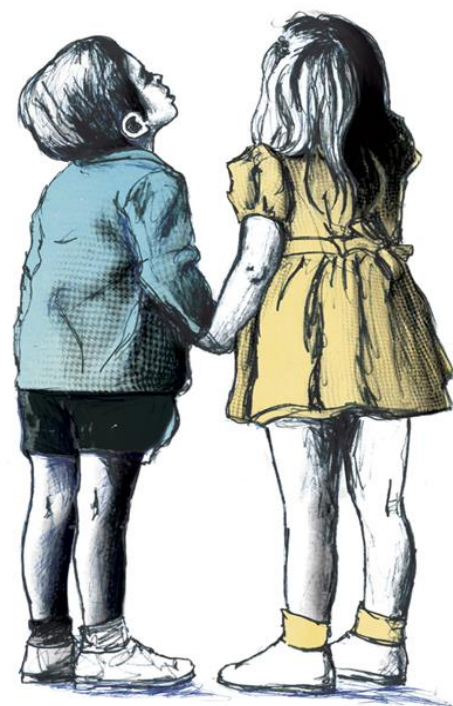


THE MINISTRY OF FAMILY AFFAIRS
SOCIAL AFFAIRS DEPARTMENT
SOCIAL SERVICES DIVISION

Adoption Guidelines



1. **What is adoption?**

Adoption is about caring for someone else's child. What adoption does is to provide the legal basis for the assumption of parental responsibilities in respect of a particular child by someone, or in the case of a couple, by them both, who are not his/her natural parents.

2. **The laws pertaining to adoption**

Procedures for adoption are based on the following national and international Child welfare standards:

- The Children Act 1982
- Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (The Hague Convention 1993)
- The UN Convention on the Rights of the Child

3. **Who is eligible to adopt?**

Any person above the age of 21 who is of good health or a married couple can adopt.

4. **Types of adoption**

Two major types of adoption are **local** and **inter-country** or **international adoption**.

4.1 **Local Adoption**

This refers to the adoption of a child within Seychelles, and it can take place in various forms:

- Adoption of a child by other family members.
- Step parent adoption i.e. A husband (or wife) adopting the child of the wife (or husband) not fathered (or mothered) by him (or her).
- Adopting the child of somebody originally unknown to the adoptive parents. Normally this mostly refers to the children who are in the care of the Director Social Services.

4.1.1: **The Procedures**

1. Persons seeking to adopt must make an application to the Director Social Services.
2. The person requests for a child through the Social Services.
3. The consent of the natural parents is sought by the Social Services.

N.B

Where private or independent adoption is concerned, the prospective adoptive parents may identify a child without the assistance of the Social Services. The consent of the natural parents in such cases is sought by the prospective adoptive parents themselves.

4. The prospective adoptive parent has to undergo a medical test to determine fitness and good health to adopt. This also applies for the child to be adopted.
5. The Social Services prepare a home study report on the person seeking to adopt.
6. If found eligible to adopt, the applicant is informed accordingly and is placed on the register for prospective adoptive parent.
7. Upon identification of the child and pre-adoption arrangements, an application for an adoption order is made to the Supreme Court of Seychelles by the prospective adoptive parents.
8. The Supreme Court instructs the Social Services to submit a report on the prospective adoptive parent(s) suitability to adopt. This includes:
 - parenting capacity
 - family lifestyle
 - support network
 - accommodation and neighbourhood
 - adults and children in the household
 - financial background
 - employment status
 - medical information
 - police checks
 - personal referees
 - the child's feelings regarding the adoption, if the child is old enough
 - the natural parent's feeling and understanding of what an adoption order entails.
 - the Social Services make the appropriate recommendation to the Court regarding the request for adoption.

4.2: Inter-Country or International Adoption

This refers to the adoption of a child resident abroad by adopters resident in this country. It may also refer to the adoption of a child resident in this country by adopters resident overseas. Examples of such adoption are:

- Foreign relatives adopting the child of a resident.
- Resident adopting the child of foreign relatives.
- Mixed couples (Seychellois and foreigners) adopting the others' child.
- Foreigners who adopt a local child unknown to them.
- Residents who adopt a foreign child unknown to them.

Note

Article 21 of the **UN Convention on the Rights of the Child** recognises that inter-country adoption may be considered as an alternative means of child care, if the child cannot be placed in a foster or an adoptive family in the country of origin.

Section 37 (2), Section 38 (2) of the **Children Act** specify that the President has to approve the adoption if the adopters are foreigners and in residence abroad.

The Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption entered into force for the Republic of Seychelles on 1st October 2008. Intercountry adoption will only take place if:

- The country of origin is a party to the Hague Convention or if the country has clear adoption guidelines, as advised by the International Social Services.
- The established authorities in the state of origin have established that the child is adoptable. A child is adoptable if:
 - He/She is an orphan and
 - If all possibilities for placements in the country of origin have been exhausted.
- The established authorities in the state of origin have ensured that:
 - the persons, institutions and authorities whose consent is necessary for adoption have been counselled and duly informed of the effect of their consent.
 - such persons, institutions, authorities have given their consent freely, in the required legal form and expressed or evidenced in writing.
 - the consents have not been induced by payment or compensation of any kind and have not been withdrawn and
 - the consent of the mother, where required, has been given only after the birth of the child.

4.2.2 The Procedures

1. The same procedures (under 4.1.1) apply for foreigners who reside in the Seychelles with the exception that they have to be residing in the country for five years.
2. Foreigners residing abroad:
 - 2.1. Contact their Central Authority or accredited body for the necessary steps confirming them as being able to adopt internationally.
 - 2.2. Make an application to the Director Social Services and request for a child through the Social Services.

- 2.3. Submit relevant documents, obtained from their Central Authority, to the Social Services. The documents comprise of:
 - Official approval for International adoption and characteristic or age of the child the person has been qualified to care for.
 - Home study report.
 - Identity documents (eg. Birth certificates, passport photos, criminal records etc...)
 - Medical certificate.
- 2.4. The applicant is placed on the adoption register and is kept informed of further developments.
- 2.5. Upon identification of a child the prospective adoptive parent is informed accordingly through their Central Authority.
- 2.6. The local and foreign authorities maintain contact to conclude the adoption process if they both agree to the said adoption taking place.

5. Points to remember

- Persons seeking to adopt will have to contact the Director Social services to discuss intention. They need to abide to procedures before adopting from abroad. Requests for adoption may not be entertained if procedures are not adhered to.
- The Social Services will carry out a home study to assess suitability.
- The Director Social Services will decide on the suitability to adopt and encourage prospective adopters on local adoption.
- If local adoption is refused, the Social Services will guide on adoption from a foreign country.
- Prior to formalising adoption procedures abroad the Director Social Services should be notified.
- Within 14 days of entering the Seychelles with the child, the applicants must inform the Director Social Services.
- Social Services' report on the suitability of the adoptive parent(s) will be used by the Supreme Court to guide a verdict on the adoption order.
- The final decision on an adoption application will then be taken by the Supreme Court.

6. Time frame

• Local adoption

This may take approximately one month from the filing of the application at the Supreme Court to the submission of the home study report by the Social Services Section. In some cases, the judicial procedure may take longer.

• Inter-Country adoption

This process may take around three months due to the need for liaison with the Central Authority.