

An Overview of International Adoptions in the Dominican Republic

Introduction

International adoptions in the Dominican Republic are governed by Law #136-03. All adoptions must be done through an official Dominican government entity called CONANI (“Consejo Nacional para la Niñez y la Adolescencia” - National Council for Children and Adolescents). Private adoptions are not possible under the Law. All children are assigned to the adopting parents by CONANI.

Adoptions in the Dominican Republic are “privileged,” meaning that the adopted child will have the same rights as a biological child in his or her new family. Adoptions are also irrevocable.

The general requirements for an international adoption are the following:

- (1) The adopting parents must be married, having lived together as a couple for at least five years.
- (2) The adopting parents must be at least thirty years old and no more than sixty years old.
- (3) The age difference between the adopting parents and the adopted child must be at least fifteen years.
- (4) The child’s parents must consent to the adoption. In case of orphans, the authorization is obtained from the Court of Children and Adolescents (“Tribunal de Niños, Niñas y Adolescentes.”)
- (5) The adopting parents must live with the child in the Dominican Republic for at least sixty days. This period is reduced to thirty days if the child is twelve years old or older.
- (6) Children twelve years old or more must approve their own adoption.
- (7) The adopting parents’ biological children who are twelve years old or older must give their opinion on the adoption.

The Adoption Process

Adopting a child in the Dominican Republic is a three-step process:

- (1) The applicants must file an application with the Adoptions Department at CONANI.
- (2) If approved, the decision by CONANI must be reviewed and approved by the Court for Children and Adolescents.
- (3) The decision by the Court is reviewed by the Civil Registry Division of the Junta Central Electoral which authorizes the issuance of a new birth certificate.

Filing of the Application at CONANI

A complete application file at CONANI must contain the following documentation:

- (1) Power-of-Attorney to the lawyer(s) in charge of the adoption.
- (2) Birth certificates of the adopting parents.
- (3) Marriage certificate of the adopting parents.
- (4) Copies of the adopting parents' passports and copies of the National Identification Cards ("cédulas") of the biological parents.
- (5) Biopsychosocial study of the adopting parents.
- (6) Consent to the adoption by the biological parents or legal guardian.
- (7) Non-opposition statement from the adoptee, if twelve years old or older.
- (8) Certification from the appropriate authority in the adopting parents' country of residence that they have a clean police record.
- (9) Affidavit from a religious or community organization in the adopting parents' country of residence attesting to their good morals and civic virtues.
- (10) Affidavit from the appropriate authority in the adopting country of residence guaranteeing that the adopted child will be monitored while living with them until the child's naturalization in the adopting parents' country of residence.
- (11) Certificates of good health from a doctor in the adopting parents' country of residence.
- (12) Evidence of the adopting financial solvency (bank statements, letters from employers stating salaries, etc.).
- (13) Authorization or visa for the adopted child's entrance into the adopting parents' country of residence.

All documents must be submitted to CONANI in originals duly authenticated at the nearest Dominican Consulate. If the originals are not in Spanish, a certified translation into Spanish must also be provided.

If CONANI finds the applicants are fit for adoption, it will assign the family a child as soon as one is available. If there are many candidate families waiting for children, the criteria for assignments are as follows:

- (1) Dominican families will be preferred to non-Dominican families.

- (2) Among non-Dominican families, those coming from countries who have ratified the Hague Convention on Adoptions will be preferred.
- (3) Finally, the oldest application on file is assigned a child first.

Once a child has been assigned, the adopting couple must come to the Dominican Republic to live with the child, under the supervision of CONANI, for a period of at least sixty days. This period is reduced to thirty days if the child is twelve years old or older.

If cohabitation with the child is successful, CONANI will issue, within sixty days from the termination of the cohabitation period, a certificate stating the applicants have been found to be fit to adopt the child.

Judicial Review

The Court for Children and Adolescents of the domicile of the legal guardian of the child will have jurisdiction over the adoption. The attorney for the adopting parents must submit a petition to the Court with all the documentation mentioned above. Once received, the file is sent to the District Attorney for Children and Adolescents for an opinion. After receiving the opinion from the District Attorney, the Court will examine the documentation to ensure that all legal requirements have been met and will approve or reject the petition. If the file is incomplete, the Court may grant the petitioner ten days to complete the file.

The decision of the Court approving the adoption must be notified to the biological parents of the child. The decision must also be registered, legalized and authenticated at the Attorney General's Office of the Dominican Republic, at the Ministry of Foreign Relations of the Dominican Republic and the Consulate in the Dominican Republic of the country of residence of the adopting parents.

New Birth Certificate

To obtain a new birth certificate for the adopted child, a copy of the entire adoption file, including the Court decision, must be submitted to the Civil Registry Division of the "Junta Central Electoral" for review. If the adoption is found to be in order, the Civil Registry Division will authorize the Civil Registry which issued the original birth certificate to issue a new one with the surnames of the adopting family. The new birth certificate will not make any reference to the biological parents of the adopted child.

The new birth certificate should also be authenticated at the Junta Central Electoral, at the Attorney General's Office of the Dominican Republic, at the Ministry of Foreign Relations of the Dominican Republic and at the Consulate in the Dominican Republic of the country of residence of the adopting parents.

The Adoption File

All documentation related to the adoption will be kept on file at the Court for Children and Adolescents for a period of thirty years. Only the adopting parents, the adopted child after reaching

legal age (18) and the District Attorney for Children and Adolescents may request copies of the documents therein. Every adopted child has the right to know about his or her biological family. The adopting parents will determine the best time to reveal this information to the child.