (please explain):</p>
<p>30.3. If a “simple” adoption is to be undertaken in [name of your State] in an intercountry adoption case, does [name of your State] nonetheless usually seek the birth mother / family’s consent(s)<sup>25</sup> to a “full” adoption where this is in the child’s best interests (<i>i.e.</i>, so that a “conversion” of the adoption may be undertaken in the receiving</p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>

<sup>24</sup> According to the 1993 Adoption Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and [GGP No 1](#) (*op. cit.* note 17), Chapter 8.8.8.

<sup>25</sup> Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.

State if the other conditions in Art. 27(1) are fulfilled)?  <i>See Art. 27(1)(b) and Art. 4 (c) and (d).</i>	
30.4. How does [name of your State] respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family <sup>26</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?	
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## IX Post-adoption matters

### 31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child

31.1. Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?	The South African Central Authority
31.2. For how long is the information concerning the child's origins preserved?	Adoption records are not destroyed
31.3. Does South Africa permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child: <ul style="list-style-type: none"> <li>- the adoptee and / or his / her representative(s);</li> <li>- the adoptive parents;</li> <li>- the birth family; and / or</li> <li>- any other persons?</li> </ul> <p>If so, are there any criteria which must be met for access to be granted (e.g., 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)?</p> <p><i>See Art. 9(a) and (c) and Art. 30.</i></p>	<ul style="list-style-type: none"> <li>- The adoptee and / or his / her representative(s):  <input checked="" type="checkbox"/> Yes – please explain any criteria:  The information may be disclosed to an adoptee after reaching the age of 18 years  <input type="checkbox"/> No</li> <li>- The adoptive parents:  <input checked="" type="checkbox"/> Yes – please explain any criteria:  After the child has reached the age of 18 years  <input type="checkbox"/> No</li> <li>- The birth family:  <input checked="" type="checkbox"/> Yes – please explain any criteria:  The biological parent of the adoptee after reaching the age of 18 years but only if the adoptive parents and the adoptee give their consent in writing  <input type="checkbox"/> No</li> </ul>

<sup>26</sup> *Ibid.*

	<p>- Any other persons:  <input type="checkbox"/> Yes – please explain any criteria:</p> <p>For any official purposes subject to conditions determined by the Director General. Or by an order of court, if the court finds out that such disclosure is in the best interests of the adopted child and for purposes of research, provided that no information that would reveal the identity of an adopted child or his/her adoptive or biological parents is revealed.</p> <input type="checkbox"/> No
31.4. Where access to such information is provided, is any counselling or other guidance / support given in South Africa?	<input checked="" type="checkbox"/> Yes – please specify: Counselling and support is provided  <input type="checkbox"/> No
31.5. Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<input checked="" type="checkbox"/> Yes – please specify: Assistance is offered to the adoptee if he/she wants to make contact with his/her biological or extended family  <input type="checkbox"/> No
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## 32. Post-adoption reports<sup>27</sup>

32.1. Is there a model form which is used by South Africa for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):  <input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (e.g., medical information, information about the child's development, schooling): Medical information, the child's development, bonding and attachment to the family, schooling and language proficiency should be included in the report
32.2. What are the requirements of South Africa in relation to post-adoption reports? Please indicate:	(i) How frequently such reports should be submitted (e.g., every year, every two years); Two reports after placement and one report annually  (ii) For how long (e.g., until the child is a certain age);

<sup>27</sup> See [Model Forms](#) (op. cit. note 16). Form No 6.

	<p>For a period of five years</p> <p>(iii) The language in which the report must be submitted; English</p> <p>(iv) Who should write the reports; The social worker from the foreign accredited body and</p> <p>(v) Any other requirements. If the child has attachment problems, the duration of receiving the reports may be extended</p>
32.3. What, if any, are the consequences in South Africa if post-adoption reports are either:	<p>(i) Not submitted at all; Non-compliance may result in withdrawing the authorisation to work with the foreign accredited body or Yes.</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>
32.4. What does South Africa do with post-adoption reports? ( <i>i.e.</i> , to what use are they put?)	They are part of monitoring the adjustments/attachment of the children with the adoptive families.
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## X The financial aspects of intercountry adoption<sup>28</sup>

*States of origin are also kindly requested to complete the [“Tables on the costs associated with intercountry adoption”](#).*

### 33. The costs<sup>29</sup> of intercountry adoption

33.1. Are the costs of intercountry adoption regulated by law in South Africa?	<p>X <input 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: Regulation 107 of the Children’s Act</p> <p><input type="checkbox"/> No</p>
33.2. Does South Africa monitor the payment of the costs of intercountry adoption?	<p>X <input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: When intercountry adoption is finalised, the CPO must submit a copy of the fees charged</p> <p><input type="checkbox"/> No</p>
33.3. Are the costs of intercountry adoption which must be paid in South Africa paid through the accredited body involved in	<p>X <input type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input type="checkbox"/> Other (please explain):</p>

<sup>28</sup> See HCCH, *Toolkit for preventing and addressing illicit practices in intercountry adoption*, 2023 ([Toolkit against Illicit Practices](#)), Glossary and Fact Sheet 3 “Improper Financial and other Gain” and the HCCH tools on [Financial aspects](#) of intercountry adoption.

<sup>29</sup> See the definition of “costs” provided in the [Toolkit against Illicit Practices](#), *ibid.*, Glossary.

<p>the particular intercountry adoption (if applicable – see Question 19.3 above) or directly by the PAPs themselves?</p> <p>See <a href="#">Toolkit against Illicit Practices</a>,<sup>30</sup> Fact Sheet 3, line 28.</p>	
<p>33.4. Are the costs of intercountry adoption which must be paid in South Africa paid in cash or only by bank transfer?</p> <p>See <a href="#">Toolkit against Illicit Practices</a>, Fact Sheet 3, line 26</p>	<p><input checked="" type="checkbox"/> Only by bank transfer:  <input type="checkbox"/> In cash:  <input type="checkbox"/> Other (please explain):</p>
<p>33.5. Which body / authority in South Africa receives the payments?</p>	<p>The National accredited bodies</p>
<p>33.6. Does South Africa 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><i>N.B.</i> Please also ensure that your State has completed the “<a href="#">Tables on the costs associated with intercountry adoption</a>” (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed:  <input type="checkbox"/> No</p>
<p><b>Last Update: 31 May 2026</b></p>	

#### 34. Contributions, cooperation projects and donations<sup>31</sup>

<p>34.1. Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution<sup>32</sup> to South Africa if it wishes to engage in intercountry adoption in South Africa?</p> <p>See <a href="#">Toolkit against Illicit Practices</a>, Fact Sheet 3</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• What type of contribution is required:</li> <li>• Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body):</li> <li>• How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
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<sup>30</sup> *Op. cit.* note 28.

<sup>31</sup> See the definitions of these terms provided in the Glossary of the [Toolkit against Illicit Practices](#) (*op. cit.* note 28).

<sup>32</sup> *Ibid.*, the Glossary of the [Toolkit against Illicit Practices](#), states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children’s institutions (e.g., for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of “highly recommended contribution”, but in practice it is “mandatory” for the PAPs in the sense that their application will not proceed if the payment is not made.

<p>34.2. Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in South Africa?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> <li>• What type of co-operation projects are permitted:</li> <li>• Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies):</li> <li>• Whether such projects are monitored by an authority / body in [name of your State]:</li> <li>• How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input type="checkbox"/> No</p>
<p>34.3. Does South Africa permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in South Africa?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further <a href="#">Toolkit against Illicit Practices</a>, Fact Sheet 3</i></p>	<p><input 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):</li> <li>• What donations are used for:</li> <li>• Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs):</li> <li>• At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>• How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p>X<input type="checkbox"/> No</p>
<p><b>Last Update: 31 May 2026</b></p>	

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

<p>35.1. Which authority is responsible for preventing improper financial or other gain in South Africa as required by the Convention?</p>	<p>The South African Central Authority</p>
<p>35.2. What measures have been taken in South Africa to prevent improper financial or other gain?</p>	<p>Monitoring and evaluation of CPO's</p>

35.3. Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Termination of intercountry adoption working agreement
<b>Last Update: 31 May 2026</b>	

## XI Illicit practices<sup>33</sup>

### 36. Response to illicit practices in general

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>34</sup>	“Individuals implicated are subject to investigation, and appropriate consequence management measures are implemented.”
<b>Last Update: [INSERT DATE]</b>	

### 37. The abduction, sale of and traffic in children

37.1. Please indicate which laws in South Africa seek to prevent the abduction, sale of and traffic in children in the context of South Africa’s intercountry adoption programmes.  Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children’s institutions).	Prevention and Combating of Trafficking in Persons Act, Act 7 of 2013
37.2. Please explain how South Africa monitors respect for the above laws.	
37.3. If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?	Imprisonment & withdrawal of accreditation
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### 38. Private and / or independent adoptions

<p>Are private and / or independent adoptions permitted in South Africa?</p> <p><i>N.B. “Independent” and “private” adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further <a href="#">GGP No 1</a> at Chapters 4.2.6 and 8.6.6. , and the <a href="#">Toolkit against Illicit Practices</a>, Glossary, Fact Sheet 2 (line 3) and Fact Sheet 10 (line 7).</i></p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in [name of your State]:</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in [name of your State]:</p> <p>X<input type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>
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<sup>33</sup> “Illicit practices” in this Country Profile refers to ‘practices leading to situations where a child has been, or is to be, adopted without respect for the rights of the child or for the safeguards of the 1993 Adoption Convention’ ([Toolkit against Illicit Practices](#) (op. cit. note 28).

<sup>34</sup> *Ibid.*

## XII International mobility<sup>35</sup>

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

<p>39.1. If foreign national PAPs, habitually resident in South Africa, wish to adopt a child habitually resident in South Africa, are they permitted to do so under the law of South Africa?</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 [name of your State]<sup>36</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>Foreign national PAP's habitually resident in the country are permitted to adopt if they have permanent resident status or SA citizenship</p> <p><input type="checkbox"/> No</p>
<p>39.2. If foreign national PAPs, habitually resident in South Africa, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of South Africa?</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>39.3. If nationals of South Africa, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in South Africa, are they permitted to do so under the law of South Africa?</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 [name of your State]<sup>37</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>It will be treated as an intercountry adoption</p> <p><input type="checkbox"/> No</p>
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<sup>35</sup> See further the [Note on Habitual Residence](#) (op. cit. note 19).

<sup>36</sup> According to the 1993 Adoption Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, [Note on Habitual Residence](#) case example 1.b (op. cit. note 19).

<sup>37</sup> According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, [Note on Habitual Residence](#) case example 1.a (op. cit. note 19).

### XIII Selection of partners for intercountry adoption<sup>38</sup>

#### 40. Selection of partners

<p>40.1. With which receiving States does South Africa currently partner on intercountry adoption?</p>	<p>Austria, Belgium, Canada, Finland, Germany, Luxembourg, Netherlands, Sweden, United Kingdom and the United States of America</p>
<p>40.2. How does South Africa determine with which receiving States it will partner?</p> <p>In particular, please specify whether South Africa only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website <a href="http://www.hcch.net">www.hcch.net</a>).</i></p>	<p>Currently South Africa (SA) partner with Hague countries.</p>
<p>40.3. If South Africa also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases.<sup>39</sup></p>	<p><input checked="" type="checkbox"/> Not applicable: South Africa only collaborates with other <i>Contracting States</i> to the 1993 Adoption Convention.</p>
<p>40.4. Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement<sup>40</sup> with that receiving State)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>41</sup></p> <p style="padding-left: 40px;">There should be a formal intercountry adoption working agreement with the receiving country</p> <p><input type="checkbox"/> No</p>
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<sup>38</sup> In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further [GGP No 2](#) (*op. cit.* note 5), Chapter 3.5.

<sup>39</sup> See [GGP No 1](#) (*op. cit.* note 17), 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>40</sup> See note 4 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

<sup>41</sup> *Ibid.*