

Logo MoSVY

**Ministry of Social Affairs, Veterans and
Youth Rehabilitation**
No. 1980MoSVY

KINGDOM OF CAMBODIA
NATION RELIGION KING
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Phnom Penh, August 18, 2011

Prakas
On
**The Organization and Functioning of the Central Authority for Inter-
Country Adoption and Inter-Country Adoption Administration of the
Kingdom of Cambodia**

Minister of Social Affairs, Veterans and Youth Rehabilitation

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/0908/1055, dated September 25, 2008, on the Appointment of the Royal Government of Cambodia,
- Having seen Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Royal Kram No. NS/RKM/0105/001, dated January 17, 2005, promulgating the Law on the establishment of the Ministry of Social Affairs, Veterans and Youth Rehabilitation,
- Having seen the Convention on the Rights of the Child, acceded by the Supreme National Council of Cambodia on October 15, 1992,
- Having seen Royal Kram No. NS/RKM/0107/003, dated January 22, 2007, promulgating the Law on the Approval of the Kingdom of Cambodia to Accede to the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption,
- Having seen Sub-Decree No. 54ANKr. BK, dated March 24, 2011, on the Organization and Functioning of the Ministry of Social Affairs, Veterans and Youth Rehabilitation,
- Noting the necessity of the Ministry,

Hereby Decides

Praka 1.

This Prakas establishes the organization and functioning of the Central Authority for Inter-Country Adoption (CAIA) and Inter-Country Adoption Administration (ICAA).

Praka 2.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation serves as the Central Authority for Inter-Country Adoption of the Kingdom of Cambodia, following Article 6 of the Law on Inter-Country Adoption.

Praka 3.

The Central Authority for Inter-Country Adoption of the Kingdom of Cambodia has the following duties:

1. Develop and monitor the implementation of policies, laws, regulations and procedures concerning decisions on inter-country adoption;
2. Cooperate and facilitate communication concerning inter-country adoption with other ministries, institutions and agencies, competent to deal with inter-country adoption in the Kingdom of Cambodia, and with Central Authorities and competent authorities in charge of inter-country adoption of receiving countries;
3. Take appropriate measures to prevent improper financial or other gain related to inter-country adoption;
4. Organize skills trainings related to inter-country adoption for relevant officials;
5. Review the proposals of the Inter-country Adoption Administration in relation to each inter-country adoption case, as necessary;
6. Conduct inspection on any work related to inter-country adoption. No one may prevent, deter or interfere with an inspection that is lawfully conducted;
7. Take appropriate actions to collect, preserve and exchange information about a child's status and retain information related to the child's origin, his or her identity, his or her parents, and his or her health history;
8. Maintain and provide statistics related to inter-country adoption to various countries at their requests;
9. Review, provide recommendations on, and forward each inter-country adoption dossier to the court;
10. Fulfill other duties the Ministry of Social Affairs, Veterans and Youth Rehabilitation considers necessary for the enforcement of inter-country adoption affairs, in accordance with existing laws and regulations of the Kingdom of Cambodia.

Praka 4.

The Central Authority for Inter-Country Adoption of the Kingdom of Cambodia is led by the Central Authority for Inter-Country Adoption Committee.

Praka 5.

The Central Authority for Inter-Country Adoption Committee is composed of the following members:

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| 1. Minister of MoSVY | Chairman |
| 2. Secretary of State of MoSVY in charge of Child Welfare | Vice Chairman |
| 3. MoSVY Technical Official experienced in Child Welfare | Vice Chairman |
| 4. Under-Secretary of State of MoSVY in charge of Child Welfare | Member |
| 5. Director General of the General Directorate of Technical Affairs | Member |
| 6. Director General of the General Directorate of Admin and Finance | Member |
| 7. Inspector General of the General Inspectorate | Member |
| 8. Secretary General of the Cambodian National Council for Children | Member |
| 9. National expert in Child Welfare | Member |
| 10. Director of Department of International Cooperation | Member |
| 11. Director of Department of Child Welfare | Member |
| 12. Chairman of Inter-Country Adoption Authority | Secretary General |

The appointment of the members of the Central Authority for Inter-Country Adoption Committee shall be determined by Prakas issued by the Minister of the Ministry of Social Affairs, Veterans and Youth Rehabilitation.

Praka 6.

The Central Authority for Inter-Country Adoption Committee has the following roles and responsibilities:

1. Finalize all affairs concerning inter-country adoption procedures;
2. Review and provide recommendations as necessary on policies, laws, regulations and procedures related to inter-country adoption affairs. Follow up and monitor the implementation of policies, laws, regulations and procedures related to inter-country adoption affairs;
3. Cooperate with other ministries, institutions and agencies competent in dealing with inter-country adoption in the Kingdom of Cambodia, and with the Central Authorities and competent authorities in charge of inter-country adoption of the receiving countries;
4. Take appropriate measures to prevent improper financial or other gain related to inter-country adoption;
5. Review and provide recommendations on skills training activities for relevant officials and other stakeholders, within the sphere of inter-country adoption;
6. Approve the proposal to match a child and adopter at the request of the Inter-Country Adoption Administration, and make recommendations to the Minister of Social Affairs, Veterans and Youth Rehabilitation;
7. Review and approve budget plans, expenses and fees following the Law on Inter-Country Adoption, and request for decision from the Minister of Social Affairs, Veterans and Youth Rehabilitation;
8. Communicate and cooperate with the Hague Permanent Bureau on Private International Law concerning inter-country adoption, relevant international organizations and countries that have inter-country adoption cooperation with the Kingdom of Cambodia;
9. Fulfill other duties assigned by the Minister of Social Affairs, Veterans and Youth Rehabilitation.

Praka 7.

The Central Authority for Inter-Country Adoption Committee has the following ways of working:

- The Central Authority for Inter-Country Adoption Committee shall organize meetings to review and provide comments on each individual inter-country adoption case, and review and provide comments on the enforcement of policies, laws, regulations and procedures concerning inter-country adoption, and the implementation of the roles and responsibilities set forth in Praka 6 of this Prakas;
- A meeting and decision of the Central Authority for Inter-Country Adoption Committee shall not be deemed valid unless at least 50%+1 of all committee members participate in the meeting;
- The meeting shall be led by the chairman of the committee or his or her deputy in case of the chairman's absence;
- All decisions of the meeting shall be adopted by majority of the participants in the meeting. In case of equal vote among participants, the vote of the chairman shall be considered to be predominant;
- Based on the importance of each issue, the chairman of the Central Authority for Inter-Country Adoption Committee may invite representative(s) from ministries,

institutions, organizations and other relevant stakeholders to provide comments as needed;

- The Central Authority for Inter-Country Adoption Committee shall meet once a month or more frequently as necessary.

Praka 8.

The Inter-Country Adoption Administration is established to assist the Central Authority for Inter-Country Adoption.

Praka 9.

The Inter-Country Adoption Administration possesses the following duties:

- Prepare, maintain and update a confidential list and dossiers of children eligible for inter-country adoption;
- Assess the situation of all children on the confidential list to determine the best form of care suitable for them and ensure they receive the required care;
- Verify that all efforts have been exhausted to seek a domestic solution through a permanent family-based care or permanent guardianship before proceeding with an inter-country adoption;
- Receive, examine and process applications for inter-country adoption and other relevant documents of the adopters;
- Match children eligible for inter-country adoption with adopters who can best meet the needs of those children in accordance with the principle of the best interests of the child, and provide suggestions to the Minister of Social Affairs, Veterans and Youth Rehabilitation for his or her approval;
- Inform the Central Authority or competent authorities of the receiving countries, or inter-country adoption agency authorized by the receiving country, of the adoption procedures and the progress of adoption cases;
- Facilitate the hand-over of the child to the adopter and prepare documents for the child to travel to the adopter's country;
- Provide or facilitate appropriate post-adoption services for the child, the adopter's family and biological family as necessary;
- Provide suggestions to the Central Authority for inter-country adoption on the authorization of inter-country adoption agencies to operate inter-country adoption in the Kingdom of Cambodia, or on the revocation of their authorization;
- Implement the guidelines of the Central Authority Committee to conduct inspection on inter-country adoption related affairs. No one may prevent, deter, intimidate or interfere with an inspection that is lawfully conducted;
- Request for approval from the Central Authority for Inter-Country Adoption Committee to take actions to warn, restrict or fine those individuals or organizations violating the Law on Inter-Country Adoption and other existing laws and provisions;
- Review all documents related to inter-country adoption and make suggestions, as appropriate, to the chairman of the Central Authority for Inter-Country Adoption Committee and also the Minister of Social Affairs, Veterans and Youth Rehabilitation for his or her approval;
- Organize meetings of the Central Authority for Inter-Country Adoption Committee and write up minutes of the meetings;
- Manage financial contributions, expenses and other fees related to adoption procedures and procedures for the authorization of inter-country adoption agencies;
- Develop skills training plans, programs and activities for officials performing work on inter-country adoption and other relevant stakeholders;

- Take appropriate actions to collect, preserve and exchange information about the child's status, especially information of the child's origin, his or her parents' identity and his or her health history;
- Fulfill other duties concerning inter-country adoption as necessary, in accordance with existing laws and regulations, following assignment by the Central Authority for Inter-Country Adoption Committee.

Praka 10.

The Inter-Country Adoption Authority is led by a chairman and assisted by a number of vice chairmen. The Inter-Country Adoption Authority is divided into 3 sections, each of which is composed of one chief, assisted by a number of vice chiefs.

Praka 11.

The management team and officials at all levels performing work in the Inter-Country Adoption Administration shall possess the following qualifications:

- Experienced in social affairs, particularly in the area of psychology, especially, child welfare;
- Trained in Social Services following the training program of the Ministry of Social Affairs, Veterans and Youth Rehabilitation;
- Possess basic legal knowledge, especially, Law on Inter-Country Adoption and various international conventions related to inter-country adoption;
- Competent in Information Technology and foreign language, especially, English and French; and
- Must be an official under the framework of the Ministry of Social Affairs, Veterans and Youth Rehabilitation or on-contract staff.

Praka 12.

The Inter-Country Adoption Administration is structured as follows:

- 1- Administration, Finance and International Cooperation Section;
- 2- Inter-Country Adoption Procedure Implementation Section;
- 3- Legislation, Inspection and Training Section.

Each section has the following duties:

1. Administration, Finance and International Cooperation Section

A. Staff Administration:

- Staff management;
- Manage and communicate with various institutions, entities and local authorities to distribute circulars, letters and other documents;
- Manage inventory, materials and equipments;
- Disseminate regulations, circulars, decisions and notifications of the management team;
- Organize meetings, write up minutes and prepare various documents as decided in the meetings of the Central Authority for Inter-Country Adoption Committee;
- Prepare monthly, quarterly, semi-annual and annual reports of the Inter-Country Adoption Authority.

B. Finance

- Receive expenses, fees and contributions made by adopters;
- Manage and make requests to utilize fees and expenses related to inter-country adoption;

- Implement Financial Management Procedures following the existing financial management laws and provisions; and
- Prepare monthly and annual income and expenditure reports.

C. International Cooperation

- Communicate and cooperate with the Central Authority and Competent Authority in charge of Inter-Country Adoption of the receiving countries, States signatory to the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, and other countries cooperating with Cambodia with respect to inter-country adoption;
- Promote international cooperation to prevent activities related to child trafficking via inter-country adoption, following the Law on Inter-Country Adoption and the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption;
- Complete forms and inform the Hague Permanent Bureau on Private International Law as required and an obligation of the State signatory to this Convention;
- Communicate and collaborate with the Hague Permanent Bureau on Private International Law and States signatory to the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, and national and international organizations, development partners and allied countries in order to attract technical and in-kind support for inter-country adoption in Cambodia;
- Develop agreements between the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Central Authority or competent authority of all receiving countries involved in inter-country adoption in the Kingdom of Cambodia;
- Review and provide suggestions to the Minister of Social Affairs, Veterans and Youth Rehabilitation on the authorization of inter-country adoption agencies to operate inter-country adoption in the Kingdom of Cambodia;
- Develop contracts between the Ministry of Social Affairs, Veterans and Youth Rehabilitation and inter-country adoption agencies operating inter-country adoption in the Kingdom of Cambodia;
- Review and provide suggestions on agreements between the Ministry of Social Affairs, Veterans and Youth Rehabilitation and inter-country adoption agencies on the provision of humanitarian aid and support for orphans and other child victims, who are not related to inter-country adoption, in the Kingdom of Cambodia;
- Carry out other tasks as assigned by the Chairman of Inter-Country Adoption Administration.

2. Inter-Country Adoption Procedure Implementation Section

A. Management of the Identity of Children Subject for Inter-Country Adoption

- Develop a checklist of various steps and timeframes for all dossiers;
- Prepare personal dossier of each individual child eligible for inter-country adoption, which includes necessary information about his or her identity, adoptability, background, social environment, family history, medical history, medical history of the child's family, and any special needs of the child;
- Properly and thoroughly examine various documents concerning efforts exhausted to place children via domestic alternative care, especially via domestic adoption;
- In case of abandoned child, examine documents proving efforts have been made to trace the child's parent(s), relatives or guardian, following existing legal provisions;
- Examine letters of agreement/consents for adoption, as required by and (proving consents were) done in compliance with legal provisions on inter-country adoption;

- Review all child dossiers to verify their appropriateness and legitimacy (authenticity). In case of irregularity, the dossiers shall be forwarded to the inspection unit to investigate and report on the results of the investigation.

B. Application Review

- Receive the adoption application forwarded by the Ministry of Foreign Affairs and International Cooperation and proof dossier attached by the adopter(s), and write a letter responding to the adopter(s), following the procedures and provisions set forth in the Law on Inter-Country Adoption;
- Instruct the representatives of the inter-country adoption agency to pay expenses, fees and contributions on behalf of the adopter(s) to the Finance Section, following the principles set forth, and, that apart from such, no other fees shall be charged/paid;
- Instruct the adopter(s) or their representatives or their agency that they shall not pay any fee or contribution or make payment of any kind to the director, deputy director, board members or staff of the orphanage, either directly or indirectly;
- Arrange for the translation of all original documents of the adopter(s) into Khmer, duly certified as to its accuracy by a competent authority;
- Properly and thoroughly examine the dossier of the adopter(s) following the provisions of the Law on Inter-Country Adoption. In case the dossier appears to be incorrect or insufficient, a letter of notification shall be made to the adopter(s) to fill out the missing documents or justify the documents;
- In case of refusal of the application, prepare a letter response to the adopter(s), clearly stating the reasons (for refusal).

C. Matching

- Review and consider the dossier of the child whose name is contained in the list of children subject to inter-country adoption, and match the child with the adopter who possesses the best suitable profile to that of the child, following the provisions stated in the Law on Inter-Country Adoption, and also taking into consideration the best interests of the child;
- Write a letter to the adopters, attaching necessary documents of the child matched, except in the case of adoption by relatives;
- Examine the contents of the response letter of the adopters, who agree or disagree to accept the child. In case of refusal, another child shall be considered for a second match; though, no third match will be allowed;
- After the adopters have expressed their consent, arrange a meeting between the adopters and the child matched. The meeting shall be held on a convenient date following the procedures and provisions stated in the Law on Inter-Country Adoption;
- Arrange to interview the adopters prior to meeting the child, who will also be counseled in advance;
- Arrange to make a record of the interview and the meeting between the adopters and the child;
- Make records, provide suggestions and submit all documents to the Central Authority for Inter-Country Adoption Committee to examine and recommend on the adoption process.

D. Proceeding to Court Procedures

- Collaborate with the adopters to apply for adoption with the Phnom Penh Capital Court of the First Instance, through the Inter-Country Adoption Administration;

- Properly review all dossiers of the child and the adopter and forward the adoption application and dossiers to the Phnom Penh Capital Court of the First Instance for the issuance of a writ of decision;
- Cooperate with officials managing child identity documents and thoroughly review documents, to prepare to explain to the court, as necessary, and seek assistance from a lawyer to defend the case, as necessary

E. Notification on Next Actions and Procedure upon Completion of the Adoption Process

- On a regular basis, inform the adopters of the actions taken and progress of the adoption procedures, following article 43 of the Law on Inter-Country Adoption;
- Prepare a ministerial letter to inform the Ministry of Foreign Affairs and International Cooperation of the court decision;
- Prepare a letter certifying the adoption and submit it to the Minister of Social Affairs, Veterans and Youth Rehabilitation to sign;
- Organize a child hand-over ceremony, render an adoption certificate and develop a record of the hand-over of the child;
- Collaborate and coordinate with competent institutions for the issuance of a passport and visa for the child to travel safely to the receiving country, following the Law on Inter-Country Adoption.

F. PostAdoption Follow-Up

- Coordinate with the Central Authority or competent authority in charge of inter-country adoption or inter-country adoption agency of the receiving country to provide or facilitate appropriate post adoption services for the child, adoptive family and biological family as necessary, as stated in article 45 of the Law on Inter-Country Adoption;
- Instruct the adopters to send reports on the development of the child to the Inter-Country Adoption Administration on a regular basis, as set forth in the Law on Inter-Country Adoption;

G. Maintenance of Child's Dossier

- Maintain the adoption dossier properly for 60 (Sixty) years;
- Maintain confidentiality of all information contained in the dossier;
- Instruct foster parents and the adopted children who reached their adulthood to submit an application to the Ministry of Social Affairs, Veterans and Youth Rehabilitation should they wish to view or copy the dossier;
- Properly consult the adopted children prior to allowing them to view various information contained in the dossier;
- Carry out other tasks as assigned by the chairman of the Inter-Country Adoption Administration.

3. Legislation, Inspection and Training Section

A. Legislation

- Draft new policies, laws, regulations and procedures, as required, to improve inter-country adoption related affairs;
- Examine and provide suggestions to the Central Authority for Inter-Country Adoption on the implementation of policies, laws, regulations and procedures related to inter-country adoption and the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption;
- Cooperate with ministries and institutions competent in inter-country adoption and inter-country adoption agencies operating in the Kingdom of Cambodia;

- Prevent any activity violating the Law on Inter-Country Adoption and the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption.

B. Inspection

- Inspect the dossier on the identity of the child subject to inter-country adoption, prior to including the child into the list of children subject to inter-country adoption;
- Inspect inter-country adoption agencies and all representatives operating in the Kingdom of Cambodia;
- Inspect the utilization of expenses, fees and contributions in collaboration with the General Inspectorate, Internal Audit Department, and other independent audit institutions as determined by the Minister of Social Affairs, Veterans and Youth Rehabilitation; (no)
- Prepare inspection reports on quarterly, semi-annual and annual basis;
- Impose administrative fines on agencies according to the decision of the Ministry of Social Affairs, Veterans and Youth Rehabilitation, following the Law on Inter-Country Adoption;
- File documents to be submitted to court in case an agency refuses to pay administrative fine.

C. Training

- Organize courses to dissemination the Law on Inter-Country Adoption, and national and international regulations concerning inter-country adoption to all officials of ministries, institutions and local authorities, especially, Communes/Sangkats;
- Develop professional training plan for relevant inter-country adoption officials;
- Develop and implement programs and activities of professional training for these officials and other relevant stakeholders,
- Submit the proposed policies and programs to the Central Authority for Inter-Country Adoption Committee for approval;
- Monitor and evaluate the outcomes of the trainings;
- Publish the Law on Inter-Country Adoption, international conventions and other relevant documents;
- Design, develop and publish a booklet on Inter-Country Adoption Procedures;
- Carry out other duties as assigned by the chairman of Inter-Country Adoption Administration.

Praka 13.

The Central Authority for Inter-Country Adoption and the Inter-Country Adoption Administration are eligible to use a separate stamp for their respective operations.

Praka 14.

The Prakas No. 308 MoSVY, dated March 24, 2010, on the establishment of Central Authority for Inter-Country Adoption of the Ministry of Social Affairs, Veterans and Youth Rehabilitation, and Prakas No. 310 MoSVY, dated March 24, 2010, on the organization and functioning of Inter-Country Adoption Administration, and other provisions contrary to this Prakas shall be deemed null and void.

Praka 15.

Cabinet Chief of the Minister, Director General of Administration and Finance, Director General of Technical Affairs, Inspector General of the General Inspectorate, Director of Department of Administration and Personnel, Director of Department of Finance and Supply, Director of Internal Audit Department, Director of Child Welfare Department, Chairman of

Inter-Country Adoption Administration, Directors of Capital/Provincial Department of Social Affairs, Veterans and Youth Rehabilitation and relevant units shall respectively implement this PRAKAS from the date of signature.

MINISTER

(Signed and Sealed)

ITH SAMHENG

CC:

- Ministry of Royal Palace
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- General Secretariat of the Royal Government
- Council of Minister
- Cabinet of the Prime Minister
- Cabinet of Lok Chumteav Men Sam Orn, Standing Deputy Prime Minister
- Ministry of Foreign Affairs and International Cooperation
- Ministry of Interior
- Ministry of Justice
- Relevant Ministries
- As in Praka 15
- Royal Gazette
- Archive - Documents