

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

**MOSALVY
N0: 91 S.K.B.Y**

**PROCLAMATION
ON
THE CONDITIONS AND PROCEDURE FOR THE ADMISSION
OF ABANDONED INFANTS OR CHILDREN TO THE CENTERS**

Minister of MOSALVY

- Having seen Constitution of the KOC,
- Having seen Royal Decree N0:NS/RKT/1198/72 of 30.11.1998 on the Appointment of the RG of the KOC,
- Having seen Royal Decree N0: 02/NS/94 of 20.7.1994 promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Royal Kram N0: NS/RKB/0699/06 of 17.6.1999 promulgating the Law on the Establishment of Ministry of Social,Labor,Vocational Training and Youth Rehabilitation,
- Having seen Sub-Decree N0: 87 ANKr.BK dated 04 October 1999 on Organization and Functioning of the Ministry of Social,Labor,Vocational Training and Youth Rehabilitation,
- Having seen Decision N0: 79 SSR of 23 June 1987 on the Allowance for Infants, orphaned Infants, orphaned Children, the elderly, the disabled and street people in the State run Centers,
- Upon the necessity of MOSALVY

Hereby decides:

Article1:This proclamation defines the Conditions and Procedures for the admission of an abandoned infant or child to a State run Center or NGO run Center.

Article2: Abandoned infants/children as mentioned in this Prakas are those infants or children who genuinely have no any support.

Article3: Abandoned infants/children shall be identified as follow:

- infants/children who are abandoned at a hospital and handed over by head of hospital to a Center
- infants/children who are abandoned at a public place .They are found by a humanitarian organization, religious organization,local authority or the public and handed over to a Center.
- infants/children who are abandoned near a Center with an intention to be founded and saved by the Center.

Article4: Abandoned infants/children shall be provided with protection from various dangers, shall be protected from all forms of exploitation and trafficking and shall be provided with **supporting and caring services with attentiveness**.

Article5: Admission of an abandoned infant/child to a State Center shall require following documents:

- Record on the acceptance of the orphaned infant/child with the following attached:
 - Letter for the handing-over by a hospital,
 - Letter for the handing-over by an organization,
 - Letter for the handing-over by local authority,
 - In case when an infant/child is abandoned in front of or at any place nearby the Center, urgent actions shall be taken to rescue him/her. In this regard precise record shall be taken.

Article6: Following an admission of the infant/child to the Center, head of the Center of ministerial level shall report dpt of Child Welfare on the issue; heads of provincial/municipal centers shall report prov./mun DOSALVY on the issue and shall make official announcement to trace the parents or relatives of the infant/child. The announcement shall be posted in public.

Article7: Within 3 months period, if there are persons declaring that they are parents or relatives of the infant or the child, they must provide relevant documents to adduce evidence.

The above documents must be the documents which are signed and recognized by competent authorities of Village, Commune/Sangkat and District/Khan.

After this 03 month period elapsed, if the identity of the parents or relatives is unknown, head of the Center of ministerial level shall report Child Welfare Dpt. Head of prov/mun center shall report prov./mun DOSALVY by making conclusion that the infant/child becoming orphan because of the abandonment. In this case the head of the Center shall make arrangement to get Birth Certificate done for the infant/child according to the existing law.

Article8: Personal files of the abandoned infant/child are as follow:

1. Summarized Personal History document with his/her photo,
2. Birth Certificate,
3. Record on the acceptance and the attached as stipulated in the above article5,
4. Health Certificate.

Article9: Chief of Child Welfare Dpt and chief of prov./mun DoSALVY shall send a letter attached with all documents that the Center has as stated in the article8 to MOSALVY so as to ask for official recognition.

Article10: NGOs whose program is to run Infants Centers or Orphanages shall have License (permission) and enter into a Memorandum with MOSALVY in advance.

Article11: Admission of abandoned Infants/Children to NGOs Center shall comply with the procedures and require the dossier as defined by this Prakas.

Article12: Head of the Centers or heads of the NGOs shall issue a letter of authorization to admit the infants/child to the centers . The letter shall be copied into one copy and send it with the attached of all infant/child documents to the Ministry for examination and official registration.

Article13: For the deletion of the name or removal (**discharge**) of the infant/child out of NGO Center , head of the Center or head of NGOs shall report MOSALVY by clearly specifying the reasons so that the Ministry be informed .

Article14: Child Welfare Department shall cooperate with prov./mun DOSALVY to inspect State run Centers and NGOs run Centers permanently and when necessary.

Article15: Prov./mun DOSALVY and district/Khan OSALVY shall cooperate with all levels of territorial authorities and competent institutions to take actions for the prevention of trafficking of Infant/child most strictly. Any one who makes use of an opportunity to adopt infant/child in the villages or communes in consideration of money or materials as donation to the parents and alters documents by changing the story into the facts that the infant/child is abandoned shall be totally prohibited. **If there is, it shall be considered as Child Trafficking. Anyone who directly or indirectly commits the said act and an accomplice shall be punishable before the existing law.**

Articlw16: General Dpt of Adm and Finance, General Dpt of Social Affairs and Youth Rehab, Dpt of Child Welfare, prov./mun DOSALVY, national NGO concerned and international NGOs concerned have duties to abide by this Prakas effectively as of the date of signature.

Phnom Penh,25 April 2001

Copied to:

- King's Cabinet
- General Secretariat of Senate
- General Secretariat of NA
- Cabinet of Samdech PM
- Office of the Council of Ministers
- MOFAIC
- MOI
- C.N.C.C
- All prov/mun offices "for information"
- All prov/mun DOSALVY "for implementation"
- Document-chronicles.

Minister

ITH SAMHENG

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

Non-Government Organization

.....
N0:

Phnom Penh, Date:

Chief of NGO.....

to
H.E. Minister of MOSALVY

Through : prov./mun DOSALVY
Obj : Adoption of orphaned child namedsex.....date of birth:.....
by Mr.and Mrs.
Ref :

Reference is made to the above obj and ref, I would like to inform you that the orphaned child by the namesex.....date of birth.....has been living in my Center since ..dd....mm....yy..... At the present time Mr..... and Mrs.....ofnationality have asked to adopt him/her to live in the Country.....

This child is eligible for the adoption because he/she has no any involvement with biological parent(s) or any guardians.

Therefore, Your Excellency please examine and decide according to what is due.

N0:

Having seen.....

Chief of the Organization

.....

.....Date :2001

Prov./mun DOSALVY

KINGDOM OF CAMBODIA
NATION RELIGION KING

Organization

.....

ORPHANAGE

N0:

Phnom Penh, Date:

CERTIFICATE

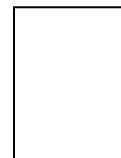
The Center would like to certifies that the orphaned child namedsex.... born onis an orphan because of (abandonment or father died or mother died or parents died) and has been admitted to the Center onthrough (handed over by relatives or by parent or was found on the street or near a wall of a house ...etc).

Therefore, competent institution concerned be informed.

Attached herewith:

- 1.Resume of the child4 copies
- 2.Birth Certificate of the Child.....4 copies
- 3.Health Certificate of the Child.....4 copies
- 4.The copy of Certificate on the Admission to the Center 4 copies
[Certificate=Sakheybath (Khmer)certificate issued by the authority or competency saying that they are aware of the admission]

**KINGDOM OF CAMBODIA
NATION RELIGION KING**



RESUME

-Name and Surname :

-Sex :
 -Date of Birth :
 -Place of Birth : commune.....district.....province/mun
 -Father's name :
 -Mother's name :
 -Date of Admission :
 -Reason of Admission:

Date:
 Having seen and agreed
 Head of the Organization

Phnom Penh, Date:
 Head of the Center

**Ministry of Social Affairs, Labor,
 Vocational Training and Youth Rehab**

**General Dpt of Social Affairs and Youth Rehab
 Child Welfare Dpt**

LETTER OF TRANSFER

Transferring Person

*Photo at the time of transfer
 and receiving*

-I,
 -Head of orphanage.....
 -has transferred the child named.....
 -to Mr. and Mrs.

 -ofNationalitybased on the Letter of
 Approval of Council of Ministers N0:....dated.....

and Letter Certifying the Adoption issued by the
MOSALVY N0:datedso as to take the
Child for Adoption purpose.

Signature of the Transferring Person

Receiving Person

-I,.....
-ofNationality.....has accepted the orphaned child
by the namefrom
onin accordance with the above prescribed letter
of agreement.

Signature of the Receiving Person

Impression of the ten fingers of the child

**NAME LIST OF THE ORPHANED
INFANTS AND CHILDREN LIVING IN THE CENTER
QUARTER : YEAR :**

SN	Surname and First Name	Sex	Date of Birth	Place of Birth	Date of Admission to the Center	Number of Prakas	Person handed over	Reason for Admission	Photo of orphans	Remarks

NB: This List is made in the form of Book.

It has to be copied to the Ministry quartile

Date:

Having seen and agreed

Chief of prov./mun DoSALVY

Date :

Head of the Center or Organization