

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION  
 Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

<b>Name of State:</b>	KINGDOM OF CAMBODIA
<b><u>Information for follow-up purposes</u></b>	
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**1. POST-ADOPTION MATTERS**

**1.1. Preservation of, and access to, information**

Both States of origin and receiving States

**1.1.1. Preservation of information and use of data**

1.	<p>Has your State <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised:                  Central Authority for Inter-Country Adoption of the Kingdom of Cambodia (CAIA) ,Ministry of Social Affairs Veterans and Youth Rehabilitation(MoSVY), Inter-Country Adoption Administration (ICAA).</p> <p><input type="checkbox"/> No. Please specify where the information is stored:                  Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response:                  Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

**1.1.2. Search for origins**

3.	<p>Is there a <b>specialised programme</b> or <b>section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided:                  According to article 46 of ICA law, Prospective Adoptive Parents and an adopted child who has reached a sufficient age and level of maturity shall be entitle the rights maybe allowed to access to his/her own dossier, and other records concerning to his/her identity. But they may petition the MoSVY and CAIA of the Kingdom of Cambodia.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled:</p>
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	Please insert text here
4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21</b><sup>1</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Cambodia is preparing the concerning developing documents based on this matter.</p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (e.g., government, private companies, NGOs); Cambodia do not have any body which in charge of the DNA testing.</p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity; Cambodia do not have data stored in public or private entity.</p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available; N/A</p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general. N/A</p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations? Cambodia can facilitate to local authority in searching, but we can not guarantee.</p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>- According to article 54 of ICA Law 2009 notwithstanding penalty provisions in the existing laws, the MoSVY may suspend or revoke the authorisation or refuse to renew an authorization and legal measure to who do the illegal implementation .</p> <p>- The challenges: Most of the adoption processes have done in previous laws and legislations.</p>
8.	<p>If <b>statistics</b> are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were <b>successful</b> (e.g., the adoptee found his birth family); N/A</p> <p>(b) how many were <b>not successful</b> and what were the reasons. N/A</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality</b> of the <b>identity of the birth parents</b>?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them: Please insert text here</p>

<sup>1</sup> [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<input checked="" type="checkbox"/> No.
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">Only the identifying information is given with permission.</a></p> <p><input type="checkbox"/> No. Please explain your response:  <a href="#">Please insert text here</a></p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p><a href="#">According to article 45 and 46 of the ICA law 2009 state that; the ICAA shall coordinate with the Central authority or competent authority for inter-country adoption, or inter-country adoption agency, of the receiving country, to provide or facilitate appropriate post-adoption services for the adopted child, Prospective Adoptive Parents and biological family, as necessary, But the provided information shall be authorized by the Central Authority of the Kingdom of Cambodia and relevant parties. Biological Parents may submit written application to MoSVY and CAIA of the Kingdom of Cambodia.</a></p> <p><a href="#">-No, we do not have any specific programme or database.</a></p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
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### 1.2. Post-adoption services<sup>2</sup>

#### Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18<sup>3</sup></b> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:  <a href="#">Cambodia is preparing the concerning developing documents based on this matter.</a></p>
14.	If your State provides <b>specialised</b> post-adoption services, please specify:

<sup>2</sup> Post-adoption services may be provided to adoptees, birth families and adoptive families.

<sup>3</sup> C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families); N/A</p> <p>(b) <b>who</b> provides the services (<i>e.g.</i>, social welfare administration, school, health personnel); N/A</p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs); N/A</p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>; N/A</p> <p>(e) how the post-adoption services are <b>financed</b> (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); N/A</p> <p>(f) the <b>length of time</b> this support is available. N/A</p>
15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services. N/A</p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered: <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
17.	<p>Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any <b>challenges</b> your State encounters in ensuring that <b>adequate support</b> is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with <b>special needs</b>. Please also share any <b>good practices</b> your State has developed to overcome such challenges.<sup>4</sup></p> <p><a href="#">Please insert text here</a></p>
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### 1.3. Post-adoption reports

<sup>4</sup> If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

Receiving States only

19.	<p>Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:  <a href="#">Please insert text here</a></p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to</b> the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p><a href="#">Under the prior laws, adoption procedures were done with no agency, so we can not get all follow up report, it depends on the adoptive family.</a></p>

**1.4. Adoption breakdowns**Both States of origin and receiving States

22.	<p>If your State has had any experience regarding <b>intercountry adoptions which have broken down</b>, please specify:<sup>5</sup></p> <p>(a) what have been the main <b>causes</b> of the breakdowns;<sup>6</sup>  <a href="#">N/A</a></p> <p>(b) how your State <b>has addressed</b> these situations and whether your State has any good practices to share in this regard;<sup>7</sup>  <a href="#">N/A</a></p> <p>(c) what <b>support</b> is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;  <a href="#">Through the license agency and the Central Authority both origin and receiving country.</a></p>
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<sup>5</sup> If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

<sup>6</sup> If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

<sup>7</sup> If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

(d) whether your State has developed any good practices to ensure that **Recommendation No 19**<sup>8</sup> of the 2015 Special Commission is implemented:

Yes. Please specify any good practices developed in this regard:

According to Article 29 on the ICA law 2009; the adopters shall respond to the ICAA in writing of their consent to adopt the child who was matched by the ICAA, through the Central Authority or competent authority for inter-country adoption, or inter-country adoption agency, of the receiving country.

No. Please specify any reasons:

Please insert text here

(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

N/A

(f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

N/A

(g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

N/A

(h) how many cases of breakdowns were intercountry adoptions done (a) under the **1993 Adoption Convention** ; and (b) outside of the Convention (i.e., prior to the entry into force of the Convention in your State or with non-State Party);

N/A

(i) in line with **Recommendation No 20**<sup>9</sup> of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

N/A

Receiving States only

23. Is your State's **Central Authority** informed and involved / consulted when an intercountry adoption breaks down?

Yes. Please explain your response:

Please insert text here

No. Please specify whether the staff of the child protection services include workers specialised in adoption:

<sup>8</sup> C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

<sup>9</sup> C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	Please insert text here
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's <b>Central Authority</b> (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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**1.5. Other post-adoption matters**

States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality: Adopted child always entitled to be Cambodian nationality, but a nationality requesting base on the procedures of General Department Identification of Ministry of Interior.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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28.	Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.  N/A
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## 2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>type</b> of illicit practices which were discovered; Please insert text here</p> <p>(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure); Please insert text here</p> <p>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention; Please insert text here</p> <p>(d) how your State <b>handled</b> these situations; Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.</p> <p>Cambodia developed related law as below:</p> <ul style="list-style-type: none"> <li>-The Convention on the Rights of the Child, 1992 (CRC 1992)</li> <li>-Civil Code, 2007</li> <li>- Law on the Suppression of Human Trafficking and Sexual Exploitation 2008</li> <li>-Law on Inter-Country Adoption of the Kingdom of Cambodia 2009 and other legislation</li> <li>-Criminal Code of the Kingdom of Cambodia, 2010</li> </ul>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so; Please insert text here</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the <b>grounds</b> upon which this may be done; Please insert text here</p> <p>(d) whether there is <b>an age limit</b> for the annulment of an adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year. Please insert text here</p>



	<input checked="" type="checkbox"/> No.
32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has the jurisdiction to do so; Please insert text here</p> <p>(b) <b>who</b> can request the revocation (e.g., adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the <b>grounds</b> upon which this is done; Please insert text here</p> <p>(d) whether there is an <b>age limit</b> for the revocation of the adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average revoked per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

### 3. INTRAFAMILY ADOPTIONS

In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.<sup>10</sup>

#### 3.1. General questions for intrafamily adoptions (i.e., relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The <b>Central Authority</b>.</p> <p><input type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority: Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p>

<sup>10</sup> See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

<sup>11</sup> C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- recalled that in-family adoptions **fall within the scope** of the Convention;
- recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;

	<input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: - According to <a href="#">ICA law 2009 states that we shall do the family study report both PAPs family and birth family who child lived with.</a> <input type="checkbox"/> No. Please specify any reasons: <a href="#">Please insert text here</a>
35.	Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State? <input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: - <a href="#">law on Inter-Country Adoption 2009</a> - <a href="#">Prokas 138 Mosvy . attach file.</a> <input type="checkbox"/> No.
36.	Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions? <input type="checkbox"/> Yes. Please specify the situations and how they were handled: <sup>12</sup> <input checked="" type="checkbox"/> No.
37.	In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)? <input checked="" type="checkbox"/> It only affects the child and his or her mother and father. <input type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family. <input type="checkbox"/> Other. Please explain your response: <a href="#">Please insert text here</a>
38.	Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions? <input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: <a href="#">Please insert text here</a> <input checked="" type="checkbox"/> No.
39.	In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate? <input type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: <a href="#">Please insert text here</a> <input checked="" type="checkbox"/> No.

States of origin only

- e. recognised that it is necessary to undertake an **individualised assessment of each child's situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child's best interests" [emphasis added].

<sup>12</sup> If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup></p> <p><a href="#">Please insert text here</a></p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> within the extended family and / or are there other child protection measures (e.g., kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p><a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family:</p> <p><a href="#">Prokas on Impliment Alternative Care Policy procedure 2011.</a></p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p><a href="#">N/A</a></p>

### 3.2. Stepparent adoptions

#### Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p><a href="#">Please insert text here</a></p>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p><a href="#">- According to the Prakas on Relative Adoption of Ministry of Social Affairs, Veterans, and Youth Rehabilitation (The child who is adopter's relative).</a></p>
44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions:</p> <p><a href="#">- The adoptive family try to use domestic law to avoid the inter-country adoption process.</a></p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <p><a href="#">The practices for stepparent Inter-Country adoption in the Kingdom of Cambodia require to respect the law and other related legislation.</a></p>

<sup>13</sup> If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

### 3.3. Intrafamily adoptions and circumvention of immigration laws

#### Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to <b>circumvent</b> immigration laws?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations:          People try to get the relative to other country for education, when we investigate and try to apply the ICA law.</p> <p><input type="checkbox"/> No.</p>
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### 4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

*Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).*

#### Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State?          Yes, Cambodia have the case, but it is under consideration on legal resolve.</p> <p>(b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered?          Cambodia do not have law to determine that point.</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b>?          N/A</p> <p>(d) what <b>challenges</b> did your State face in dealing with such situation(s)?          Cambodia do not have law to determine that point.          Cambodia does not have good practices in determining the habitual residence of children, using international law to address this situation.</p> <p>(e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States?          Cambodia do not have the framework to do, but we are willing to cooperate to find the solutions.</p>
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:          Regarding to the Law on Inter-Country adoption 2009, Cambodia would not determine the habitual residence, however if we suspect for trafficking we would apply the law of Suppression of Human trafficking and Sexual Exploitation, the law of inter-country adoption, and in accordance with the existing laws and other legal provisions of the Kingdom of Cambodia.</p> <p><input type="checkbox"/> No. Please explain your response:          Please insert text here</p>

48.	<p>Which <b>actions</b> would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in <b>their</b> State?  Those states shall protect the rights and the best interests of children in accordance with the United Nations Convention on the Rights of the Child.</p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State?  Those states shall cooperate rights and the best interests of children in accordance with the United Nations Convention on the Rights of the Child.</p>

## 5. SIMPLE AND OPEN ADOPTIONS

### Both States of origin and receiving States

#### 5.1. Simple adoptions

*A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.<sup>14</sup>*

49.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?  Cambodia do not have simple adoption for inter-country adoption.</p>
51.	<p>If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b>?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  Cambodia encourage for simple adoption for older age child for domestic adoption in accordance with Civil Code from Article 1020 to 1033 and Alternative Care Policy 2006 and Subsidiarity Principle of Hague Convention 1993. Inter-Country Adoption is full adoption.</p> <p><input type="checkbox"/> No. Please explain your response:  Please insert text here</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's <b>consent to convert</b> a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations:  Please insert text here</p>

<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.

	<input checked="" type="checkbox"/> No.
53.	<p>(a) Please specify any <b>challenges</b> your State encounters with simple adoptions:</p> <p>There are challenges posed by the birth family and PAPs are not complying with the Prakas on Procedures for Implementing Alternative Care Policy. We are in the process of considering establishing a domestic adoption procedure.</p> <p>Challenges Due to the simple domestic adoption case, want to apply through the inter-country adoption process, where the Law on Inter-Country Adoption shall be a full adoption.</p> <p>(b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges:</p> <p>The applicant did the right thing by requesting a court decision on a simple domestic adoption in accordance with the Civil Code 2007 as well as a full adoption.</p> <p>Cambodia has disseminated and discussed simple domestic adoption to stakeholders.</p> <p>According to the Law on Inter-Country Adoption 2009, adoption by relatives is permitted for children under the age of 18, just like a simple domestic adoption.</p>

## 5.2. Open adoptions / openness in adoption

54.	<p>Does the terms “open adoption”, “openness in adoption” or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <p><input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State:</p> <p><a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts:</p> <p>N/A</p>
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:</p> <p><a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p><a href="#">Please insert text here</a></p>

<sup>15</sup> If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

<sup>16</sup> C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	<input checked="" type="checkbox"/> No. Please specify any reasons: <p>Regarding to article 46 of the Law on Inter-Country Adoption 2009 state that the reconnection request or searching for birth family shall be processed through authorized agency by getting the proper counseling and other supports.</p>
57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?  Open inter-country adoption is made for relative adoption.</p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children?  <input type="checkbox"/> Yes. Please specify these different approaches:  Please insert text here</p> <input checked="" type="checkbox"/> No.
58.	<p>Does your State provide professional <b>support or services</b> to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <input type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here
	<input checked="" type="checkbox"/> No. Please explain your response: <p>Cambodia do closed adoption (Inter-Country Adoption require matching ). The ICAA shall coordinate with the Central authority or competent authority for inter-country adoption, or inter-country adoption agency, of the receiving country, to provide or facilitate appropriate post-adoption services for the adopted child, Prospective Adoptive Parents and biological family, as necessary, but the provided information shall be authorized by the Central Authority of the Kingdom of Cambodia and relevant parties. Biological Parents may submit written application to MoSVY and CAIA of the Kingdom of Cambodia.</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here
	<input checked="" type="checkbox"/> No.
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions:  N/A</p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges:  N/A</p>

## 6. NON-CONSENSUAL ADOPTIONS

*In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).*

States of origin only

61.	<p>What are the <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p>The parents are no longer have the parental power or dead, loss of capacity (mental and physical), or have been withdrawn the parental power by court base on the request from the Authority.</p>
62.	<p>Does your State <b>permit</b> the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the <b>consent</b> of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>Base on Civil Code 2007, Inter-Country Adoption law 2009, and Prakas on Procedures to Implement the Policy on Alternative Care for Children 2011 " legal guidianship who get from the court appointed, can place the child in the permanent placement. So the consent from legal guidianship allow to processe the adoption . "</p> <p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (<i>e.g.</i>, long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>- Law on Inter-Country Adoption 2009 and Prakas on Procedures to Implement the Policy on Alternative Care for Children 2011, Cambodia prioritize the principle of subsidiarity than could process the adoption. in all the to referred for adoption the efforts at reunitification and other care must be documented.</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (<i>e.g.</i>: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p>The Ministry in charge of Social Affairs shall exert all reasonable efforts to return the child to his/her birth family, and if such is not possible, to place the child for domestic adoption within the Kingdom of Cambodia before considering the eligibility of the child for inter-country adoption.</p> <p>The birth parents may object in court until the adoption is finalized.</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>

Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin <b>contested</b> a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations:</p> <p>Please insert text here</p> <p><input type="checkbox"/> No.</p>
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Both States of origin and receiving States



64.	<p>What is the <b>profile of children</b> for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p><a href="#">For children who are parental power terminate and the child is under the control of the MoSVY which provides consent for adoption.</a></p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions:</p> <p><a href="#">Non-consensual adoptions, only children have been abandoned; therefore, the consent shall made by a legal guardian for the minor.</a></p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p><a href="#">Inrelation with non-consensual, searching birth family shall implemented and having the consent for adoption made by a legal guardian according to the Law for juveiles before deciding to place a child for demestic adoption.</a></p>

## 7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

### 7.1. General questions

66.	<p>Does your State prohibit any <b>contact</b> between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p><a href="#">Unless a match is made and the PAPs agree to adopt the child, the first meeting with the child can be arranged to protect the selection of the child.</a></p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted;</p> <p><a href="#">Please insert text here</a></p> <p>(b) the <b>experience</b> of your State with regard to such contact.</p> <p><a href="#">Please insert text here</a></p>
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### 7.2. Summer camps / hosting programmes

*In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event (usually a camp) in the PAPs' State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.*

*"Hosting programmes" (including "respite care" programmes for children who go abroad to improve their physical and psychological well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.*

67.	<p>Is your State involved in summer camps / hosting programmes for children?<sup>17</sup></p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response:</p>
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<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p style="text-align: center;">Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:</p> <p style="text-align: center;">Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the <b>safeguards</b> of the <b>1993 Adoption Convention</b> have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?</p> <p style="text-align: center;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been <b>declared adoptable before</b> they can be part of such programmes;</p> <p style="text-align: center;">Please insert text here</p> <p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes;</p> <p style="text-align: center;">Please insert text here</p> <p>(c) how the PAPs and children are <b>selected</b> to participate in such programmes, and whether a selection is made in cooperation with the other State;</p> <p style="text-align: center;">Please insert text here</p> <p>(d) how the children are <b>prepared</b> for such programmes;</p> <p style="text-align: center;">Please insert text here</p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted;</p> <p style="text-align: center;">Please insert text here</p> <p>(f) whether there have been situations where the adoption <b>broke down</b> after the child was adopted following participation in such programmes;</p> <p style="text-align: center;">Please insert text here</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must <b>return</b> to the State of origin before the adoption procedure can be initiated;</p> <p style="text-align: center;">Please insert text here</p> <p>(h) who <b>finances</b> such programmes;</p> <p style="text-align: center;">Please insert text here</p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>).</p> <p style="text-align: center;">Please insert text here</p>

### 7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused:</p> <p style="color: blue;">This has happened in the past, but not now, as Cambodia has strongly encouraged the preservation of children in families or in communities.</p> <p><input type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="color: blue;">Action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism" as follow:</p> <ul style="list-style-type: none"> <li>-General Principles related to child protection system in the orphanage.</li> <li>Shall follow the laws of the Kingdom of Cambodia:</li> <li>-Convention on the Rights of the Child 1992</li> <li>-Alternative Care Policy 2006</li> <li>-Law on the Suppression of Human Trafficking and Sexual Exploitation 2008</li> <li>-Law on Inter-Country Adoption of the Kingdom of Cambodia 2009.</li> <li>-Constitution of the Kingdom of Cambodia 2018</li> </ul> <p><input type="checkbox"/> No. Please explain your response:</p> <p style="color: blue;">Please insert text here</p>

### 7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (e.g., as part of a foster care placement, kinship care, "niño puesto",<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup></p> <p>(a) whether the child had already <b>been declared adoptable</b> before the PAPs' adoption application was submitted;</p> <p style="color: blue;">MoSVY and the relevant authorities of the Kingdom of Cambodia require a background check on the child and family reunification before the PAPs can apply for adoption. In order to declare that a child is adoptable, the process shall go through the search for the birth</p>
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<sup>18</sup> "Niño puesto" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

family and try to place in domestic adoption as much as possible before deciding to process inter-country adoption in accordance with the law.

(b) at what stage in the process the PAPs were **declared eligible and suitable** to adopt;

-According to the Alternative Care Policy 2006 and Law on Inter-Country Adoption 2009 as mention about the domestic adoption process, it is necessary to do home study of PAPs and the adoptable child to be requested, if both parties are eligibility, to be on trials for 6 months under the supervision of the DoSVY and the court. If there is a good result, we could file the pition to the court for domestic adoption approval.

-According to the Inter-Country Adoption Procedure, once Cambodia receives the application, we study all of the applicant's files and after checking that they are valid and applicable, we declare that the PAPs are qualified for adopting a child.

(c) what the **profile** of these children was;

Most children are in foster care or children in a system of alternative care programs for children (healthy, older children, and some children with special needs and special care).

(d) what was done to ensure that the **safeguards and procedures** of the 1993 Adoption Convention had been respected;

Cambodia respects to subsidiarity principles to ensure that children's backgrounds are researched and that every effort is made to reunite families in order to keep children in their families.

(e) your State's **experience** with such adoptions.

There are cases of local Cambodian forster parents who wish to adopt a child, however, studies of the background of the child and the forster parents are conducted to ensure that the child and the parents are eligible for adoption.

Cambodia does not yet have a legal document for determining the eligibility criteria of forster foreign parents living in Cambodia, although there are currently foreign parents applying for adopting children.

## 8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

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|-----|--|
| 72. | <p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context:</p> <p style="color: blue;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p> |
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## 9. STATISTICS

Both States of origin and receiving States

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|-----|---|
| 73. | <p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> |
|-----|---|

	<p>(a) <b>relative</b> adoptions (<i>i.e.</i>, excluding stepparent adoptions);<sup>20</sup> N/A</p> <p>(b) <b>stepparent</b> adoptions; N/A</p> <p>(c) <b>simple</b> adoptions; N/A</p> <p>(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b>; and N/A</p> <p>(e) <b>non-consensual</b> adoptions. N/A</p>
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## 10. OTHER MATTERS

74.	<p>Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>The Central Authority for Inter-country Adoption is concerning the implementation of the 1993 Adoption Convention as below:</p> <ol style="list-style-type: none"> <li>1. Checking the PAPs dossier, the interpreting the practical criteria for accepting of the PAPs.</li> <li>2. Converting the Simple and Full Domestic Adoption to Inter-Country Adoption.</li> <li>3. The Foreign Foster parents adopting the child (under inter-country adoption) in their care (no legislation).</li> <li>4. How do we ethically ensure that child care center refer eligible children for Inter-Country Adoption especially when eligible PAPs is waiting?</li> <li>5. Good Practice in child matching in order to select best family for the child.</li> <li>6. How do we apply International law to determine habitual resident of the child?</li> <li>7. Request to strengthen the capacity of the Central Adoption Service of the Kingdom of Cambodia (Post Adoption Service) to technical officers of Central Authority for Inter-Country Adoption.</li> </ol>
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<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).