

- Prior to formalising adoption procedures abroad, 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.

8. Time Frame

- **Local adoption**

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.

The judicial procedure may, in some cases, take longer.

- **Inter-Country adoption**

This process may take around three months due to the need for liaison with the International Social Services for the home study report from the country in question.



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THE MINISTRY OF FAMILY AFFAIRS



THINKING ABOUT ADOPTION

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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 parent.

2. The law pertaining to adoption

The provisions to adoption is found under the Children Act.

3. Who is eligible to adopt

Married couples and individuals can all adopt a child.

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

4. The Procedures

- A person wishing to adopt must contact the Social Services. All applications have to be through Social Services.
- The person may identify a child or request for one from Social Services.
- The consent of the natural parents is sought by the prospective adoptive parents or Social Services.
- 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.
- Social Services prepare a home study report on the prospective adoptive parents. Application is then made to the Supreme Court of Seychelles by

A child is considered 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.

Procedure

- 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 will 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 domestic adoption.
- If local adoption is refused, Social Services will guide on adoption from a foreign country.

the prospective adoptive parents.

7. Inter-Country Adoption

Inter-Country or international adoption refers to the adoption of a child resident abroad by a resident of this country. It may also refer to the adoption of a child from this country by an overseas resident.

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.

In connection to inter-country adoption, Social Services have to request assistance from the Social Services of the respective countries for the home study report, as well as what is stipulated by the law of the particular country.

The President has to approve the adoption if the adopters are foreigners and in residence abroad.

Framework

Seychelles is party to the Hague Convention.

An 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 International Social Services.
- The established authorities in the state of origin have established that the child is adoptable.

5. The role of Social Services

Social Services carry out an investigation in respect of the applicant's suitability to adopt. This includes the applicant's:

- 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.
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- Social Services make the appropriate recommendation to the Court regarding the request for adoption.

6. Judicial procedure

- The representative of the Attorney General's Office is in attendance in Court to represent the child being adopted.
- The Court hears evidence of all parties concerned. The Court requests and considers the report prepared by the Social Services.
- The final decision for an adoption order rests with the Court.