Measures for the Registration of Adoption of Children by Foreigners in the People's Republic of China

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Approved by the State Council on May 12, 1999; promulgated by Order No. 15 of the Ministry of Civil Affairs on May 25, 1999; revised in accordance with the Decision of the State Council on Amending and Repealing Certain Administrative Regulations on December 6, 2024.

Article 1 — These Measures are formulated in accordance with the Civil Code of the People's Republic of China (hereinafter referred to as the "Civil Code") for the purposes of regulating foreign-related adoption registration.

Article 2 — Where a foreigner adopts a child within the territory of the People's Republic of China (hereinafter referred to as "adoption of a child in China by a foreigner"), registration shall be handled in accordance with these Measures.

Where one spouse of an adopting couple is a foreigner and adopts a child in China, registration shall also be handled in accordance with these Measures.

Article 3 — The adoption of a child in China by a foreigner shall comply with the provisions of the relevant Chinese laws on adoption and shall also comply with the provisions of the laws on adoption of the country where the adopter resides; issues arising from the inconsistency between the provisions of the laws of the country where the adopter resides and the provisions of Chinese laws shall be handled through consultation between the relevant government departments of the two countries.

Article 4 — To adopt a child in China, a foreigner shall transmit the adoption application and submit the family status report and certificates of the adopter to the adoption organization entrusted by the Government of China (hereinafter referred to as the "Chinese adoption organization") through the government of the country where the adopter resides or an adoption organization entrusted by that government (hereinafter referred to as the "foreign adoption organization").

The adoption application, family status report and certificates of the adopter prescribed in the preceding paragraph mean the following documents issued by the competent authority of the country where the adopter resides, authenticated by the diplomatic organ of that country or an institution authorized by the diplomatic organ, and authenticated by the embassy or consulate of the People's Republic of China in that country, or documents for which the certification formalities prescribed by the international treaties concluded or acceded to by the People's Republic of China have been completed:

(1) the intercountry adoption application;

(2) the birth certificate;

(3) the certificate of marital status;

(4) the certificate of occupation, economic income and property status;

(5) the certificate of physical health examination;

(6) the certificate of whether the adopter has been subject to criminal punishment;

(7) the certificate of consent of the competent authority of the country where the adopter resides to the intercountry adoption of a child; and

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(8) the family status report, including the adopter's identity, the adopter's eligibility and suitability for adoption, family situation and medical history, motivation for adoption, and characteristics suitable for caring for children.

A foreigner who has worked or studied in China and resided continuously for one year or more and adopts a child in China shall submit the documents prescribed in the preceding paragraph other than the certificate of physical health examination, and shall also submit the certificate of marital status, the certificate of occupation, economic income or property status, and the certificate of whether the adopter has been subject to criminal punishment issued by the entity where the foreigner works in China or by the relevant department, as well as the certificate of physical health examination issued by a medical institution at or above the county level.

Article 5 — The person placing a child for adoption shall submit to the civil affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government his or her resident household register and resident identity card (where a social welfare institution is the person placing the child for adoption, the identity document of its person in charge), the household registration certificate and other relevant certificates of the child to be adopted, and shall, depending on the different circumstances, submit the following relevant supporting materials:

(1) where the birth parents of the child to be adopted (including those who have divorced) are the persons placing the child for adoption, the certificate that the birth parents have special difficulties and are unable to raise the child and the written opinions of both birth parents consenting to the placement for adoption shall be submitted; where, because one of the birth parents of the child to be adopted is widowed or missing, the placement for adoption is carried out by one party alone, the certificate of the death or disappearance of the spouse and the written declaration that the parents of the deceased or missing spouse do not exercise the right of prior custody shall also be submitted;

(2) where both parents of the child to be adopted lack full capacity for civil conduct and another guardian of the child is the person placing the child for adoption, the certificate that the parents of the child lack full capacity for civil conduct and pose serious harm to the child and the certificate that the guardian has guardianship rights shall be submitted;

(3) where both parents of the child to be adopted have died and a guardian of the child is the person placing the child for adoption, the death certificates of the birth parents, the certificate that the guardian actually bears guardianship responsibilities, and the written opinions of other persons with a support obligation consenting to the placement for adoption shall be submitted; and

(4) where a social welfare institution is the person placing the child for adoption, the certificate of the circumstances of the abandonment and discovery of the abandoned infant or child and the certificate of the circumstances of the search for his or her parents or other guardians shall be submitted; where the child to be adopted is an orphan, the certificate of death or declaration of death of the orphan's parents and the written opinions of other persons with a support obligation towards the orphan consenting to the placement for adoption shall be submitted.

Where a child with disabilities is placed for adoption, the certificate of disability of the child issued by a medical institution at or above the county level shall also be submitted.

Article 6 — The civil affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government shall examine the documents and supporting materials submitted by the person placing the child for adoption, and shall announce the search for the birth parents of abandoned infants and children whose birth parents cannot be found; where it considers that the child to be adopted and the person placing the child for adoption satisfy the conditions prescribed by the Civil Code, it shall notify the Chinese adoption organization of the list of children to be adopted and persons placing children for adoption who satisfy the conditions prescribed by the Civil Code, and simultaneously transmit the

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following documents and supporting materials:

(1) copies of the resident household register and resident identity card of the person placing the child for adoption (where a social welfare institution is the person placing the child for adoption, the identity document of its person in charge); and

(2) the certificate that the child to be adopted is an abandoned infant or orphan, the household registration certificate, the growth status report, and copies of the certificate of physical health examination and photographs.

The announcement by the civil affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government of the search for the birth parents of an abandoned infant or child shall be published in a provincial-level local newspaper. Where, after 60 days from the date of publication of the announcement, the birth parents or other guardians of the abandoned infant or child have not claimed the child, the infant or child shall be deemed an abandoned infant or child whose birth parents cannot be found.

Article 7 — After examining the adoption application and relevant certificates of the foreign adopter, the Chinese adoption organization shall, from among the children to be adopted reported by the civil affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government who satisfy the conditions prescribed by the Civil Code, select an appropriate child to be adopted with reference to the wishes of the foreign adopter, and transmit the relevant information of the child to be adopted and the person placing the child for adoption to the foreign adopter through the foreign government or the foreign adoption organization. Where the foreign adopter agrees to the adoption, the Chinese adoption organization shall issue to the adopter a notice of coming to China to adopt a child, and shall simultaneously notify the relevant civil affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government to issue to the person placing the child for adoption a notice that the child to be adopted has been approved for adoption.

Article 8 — To adopt a child in China, a foreigner shall come to China in person to complete the registration formalities. Where a couple adopts jointly, they shall come to China jointly to complete the adoption formalities; where one party is unable to come to China for a reason, he or she shall entrust the other party in writing. The power of attorney shall be notarized and authenticated in the country where it is made. Where the international treaties concluded or acceded to by the People's Republic of China provide otherwise, the certification formalities prescribed by the international treaties shall be followed.

The adopter shall be responsible for the authenticity of the certifying documents issued by the foreign competent authority in accordance with paragraph 2 of Article 4 of these Measures and the international treaties mentioned in the preceding paragraph, shall sign a written declaration, and shall bear the corresponding legal liability.

Article 9 — To adopt a child in China, a foreigner shall conclude a written adoption agreement with the person placing the child for adoption. The agreement shall be made in triplicate, with the adopter and the person placing the child for adoption each holding one copy, and the adoption registration authority retaining one copy when the adoption registration formalities are completed.

After the written agreement is concluded, the parties to the adoption relationship shall jointly go to the civil affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government at the place of the permanent household registration of the child to be adopted to complete the adoption registration.

Article 10 — When completing the adoption registration, the parties to the adoption relationship shall fill out an application for the registration of adoption of a child in China by a foreigner and submit the adoption agreement, and shall respectively provide the relevant materials.

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The adopter shall provide the following materials:

(1) the notice of coming to China to adopt a child issued by the Chinese adoption organization; and

(2) the identity documents and photographs of the adopter.

The person placing the child for adoption shall provide the following materials:

(1) the notice that the child to be adopted has been approved for adoption issued by the civil affairs department of the people's government of the province, autonomous region or municipality directly under the Central Government; and

(2) the resident household register and resident identity card of the person placing the child for adoption (where a social welfare institution is the person placing the child for adoption, the identity document of its person in charge), and photographs of the child to be adopted.

Article 11 — After receiving the application for the registration of adoption of a child in China by a foreigner and the relevant materials of the adopter, the child to be adopted and the person placing the child for adoption, the adoption registration authority shall conduct an examination within seven days from the following day and, for those that satisfy the provisions of Article 10 of these Measures, complete the adoption registration for the parties and issue an adoption registration certificate. The adoption relationship shall be established from the date of registration.

The adoption registration authority shall notify the Chinese adoption organization of the registration results.

Article 12 — Where, after the adoption registration is completed, any or all of the parties to the adoption relationship request notarization of the adoption, the notarization shall be handled at a notary institution qualified for foreign-related notarization at the place of adoption registration.

Article 13 — Before the child to be adopted leaves the country, the adopter shall, on the basis of the adoption registration certificate, complete the exit formalities for the child at the public security organ at the place of adoption registration.

Article 14 — Where a foreigner adopts a child in China, the registration fee shall be paid to the registration authority. The charging standard for the registration fee shall be implemented in accordance with the relevant State provisions.

The Chinese adoption organization is a non-profit public welfare institution and may charge a service fee for providing adoption services to foreign adopters. The charging standard for the service fee shall be implemented in accordance with the relevant State provisions.

For the purpose of raising abandoned infants and children living in social welfare institutions, the State encourages foreign adopters and foreign adoption organizations to make donations to social welfare institutions. The social welfare institutions receiving donations must use all donated property exclusively to improve the rearing conditions of the abandoned infants and children they raise, shall not divert it to other uses, and shall inform the donors of the use of the donated property. The social welfare institutions receiving donations shall also accept the supervision of the relevant departments and shall make public the use of the donations.

Article 15 — The activities of the Chinese adoption organization shall be subject to the supervision of the civil affairs department of the State Council.

Article 16 — These Measures shall be effective from the date of promulgation. The Implementation Measures for the Adoption of Children in the People's Republic of China by Foreigners, approved by the State Council on November 3, 1993 and promulgated by the Ministry of Justice and the Ministry of Civil Affairs on November 10, 1993, shall be repealed simultaneously.

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