STATE OF ORIGIN

COUNTRY PROFILE
FOR INTERCOUNTRY ADOPTION

[Republic of Korea]

QUESTIONNAIRE UPDATED BY THE PERMANENT BUREAU IN JANUARY 2013

The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption:
Date of ratification or accession:N/A
Objections to accession made by:N/A
Date of entry into force:N/A

Contact information of Central Authority:
Name of office: N/A
Address: N/A
Telephone: N/A
Fax: N/A
E-mail: N/A
Website: N/A
Contact Person(s): N/A

If your State has appointed more than one Central Authority, please provide contact information for each of these Central Authorities:
N/A

1. ROLE OF AUTHORITIES AND BODIES IN ADOPTION

1.1 Central Authority

Describe briefly the functions of the Central Authority(ies) (e.g., see Arts 6-9; and Arts 14-21 if accredited bodies are not used).
Korea is not party to the Hague Adoption Convention, therefore question no.1 is not applicable to respond.

1.2 Public authorities and competent authorities
Describe briefly the role of any public authorities and competent authorities including courts (e.g., see Arts 4, 5, 9 and 22).

N/A

1.3 Bodies / Persons involved in the adoption process

a) Under Article 13 (national accredited bodies):
   If your State has accredited its own adoption bodies, please indicate the number and describe their role.
   N/A

b) Under Article 12 (authorised foreign accredited bodies):
   i. If your State has authorised any foreign accredited bodies to work with, or work in, your State please indicate the number and describe their role.
   N/A
   ii. Is the Permanent Bureau informed of the names and contact details of the foreign accredited bodies authorised to work with, or work in, your State?
   N/A

c) Under Article 22(2) (approved (non-accredited) persons):
   Please indicate if your State permits the activity of approved (non-accredited) persons or whether your State has made a declaration against the involvement in your intercountry adoptions of such persons (as mentioned in Art. 22(4)).
   N/A

1.4 Accreditation and authorisation

Did your State complete the Questionnaire of 2009 on accredited bodies? If so, the Permanent Bureau will provide the link to your response on its website.
N/A

1.4.1 Accreditation (Arts 10-11)¹

If your State has accredited its own adoption bodies:

a) Are they involved with national adoptions or intercountry adoptions or both?
   N/A

b) What is the name of the authority / body responsible for accreditation of national adoption bodies?
   N/A

c) For how long is the accreditation granted?
   N/A

d) Describe briefly the process of granting accreditation to national bodies and the most important accreditation criteria. Provide a link to more detailed information.
   N/A

e) Describe briefly the conditions for an accreditation renewal for national bodies. Provide a link to more detailed information.
   N/A

1.4.2 Authorisation (Art. 12)²

¹ "Accreditation" is the procedure to license adoption agencies according to the standards in the Convention so they may assist in arranging Convention adoptions. Adoption agencies with accreditation are "accredited bodies".

² "Authorisation" is the procedure required by the Convention when an accredited body (usually in a receiving State) wishes to work in or with another country (the State of origin). Both States must give their authorisation.
a) Provide details of the authority / body responsible for authorisation of foreign accredited bodies to work with, or work in, your State.
N/A
b) Does your State use any special criteria or conditions to decide on a request for authorisation? Please provide a copy of the criteria or a link to more detailed information.
N/A
c) If your State does not use special criteria to make a decision, on what basis are decisions of authorisation made?
N/A
d) Describe briefly the process of authorisation of foreign accredited bodies.
N/A
e) For how long is the authorisation granted?
N/A
f) Describe briefly the conditions for an authorisation renewal for foreign bodies. Provide a link to more detailed information.
N/A
g) Describe the tasks entrusted to the foreign accredited bodies.
N/A
h) Is it mandatory for the foreign accredited bodies to have a “representative”? What functions does that person perform?
N/A

1.4.3 Other question regarding accredited bodies

a) If you allow a foreign accredited body to "act" in your State, does this mean that it:
- must establish an office with professional staff (coming from the State of origin or the receiving State)?
- can “act” in your State through an individual person acting as an intermediary?
- the body is in direct contact with the Central Authority but has no office or intermediary in the State of origin?

b) What monitoring of authorised foreign accredited bodies is carried out in the State of origin?
N/A
c) Is there a central registry of all accredited bodies?
N/A
d) How do you determine the number of authorised foreign accredited bodies necessary to work in your State? Do you limit the number of accredited organisations to which an authorisation is granted in your State? If so, on what basis do you limit the number?
N/A
e) Do you think the number of accredited bodies authorised to work in your State is proportional to the number of adoptions? If not, do you intend to take action?
N/A
f) Have you encountered issues with foreign accredited bodies which work with or in your State?
N/A
g) Have you been pressured by foreign accredited bodies?
N/A

2. CHILDREN PROPOSED FOR ADOPTION

a) In your State, what is the average profile of the child in need of intercountry adoption (e.g., age, sex, state of health)?
According to the statistics regarding the profile of overseas adopted children in the last 5 years, boys are 2 times more in need of intercountry adoption than girls. The children are mostly under the age of 3 and rarely over the age of 3 and over. 15% of the children are disabled.

b) If your State places any limits on the number of Prospective Adoptive Parents files accepted from receiving States, on what basis are those limits decided?
There is no limit.

2.1 Adoptability of a child (Art. 4 a))

a) Which authority is responsible for establishing that a child is adoptable?
Since Korea is not party to the Hague Adoption Convention, the questions regarding the Convention Article 4, Section a is not applicable. However, as we look over an actual adoption procedure in Korea, local governments and adoption agencies decide whether the children are eligible for adoption or not.

b) What are the conditions or criteria to establish that a child is adoptable?
A child separated from a guardian and then placed on the child care facility, a child requested for adoption once birth parents or a guardian consent to adoption, a child requested for protection at a child care facility by a local government since the parents were divested their parental rights by the court.

c) Describe any procedures directed at establishing whether or not a child is adoptable, such as the search for the birth family and use of a central register of adoptable children.
In case of an abandoned child, they are mostly placed at a child care facility on the assumption that they are tentatively agreed to be adopted. However, corresponding governments and agencies firstly make efforts to find the birth parents of the abandoned child by utilizing the database system of the National Police Agency.

2.2 Best interests and subsidiarity principles (Art. 4 b))

Which authority determines, after considering the subsidiarity principle, that an intercountry adoption is in the child's best interests? How is that decision reached (e.g., by using certain legal criteria) and at what stage of the procedure? For each child put for adoption, an adoption agency shall undertake actions to look for a suitable adoptive family in Korea first, as prescribed by the Ministerial Decree of the Ministry of Health and Welfare, and report the results to the Minister of Health and Welfare. An adoption agency may initiate a process of overseas adoption in case it could not find any suitable adoptive family in Korea.

2.3 Counselling and consent (Art. 4 c) and d))

a) Describe the procedure for counselling and informing the birth mother / family about the consequences of the adoption and obtaining their consent.
Counseling, information regarding adoption procedures and the consent to adoption, and notification services for the result of the adoption are provided.

b) Describe the circumstances in which the child's consent to the adoption is required.
In case a person wishes to adopt a child at age of 13 or above, the person shall obtain consent of the child as well as consent of his or her parents or guardian.

c) What measures are taken to prevent any solicitation of children for adoption (e.g., using incentives to obtain consent) (Arts 8 and 29 of the 1993 Hague Convention)?
We are consistently monitoring the internet portal sites which most illegal adoptions are committed to prevent the illegal adoptions, and forward the result to the National Police Agency to request for investigation.
2.4 Children with special needs

a) Describe what is meant by “children with special needs” in your State.
There is no specified definition of "children with special needs". However, disable children are also eligible to be adopted.
b) What, if any, procedures do you have to expedite the adoption of children with special needs?
Not applicable

2.5 Preparation of the child

a) If there is a procedure for the preparation of the child for the adoption, please provide details.
An adoption agency shall take care of the children until the adoption procedures are completed.
b) At what stage(s) is the preparation done? Who does it?
An adoption agency shall take care of the children until the adoption procedures are completed.

3. Prospective Adoptive Parents (PAPs)

3.1 Eligibility criteria for foreign PAPs

a) Profile of PAPs

<table>
<thead>
<tr>
<th>Married couples</th>
<th>Yes</th>
<th>If yes, are any conditions imposed (e.g., length of marriage)? No restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unmarried couples or registered partnership</td>
<td>Yes</td>
<td>If yes, are any conditions imposed (e.g., length of the relationship)? No restriction</td>
</tr>
<tr>
<td>Single person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woman</td>
<td>Yes</td>
<td>If yes, are any conditions imposed? No restriction</td>
</tr>
<tr>
<td>Man</td>
<td>Yes</td>
<td>If yes, are any conditions imposed? No restriction</td>
</tr>
<tr>
<td>Same sex couples</td>
<td>Yes / No</td>
<td>If yes, are any conditions imposed? There is no legal restriction, but an accepted case has not found yet.</td>
</tr>
</tbody>
</table>

b) Age requirements

<table>
<thead>
<tr>
<th>Minimum age</th>
<th>Yes</th>
<th>If yes, please specify Should be the age of 25 and</th>
</tr>
</thead>
</table>
over. Exceptions are allowed when an investigation agency determines that the family circumstances of prospective adoptive parents are qualified to rear an adoptive child in a sound manner. (Such as when the prospective adoptive parents are both Korean nationals or willing to adopt disabled children with a special measures to protect the disabled children.

| Maximum age | Yes |
| Difference (in years) required between the PAPs and the child: | No |

If yes, please specify

| Couples with children (biological or adopted) | No |
| Infertility certificate | No |
| Other | No |

If yes, please specify

3.2 Preparation and counselling of PAPs

Does your State require that PAPs in the receiving State have preparation and / or counselling about intercountry adoption?

Qualifications for adoptive parents: One shall have sufficient wealth to bring up the adopted child safe and sound. On shall not have a record of any crime such as child abuse, domestic violence, sexual assault or drug use or a history of alcohol and substance dependence. A person who wishes to adopt a child shall complete a certain education program offered by an adoption agency, etc, as required by the Ministerial Decree of the Ministry of Health and Welfare, before he or she is legally accepted as the child’s adoptive parent.

4. DOCUMENTS REQUIRED TO SUBMIT AN APPLICATION TO ADOPT
a) To which authority / body is the PAPs adoption file submitted?
Adoption documents regarding the prospective adoptive parents should be submitted to the Ministry of Health & Welfare and the family court through the private adoption agencies.

b) Please indicate whether the following documents are required:

- An application form for adoption completed by the PAPs
- A statement of “approval to adopt” issued by a competent authority
- Report on the PAPs including the “Home study” and other personal evaluations (Art. 15)
- Copies of passports of PAPs or other personal identification documents
- Copies of birth certificates of PAPs and of other children residing with them
- A copy of the marriage certificate (if married couple), divorce certificate (if either or both of the PAPs is divorced) or death certificate of the spouse (if one of the PAPs is widowed)
- Health certificates
- Evidence of the financial circumstances of the family
- Employment certificate
- Proof of no criminal record

Please specify any other documents that are required:
A Certificate of Completion of Adoptive Parent Education, The Oath of adoption

c) If applicants apply through an accredited body, are the following documents required?

- Power of attorney issued by the family to the accredited body (e.g., a contract signed by an accredited body and the PAPs)
- A document issued by a competent authority of the receiving State and certifying that the accredited body may engage in intercountry adoption

4.1 Language(s) in which the documents must be submitted

Please specify.
English (Adoption agencies would translate the documents submitted)

4.2 Legalisation / Authentication

a) Which documents need to be legalised?
The Oath of adoption, an affidavit of support, a Certificate of Completion of Adoptive Parent Education (should be sealed or notarized), The Criminal Record Check Reply (should be sealed and notarized)
b) Is your State a party to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (Hague Apostille Convention)?
Yes.

5. THE ADOPTION PROCEDURE

5.1 Report on the child (Art. 16(1) a))

a) Who prepares it?
Since Korea is not party to the Hague Adoption Convention, we do not prepare a report regarding the child. However, adoption agencies are writing a child counseling record.

b) What information is or should be included?
The child counseling record includes the name, picture, social ID number, admission date, admission channel, a counseling record with the guardian and etc.

c) What documents does it contain?
A child counseling record

d) Is there a standard form used by your State for the report?
Since Korea is not party to the Hague Adoption Convention, we do not prepare a report regarding the child. However, adoption agencies are writing a child counseling record.

e) Does your State use the “Model Form – Medical Report on the Child” and the “Supplement to the general medical report on the child” (see Guide to Good Practice No 1 – Annex 7, available on Hague Conference website)?
Since Korea is not party to the Hague Adoption Convention, we do not use the forms.

f) After the matching is accepted, do the PAPs receive regular information about the child and his / her development during the adoption procedure? If yes, who is responsible for providing the information?
Adoption agencies regularly provide the information of the child. However, the information provision cycle may differ from each agency.

5.2 PAPs report (Art. 15(2))

a) For how long is the report valid in your State?
Not applicable

b) Who receives the PAPs request (including “home study”, report and other documents)?
Adoption agencies are handling the practical adoption procedures in Korea. Therefore, adoption agencies take responsibilities for responding queries from the prospective adoptive parents.

5.3 Matching of the child and the PAPs (Art. 16(1) d) and (2))

a) Who is responsible for the matching of the child and the PAPs?
May differ from each agency. 2 of 3 adoption agencies in charge of overseas adoption in Korea are handling the matching process by themselves. However, the other agency entrust the cooperation agency with the matching process.

b) What is the methodology used for the matching of the child with the PAPs?
There is no standard way for matching. However, preferred sex, age, disability, and etc. could be considered.

c) Is preference given to PAPs who have a close connection with your State (e.g., citizens who have migrated to a receiving State)?
If the prospective adoptive parents who immigrated to receiving state are both Korean, the age limits on the prospective adoptive parents are not strictly applied.

d) Who notifies the receiving State of the matching?
Adoption agencies.

5.4 Acceptance of the match (Arts 17 a) and b))

a) How much time is allowed for the PAPs to decide to accept the match?
There is no time limit. But it usually takes from a week to a month.

b) Does your State require the matching to be approved by the Central Authority of
the receiving State and on what conditions?
Not applicable

5.5 Agreement under Article 17 c)

a) Which is the competent authority / body that agrees whether the adoption may proceed?
Not applicable

b) When is this agreement given? For example, when the referral is sent? When the PAPs notify their acceptance?
Not applicable

5.6 Travel of the PAPs

a) What, if any, requirements are imposed on the travel of PAPs to your State? If there are no restrictions, how does your State ensure that the prohibition on contact in Article 29 is respected?
Not applicable. However, adoptive parents should visit the state of origin to deliver the child, and sometimes the prospective adoptive parents may be asked to attend a court hearing by the family court.

b) Is it mandatory for one or both the PAPs to travel in person to your State to complete the adoption?
The prospective adoptive parents have a legal obligation to deliver the child.

c) In what circumstances does your State permit an escort to be used to take the child to the adoptive parents in the receiving State?
Escourting could be permitted in case where a foreign prospective adoptive parent is not able to travel to Korea for his/her urgent health/medical reasons.

d) When PAPs have to travel to your State, please specify:
   i. Number of trips required to complete the adoption procedure:
      More than once (when the child is delivered to the adoptive parents). But they could also be asked to attend a court hearing by the family court.
   ii. How long they should stay for each trip?
      There is no special regulations.
   iii. At what stage(s) in the adoption process?
      When the child is delivered to the adoptive parents and they are asked to attend a court hearing by the family court.
   iv. Other conditions:
      Not applicable.

5.7 Entrustment of child to PAPs (Art. 17) and adoption decree / order

a) Please describe the procedure, if any, to prepare the child for the first meeting with the adoptive parents?
The documents that recorded the counseling sessions with foster mother.

b) After the procedures in Article 17 are completed, what are the arrangements for the physical entrustment of the child to the PAPs?
Not applicable

c) Is the adoption order / decree made in your State or in the receiving State?
Since Korea is not party to the Hague Adoption Convention, the receiving states mostly would finalize the adoption in their own procedures, although the adoption is finalized in Korea.

d) If made in your State, for how long is the child placed in the care of the PAPs before the final adoption order / decree is made? Is it permanent or temporary care, full-time or part time care?
Not applicable
e) If made in the receiving State, what procedures does your State require for the entrustment of the child and the completion of the adoption?
Not applicable

5.8 Transfer of child to receiving State (Arts 5 c) and 18)
Are there any procedures in your State concerning the transfer of the child? The prospective adoptive parents have a legal obligation to deliver the child. However, escorting could be permitted in case where a foreign prospective adoptive parent is not able to travel to Korea for his/her urgent health/medical reasons.

5.9 Certificate under Article 23
a) What is the competent authority for issuing the certificate under Article 23 in cases where the adoption order / decree is issued in your State?
Not applicable
b) Have the details of the competent authority been sent to the Convention’s depositary (as required by Art. 23(2)) or to the Permanent Bureau?
Not applicable
c) Does your State use the “Recommended model form – Certificate of conformity of intercountry adoption” (see Guide to Good Practice No 1 – Annex 7, available on the Hague Conference website)?
Not applicable
d) Describe the procedure for issuing the certificate. For example, is a copy given automatically to the PAPs? Is a copy sent to the Central Authority of the receiving State? How long does it take to issue the certificate?
Not applicable

5.10 Duration of adoption procedure
Indicate the average time taken for the different stages of the procedure, beginning with the decision that the child is adoptable. Overall, it takes about 1-2 years. (hard to break it down by steps)

6. Adoption of a relative child (INTRA-FAMILY ADOPTION)

a) Explain what is meant by “relative child” in your State.
The Civil Law of Korea says, the relatives mean blood relatives in less than third cousin, relation by marriage in less than first cousin, and spouse.
b) In what circumstances does your State allow the adoption of a child by relatives of the child who are habitually resident in another State? There is no specific restriction.
c) Does your State apply procedures of the Convention to such adoptions?
Not applicable

7. Post-adoption matters

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3 The depositary of the Convention is the Ministry of Foreign Affairs of the Kingdom of the Netherlands (Art. 43(2)).
7.1 Post-adoption reports

a) Describe the requirements of your State for post-adoption reports:
   i. Frequency (how many per year?):
      Although there is no legal regulations, adoption agencies mostly receive the post adoption reports 2~3 times in a year.
   ii. Period (until what age of child?):
      Until the adoption procedure is completed in the receiving state.
   iii. Language:
      English
   iv. Who should write it?
      Overseas cooperation agencies of each adoption agency
   v. Other requirements:
      Should confirm whether the child acquired the citizenship of the receiving state or not.

b) Is your State satisfied with the response of receiving States to your requirements for post-adoption reports? Please provide comments.
   Not applicable

7.2 Preservation and availability of information (Art. 30)

a) Which authority is responsible for preserving the information concerning the child’s origins (Art. 30(1))? Although Korea is not party to the Hague Adoption Convention, the adoption agencies shall retain the adoption related information (includes the information on adoptive children and their birth parents and family) and provide the information for 'the Korea Adoption Services(KAS)'.

b) Where are the records kept and for how long?
   The above-mentioned adoption related information shall be retained permanently at the corresponding adoption agencies and Korea Adoption Services' Adoption Central Management System(ACMS).

c) In your State, does the law permit the adopted person to have access to this information? If yes, is there any age or other restriction?
   In principle, adoptee should be over the age of 20 to access the adoption information. In case a request for information disclosure is made by a minor adoptee, his or her birth parents' prior consent shall be obtained.

d) Are the biological parents or the adoptive parents permitted to have access to information about the adoption (see Art. 9 a) and c))?
   Only adoptee has a legal right to access the information.

e) What, if any, assistance does the Central Authority or another body give to the adopted person or the biological or adoptive parents to obtain access to that information? Is there a special procedure for accessing this information?
   The KAS was established, the database system(which is called ACMS) was built, and the right of access the adoption information can be secured.

f) What, if any, assistance is given to adopted persons to search for their origins?
   Yes

8. QUESTIONS REGARDING SIMPLE AND FULL ADOPTIONS

a) Are simple intercountry adoptions allowed in your State?
   Korea allow only full adoption system for overseas adoption.
b) If applicable, please define the terms “simple adoption” and / or “full adoption” in your State.
We use the terms "adoption or full adoption" on the basis of legal relationship between adoptive parents and an adoptee and also between biological parents and an adoptee.

9. COSTS OF INTERCOUNTRY ADOPTION IN YOUR STATE

a) Are adoption costs or fees established by law / regulations and / or controlled by a public authority in your State? If yes, please provide a link to this information.
   Not applicable
b) Is there a standard or fixed fee charged by the Central Authority for services or for a group of services linked to adoption? What services are covered by this fee?
   Not applicable
c) Is there, in your State, a fixed or flat fee charged by accredited bodies for adoption? If yes, for which services?
   Not applicable
d) Does your State require, besides costs and fees, a mandatory contribution to improve the adoption process or the child protection system? What is this contribution used for? Who receives it?
   Not applicable
e) Is it mandatory for the receiving State (Central Authority or accredited bodies) to undertake humanitarian projects in your State as a condition of engaging in intercountry adoption? Do you supervise these projects?
   Not applicable
f) How do you ensure that humanitarian aid does not influence or compromise the integrity of the intercountry adoption process (e.g., by anticipating a recurrent "offer" of children in exchange for recurrent humanitarian or development aid)?
   Not applicable
g) Does your State impose any other type of cost or fee on the foreign accredited bodies to work with, or work in, your State? Please provide details.
   Not applicable
h) What is the normal range of costs for an adoption (i.e., the minimum to the maximum cost)?
   $13,000 ~ $18,000 (as of 2012)
i) Does your State permit PAPs to make donations to an orphanage or institution?
   If yes, at what stage of the adoption procedure?
   There is no related restrictions.
j) Other costs: Please complete the Table of Costs at Annex 1.4

10. IMPROPER FINANCIAL GAIN (ARTS 8 AND 32)

a) Which authority is responsible for preventing improper financial gain as required by the Convention?
   Any money or an interest in property or any other kind of consideration shall not be paid, received or promised in return for providing consent to an adoption. The Minister of Health and Welfare, the administrative head of the local autonomous municipality direct and supervise those who run an adoption agency in their matter of their respective responsibility.
b) What measures are taken to prevent improper financial gain?
   Direction and supervision of the Ministry of Health and Welfare and the local autonomous municipality over adoption agencies.

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4 The Table of Costs is taken from the Guide to Good Practice No 2: Accreditation and Accredited Bodies, Chapter 8.
c) Have there been any prosecutions for improper financial gain related to adoption? If so, were the prosecutions successful?
Not applicable

11. **QUESTIONS REGARDING THE ABDUCTION, SALE OF AND TRAFFIC IN CHILDREN IN THE CONTEXT OF INTERCOUNTRY ADOPTION**

a) State the laws (including criminal sanctions), measures and procedures in your State to prevent the abduction, sale of and traffic in children in the context of your adoption programmes. Also specify to whom they apply (accredited bodies, prospective adoptive parents, directors of orphanages, etc.).
We are consistently monitoring the internet portal sites which most illegal adoptions are committed to prevent the illegal adoptions, and forward the result to the National Police Agency to request for investigation.
b) Are you aware of any cases of abduction, sale of or traffic in children in the context of your intercountry adoption programmes? Also indicate the penalties or sanctions imposed in the case of successful prosecutions.
Not applicable
c) Have you suspended or restricted your intercountry adoption programme because of concerns about the risk of abduction, sale of or traffic in children?
Not applicable
d) Have you suspended or limited, or not taken any action towards an adoption accredited body (Art. 11), an approved (non-accredited) person (Art. 22 (2)) or an institution because of concerns about a possible abduction, sale of or traffic in children?
Not applicable.
e) Can you provide and describe examples of co-operation between your State and other States to eliminate practices relating to the abduction, sale of or traffic in children in the context of adoption?
Not applicable.
f) Are private and / or independent adoptions allowed in your State? Explain the meaning of "private" and / or "independent" adoptions in your State.
Since adoption procedure should be finalized by the family court, this is not applicable.
g) In your State, what measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?
Adoption is finalized by the court.

12. **ISSUES LINKED TO INTERNATIONAL MOBILITY**

a) Are foreign prospective adoptive parents habitually resident in your State wishing to adopt a child from your State through domestic adoption authorised to do so? If yes, what special requirements are imposed?
They should submit an application for an adoption approval to the family court along with the all the required documents indicated on the Special Adoption Act Article 18. (A birth certificate of the child to be adopted, a document which proves the child's fulfillment of any of the qualification requirements, A document which proves adoptive parents' fulfillment of the qualification requirements, and a written consent to adoption)
b) Are foreign prospective adoptive parents habitually resident in your State wishing to adopt a child from another State through intercountry adoption authorised to do so? If yes, what special requirements are imposed?
Citizenship is the criteria for determining between domestic adoption and
intercountry adoption. Therefore foreigners only need to follow the law of the state of origin to adopt a child in a foreign country.

c) How do you deal with the adoption of a child from your State by prospective adoptive parents who are citizens of your State, but are habitually resident in the receiving State? Does the existence of a family relationship between the child and the prospective adoptive parents make a difference? We deal with it as domestic adoption.

13. NATIONAL LEGISLATION

Identify the legislation in your State on international adoption and provide (if available) a link to the text of the legislation.
See the attachment.

14. OTHER HAGUE CONVENTIONS

If your State is involved in international foster care placements or placements by kafala, the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children may be used. Is your State a party to this Convention?
No

15. SELECTION OF PARTNERS IN INTERCOUNTRY ADOPTION

a) On what basis does your State select a receiving State as a partner in intercountry adoption?
Should follow the agreement that each adoption agency signed on. However, where the foreign adoptive parents are the nationals of a country at war, or in an adversarial relations, with Korea.
b) Are there any formalities required to confirm a partnership?
Agreement with adoption agencies

16. OTHER QUESTIONS

a) What measures does your State provide to protect children without parental protection (e.g., institutional care, kinship care or care by the extended family, foster home, kafala, national and international adoption)?
We firstly make a decision whether the children are possible to go back to their original families or not. If it is not possible, we protect the children at the child care facility or group home or refer the children to the domestic adoption, foster home, or overseas adoption.
b) What are the biggest challenges your State is facing for children without parental care (homeless children, lack of resources, illness, conflict, etc.)?
Feeling of loss derived from the separation from their biological parents, financial difficulties, and etc.
c) What are the biggest challenges your State is facing regarding intercountry adoption?
We need to ratify the Hague Adoption Convention to protect the rights of the overseas adopted children.
d) Does your State collect statistical data relating to adoption (national or
With which States do you complete the most adoptions? If possible, complete the "Annual adoption statistics" form for the last 5 years.

Year 2008, to U.S.A. 988 children, to France 8, to Denmark 20, to Sweden 76, to Norway 45, to Australia 18, to Canada 78, to Italy 1, to Luxembourg 16.

Year 2009, to U.S.A. 850, to France 8, to Denmark 21, to Sweden 84, to Norway 40, to Australia 34, to Canada 67, to Italy 4, to Luxembourg 17.

Year 2010, to U.S.A. 775, to France 6, to Denmark 21, to Sweden 74, to Norway 43, to Australia 18, to Canada 60, to Italy 4, to Luxembourg 12.

Year 2011, to U.S.A. 707, to France 4, to Denmark 16, to Sweden 60, to Norway 33, to Australia 21, to Canada 54, to Italy 6, to Luxembourg 15.

Year 2012, to U.S.A. 592, to France 4, to Denmark 10, to Sweden 49, to Norway 26, to Australia 13, to Canada 45, to Italy 7, to Luxembourg 9.

17. **Useful electronic links**

Provide electronic links to important and useful information about adoption and intercountry adoption in your State.

KAS's Website: [http://www.dadoption.or.kr](http://www.dadoption.or.kr)

18. **Last updated on: 20 Mar 2013**