

## COUNTRY PROFILE

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

#### STATE OF ORIGIN

**COUNTRY NAME:** Republic of Korea

**PROFILE UPDATED ON:** June of 2020

#### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	N/A
Acronyms used:	N/A
Address:	N/A
Telephone:	N/A
Fax:	N/A
E-mail:	N/A
Website:	N/A
Contact person(s) and direct contact details (please indicate language(s) of communication):	N/A
<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>	
N/A	

<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>	
<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>Korea has signed the Hague Intercountry Adoption Convention but has not yet ratified it. Korea is currently planning to revise its related domestic legislation.</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>Not applicable</p>

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

## PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>	
<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>Since Korea is not yet party to the Hague Intercountry Adoption Convention, we cannot describe in detail the functions of the Central Authority.</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).

<b>5. Public and competent authorities</b>	
<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>Since Korea is not yet party to the Hague Intercountry Adoption Convention, we cannot describe in detail the role of any public and / or competent authorities.</p>

<b>6. National accredited bodies<sup>4</sup></b>	
<p>a) Has your State accredited its own adoption bodies?</p> <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>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b><u>go to Question 7</u></b></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>6</sup></p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	
<b>6.1 The accreditation procedure (Arts 10-11)</b>	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	
<p>c) For how long is accreditation granted in your State?</p>	
<p>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>.</p>	
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	

<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](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<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.

b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., 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 (e.g., fine, withdrawal of accreditation):  <input type="checkbox"/> No

<b>7. Authorised foreign accredited bodies<sup>8</sup> (Art. 12)</b>	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?  <i><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.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – <b><u>go to Question 8</u></b>
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>	
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	
d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?  <i>Please tick any which apply.</i>	<input type="checkbox"/> Yes: <ul style="list-style-type: none"> <li><input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): <b>OR</b></li> <li><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></li> <li><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></li> <li><input type="checkbox"/> Other (please specify):</li> </ul> <input type="checkbox"/> No

<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.

<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".

<b>7.1 The authorisation procedure</b>	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>10</sup> If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	
c) For how long is authorisation granted?	
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
<b>7.2 Monitoring of authorised foreign accredited bodies</b>	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? <sup>11</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No – <b><u>go to Question 8</u></b>
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State ( <i>e.g.</i> , if inspections are undertaken, how frequently).	
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked ( <i>i.e.</i> , withdrawn).	
e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions ( <i>e.g.</i> , fine, withdrawal of authorisation):  <input type="checkbox"/> No

<b>8. Approved (non-accredited) persons (Art. 22(2))<sup>12</sup></b>	
a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?  <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="#">Intercountry Adoption Section</a> of the Hague Conference website.	<input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:  <input checked="" type="checkbox"/> No

<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.

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

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

<p><i>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></i></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="#">Intercountry Adoption Section</a> of the Hague Conference website.</p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>

## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).</p>	<p>According to recent statistics on international adoption over the last three years, about 95% of adopted children were 1-3 years of age, about 70-75% were males, and about 30% were reported with various health issues ranging from premature birth to low birth weight, etc.</p>

10. The adoptability of a child (Art. 4 a))	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>Since Korea is not yet party to the Hague Intercountry Adoption Convention, this question is not applicable. However, the local government holds the authority to establish if a child is adoptable.</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>1) A child without a legal guardian and whose protection is requested by the local Mayor or Governor to relevant facilities (as described in the Basic Livelihood Security Act).</p> <p>2) A child whose parent(s) or legal guardian consents to the adoption.</p> <p>3) A child whose parent(s) are deprived of parental responsibilities by a court ruling or whose protection is requested by the local Mayor or Governor.</p> <p>4) A child whose parent(s) or legal guardian is difficult to identify and whose protection is requested by the local Mayor or Governor to relevant facilities.</p>
<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>Once it is confirmed that a child requires protection, the local government establishes a protection plan for the child. For this plan, the local government considers if it is possible for</p>

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

<p><b>N.B.</b> the issue of consent is dealt with at Question 12 below.</p>	<p>the child to return to the birth family or if the parent(s) or guardian consents to the adoption. Based on such considerations, the local government determines if the child is adoptable.</p>
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<b>11. The best interests of the child and subsidiarity (Art. 4 b))</b>	
<p>a) Please briefly describe how your State 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>Relevant local government and adoption agencies work to ensure that children return to and reintegrate into their homes of origin. These local government and adoption agencies also try to ensure that birth parents are provided proper consultation and useful advice so that they can consider caring for their own children or seeking alternative care besides adoption. Nevertheless, for those children who are unable to return to their family of origin, Korea ensures that domestic adoption is considered before international adoption.</p>
<p>b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?</p>	<p>Since Korea is not yet party to the Hague Intercountry Adoption Convention, this question is not applicable. However, according to the Act on Special Cases Concerning Adoption, Korea must make efforts to ensure that domestic placement is attempted before international adoption.</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>Currently, there are no legal criteria in the decision-making process for international adoption. Korea requires at least three attempts at domestic placement for adoption, and adoption agencies must carefully examine the results of such attempts before they can consider international adoption.</p>

<b>12. Counselling and consents (Art. 4 c) and d))</b>	
<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> <p>(i) Both parents are known;  (ii) One parent is unknown or deceased;  (iii) Both parents are unknown or deceased;  (iv) One or both parents have been deprived of his / her / their parental responsibilities (i.e., the rights and responsibilities which attach to being a parent).</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</p>	<p>(i) Both birth parents  (ii) The known / surviving parent  (iii) The legal guardian  (iv) If one parent has been deprived of his / her parental responsibilities, the other parent must give consent. In the case where both parents are unable to exercise their parental responsibilities, then the legal guardian should give consent. If a child is registered to the family registry or if the birth father is known, then his / her birth father must give consent. In the case of the birth parents being minors, additional consent from the birth parents' parents or legal guardians is required.</p>

<p>your answer would be different if any of the known parents had not yet reached the age of majority.</p>	
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.<sup>14</sup></p>	<p>(i) Relevant local government and adoption agencies should provide counselling and information to the birth parents. Regulations for such local government and adoption agencies providing counseling and information may contain content such as: information on services available should they choose to raise their child, basic information on parenting, the overall process of adoption, the legal effects of adoption, the relinquishment of their child after adoption, the requirements for agreement to adoption, the withdrawal of the adoption process, and information on the Adoption Information Disclosure Service (the possibility of their child searching for his / her birth parents in the future.), etc.</p> <p>(ii) After providing the required counselling and information, adoption agencies verify the right to consent for adoption, and once verified, receive the consent to adopt form from them.</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: See attachment.</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>When age appropriate, the opinion and special needs of the child are considered after counseling 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>For a child over 13 years of age, it is necessary to obtain the consent of the child. Korean regulations require providing counselling and information to the child regarding: the legal effects of adoption, the prerequisites to consent for adoption, the relinquishment of adoption, the rights to withdraw consent to adoption, the adoption process, adoption information disclosure services, and information on PAPs.</p>

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



<b>13. Children with special needs</b>	
a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".	There is no specified definition of children with special needs. However, children with disabilities are also eligible to be adopted.
b) What, if any, procedures does your State use to expedite the adoption of children with special needs?	Not applicable

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

<b>15. The nationality of children who are adopted intercountry<sup>15</sup></b>	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration ( <i>e.g.</i> , the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State): If a child is adopted by adoptive parents with foreign nationalities before reaching the age of majority, it is possible for the adoptee to recover his / her Korean nationality through the reinstatement of nationality.  <input type="checkbox"/> No, the child will never retain this nationality

## **PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")**

<b>16. Limits on the acceptance of files</b>	
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:  <input checked="" type="checkbox"/> No

<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.

<b>17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State<sup>17</sup></b>	
<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input type="checkbox"/> Married, heterosexual couples:</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><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><input type="checkbox"/> Single women:</p> <p><input checked="" type="checkbox"/> Other (please specify): Legally, there are no relationship status criteria for PAPs. Currently, there is no precedent set for adoption based on relationship status.</p> <p><input checked="" type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: 25</p> <p><input checked="" type="checkbox"/> Maximum age requirements: 45</p> <p><input type="checkbox"/> Difference in years required between the PAPs and the child:</p> <p><input checked="" type="checkbox"/> Other (please specify): PAPs must be a minimum of 25 years of age and no more than 45 years of age. Exceptions by the Minister of Health and Welfare are allowed if the Minister determines that the family circumstances of PAPs are adequate to rear an adoptive child in a sound manner (e.g., when the PAPs are both Korean nationals or willing to adopt a disabled child with special measures to protect him / her.)</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p>

<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.

	<input checked="" type="checkbox"/> Other (please specify): ) Qualifications for PAPs: <ol style="list-style-type: none"> <li>1) Have sufficient wealth to raise the adopted child in a safe and sound environment;</li> <li>2) No criminal record including: child abuse, domestic violence, sexual assault, or drug use;</li> <li>3) No history of alcohol or substance dependence;</li> <li>4) A PAP shall complete a designated education program offered by an adoption agency, as required by the Ministerial Decree of the Ministry of Health and Welfare, before he / she is legally accepted as the child's adoptive parent.</li> </ol> <input type="checkbox"/> No
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<b>18. Preparation and counselling of PAPs (Art. 5 b))</b>	
Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i> ?	<input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: PAPs shall complete a designated education program offered by an adoption agency. <input type="checkbox"/> No

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

<b>19. Applications</b>	
a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	Adoption documents regarding the PAPs are submitted to the Ministry of Health and Welfare and the family court through private adoption agencies.
b) Please indicate which documents must be submitted with an application:  <i>Please tick all which apply.</i>	<input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input type="checkbox"/> Copies of the PAPs' birth certificates <input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): The submission of a marriage certificate is required. <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):

	<input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): <input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Proof of no criminal record <input checked="" type="checkbox"/> Other(s): please explain A certificate of completion of adoptive parent education and a written oath for adoption are required.
<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 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 ( <i>e.g.</i> , for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): Not applicable <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 type="checkbox"/> Yes <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): <input type="checkbox"/> A contract signed by the accredited body and the PAPs: <input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
<p>e) Please specify the language(s) in which any documents must be submitted:</p>	<p>English</p>
<p>f) Do any of the required documents need to be legalised or apostilled?</p>	<input checked="" type="checkbox"/> Yes, please specify which documents: Criminal Background Investigation, written oath for adoption, and affidavit of support all notarized by the PAPs' government <input type="checkbox"/> No - <b>go to Question 20</b>
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Hague Apostille Convention)?</p>	<input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: Korea became party to the Hague Apostille Convention as of 14 July 2007. <input type="checkbox"/> No

<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.

<p>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).</p>	
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<b>20. The report on the child (Art. 16(1) a)</b>	
<p>a) Who is responsible for preparing the report on the child?</p>	<p>Since Korea is not yet party to the Hague Inter-country Adoption Convention, there is no responsible agency for preparing the report on the child. However, adoption agencies prepare a child counselling report that includes the child's name, picture, social ID number, admission date, and admission method and a counselling record of relinquishment with the appropriate individuals.</p>
<p>b) Is a "standard form" used for the report on the child?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:  <input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: Since Korea is not yet party to the Hague Inter-country Adoption Convention, we do not use a standards form.</p>
<p>c) Does your State use the "Model Form – Medical Report on the Child" and the "Supplement to the general medical report on the child"?</p> <p>See GGP No 1 – Annex 7, available <a href="#">here</a>.</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p>

<b>21. The report on the PAPs (Art. 15(2))</b>	
<p>a) For how long is the report on the PAPs valid in your State?</p>	<p>Not applicable</p>

<p>b) 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?</p>	Not applicable
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<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?	Adoption agencies perform the matching process themselves.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	Adoptions are finalized by local family courts.
c) What methodology is used for the matching in your State?	There are no standardized matching criteria. However, gender, age, disability status, etc., can be considering factors.
d) Is any preference given to PAPs who have a close connection with your State ( <i>e.g.</i> , nationals of your State who have emigrated to a receiving State)?	<input checked="" type="checkbox"/> Yes, please specify: If the PAPs are both foreign nationals who have retained their Korean citizenship, an age difference no greater than 60 years from the adoptive child shall be permitted <input type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	Adoption agencies
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	Not applicable
<b>22.2 Acceptance of the match</b>	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input type="checkbox"/> Yes, please provide details of the required procedure: <input checked="" type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	There are no regulations regarding time limits when deciding a match.
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?	Not applicable
<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)?	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: Adoption agencies regularly provide information about the child. The information provision cycle may differ by each agency. <input type="checkbox"/> No



<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)?	Not applicable
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; <b>OR</b> <input type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; <b>OR</b> <input type="checkbox"/> Other (please specify):

<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?	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> <li>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: When the child is delivered to the adoptive parents and they are asked attend the relevant family court hearing.</li> <li>- How many trips are required to complete the intercountry adoption procedure: Depending upon the ability of the receiving family, at least one visit is required: when the child is to be delivered to the adoptive parents and to attend the family court hearing.</li> <li>- How long the PAPs need to stay for each trip: There are no special regulations.</li> <li>- Any other conditions: Not applicable</li> </ul> <input type="checkbox"/> No
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?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: An escort is permissible in special cases where a foreign PAP is not able to travel to Korea due to his / her urgent health reasons. <input type="checkbox"/> No

<b>25. Entrustment of the child to the PAPs (Art. 17)</b>	
<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 (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	Not applicable

<b>26. Transfer of the child to the receiving State (Arts 5 c) and 18)</b>
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<sup>20</sup> See GGP No 1, *supra*, note 15, Chapter 7.4.10.



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 (e.g., passport, visa, exit permit)?	) The child's passport and visa are required for the transfer of the child.
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<p>b) Which of the documents listed in response to Question 26 a) 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>The passport is issued by the Ministry of Foreign Affairs, and the visa is issued by the Ministry of Justice.</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: In the case of international adoption, the adoption agency shall request an immigration permit document from the Ministry of Health and Welfare.</p> <p><input type="checkbox"/> No</p>

27. Final adoption decision and the Article 23 certificate	
<p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>	<p><input type="checkbox"/> In our State – <b><u>go to Question 27 c)</u></b></p> <p><input checked="" type="checkbox"/> In the receiving State – <b><u>go to Question 27 b)</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) Not applicable</p> <p>(ii) Not applicable</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)</p> <p>(ii)</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 type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</p>	
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<b>28. Duration of the intercountry adoption procedure</b>	
<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) Overall, it takes about 1-2 years (although it is difficult to break down the time period by steps).</p> <p>(ii) Not applicable</p> <p>(iii) Not applicable</p>

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</b>	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "<i>intra-family</i> intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.</p>	<p>All intra-family adoptions are regulated under Korean Civil Law.</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p><b><i>N.B.</i></b> <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input type="checkbox"/> Yes – <b><u>go to Question 30</u></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><u>Go to Question 30</u></b></p> <p><input checked="" type="checkbox"/> No – <b><u>go to Question 29 c)</u></b></p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i) Procedures follow Korean Civil Law.</p> <p>(ii) Procedures follow Korean Civil Law.</p> <p>(iii) Procedures follow Korean Civil Law.</p> <p>(iv) Procedures follow Korean Civil Law.</p>

## PART VIII: SIMPLE AND FULL ADOPTION<sup>21</sup>

<b>30. Simple and full adoption</b>	
<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 type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 31</b></p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a "simple" adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family's consent(s)<sup>22</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 State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / 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>	

## 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>	
<p>a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>Although Korea is not yet party to the Hague Intercountry Adoption Convention, the adoption agencies shall retain the adoption-related information (including information on adopted children, their birth parents, and family). The adoption agencies provide this adoption-related information to the National Center for the Rights of the Child (NCRC), formerly known as Korea Adoption Services. NCRC collects, scans, and uploads files and</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.*

	records from closed orphanages and adoption agencies for digital access in the Adoption Centralized Management System.
b) For how long is the information concerning the child's origins preserved?	The abovementioned adoption-related information shall be retained permanently.

<p>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:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p> <p>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)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: In principle, the adoptee should be over the age of 20 to access his / her adoption-related information. As for minors, his / her adoptive parents' prior consent shall be obtained. However, for significant medical issues, both the adoptee himself / herself or the adoptive parents can apply for information disclosure. In this case, they shall attach a doctor's note, social worker's written opinion, or psychologist's written opinion.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The National Center for the Rights of the Child (NCRC), adoption agencies, and other relevant post-adoption service organizations</p> <p><input type="checkbox"/> No</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The National Center for the Rights of the Child (NCRC), formerly known as Korea Adoption Services (KAS), provides various forms of assistance, from simple letter translation at the beginning stage of information disclosure to interpretation for a reunion between an adoptee and his / her birth family.</p> <p><input type="checkbox"/> No</p>

### 32. Post-adoption reports

<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input checked="" 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): See attachment.</p> <p><input 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):</p>
<p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p>	<p>(i) Cooperating overseas agencies should submit at least four post-adoption reports within the first</p>

<ul style="list-style-type: none"> <li>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</li> <li>(ii) For how long (<i>e.g.</i>, until the child is a certain age);</li> <li>(iii) The language in which the report must be submitted;</li> <li>(iv) Who should write the reports; and</li> <li>(v) Any other requirements.</li> </ul>	<ul style="list-style-type: none"> <li>year of arrival, with at least two reports reflecting home visits.</li> <li>(ii) For one year after arrival in the adoptive nation.</li> <li>(iii) English</li> <li>(iv) Overseas cooperating agencies of each adoption agency</li> <li>(v) Should confirm whether or not the adoptee acquired citizenship of the receiving State</li> </ul>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <ul style="list-style-type: none"> <li>(i) Not submitted at all; or</li> <li>(ii) Submitted, but not in accordance with your requirements?</li> </ul>	<ul style="list-style-type: none"> <li>(i) Not applicable</li> <li>(ii) Not applicable</li> </ul>
<p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p>	<p>To check the adoptee's adaptation status</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>	<ul style="list-style-type: none"> <li><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:</li> <li><input type="checkbox"/> No</li> </ul>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:</li> <li><input type="checkbox"/> No</li> </ul>
<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>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Through the accredited body:</li> <li><input type="checkbox"/> Directly by the PAPs:</li> <li><input type="checkbox"/> Other (please explain):</li> </ul>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Only by bank transfer:</li> <li><input type="checkbox"/> In cash:</li> <li><input type="checkbox"/> Other (please explain):</li> </ul>

<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 *Summary list 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.*

<p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i></p>	
<p>e) Which body / authority in your State receives the payments?</p>	
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (<i>e.g.</i>, in a brochure or on a website)?</p> <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>	<p><input type="checkbox"/> Yes – please indicate how this information may be accessed:</p> <p><input type="checkbox"/> No</p>



<b>34. Contributions, co-operation projects and donations<sup>26</sup></b>	
<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 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 type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> <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 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>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><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).</i></b></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> </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.

	<ul style="list-style-type: none"> <li>How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <input type="checkbox"/> No
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<b>35. Improper financial or other gain (Arts 8 and 32)</b>	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	Not applicable
b) What measures have been taken in your State to prevent improper financial or other gain?	Not applicable
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Not applicable

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

<b>36. Response to illicit practices in general</b>	
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>	Not applicable

<b>37. The abduction, sale of and traffic in children</b>	
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.  Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	
b) Please explain how your State monitors respect for the above laws.	
c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?	

<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.*

<b>38. Private and / or independent adoptions</b>	
<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>

## PART XII: INTERNATIONAL MOBILITY

<b>39. The scope of the 1993 Convention (Art. 2)</b>	
<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: If the PAPs have foreign nationality, regardless of the location where the adoption application is submitted, it is considered an intercountry adoption. They should submit an application for adoption approval to the family court along with all the required documents indicated in the Special Adoption Act Article 18 (i.e., a birth certificate of the child to be adopted, a document that proves the child's fulfillment of any of the qualification requirements, a document that proves the PAPs' fulfillment of the qualification requirements, and written consent to adoption).</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: (They have to follow the law of the State of origin.)</p> <p><input 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><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: As the nationality of the PAPs is the criterion that determines intercountry or domestic</p>

<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.

<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.

<p><i>Example: Guinean national PAs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p>adoption, we consider such a case domestic adoption.</p> <p><input type="checkbox"/> No</p>
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## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>32</sup>

40. Selection of partners	
a) With which receiving States does your State currently partner on intercountry adoption?	The United States, Sweden, Canada, Norway, Australia, Luxembourg, Denmark, France, Italy, etc.
b) How does your State determine with which receiving States it will partner?  In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.  <i>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;).</i>	Korea only partners with Contracting States to the 1993 Convention. Generally, these countries have an amicable working relationship with Korea, Korea adoption agencies, and their respective partner organizations.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. <sup>33</sup>	Korea does not partner with non-Contracting States to the 1993 Convention. <input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
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)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: <sup>35</sup> <input checked="" type="checkbox"/> No

<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.

<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.*