

**Whole Amended Bill for Exemption Law Concerning Adoption Promotion and  
Procedure (Substitute Bill)**

Bill No.	12414
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Date of Proposal: June 28, 2011

Proposer: Chairperson of Health and  
Welfare Committee

Subject Leading	Bill No.	Proposer	Submission Date	Introduction Date
Fully Amended Bill for Special Law Concerning Adoption Promotion and Procedure	1808453	13 Members of Parliament (MP) including Choi Young-Hee	May 12, 2010	April 12, 2011
Partially Amended Bill for Special Law Concerning Adoption Promotion and Procedure	1802693	18 MP including Kim Jong-ryul	Sept. 22, 2009	Nov. 20, 2009
Partially Amended Bill for Special Law Concerning Adoption Promotion and Procedure	1808103	17 MP including Lee Yae-ju	April 7, 2010	April 12, 2011
Partially Amended Bill for Special Law Concerning Adoption Promotion and Procedure	1810473	Government	Dec. 31, 2010	June 13, 2011

**1. Proposal Reason for Substitute Bill**

After the examination of the above four Bills at the 2nd Bill Review Subcommittee of Health and Welfare Committee (held June 20, 2011 and June 22, 2011, respectively) at

301<sup>st</sup> Provisional Session of National Assembly, we decided not to present for discussion at a plenary session. According to Article 51 of the National Assembly Law, we integrated them into one law and decided to propose it as a substitute bill of the committee).

## **2. Reason for Proposal of Substitute Bill**

The best method for children's well-being is being raised and protected in one's original family. The Hague Convention also stated clearly that the government must take relevant measures for children's well-being: the child should be raised by one's original parents and in one's original country. Thus, overseas adoption should be the last choice, when all of the other options are entirely impossible. Yet it can be seen even from the title of the current law that it 'promotes adoption', and it contains 'simplified adoption procedures'. Therefore, there are huge disparities between the reality and the law.

Thus, it is necessary to make adoption policy for the utmost benefit of children. With this view, the government should strengthen the management and supervision for overall adoption procedures. The paradigm of the adoption policy should be as follows: the best protection of child is being raise in one's original home and country.

To this end adoptions both domestically and abroad should be possible only by the permission of the court. The biological parents should be given sufficient counseling and information about the rearing of children, by doing so, the government should support direct rearing by the biological parents. Also, the biological parents will be given the right to agree to the adoption of a newborn baby only after a week passed after birth, and not before then. Adoptees shall be given rights to access information regarding their adoption information. By

regulating domestic adoption as prioritized obligation, the government shall promote the rights, benefits and well-being of the children.

### **3. Main Contents of Substitute Bill**

A. Change of the name of the law from ‘Special Law Concerning Adoption Promotion and Procedure’ to ‘Adoption Special Law’ (Proposed title).

B. The purpose of this law is to promote the rights, best interests and well-being of children who are being adopted by regulating necessary supporting matters concerning adoption conditions and procedures for children who need to be protected. (Proposed Article 1).

C. The government shall look for domestic adoptive parents as the first priority when children need to be adopted. According to a decree of the Health and Welfare Ministry, the head of the adoption agency has a duty to take measures to find domestic adoptive parents when children need to be adopted, and must report to relevant head of governmental agency. Overseas adoption shall be only possible when the children need to be adopted are unable to find domestic adoptive parents, despite above efforts and measures of the relevant organizations (Proposed Article 7).

D. The qualifications of the adoptive parent candidates shall be strengthened: they must be clear from history of child abuse, domestic violence, drug abuse, crimes, and alcohol abuse; prior to adoption, they shall take relevant education courses from adoption agency according to a decree of the Health and Welfare Ministry (Proposed Article 10).

E. The adoptive parent candidates shall be established on the above conditions, and then they can apply to the family court for adoption permission (Proposed Article 11).

F. Biological parents can give adoption consent after one week of the birth of a baby, and not before then. The biological parents shall not be eligible to receive any money, benefit or compensation whatsoever because of the adoption consent (Proposed Article 13).

G. Adopted children shall be given the same rights as “fully adopted” children according to civil law (Proposed Article 14).

H. If the adoptive parents abuse the adopted children or vice versa, they can dissolve the adoption in family court (Proposed Article 17).

I. In order to promote domestic adoption and take relevant measures regarding the adoption, the Health and Welfare Minister shall establish and operate a Central Adoption Authority (CAA). The CAA shall accumulate and operate an integrated database system on adoptees, adopted parents, and biological parents (Proposed Article 26).

J. The adoptees can apply information access to the CAA or adoption agencies. The heads of CAA or adoption agencies shall reveal information with the consent of the biological parents. If the biological parents refuse to reveal identifying information about themselves, non-identifying information shall be revealed (proposed Article 36. Clause 1 and 2).

K. For medical purposes of adoptees or in special circumstances, such as in the case of the biological parents’ deaths or other inevitable reason in which consent cannot be obtained, the adoption information can be revealed regardless of permission of biological parents (Proposed Article 36, Clause 3).

**Whole Amended Bill for Special Law Concerning Adoption Promotion and  
Procedure (Substitute Bill)**

Whole Bill for Special Law Concerning Adoption Promotion and Procedure shall be amended as below.

**Adoption Special Law**

**Chapter 1 General Provisions**

Article 1 (Purpose) This law shall determine the necessary conditions and procedures concerning the adoption of children in need of protection. By doing so, it aims to promote the rights, best interests and well-being of children to be adopted in the future.

Article 2 (Definition) The definition of terminology in this law shall be as follows:

1. “Children” refer to those who are under 18 years old.
2. “Children need to be protected” refers to children who need protection under Article 2, Clause 2 of the Child Welfare Law.
3. “Adopted children” refers to the adopted children by law.

4. “Duty of supporter” refers to the duty of supporters according to Article 2 number 5 of the National Basic Livelihood Guarantee Law.

Article 3 (Responsibility and Duty of the State) ① All children shall grow in a healthy way with their biological parents.

② The government shall support the children to grow up healthy way with their biological parents. The government shall take necessary measures to provide an alternative home if children cannot live with their biological parents.

③ All citizens shall cooperate to provide a healthy life for adopted children.

④ The government shall make sound adoption culture and promote domestic adoption for children who need to be protected. To help smooth life after the children’s adoption and to the promote rights, benefits and well-being of the adopted children, the government shall enforce following measures:

1. Establishment and implementation of the adoption policy
2. Research on the actual conditions of adoption
3. Accumulation and operation of adoption and follow-up measure procedures
4. Support for adopted children and their adoptive families
5. Provide for counseling and social welfare service after adoption to help ensure a smooth landing
6. Education and PR concerning adoption
7. Any other necessary matters according to a Decree of the Health and Welfare Ministry

Article 4 (Principle of Adoption) The children benefit shall be utmost priority in adoption by this law.

Article 5 (Adoption Day) ① For a sound settlement of adoption culture and promotion of domestic adoption, May 11 of each year is designated as Adoption Day, and the subsequent week shall be the Adoption Week.

② According to Clause 1, the government shall hold relevant events for Adoption Day.

Article 6 (Accumulation and operation of information system) ① The government shall accumulate and operate an information system in order to provide follow-up service for the adopted children; to provide information for adoption agencies; and to encourage domestic adoption.

② The government can operate, fully or partially, the above information system of Clause 1 through outsourcing.

Article 7 (Prioritization of Domestic Adoption) ① The government shall make its best effort to find domestic adoptive parents when children need to be adopted.

② According to the Decree of the Health and Welfare Ministry, the heads of adoption agencies shall take necessary measures to find domestic adoptive parents for children who need to be adopted, then they shall report to the Health and Welfare Minister.

③ Despite various efforts according to the above Clause 2, if the heads of adoption agencies are unable to find the biological parents then according to Article 6 of the information system, by exchange of information with relevant organizations, the heads of adoption agencies shall push ahead with domestic adoption.

④ The heads of adoption agencies can push ahead overseas adoption only if the above Clause 2 and 3 based efforts are unsuccessful.

Article 8 (Reduction of overseas adoption) The government shall make every effort to reduce overseas adoption in order to fulfill its protection duty and responsibility for the children.

## **Chapter 2 Requirement and Effect of Adoption**

Article 9 (Qualification to be adopted) According to the law, candidates to be adopted and who need to be protected have to meet one of the following conditions.

1. A person who does not have any guardians and the local government cannot find anyone whose duty it is to support them, and according to the National Basic Livelihood Guarantee Law a person who has asked for protection at guaranteed facilities.
2. Parents (if the parents were dead or cannot give consent with some reasons then referring to other lineal ascendants) or guardians can give consent to guaranteed facilities or adoption agencies according to Article 20.

3. A child of parents who have been sentenced to lose parental rights according to the court, and who has been requested to be cared for by the government's guaranteed facilities for the protection of children.

4. Outside of that, if there is no one known whose duty it is to support the child, a child whose care has been requested to the local government's facilities for protection of the children.

Article 10 (Qualification to be adoptive parents) ① According to the law, adoptive parent candidates shall fulfill all of the below conditions.

1. One shall have sufficient property to raise an adopted child

2. One shall acknowledges the freedom of religion for adopted children and able to provide corresponding nurturing and education as members of society.

3. The adoptive parent candidates shall NOT have following history: child abuse, domestic violence, sexual violence, drug abuse, crime and alcohol abuse.

4. If the adoptive parent candidates are not Korean nationals, they shall be qualified to be adoptive parents according to the law of their own countries.

5. According to a Decree of the Health and Welfare Ministry, one shall have necessary conditions for the well-being of the adoptive children:

② The adoptive parent candidates shall not be engaged in an occupation which can be cause of human rights abuse or against well-being of adoptive children.

③ According to the Decree of the Health and Welfare Ministry, the adoptive parent candidates shall take designated lesson from adoption agencies before they take any adoptees.

Article 11 (Permission of Family Court)

① If one wishes to take adoption as regulated by Article 9, one shall submit the following documents with permission of the Family Court.

1. Verified birth certificate of the child to be adopted

2. The documents show that applicants fulfilled the qualifications of Articles 9 and 10 respectively

3. Adoption consent documents according to Articles 12 and 13 respectively

4. Other documents regulated by the Decree of the Health and Welfare Ministry for well-being of the children

② For the well-being and benefit of the adoptive children candidates, the Family Court shall examines the motive, rearing ability and other relevant conditions of the adoptive parent candidates, then may refuse the permission of Clause 1.

③ Regarding Clause 1 of the required documents for adoption permission of the Family Court, the designated organization by the Presidential Decree, shall screening and issue the relevant documents. Yet the necessary matters to fill in the documents shall be regulated by the Decree of the Health and Welfare Minister.

④ Regarding the necessary matters according to Clause 1 of the permission application procedure, review and approval, it shall be decided by regulation of the Supreme Court.

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Article 12 (Consent of Adoption) ① If one wish to take adoptive child for Article 9 of each number, one needs to acquire consent of the biological parents. Exception shall be given in one of the following cases.

1. When the parents sentenced to lose parental right

2. When one cannot find where about of the biological parents, therefore impossible to acquire consent

② According to Clause 1 reason of the condition, when the parents are not eligible to give consent for adoption, it is necessary to acquire consent from the guardians instead.

③ If one wish to take adoptive child for Article 9 number 2 child case, the one can adopt child with substituting consent of the guaranteed facilities or the adoption agencies.

④ If one wishes to adopt a child over 13 years old, one needs consent not just from the consenter of Clause 1 or 2 but also from the child to be adopted.

⑤ Before there is permission from Clause 1 of Article 11, the permission following the code from Clauses 1 to 4 can be withdrawn.

⑥ The adoption consent according to Clauses 1 to 4 or withdrawal from the previous adoption consent according to Clause 5, can be done in written form. The rest of the matters shall be decided by a Decree of the Ministry of Health and Welfare.

Article 13 (Conditions for adoption consents) ① The adoption consent according to Clause 1 of Article 12, shall be effective after one week has passed after the birth of the child.

② Biological parents shall promise to not receive anything, such as money, property or any form of compensation or benefit in return for adoption consent.

③ The adoption agency shall provide sufficient counseling service for the biological parents about the legal effect of adoption and what kind of support is available if they send the baby for adoption themselves according to Clause 1 of Article 12, before they give consent for the adoption. The content of the counseling shall be decided by a Decree of the Ministry of Health and Welfare.

④ The adoption agency shall provide sufficient counseling service about effect of adoption consent according to Clause 4 of Article 12 before the biological parents give consent for adoption. The content of the counseling shall be decided by a Decree of the Ministry of Health and Welfare.

Article 14 (Effect of Adoption) According to this law, adopted children shall have equal civil law status as one's own children.

Article 15 (Effectuation of Adoption) Adoptions by this law shall be effective after confirmation of a Family Court judgment. The adoptive parents and children shall register the document of permission from the Family Court according to the law concerning the Family Relations Registry.

Article 16 (Cancellation of Adoption) ① According to Clause 1 number 2 of Article 12, if the biological father or mother was not responsible for the adoption consent, they can apply to the Family Court for an adoption cancellation procedure within six months of the adoption recognition date.

② When the adoption cancellation judgments are confirmed, the Family Court shall report to the relevant local government or the governmental bodies immediately.

Article 17 (Dissolution of Adoption) ① Adoptive parents, adoptive children, and public prosecutors can request a dissolution of adoption for any one of the below reasons.

1. If the adoptive parents abuse or neglect or clearly harm the well-being of the adopted child.
2. When it is impossible to maintain family relations due to the immoral behavior of the adopted child toward the adoptive parents.

② In relation to the application for adoption dissolution, if the child is under 13 years old, the Family Court shall listen to opinion of the child and respect it.

③ When the adoption dissolution judgment is confirmed, the Family Court shall report to the relevant local government or the governmental bodies immediately.

Article 18 (Overseas adoption within the country) If foreigners wish to adopt a child within the country who belong to any category of Article 9 of any numbers, according to the Decree of the Health and Welfare Ministry, together with guardian, the foreigner shall apply for adoption permission to the jurisdiction Family Court of the child to be adopted with following documents.

1. Birth registration of child to be adopted
2. Document showing that the child meets qualifications under Article 9
3. Document showing the family condition of the adoptive parent candidate according Clause 1 of Article 10
4. Adoption consent document according to Article 12 and 13

Article 19 (Overseas adoption abroad) ① The head of the adoption agency, as a mediator of the adoptive parent candidate, shall apply for adoption permission to the Family Court with the Overseas Emigration Warrant which is issued by the Health and Welfare Minister.

② If foreigners abroad wish to adopt Korean children, they shall take necessary adoption procedures through adoption agencies.

③ When the child leaves Korea with the Overseas Emigration Warrant and acquires the adopted country's nationality, according to the Decree of the Health and Welfare Minister, the adoption agency shall report to the Justice Minister immediately. The Justice Minister shall notice the jurisdiction office of the family relation registry to cancel the Korean nationality of the adoptee.

④ According to Clause 1, when the Health and Welfare Minister receives an application for the Overseas Emigration Warrant, if the applicant belongs to any of the below categories, the Minister shall not issue a Warrant.

1. If the adoptee candidate is a missing child or similar status decided by the Decree of Health and Welfare Minister
2. If the head of the adoption agency did not make an adoption related pact with the country which wishes to adopt Korean children or an accredited adoption agency in that country.
3. If the receiving country is in a war with Korea or a hostile state.

### **Chapter 3 Adoption Agency and Central Adoption Authority**

Article 20 (Adoption Agency) ① People who wish to operate an adoption agency that is a social welfare corporate body shall acquire permission from the Health and Welfare Minister according to the Social Welfare Work Law. If the adoption agency is working for only domestic adoption it needs to acquire permission from the head of local government.

② After getting permission according to Clause 1, if one wishes to change important matters which are decided by the Presidential Decree, one must report.

③ A foreigner cannot be the head of an adoption agency.

④ The heads and employees of the adoption agencies shall take regular education according to a decree of the Health and Welfare Ministry in order to protect adopted children's rights and to establish a sound adoption culture.

⑤ When the head of the adoption agency makes an adoption related pact with the country that wishes to adopt Korean children or accredited adoption agency of that country, it shall report to the Health and Welfare Minister. Then a Presidential Decree shall decide the contents of adoption related pact.

⑥ A Decree of Health and Welfare Ministry shall decide necessary matters regarding facilities, standard of employees, report for permission and change of the adoption agency.

Article 21 (Duty of Adoption Agency) ① The head of the adoption agency shall protect the rights and benefits of adoptees and make every effort to find parents or lineal ascendants of the adoptees.

② The head of adoption agency shall examine the facts according to Article 10, regarding the adoptive parent candidate, when they mediate adoption.

③ Prior to adoption, the head of adoption agency shall provide education on child rearing to the adoptive parent candidates. After the adoption, the head of adoption agency shall deliver the personal records of the adoptee to the adoptive parent according to a Decree of the Health and Welfare Ministry. Then the head of adoption agency shall report to the relevant heads of local government.

④ In order to promote the effectiveness of adoption and to build a cooperative system among the adoption agencies, according to the Decree of the Health and Welfare Ministry, the head of the adoption agency shall provide information on adopted children and their families to the Central Adoption Authority.

⑤ The head of adoption agency shall make a record of its work according to the Decree of Health and Welfare Ministry. In this case, the adoption record can be made through electronic means.

⑥ The records on adopted children, which decided by Clause 5, shall be kept permanently for post-adoption services.

⑦ The preservation of electronic record and adoption record according to Clause 5 and the scope and contents of information of Clause 4 shall be decided by a Decree of Health and Welfare Ministry.

Article 22 (Guardian duty of head of adoption agency) ① The head of the adoption agency shall be the guardian of the children from the first day of the adoptive children are delivered by the parent or orphanage until the last day of the adoption completed. If the Court designated a guardian for the adoptive children, an exception can be made.

② In the case of the Cause 1, parental rights shall be terminated when the parent delivers the child for adoption. According to Clause 5 of Article 12, if the parent withdraws adoption consent, the parent shall regain the parental rights.

Article 23 (Establishment of Family Relations Registry) If the head of the adoption agency receives a child without a family relations registry, then the head of the adoption agency shall establish a family relations registry.

Article 24 (Protection of children who are difficult to be adopted) ① The head of the adoption agency shall report to the relevant head of the local government when the child belongs to any the below categories.

1. A child who is requested to be adopted according to Number 2 of Article 9, but who is difficult to mediate for adoption.
2. A child whose guardian requested protection from the adoption agency in the case of a child's adoption being either cancelled or dissolved.

② The local government heads shall remove protection measures immediately according to Article 10 of the Child Welfare Law, when s/he receives a report on the person according to Clause 1.

Article 25 (Provide follow-up service) ① In order to help the mutual adaptation between adopted children and adoptive parents, the head of the adoption agency shall conduct the following measures until one year after the adoption. In the case of the overseas adoption, the below measures shall not be applicable.

1. Observation and necessary follow-up service for the mutual adaptation of adoptive parents and adoptive children.

2. Providing of necessary information for rearing of children in adoptive family

3. Setting up frequent counseling for adoptive families and arranging for counselors.

② The head of adoption agency, with the help of overseas counterpart organizations, shall find out whether the adopted children acquired the adopted country's nationality or not, then report to the Health and Welfare Minister through the head of the Central Adoption Authority.

③ The head of the adoption agency shall conduct work for overseas adopted children, such as motherland tours, to be decided by a Presidential Decree.

Article 26 (Establishment of the Central Adoption Authority <CAA>) ① In order to take follow-up measures for adoption and to promote domestic adoption, the Health and Welfare Minister shall establish and operate the CAA.

② The CAA shall be a juridical foundation.

③ For the establishment of CAA, articles of association shall be written. Then approval from the Health and Welfare Ministry will necessary. The same procedures shall be followed in the case of alteration of the association's articles.

④ The CAA shall fulfill the below works.

1. Operation of a unified database to find biological families of the adopted children

2. Accumulation and connection of a database for adopted children

3. Research on domestic and international adoption policy and service

4. International cooperation works in relation to adoption

5. Other commissioned works by the Health and Welfare Minister

⑤ Regarding the CAA, the rest of the matters shall be applied with necessary modifications from the regulation of judicial foundation in the Civil Law.

Article 27 (Officers and staff of the CAA) ① The CAA will consist of nine board members including one chairman of the board and one auditor.

② The chairman of the CAA shall be designated by the Health and Welfare Minister.

③ The chairman of the CAA shall represent the CAA and handle the works of the CAA.

④ The chairman of the CAA also shall be the head of the CAA.

⑤ The Decree of the Health and Welfare Ministry shall be decided the terms and working conditions of the board members, auditor and staff.

Article 28 (Support of expenses) ① The government can support the establishment and needed operation expenses of the CAA's budget within limits.

② According to Clause 1 on the usage of the subsidy, necessary matters shall be decided by the "Law Concerning Budget and Management of Subsidy."

Article 29 (Appeal for cooperation to relevant organizations) ① The head of the CAA can request information from public organizations and adoption agencies as necessary for the performance of its work. Upon receiving such a request from the CAA, public organizations and adoption agencies shall submit the requested information unless there is a special reason not to do so.

② The information submitted to the CAA according to Clause 1 shall be used only to performing work which determined by Clause 4 of Article 26. .

Article 30 (Guidance and supervision of the CAA) ① The Health and Welfare Minister shall guide and supervise the CAA.

② The Health and Welfare Minister can ask the CAA to make a report on its work, finance and property or order Ministry officials to examine the documents and work of the CAA.

③ The officials who examine the works of the CAA according to Clause 2 shall show authorized certificates to the relevant persons of the CAA.

④ After reviewing the report of the examinations according to Clause 2, the Health and Welfare Minister can give order to the CAA to revise or to make correction as necessary.

#### **Chapter 4 Welfare support for adopted children**

Article 31 (Transfer of children) ① After the court gives adoption permission, either the adoption agencies or parents shall transfer the adoptee candidate to the adoptive parent candidates.

② In the case of transferring the child overseas, unless there is a special excuse as determined by a Decree of the Health and Welfare Ministry, the transfer should take place in South Korea.

Article 32 (Receive and get support on expenses) ① The adoption agency of Clause 1 of Article 20, can receive partial expenses as an adoption mediation fee from the adoptive parents-to-be according to a Presidential Decree.

② The government and the local government can support fully or partially the adoption mediation fee to the adoptive parents-to-be, according to Clause 1.

Article 33 (Prevention of occurrence of children who need protection) The government and the local governments shall consider strengthening the policy for rearing children with biological parents, and by doing so, prevent the occurrence of children who need protection.

Article 34 (Social Welfare Service) In order to make a sound rearing environment for adopted children, the government and the local governments shall provide social welfare services,

such as counseling and use of social welfare facilities, to the adoptive home through the adoption agencies.

Article 35 (Providing of the child benefit) ① In order to create a sound rearing environment for children (including handicapped adoptees) adopted through the adoption agencies, the government can provide a child benefit, medical fees, educational fees and any other child welfare fee within the Presidential Decree.

② The country and local government can support the operation fees of the adoption agencies and, following the National Basic Livelihood Guarantee Law, the fee for the foster family outside of the provided goods.

③ A Presidential Decree shall determine necessary matters regarding Clause 1 of the child benefit and Clause 2 of the operation fee of the adoption agencies and expenses for the adoptive home.

## **Chapter 5 Disclosure of Information Concerning Adopted Children**

Article 36 (Disclosure of Adoption-related Information) ① According to this law, the adoptee can request adoption information regarding themselves that is possessed by the Central Adoption Authority (CAA) and adoption agencies. If the adoptee is under 18 years old, they need consent from their adoptive parents.

② Upon receiving the above request as of Article 1, the CAA or the adoption agencies shall disclose such information after they get consent from the biological parents of the adoptee. If the biological parents disagree regarding the disclosure of such information, the agency still shall release the information, apart from the personal details of the biological parents.

③ Despite the above Article 2, if the biological parents are deceased or cannot give consent due to inevitable situations, or if the information is needed for a medical purpose or for a special reason, the adoptees still can get the personal details of the biological parents.

④ A Presidential Decree shall decide the scope of information, application methods and procedures on disclosure of the information for aforementioned Article 1 to Article 3.

Article 37 (Duty of Secrecy) The employees of the CAA or the adoption agencies shall not disclose any work-related confidential information. The disclosure of the adoption information can be made by way of exception according to Article 36.

## **Chapter 6 Guidance and Supervision**

Article 38 (Guidance and Supervision) ① The Health and Welfare Minister or heads of the local governments shall conduct necessary guidance and supervision regarding the work of the adoption agencies. If necessary, the above government officials can order the submission of relevant documents from the adoption agencies and can visit such agencies for inspection.

② According to the above Article 1, when government officials visit adoption agencies for inspection, officials must show their IDs and certificates to the relevant people.

Article 39 (Cancellation of Permission) ① If the adoption agencies violate the below regulations, the Health and Welfare Minister or the heads of local governments can order the halt of the work permit within six months or, according to Clause 1 of Article 20, can cancel the permission.

1. When the facilities and standards of the staff are not fulfilled requirements of Clause 6 of Article 20
  2. When the adoption agencies violate Clauses 3 and 4 of Article 13 respectively, and Clause 1 of Article 21, and harm the rights and best interests of the adoptee candidates
  3. When the adoption agencies do not submit a report as regulated by Article 38 or give false information or refuse or obstruct the inspection of the government officials
  4. If the adoption agencies violate this law or order by this law
- ② A Decree of the Health and Welfare Ministry shall decide the detailed administrative measures upon considering the degree of the violation.

### **Chapter 7 Supplementary Rules**

Article 40 (Hearing) If the Health and Welfare Minister or heads of the local governments decide to cancel the work permit of an adoption agency, according to Clause 1 of Article 39, they shall hold a hearing.

Article 41 (Delegation of Authority) According to the Presidential Decree, a partial authority of the Health and Welfare Minister can be commissioned to the relevant heads of the local government.

Article 42 (Relation to the Civil Law) Concerning the adoption, one shall follow the Civil Law, unless otherwise stated by this law.

Article 43 (Treat as the government officials when the penalty is applied) When the board members and staff of the CAA receive penalties according to the regulations from Articles

129 to 132 of the Criminal Law, they shall be treated as if they are government officials who committed violations.

## **Chapter 8 Penalties**

Article 44 (Penalties) Any of the below category violators shall receive a prison sentence of less than three years or pay fine of less than twenty million won.

1. Anyone who violates Articles 11, 18 or 19, and conducts an adoption without permission from the Court

2. Anyone who violates Clause 1 of Article 20 and conducts adoption mediation without permission

3. Anyone who violates Article 37 and discloses information which s/he gained through one's work, without justifiable reasons

② Anyone violates Clause 2 of Article 20 and alters important facts among permitted matters without making a report of it, shall received less than one year sentence or pay a fine of less than three million won.

Article 45 (Regulation on Double Penalties) If the heads of corporations, representatives of corporations or individuals and staff violate Article 44 concerning the work of the corporations or individuals, not only the violators but also the corporations or individuals shall be the subjects of the penalties. If the corporations or the individuals paid considerable attention and supervision in order to prevent such violations, then they are exempt from the penalties.

## **Supplementary Provisions**

Article 1 (Enforcement Date) This law shall be enforced one year from the day of its proclamation.

Article 2 (Interim Measures on the CAA) ① KCARE, which was established before the enforcement of this law, shall be regarded as the CAA according to this law.

② All properties, rights and duties of KCARE, at the time of enforcement of this law, shall be succeeded inclusively to the CAA according to this law.

③ All names of KCARE, at the time of the enforcement of this law, shall be recognized as the names of the CAA.

④ According to Clause 2 of this law, the value of the property of which CAA is the successor of shall be recognized at the book value the day before enforcement date of this law.

⑤ The staff of KCARE, at the time of enforcement of this law, shall be recognized as the staff of the CAA according to this law.

Article 3 (Amendment of other Laws) ① A part of the special law concerning the promotion of health and welfare of the residents in farming and fishing villages shall be amended as below.

Article 4 shall be as follows

Article 4 (Benefit for Child Protection Family) According to the law, Clause 1 of Article 23, the government and the local governments can provide additional benefit that reflect the

characteristics of farming and fishing villages, on top of the subsidy according to the Child Welfare Law or the Adoption Exemption Law.

Number 3 of Article 3 shall be as below.

3. An adopted family for protection needed child according to number 2 of Article 2 of the Adoption Exemption Law

② A part of the Social Welfare Work Law shall be amended as below.

Number 1 of Article 2 shall be as below.

I. The Adoption Exemption Law

③ A part of the medical law shall be amended as below.

Number 4 of Clause 1 of Article 3 shall be as below.

4. According to the Adoption Exemption Law, domestically adopted children who are less than 18 years old

④ A part of the special law on establishment of Jeju Special Self-governing Province and designation of International Free City shall be amended as below.

Article 334, the title and main contents of “The Special Law on Adoption Promotion and Procedure” shall be as “The Special Adoption Law”.

Article 4 (Relations to other laws) At the time of enforcement this law, if other laws quote the existing “The Special Law on Adoption Promotion and Procedure” or its regulation, as long as this law has a corresponding regulation, it can be replaceable and shall be recognized as quoting the same regulation of this law.