

## PROCEDURE FOR ADOPTION

Adoption is a last resort after all options of placing the child with the biological family have failed. The first option is to place the child within his/her family, in the community of origin, same race couples within South Africa.

If all the above mentioned options fails the child can be placed in another country as an inter country adoption. South Africa acceded to the Hague Convention in December 2003 which is the guiding principle for inter country adoptions. A regulatory body called the Central Authority has been established. The Registrar of Adoptions has to keep an accurate register of all adoptions in the country. The Registrar of Adoptions also handles enquiries of adopted persons when they want to trace their biological parents or parents who want to trace their children. This is done in collaboration with the Department of Home Affairs.

## HOW TO ADOPT

A social worker must investigate the circumstances of the proposed adoptive parent and the adoptability of the child and make a recommendation to the Commissioner of Child Welfare. If the parents or guardian of the child are alive and can be found they must give consent for the child to be adopted. This must be done in the Children's Court where they appear before the Commissioner of Child Welfare and sign the consent form. The proposed adoptive parent, the child and social worker appear before the court and the Commissioner makes an order in terms of the Child Care Act. Once this order is made nobody can take the child away from the adoptive parents' care unless the matter goes back to the Children's Court.

## INTERCOUNTRY ADOPTIONS

South Africa acceded to the Hague Convention of May 1993 during December 2003, the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoptions and therefore only works with countries that have also ratified/acceded to the same Convention.

Adoption can only take place when there is a working agreement between a South African Organization and an Accredited Foreign organization, and the governments of the two affected countries must agree before an adoption can take place. Adoptions are therefore processed in line with the Hague Convention. Organizations accredited to do inter-country adoptions screen and counsel prospective adoptive parents intensively. The screening of the adoptive parents takes place in the foreign country, but the matching of the child with a family takes place in SA.

The adoptive parents are advised to keep information on the culture of the child and to visit the country of origin in years to come. Aftercare services are rendered to the adoptive parents in foreign countries.

The new Children's Act also spells out the criteria to be followed.