

**LAW**  
**Foster Care**

Pursuant to the Constitution of the Socialist Republic of Vietnam of 1992, as amended and supplemented by Resolution No. 51/2001/QH10;

The National Assembly enacts the Law on Adoption.

**CHAPTER I. GENERAL PROVISIONS**

**Article 1.** Scope of Application

This Law stipulates the principles and conditions for adoption; the authority, procedures, and formalities for resolving adoption matters; the rights and obligations of adoptive parents, adopted children, and biological parents; and the responsibilities of agencies and organizations in adoption matters.

**Article 2.** Purpose of Adoption

Adoption aims to establish a long-term, stable parent-child relationship in the best interests of the adopted child, ensuring that the adopted child is raised, cared for, and educated in a family environment.

**Article 3.** Definition of Terms

In this Law, the following terms shall be understood as follows:

1. Adoption is the establishment of a parent-child relationship between the adoptive parent and the adopted child.
2. Adoptive parents are the adoptive parents after the adoption has been registered by the competent state authority.
3. Adopted child means the person who is adopted after the adoption is registered by the competent state authority.
4. Domestic adoption is the adoption of a child between Vietnamese citizens residing in Vietnam.
5. Adoption with foreign elements is the adoption between Vietnamese citizens and foreigners, between foreigners residing in Vietnam, or between Vietnamese citizens where one party resides abroad.
6. Orphaned children are children whose biological parents are both deceased or one of whom is deceased and the other cannot be identified.
7. Abandoned children are children whose biological parents cannot be identified.
8. The biological family is the family of individuals related by blood.
9. A foster family is a family that takes in a child for adoption.
10. A childcare facility is a social welfare facility, a child assistance facility, or another facility established under Vietnamese law to nurture, care for, and educate children.

**Article 4.** Principles for resolving adoption matters

1. When resolving adoption matters, the rights of children to live in their biological family environment must be respected.

2. Adoption must ensure the legal rights and interests of the adoptee and the adoptive parent, be voluntary, equal, non-discriminatory based on gender, and not violate the law or social morality.

3. Adoption by persons residing abroad shall only be permitted when no substitute family can be found within the country.

**Article 5.** Priority order for selecting a substitute family

1. The priority order for selecting a substitute family shall be determined as follows:

- a) Stepfather, stepmother, aunt, uncle, aunt, uncle, or cousin of the adoptee;
- b) Vietnamese citizens residing in the country;
- c) Foreign nationals residing in Vietnam;
- d) Vietnamese citizens residing abroad;
- e) Foreign nationals residing abroad.

2. In cases where multiple persons of the same priority level apply to adopt the same child, consideration and resolution shall be given to the person who has the best conditions for raising, caring for, and educating the adopted child.

**Article 6.** Protection of the right to adopt and the right to be adopted

The State protects the right to adopt and the right to be adopted in accordance with the provisions of this Law and other relevant legal regulations.

**Article 7.** Encouraging humanitarian support for the care of children in special circumstances

The State encourages organizations and individuals to provide humanitarian support for the upbringing, care, and education of children in special circumstances. Humanitarian support shall not affect the adoption process.

The Government shall prescribe the reception, management, and use of humanitarian support as provided for in this Article.

**Article 8.** Persons eligible for adoption

1. Children under 16 years of age.
2. Persons aged 16 to under 18 if they fall under one of the following circumstances:
  - a) Adopted by a stepfather or stepmother;
  - b) Adopted by an aunt, uncle, or other close relative.
3. A person may only be adopted by a single person or by both spouses.
4. The State encourages the adoption of orphans, abandoned children, and children in other special circumstances.

**Article 9.** Authority to register adoption

1. The People's Committee of the commune, ward, or town (hereinafter referred to as the commune-level People's Committee) where the person proposed for adoption or the adoptive parent resides shall register domestic adoptions.

2. The People's Committee of the province or centrally-affiliated city (hereinafter referred to as the provincial-level People's Committee) where the person proposed for adoption resides shall decide on adoptions involving foreign elements; the Department of Justice of the province or centrally-affiliated city shall register adoptions involving foreign elements.

3. The representative agency of the Socialist Republic of Vietnam abroad shall register the adoption of Vietnamese citizens temporarily residing abroad.

**Article 10.** Jurisdiction to resolve requests to terminate adoption

The People's Court has jurisdiction to resolve requests to terminate adoption in accordance with the provisions of civil procedure law.

**Article 11.** Guarantee of the right to know one's origins

1. Adopted children have the right to know their origins. No one may prevent adopted children from knowing their origins.

2. The State encourages and facilitates adopted children who are Vietnamese nationals residing abroad to visit their homeland and country.

**Article 12.** Fees for registering adoption, costs for resolving international adoption

1. The adoptive parent must pay the adoption registration fee.

2. In addition to the adoption registration fee specified in paragraph 1 of this Article, foreign nationals who are not permanent residents in Vietnam and who adopt a child in Vietnam must pay a sum of money to cover part of the costs of processing the international adoption, including the costs of nurturing, caring for, and educating the child from the time of introduction as an adoptee until the completion of the adoption handover procedures, verifying the origin of the person introduced as an adoptee, the adoption handover, and reasonable remuneration for the staff of the care facility.

3. The Government shall prescribe in detail the authority to collect, the collection rates, exemptions, reductions, management and use of adoption registration fees, and the costs of processing international adoptions specified in paragraphs 1 and 2 of this Article.

4. In addition to the adoption registration fees and costs for resolving international adoption matters specified in paragraphs 1 and 2 of this Article, organizations and individuals engaged in activities related to international adoption shall not impose any other fees.

**Article 13.** Prohibited Acts

1. Exploiting adoption for personal gain, exploiting labor, sexual abuse; kidnapping, buying, or selling children.

2. Forging documents to facilitate adoption.

3. Discrimination between biological children and adopted children.

4. Exploiting adoption to violate population laws.

5. Exploiting the adoption of war veterans, persons with meritorious service to the revolution, or persons belonging to ethnic minorities to enjoy preferential treatment and policies of the State.

6. Grandparents adopting their grandchildren or siblings adopting each other.

7. Exploiting adoption to violate laws, customs, morals, and the good cultural traditions of the nation.

## **CHAPTER II. DOMESTIC ADOPTION**

**Article 14.** Conditions for Adoptive Parents

1. Persons adopting a child must meet the following conditions:

a) Have full legal capacity;

b) Be at least 20 years older than the adoptee;

c) Have the necessary health, economic, and housing conditions to ensure the care, upbringing, and education of the adopted child;

d) Have good moral character.

2. The following persons are not eligible to adopt a child:

a) Those whose parental rights over minor children are restricted;

b) Currently serving an administrative penalty at an educational institution or medical facility;

c) Currently serving a prison sentence;

d) Have not had their criminal record expunged for any of the following crimes: intentionally infringing on the life, health, dignity, or honor of another person; mistreating or abusing grandparents, parents, spouses, children, grandchildren, or persons who have raised them; seducing, coercing, or harboring minors who violate the law; buying, selling, swapping, or seizing children.

3. In cases where a stepfather adopts his wife's biological child, a stepmother adopts her husband's biological child, or an aunt, uncle, or other blood relative adopts a grandchild, the provisions of points b and c of paragraph 1 of this Article shall not apply.

## **Article 15. Responsibility to find a substitute family for children**

1. In cases where a child is not raised in their original family environment, the relevant agencies, organizations, and individuals are responsible for finding an alternative family for that child.

2. The process of finding an alternative family for a child is regulated as follows:

a) In cases where a child is abandoned, the People's Committee of the commune where the abandoned child is found shall be responsible for finding a person or organization to temporarily care for the child; if someone adopts the child, the People's Committee of the commune where the abandoned child is found shall consider and resolve the matter in accordance with the law; if no one adopts the child, a file shall be created to place the child in a care facility;

b) In cases where an orphaned child has no one to care for them, or where the child has biological parents or relatives but they are unable to care for the child, the guardian, biological parents, or relatives shall be responsible for reporting to the People's Committee of the commune where the child resides to find a substitute family for the child. The commune-level People's Committee shall be responsible for supporting the care of the child and shall announce and post the information at the headquarters of the People's Committee within 60 days to find someone to adopt the child; if there is someone in the country who adopts the child, the commune-level People's Committee shall consider and resolve the matter. After the announcement and posting period expires, if no one in the country accepts the child for adoption, the commune-level People's Committee shall prepare documents to place the child in a care facility.

c) In cases where children in care facilities need a substitute family, the care facility shall compile a list and send it to the Department of Justice. The Department of Justice shall be responsible for publishing three consecutive notices in the provincial press or other mass media.

Within 60 days from the date of the announcement, if there are domestic individuals willing to adopt the child, they shall contact the commune-level People's Committee where the child resides for consideration and resolution; if the adoption is completed, the commune-level People's Committee shall report to the Department of Justice to remove the child's name from the list of children in need of a substitute family.

After 60 days from the date of the announcement, if no one in the country has adopted the child, the Department of Justice shall send the list of children in need of a substitute family to the Ministry of Justice.

d) The Ministry of Justice is responsible for posting a notice seeking domestic individuals to adopt the child on the Ministry of Justice's website.

Within 60 days from the date of notification, if there is a person in the country who accepts the child for adoption, that person shall contact the commune-level People's Committee where the child resides for consideration and resolution; if the adoption is completed, the commune-level People's Committee shall report to the Ministry of Justice to remove the child's name from the list of children in need of a substitute family.

After 60 days from the date of the announcement, if no one in the country has adopted the child, the Ministry of Justice shall notify the Department of Justice.

## **Article 16. Registration of adoption requests**

Vietnamese citizens who wish to and are eligible to adopt a child under this Law but have not yet found a child to adopt shall register their adoption request with the Department of Justice where they reside; if there is a child to be introduced for adoption, the Department of Justice shall introduce the child to the commune-level People's Committee where the child resides for consideration and resolution.

## **Article 17. Adoption Applicant's Documentation**

The adoption application file shall include:

1. Adoption application;

2. A copy of the passport, ID card, or equivalent document;
3. Criminal record certificate;
4. A document confirming marital status;
5. Health examination certificate issued by a district-level or higher medical facility; document confirming family circumstances, living conditions, and economic status issued by the People's Committee of the commune where the adoptive parent resides, except in cases specified in Clause 3, Article 14 of this Law.

**Article 18.** Documents of persons proposed for domestic adoption

1. The file of a person proposed for domestic adoption includes:
  - a) Birth certificate;
  - b) Health examination certificate issued by a medical facility at the district level or higher;
  - c) Two full-body photographs taken within the last six months;
  - d) A confirmation report issued by the People's Committee or the police of the commune where the abandoned child was found for abandoned children; Death certificates of the biological father and mother or a court decision declaring the biological father and mother of the child dead for orphaned children; a court decision declaring the biological father or mother of the person proposed for adoption missing, for persons proposed for adoption whose biological father or mother is missing; a court decision declaring the biological father or mother of the person proposed for adoption legally incompetent, for persons proposed for adoption whose biological father or mother is legally incompetent;
  - d) Decision on the acceptance of children at a care facility.
2. The biological parents or guardian shall prepare the file of the child referred for adoption living in the family; the care facility shall prepare the file of the child referred for adoption living in the care facility.

**Article 19.** Submission of documents and time limit for resolving adoption matters

1. The adoptive parent must submit their application and the application of the prospective adoptee to the People's Committee at the commune level where the prospective adoptee resides or where the adoptive parent resides.
2. The processing time for adoption is 30 days from the date the commune-level People's Committee receives a complete and valid application.

**Article 20.** Reviewing documents and obtaining opinions from relevant parties

The commune-level People's Committee where the documents are received is responsible for reviewing the documents; within 10 days from the date of receiving all valid documents, it shall complete the process of obtaining the opinions of the persons specified in Article 21 of this Law.

The solicitation of opinions must be documented in writing and bear the signature or fingerprint of the person whose opinion is sought.

**Article 21.** Consent for adoption

1. The adoption of a child must be consented to by the biological parents of the child to be adopted; if the father or mother is deceased, missing, incapacitated, or cannot be identified, the consent of the remaining parent is required; if both biological parents are deceased, missing, incapacitated, or cannot be identified, the consent of the guardian is required; In cases where a child aged 9 years or older is adopted, the consent of the child must also be obtained.
2. Persons consenting to adoption as specified in Clause 1 of this Article must be fully advised by the People's Committee of the commune where the application is filed on the purpose of adoption; the rights and obligations between the adoptive parents and the adopted child; and the rights and obligations between the biological parents and the child after the child is adopted.
3. Consent must be entirely voluntary, truthful, not coerced, threatened, or bribed, not for personal gain, and not accompanied by a request for money or other material benefits.

4. Biological parents may only consent to their child being adopted after the child has been born for at least 15 days.

**Article 22.** Registration of adoption

1. When it is determined that the adoptive parents and the child to be adopted meet the conditions specified in this Law, the commune-level People's Committee shall organize the registration of the adoption, issue an Adoption Certificate to the adoptive parents, the birth parents or guardian or representative of the care facility, organize the handover of the child, and record it in the family register within 20 days from the date of approval by the persons specified in Article 21 of this Law.

2. If the commune-level People's Committee refuses to register, it must respond in writing to the adoptive parents, birth parents, guardian, or representative of the foster care facility, clearly stating the reasons within 10 days from the date of the opinion of the persons specified in Article 21 of this Law.

3. The adoption certificate shall be sent to the commune-level People's Committee where the adoptive parent or the adopted child resides.

**Article 23.** Reporting on the development of the adopted child and monitoring the adoption

1. Every six months within a period of three years from the date of adoption, the adoptive parents shall be responsible for notifying the People's Committee of the commune where they reside of the health, physical and mental condition, and integration of the adopted child with the adoptive parents, family, and community.

2. The People's Committee of the commune where the adoptive parents reside is responsible for inspecting and monitoring the implementation of the adoption.

**Article 24.** Consequences of adoption

1. From the date of adoption, the adoptive parents and the adopted child shall have all the rights and obligations of parents and children; the adopted child and other members of the adoptive parents' family shall also have rights and obligations towards each other in accordance with the provisions of the law on marriage and family, civil law, and other relevant legal provisions.

2. At the request of the adoptive parents, the competent state agency shall decide on the change of the adopted child's surname and given name.

The change of surname and name of an adopted child aged 9 years or older must be agreed to by the child.

3. The ethnicity of an abandoned child who is adopted shall be determined according to the ethnicity of the adoptive father or adoptive mother.

4. Unless otherwise agreed between the biological parents and the adoptive parents, from the date of the adoption, the biological parents no longer have the rights and obligations to care for, raise, provide for, legally represent, compensate for damages, manage, or dispose of the property of the child who has been given up for adoption.

**Article 25.** Grounds for termination of adoption

Adoption may be terminated in the following cases:

1. The adopted child has reached adulthood and the adoptive parents voluntarily terminate the adoption;

2. The adopted child is convicted of one of the following crimes: intentionally infringing upon the life, health, dignity, or honor of the adoptive parents; abusing or mistreating the adoptive parents; or the adopted child commits acts of squandering the property of the adoptive parents;

3. The adoptive parents are convicted of any intentional crime against the life, health, dignity, or honor of the adopted child; or abuse or mistreat the adopted child;

4. Violation of the provisions of Article 13 of this Law.

**Article 26.** Organizations and individuals have the right to request the termination of foster care

1. Foster parents.

2. The adopted child who has reached the age of majority.

3. Biological parents or legal guardians of the adopted child.

4. The following agencies and organizations have the right to request the termination of adoption when one of the grounds specified in Clauses 2, 3, and 4 of Article 25 of this Law exists:

- a) The Department of Labor, War Invalids, and Social Affairs;
- b) The Women's Union.

**Article 27.** Consequences of Terminating Adoption

1. The rights and obligations between the adoptive parents and the adopted child shall terminate from the date the court's decision to terminate the adoption takes legal effect.

2. In cases where the adopted child is a minor or an adult who has lost civil capacity and is unable to work, the Court shall decide to entrust the biological parents or other organizations or individuals with the care, upbringing, and education of the child in the best interests of the child.

3. In cases where the adopted child is entrusted to the biological parents, the rights and obligations of the biological parents that were terminated pursuant to Clause 4, Article 24 of this Law shall be restored.

4. If the adopted child has separate property, they shall receive that property back; if the adopted child has contributed to the joint property of the adoptive parents, they shall receive a share of the property commensurate with their contribution as agreed with the adoptive parents; if no agreement can be reached, the matter shall be referred to the Court for resolution.

5. The adopted child has the right to reclaim their original surname and given name as before being adopted.

**CHAPTER III. ADOPTION INVOLVING FOREIGN ELEMENTS**

**Article 28.** Cases of adoption involving foreign elements

1. Vietnamese nationals residing abroad, foreign nationals permanently residing in countries that are parties to an international treaty on adoption with Vietnam, may adopt Vietnamese children.

2. Vietnamese nationals residing abroad and foreign nationals residing abroad may adopt children in the following cases:

- a) They are the stepfather or stepmother of the child being adopted;
- b) Being the aunt, uncle, or cousin of the child to be adopted;
- c) Having an adopted child who is the biological sibling of the child being adopted;
- d) Adopting a child with disabilities, HIV/AIDS, or other serious illnesses;
- e) Being a foreigner working or studying in Vietnam for at least one year.

3. Vietnamese citizens residing in Vietnam who adopt foreign children.

4. Foreigners residing in Vietnam may adopt children in Vietnam.

**Article 29.** Conditions for Adoptive Parents

1. Vietnamese nationals residing abroad and foreign nationals residing abroad who wish to adopt Vietnamese nationals must meet the conditions prescribed by the laws of the country where they reside and the provisions of Article 14 of this Law.

2. Vietnamese citizens adopting foreign nationals must meet the conditions specified in Article 14 of this Law and the laws of the country where the adoptee is a resident.

**Article 30.** Consular legalization of documents

Documents and materials in the file of the adoptive parent, the file of the foreign adoption organization established, issued, or certified by a competent foreign authority must be consular legalized when used in Vietnam, except in cases where consular legalization is exempted under an international treaty to which the Socialist Republic of Vietnam is a party or under the principle of reciprocity.

**Article 31.** Files of the adoptive parent

1. The documents of Vietnamese nationals residing abroad and foreign nationals residing abroad who wish to adopt Vietnamese children must include the following papers and documents:

- a) Adoption application;
- b) A copy of the passport or equivalent document;
- c) Authorization to adopt in Vietnam;
- d) Psychological and family background investigation;
- e) A health status confirmation document;
- e) Income and asset verification document;
- g) Criminal record certificate;
- h) Document confirming marital status;
- i) Documents proving eligibility for direct adoption as specified in Clause 2, Article 28 of this Law.

2. The documents specified in points b, c, d, e, g, and h of paragraph 1 of this Article shall be issued, granted, or certified by the competent authority of the country where the adoptive parent resides.

3. The adoptive parent's file shall be prepared in two copies and submitted to the Ministry of Justice through the central agency on adoption of the country where the adoptive parent resides; in the case of direct adoption as specified in Clause 2, Article 28 of this Law, the adoptive parent may directly submit the file to the Ministry of Justice.

**Article 32.** Application documents of the person proposed for international adoption

1. The adoption application for an international adoption includes:

- a) The documents and materials specified in Clause 1, Article 18 of this Law;
- b) A document detailing the child's notable characteristics, preferences, and habits;
- c) Documents proving that efforts to find a substitute family for the child within the country in accordance with Clause 2, Article 15 of this Law have been unsuccessful.

2. The documents specified in Clause 1 of this Article shall be prepared in three copies and submitted to the Department of Justice where the person proposed for adoption resides.

3. The biological parents or guardian shall prepare the file for the child proposed for adoption living in the family; the care facility shall prepare the file for the child proposed for adoption living in the care facility.

**Article 33.** Responsibilities for reviewing, verifying documents, and confirming that children meet the conditions for adoption

1. The Department of Justice is responsible for reviewing the file and soliciting the opinions of the persons specified in Article 21 of this Law within 20 days from the date of receiving the complete and valid file. The solicitation of opinions must be made in writing and bear the signature or thumbprint of the person whose opinion is solicited.

In cases where abandoned children need to be verified, the Department of Justice shall request the provincial or centrally-affiliated municipal police to verify; the police agency shall be responsible for verifying and responding in writing within 30 days from the date of receiving the request from the Department of Justice.

2. After checking and verifying in accordance with the provisions of Clause 1 of this Article, if the child is found to be eligible for international adoption, the Department of Justice shall confirm and send the documents to the Ministry of Justice.

**Article 34.** Responsibilities for reviewing and transferring the files of the adoptive parents

1. The Ministry of Justice shall be responsible for reviewing and processing the adoption applicant's file in accordance with the provisions of Clause 2 or Clause 3 of this Article within 15 days from the date of receiving the complete and valid file.

2. In the case of a designated adoptive parent as specified in Clause 2 of Article 28 of this Law, the Ministry of Justice shall transfer the file to the Department of Justice where the child to be adopted resides to submit to the provincial People's Committee for consideration and decision.

3. After the expiration of the period for announcing the search for a substitute family for the child as prescribed in Clause 2, Article 15 of this Law, if the child is not adopted by a domestic person, the Ministry of Justice shall transfer the adoption application to the Department of Justice where the child is referred for adoption for consideration, and refer the child for adoption in accordance with the procedures specified in Article 36 of this Law, except in the case specified in Clause 2 of this Article.

**Article 35.** Basis for introducing children for adoption

The introduction of children for adoption by foreign nationals is carried out in the best interests of the child, taking into account the interests of the adoptive parent, based on ensuring the following basic requirements:

1. The child's characteristics, preferences, and notable habits;
2. The child's ability to integrate and develop;
3. The economic conditions, family and social environment, and wishes of the adoptive parents.

**Article 36.** Procedure for introducing children for adoption

1. Within 30 days from the date of receiving the adoptive parent's application, the Department of Justice shall review and introduce the child for adoption based on the grounds specified in Article 35 of this Law and report to the provincial People's Committee. Within 10 days from the date of receiving the dossier submitted by the Department of Justice, if the provincial People's Committee agrees, it shall notify the Department of Justice to proceed with the transfer of the dossier to the Ministry of Justice; if it does not agree, it shall respond in writing and clearly state the reasons.

Before the Department of Justice considers and introduces children for international adoption, if there is a person in the country who accepts the child for adoption, that person shall contact the commune-level People's Committee where the child resides for consideration and resolution; if the adoption has been completed, the commune-level People's Committee shall report to the Department of Justice to terminate the introduction of the child for international adoption.

2. Within 30 days from the date of receiving the report on the results of the child's referral for adoption, the Ministry of Justice shall review the referral. If it is valid, the Ministry shall prepare an assessment of the Vietnamese child's eligibility for international adoption and notify the competent authority of the country where the adoptive parent resides.

3. Within 15 days from the date of receiving the document from the competent authority of the country where the adoptive parent resides notifying the adoptive parent's consent to the referred child, confirming that the child will be allowed to enter and reside in the country where the child is adopted, the Ministry of Justice shall notify the Department of Justice.

The adoptive parent shall not have any contact with the parents, guardian, or child care facility before receiving notification of the child's introduction for adoption, except as provided for in Clause 2, Article 28 of this Law.

4. If the adoptive parent refuses to accept the child introduced for adoption without a valid reason, the processing of that person's adoption application shall be terminated.

**Article 37.** Decision on international adoption of children and organization of adoption handover

1. After receiving the notification from the Ministry of Justice as specified in Clause 3, Article 36 of this Law, the Department of Justice shall submit to the provincial People's Committee for a decision on placing the child for international adoption.

Within 15 days from the date of receiving the dossier submitted by the Department of Justice, the provincial People's Committee shall decide on the adoption of the child by a foreign national.

2. Immediately after the provincial People's Committee issues a decision to allow the child to be adopted internationally, the Department of Justice shall notify the adoptive parents to come to Vietnam to receive the child. The adoptive parent must be present in Vietnam to directly receive the child within 60 days from the date of receiving the notification from the Department of Justice; in cases where a married couple applies for adoption and one of them is objectively unable to be present at the

adoption ceremony, they must authorize the other person; in cases where there are valid reasons, the above period may be extended, but not exceeding 90 days. After the above period expires, if the adoptive parent does not come to receive the child, the provincial People's Committee shall revoke the decision to allow the child to be adopted abroad.

3. The Department of Justice registers the adoption in accordance with the law on civil registration and organizes the adoption ceremony at the Department of Justice headquarters, with the presence of representatives from the Department of Justice, the child to be adopted, the adoptive parents, a representative of the care facility for children to be adopted from a care facility, or the birth parents or guardian of the child for children to be adopted from a family.

The adoption handover must be recorded in a written document, signed or initialed by the parties and the representative of the Department of Justice.

4. After the adoption, the Department of Justice is responsible for sending the provincial People's Committee's decision on foreign adoption, the adoption minutes, and the decision on foreign adoption to the Ministry of Justice, as well as to the People's Committee of the commune where the adopted child resides.

5. The Ministry of Justice shall send the decision on the adoption of the child by a foreign national to the Ministry of Foreign Affairs to notify the Vietnamese representative agency abroad of the adoption of the child in order to implement child protection measures when necessary.

#### **Article 38. Certification of Adoption**

The Ministry of Justice certifies that the adoption has been resolved in accordance with the provisions of this Law and international treaties on adoption to which the Socialist Republic of Vietnam is a party, and sends the certification to the competent foreign agency or organization, if requested.

#### **Article 39. Reporting on the Development of the Adopted Child**

Every six months within a period of three years from the date of the adoption, the adoptive parents shall be responsible for notifying the Ministry of Justice and the Vietnamese representative agency in the country where the adopted child resides of the adopted child's health, physical and mental condition, and integration with the adoptive parents, family, and community.

### **Article 40. Vietnamese citizens residing in Vietnam adopting foreign children**

1. Vietnamese citizens adopting foreign children must prepare a dossier in accordance with Article 17 of this Law and submit it to the Ministry of Justice. The Ministry of Justice shall review and issue a certificate confirming that the adoptive parent meets the conditions for adoption under Vietnamese law within 30 days from the date of receiving a complete and valid dossier. If necessary, the Ministry of Justice may request the Department of Justice where the person resides to verify the information, in which case the time limit may be extended, but not exceeding 60 days.

2. After completing the procedures for adopting a foreign child, Vietnamese citizens shall be responsible for registering the adoption with the Department of Justice and the People's Committee at the commune level where they reside.

### **Article 41. Foreign nationals residing in Vietnam adopting children**

1. The provisions of Articles 14, 15, 16, 17, 18, 21, 23, 24, 25, 26, and 27 of this Law shall apply to foreign nationals residing in Vietnam who adopt children in Vietnam.

2. The files of the adoptive parent and the proposed adoptee shall be submitted to the Department of Justice where the proposed adoptee resides. The Department of Justice shall be responsible for reviewing the files and obtaining the opinions of the persons specified in Article 21 of this Law.

If the Department of Justice finds that the adoptive parent and the proposed adoptee meet the conditions specified in this Law, it shall submit the case to the provincial People's Committee for consideration and decision.

3. Within 15 days from the date of receiving the dossier submitted by the Department of Justice, the provincial People's Committee shall decide whether to allow the foreigner residing in Vietnam to adopt a child; in case of refusal, it shall respond to the adoptive parent in writing and clearly state the reasons.

4. Immediately after the provincial People's Committee makes its decision, the Department of Justice shall register the adoption in accordance with the law on civil registration and organize an adoption ceremony at the Department of Justice headquarters in the presence of representatives of the Department of Justice, the adoptee, the adoptive parents, representatives of the care facility for children adopted from care facilities, or the birth parents, the guardian for persons requested to be adopted from a family, and sends the decision to the commune-level People's Committee where the adoptive parent resides. If the adoptive parent fails to come to receive the adopted child without a valid reason, the provincial People's Committee shall revoke the decision for foreign nationals residing in Vietnam to adopt a child.

The adoption handover must be recorded in a written document, signed or initialed by the parties and the representative of the Department of Justice.

#### **Article 42. Adoption in border areas**

Based on the provisions of this Law and actual circumstances, the Government shall prescribe the procedures for resolving adoption between Vietnamese citizens and citizens of neighboring countries residing in border areas.

### **Article 43. Foreign adoption organizations in Vietnam**

1. Foreign adoption organizations shall be granted a license to operate in Vietnam if they meet the following conditions:

a) They are legally established and operate on a non-profit basis in the field of adoption within the territory of a country that is a member of an international treaty on adoption to which Vietnam is a party;

b) Have been authorized by the competent authority on adoption of the country of establishment to operate in the field of adoption in Vietnam;

c) Have at least three years of continuous operation in the field of international adoption, without violating the law, and be confirmed by the competent authority of that country;

d) Have a team of social workers and legal staff knowledgeable about Vietnamese law, culture, society, and international law on adoption;

e) The representative of the organization in Vietnam must meet the ethical and professional standards in the field of adoption.

2. Foreign adoption organizations operating in Vietnam shall have the following rights and obligations:

a) Advise adoptive parents on the economic and social conditions, family circumstances, social environment, needs, and preferences of Vietnamese children;

b) Act on behalf of adoptive parents to complete adoption procedures in Vietnam;

c) Support the search for substitute families for children with disabilities, HIV/AIDS, or other serious illnesses;

d) Be provided with information and legal advice and participate in training courses on adoption conducted by the competent Vietnamese authorities;

e) Rent premises and employ Vietnamese workers in accordance with the law;

e) Comply with the law and respect the customs and traditions of Vietnam;

g) Submit annual reports on the development of Vietnamese children adopted as foster children to the Ministry of Justice;

h) Support adoptive parents in preserving the Vietnamese cultural identity of adopted children;

i) Pay fees for the issuance, renewal, and amendment of operating licenses in Vietnam;

k) Report on its activities and undergo inspection and audit by the competent Vietnamese authorities in accordance with the law.

3. Foreign adoption organizations shall have their operating licenses in Vietnam revoked in the following cases:

- a) No longer meeting the conditions specified in paragraph 1 of this Article;
- b) Violation of the obligations specified in point e of paragraph 2 of this Article.

4. The Government shall prescribe in detail the collection, management, and use of fees and the procedures for issuing, renewing, amending, and revoking operating licenses of foreign adoption organizations in Vietnam.

## **CHAPTER IV. RESPONSIBILITIES OF STATE AGENCIES REGARDING ADOPTION**

### **Article 44. State Management Authorities on Adoption**

1. The Government exercises unified state management over adoption.
2. The Ministry of Justice is responsible to the Government for implementing state management of adoption.
3. Ministries and agencies at the ministerial level, within the scope of their duties and authority, shall cooperate with the Ministry of Justice in exercising state management over adoption.
4. People's Committees at all levels shall, within the scope of their duties and powers, be responsible for implementing state management of adoption at the local level.

### **Article 45. Responsibilities of the Ministry of Justice**

1. Issue or submit to competent state agencies for issuance legal documents on adoption.
2. Issue and organize the uniform implementation of forms, documents, and records related to adoption; issue, renew, amend, and revoke licenses for foreign adoption organizations operating in Vietnam.
3. Inspect, examine, resolve complaints and denunciations, and handle violations of the law on adoption within its jurisdiction.
4. International cooperation on adoption.
5. Performing other duties and exercising other powers as prescribed by this Law.

### **Article 46. Responsibilities of the Ministry of Labor, War Invalids, and Social Affairs**

1. Guide and inspect the admission of children into care facilities and the adoption of children from care facilities, ensuring compliance with the provisions of the law.
2. Direct and guide the labor, war invalids, and social affairs sector in managing, caring for, nurturing, and educating children, and take measures to prevent child abandonment.
3. Inspect and monitor the receipt, management, and use of support and funding from organizations and individuals for the purpose of protecting and caring for children.

### **Article 47. Responsibilities of the Ministry of Public Security**

1. Direct the implementation of measures to prevent, detect, investigate, and handle violations of the law in the field of adoption.
2. Guide provincial and municipal police departments under central authority to verify the origins of abandoned children placed for adoption.

### **Article 48. Responsibilities of the Ministry of Foreign Affairs**

1. Direct Vietnamese representative agencies abroad to implement necessary measures to protect Vietnamese children placed for adoption abroad.
2. Guide Vietnamese diplomatic missions abroad to register adoptions in accordance with the provisions of this Law.

**Article 49.** Responsibilities of People's Committees at all levels

1. Provincial-level People's Committees shall have the following responsibilities:

a) Decide on international adoptions in accordance with this Law;

b) To promote and disseminate laws on adoption in the locality;

c) Reporting to the Ministry of Justice on the status of adoption cases and the implementation of adoption laws in the locality;

d) Inspecting, examining, resolving complaints and denunciations, and handling violations of the law in the field of adoption within its jurisdiction.

2. District-level People's Committees shall have the following responsibilities:

a) Resolving civil status matters related to adoption;

b) Promote and disseminate laws on adoption in the locality;

c) Inspect and monitor the situation of adoption in the locality; resolve complaints, denunciations, and handle violations of the law in the field of adoption within its jurisdiction;

d) Reporting to the provincial People's Committee on the situation regarding the resolution of adoption matters and the implementation of adoption laws in the locality.

3. The commune-level People's Committee shall have the following responsibilities:

a) Register and monitor domestic adoption, noting adoptions involving foreign elements;

b) Publicize and disseminate laws on adoption in the locality;

c) Resolve complaints, denunciations, and handle violations of the law in the field of adoption within its jurisdiction;

d) Reporting to the district-level People's Committee on the status of resolving adoption matters and implementing adoption laws in the locality.

## **CHAPTER V. IMPLEMENTING PROVISIONS**

**Article 50.** Transitional Provisions

1. Adoption between Vietnamese citizens that took place before this Law came into effect and has not been registered with the competent state agency may be registered within 5 years from the date this Law comes into effect, if the following conditions are met:

a) The parties meet the legal requirements for adoption at the time the adoption relationship was established;

b) At the time this Law takes effect, the parent-child relationship still exists and both parties are alive;

c) The adoptive parents and the adopted child have a relationship of care, upbringing, and education similar to that between parents and children.

2. After registration, the adoption relationship specified in paragraph 1 of this Article shall have legal effect from the time the adoption relationship arises.

3. The Government shall prescribe in detail the procedures for registering adoption as provided for in this Article, ensuring convenience and suitability with the actual conditions of the people in different regions and localities.

**Article 51.** Repeal of Chapter VIII, Article 105, and amendment and supplementation of certain articles of the Marriage and Family Law

1. Chapter VIII, comprising Articles 67 to 78 and Article 105 of the Marriage and Family Law No. 22/2000/QH10, is repealed.

2. Amend and supplement Article 109 of the Marriage and Family Law No. 22/2000/QH10 as follows:

“Article 109. Effective Date

1. Adoption shall be carried out in accordance with the provisions of the Adoption Law.
2. ...”

**Article 52.** Effective Date

1. This Law shall take effect on January 1, 2011.
2. The Government shall issue detailed regulations and guidelines for the implementation of the provisions and clauses assigned in this Law; and provide necessary guidelines on other aspects of this Law to meet the requirements of state management.

*This Law was adopted by the National Assembly of the Socialist Republic of Vietnam, 12th term, 7th session, on June 17, 2010.*

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

**Nguyen Phu Trong**