

KINGDOM OF CAMBODIA
NATION RELIGION KING

**Royal Government
of Cambodia
N0: 29 ANKr.BK**

SUB-DECREE
ON
THE ADOPTION OF INFANT/CHILD ORPHANS ABROAD

Royal Government

- Having seen Constitution of the Kingdom of Cambodia,
- Having seen Royal Decree N0: NS/RKT/1198/72 of 30 November 1998 on the Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Kram N0: 02/NS/94 of 20 July 1994 which promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Decree N0: 56 Kr. dated 26 July 1989 of the State Council of the SOC which promulgating Law on Marriage and Family,
- Having seen Royal Kram NS/RKM/1096/30 of 09 October 1996 which promulgating the Law on Nationality,
- Having seen Royal Kram N0: NS/RKM/0699/06 of 17 June 1999 which promulgating the Law on the Establishment of MOSALVY,
- Having seen Sub-decree N0: 87 ANKr.BK of 04 October 1999 on the Organization and Functioning of MOSALVY,
- Pursuant to the approval of Council of Ministers in its meeting on 02 March 2001,

Hereby Decides:

**CHAPTER 1
GENERAL PROVISIONS**

Article1.-

This Sub-decree defines the competency, conditions and procedures for the Adoption of infant/child orphans abroad.

**CHAPTER 2
COMPETENCY, CONDITIONS AND PROCEDURES
FOR
THE ADOPTION OF INFANT/CHILD ORPHANS ABROAD**

Article2.-

Foreigner as adoptive parent(s) shall meet the conditions and follow the procedures as prescribed in this Sub-decree.

Article3.-

Applicants shall be the married couple and shall have the age from 25 to 55 . Only single person from 40 to 50 years of age may be authorized to adopt a child. Adoptive parent(s) concerned shall not be authorized to adopt children more than 2 persons. Adoption shall be authorized only for those who have no child or those who do not have children more than 2.

Article4.-

Prospective adoptive parent(s) shall submit application to MOSALVY through MoFAIC by attached with the documents below:

- application (form);
- letter of authorization, which issued by the competent authority of the country of applicant concerned, to adopt a child ;
- report on family status specifying number of family members. This report made by agent specialised in this issue and accredited by competent Ministry of the country of the applicants concerned.
- the copy of Birth Document or Birth Certificate of the applicant
- the copy of Marriage Certificate or Divorce Certificate or Document certifying Single Status
- Health Certificate of the applicant
- psychological report done by psychiatrist recognized by the government of the applicant's country
- Document of non-conviction issued by the authority of country where the applicant concerned born or where he/she lived or criminal record issued by a competent ministry
- Certificate of Good Conduct in Working Place or in the Society issued by competent authority
- Certificate on the applicant's Financial Status and Estate issued by competent authority
- Contract setting out the respect of the rights of the son/daughter and the provision of education as well as the rights to inheritance as if the child is his/her biological child
- Photo, which was taken in the last two months, of the adoptive parent
- Contract (promise) by the prospective adoptive parent on the provision of information concerned the act of taking care of the adoptive child to MOSALVY as of the date the child left Cambodia for every year until the child reached 18 years old. This report must be examined and authenticated by Ministry having adoption competency of the applicant's country. The report must be copied to Cambodian Embassy attached to the applicant's country.
- the copy of the applicant's passport
- Certificate issued by the Embassy of the applicant to authenticate all documents mentioned above.

Article5.-

Infant/child orphans to be authorized to adopt (object of adoption) shall have the criteria and documents as below:

- a. below 8 years old
- b. living and being taken care by a state orphanage or any other center under the supervision of MOSALVY
- c. living in the center at least 3 months before adoption

- d. having Birth Certificate issued by a registrar
- e. having Health Certificate issued by competent doctor who works for a state hospital or a clinic recognized by the State.

Article6.-

Selection of adoptive child is based on a list prepared by MOSALVY . There shall be the consent by the applicant. Applicant has the right to visit the infant/child orphans in the center before he/she decides whether to accept or not.

Article7.-

All relevant documents for adoption shall be forwarded to Ministry of Foreign Affairs and International Cooperation through the Embassy of the Country of the applicant concerned attached to Cambodia. MOFIC shall examine all documents prescribed in article3 and 4 of the Subdecree within 15 days. In the case where the dossier is not complete, MOFAIC has duty to refuse or send the dossier back to the applicant so as to make the dossier duly complete. Following thorough examination, the Ministry shall issue a letter providing its opinion and forward it with all concerned documents to MOSALVY.

Article8.-

MOSALVY shall examine the conditions and formalities applied by the adoptive parent as stated in article 5 of this Subdecree within 2 month period. Following complete examination, the Ministry shall issue a letter providing its opinion and forward it with all concerned documents to the Office of the Council of Ministers for Royal Government's approval.

Article9.-

Office of the Council of Ministers shall examine the dossier and submit it to the Head of the Royal Government within 15 days and forward a letter of approval to MOSALVY so as the latter make a letter certifying an approval on adoption and shall inform MOFAIC so that MOFAIC invite applicant to Cambodia through the concerned Embassy attached to Cambodia. Positive or negative decision is the discretion of the Royal Government.

Article10.-

Following the reception of the notice on the Royal Government's Approval, MOSALVY shall issue a letter certifying the adoption to the adoptive parent.

The transfer of the infant/child to the adoptive father and/or mother shall be held officially in the presence of competent officer of MOSALVY as coordinator. The adoptive father and/or mother shall receive the adoptive child in person. Shall not authorize to transfer the infant/child through any middle agents.

Article11.-

Office of the Council of Ministers, MOFAIC and MOSALVY shall follow up and assist in protecting adoptive child of Cambodian National origin until he/she reached 18 years of age.

CHAPTER 3 BURDENS OF THE ADOPTIVE PARENT

Article12.-

All applicants shall have following burdens:

- to have a passport made for the adoptive infant/child
- to undertake to spend for the departure of the infant/child

Article13.-

For the interests of other infant/child orphans, the applicants may voluntarily give charitable contribution to MOSALVY.

Article14.-

MOSALVY has duty to control and use the contribution in compliance with the existing provisions with transparency.

**CHAPTER 4
FINAL PROVISIONS**

Article15.-

Any provisions contradict this Sub-decree shall deemed as abrogated.

Article16.-

Minister in charge of the Office of the Council of Ministers, Minister of MOFAIC, Minister of MOI, Minister of MOSALVY and Ministers or State Secretaries of the Ministries and Institutions concerned have duties to implement effectively this Sub-decree as of the date of the signature.

Phnom Penh, 14 March 2001

Prime Minister

HUN SEN

Having informed
Samdech PM

**Minister of MOSALVY
ITH SAM HENG**

C.C:

- King's Cabinet
- General Secretariat of Senate
- General Secretariat of NA
- Ministry of Royal Palace
- Cabinet of Samdech PM
- General Secretariat of the RG
- All Ministries-Institutions
- All prov./mun Offices
- As stated in Article 16
- Document-Chronicles