SPECIAL ADOPTION ACT

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CHAPTER 1: GENERAL PROVISIONS

Article 1 (Purpose): The purpose of this Act is to set forth the necessary requirements and procedures of adopting a child in need of protection, and other matters necessary to support such adoptions, which are all aimed at promoting the rights and welfare of the adopted child.

Article 2 (Definitions): The following terms used in this Act have the following meanings:

1. A “child” means a person under the age of 18.
3. An “adopted child” means a child adopted pursuant to this Act.
4. A “person liable of support” means a person who is

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responsible for the support of a dependent under Article 2, Clause 5 of the National Basic Living Security Act.

Article 3 (State’s Responsibilities):
1) All children shall grow up in a healthy manner with the family to which he or she was born.
2) The State and local governments shall provide support such that children may grow in a healthy manner with the families to which they were born, and to provide the necessary measures and support to offer a child another family.
3) All citizens shall cooperate in the healthy upbringing of adopted children.
4) The State and local governments shall establish a healthy adoption culture and promote domestic adoptions, and after the child is adopted, the national and local governments shall promote the following matters in order to serve the best interests of the adopted child and to protect his/her well being, such as by helping the child adapt smoothly to his new family:
   1. Establishment and implementation of the adoption policy
   2. Research on actual adoption conditions
   3. Formation and operation of follow-up procedures pertaining to adoptions
   4. Support of adopted children and adoptive families

제 2 조 제 5 호에 따른 부양의무자를 말한다.

제 3 조(국가 등의 책무)
1) 모든 아동은 그가 태어난 가정에서 건강하게 자라야 한다.
2) 국가와 지방자치단체는 아동이 그가 태어난 가정에서 건강하게 자랄 수 있도록 지원하고 태어난 가정에서 자라기 곤란한 아동에게는 건강하게 자랄 수 있는 다른 가정을 제공하기 위하여 필요한 조치와 지원을 하여야 한다.
3) 모든 국민은 입양아동이 건강하게 자랄 수 있도록 협력하여야 한다.
4) 국가와 지방자치단체는 건전한 입양문화를 조성하고 요보호아동의 국내입양을 활성화하며, 아동이 입양 후의 가정생활에 원활하게 적응할 수 있도록 하는 등 입양아동의 권익과 복지 증진을 위하여 다음 각 호의 사항을 실시하여야 한다.

1. 입양정책의 수립 및 시행
2. 입양에 관한 실태조사 및 연구
3. 입양 및 사후관리 절차의 구축 및 운영
4. 입양아동 및 입양가정에 대한 지원
5. Post-adoption counseling and social services to provide for a smooth transition and adjustment
6. Education and public relations concerning adoption
7. All other matters necessary under a decree of the Health and Welfare Minister

Article 4 (The Principle of Adoption): The top priority of adoptions under this Act shall be the best interests of the child.

Article 5 (Adoption Day):
1) To establish a healthy adoption culture and to promote domestic adoption, May 11 shall be the Adoption Day, and Adoption Week will be seven days following Adoption Day.
2) Per Clause 1 of this Article, the State and local governments shall make efforts to hold events and campaigns suitable for the purpose of Adoption Day.

Article 6 (Creation and Operation of an Information System):
1) The government shall create and operate an information system to facilitate post-adoption services, etc. for adopted children and to provide information necessary to promote domestic adoptions to adoption agencies, etc.
2) The information system, mentioned in Clause 1 of this Article, may be operated, in whole or in part, by a

Article 4 (일양의 원칙) 이 법에 따른 일양은 아동의 이익을 최우선으로 되도록 하야 한다.

제5 조(일양의 날)
1) 건전한 일양문화의 정착과 국내일양의 활성화를 위하여 5 월 11일을 일양의 날로 하고, 일양의 날부터 1 주일을 일양주간으로 한다.
2) 국가와 지방자치단체는 제 1 항에 따른일양의 날 취지에 적합한 행사 등 사업을 실시하도록 노력하여야 한다.

제6 조(정보시스템 구축•운영)
1) 국가는 일양아동 등에 대한 사후서비스 제공과 국내일양 활성화에 필요한 정보를 일양기관 등에 제공하기 위하여 정보시스템을 구축•운영하여야 한다.
2) 제 1 항에 따른 정보시스템은 법인이나 단체에 그 업무의 전부 또는 일부를 위탁하여 운영할 수
corporation or organization that is
commissioned to do such work.

**Article 7 (Promoting Prioritization of Domestic Adoption):**

1) The State and local governments shall prioritize above all else efforts to find domestic adoptive parents for children available for adoption.

2) The heads of adoption agencies shall take action to find the adoptive parents of the children available for adoption, in accordance to a decree by the Health and Welfare Minister, and then shall report the results to the Ministry of Health and Welfare.

3) In cases where the heads of adoption agencies are unable to find the adoptive parents of a child in accordance to Clause 2 of this Article, they shall make efforts to promote domestic adoption by sharing information with the relevant agencies through utilization of the information system provided in Article 6.

4) The heads of adoption agencies may pursue foreign adoptions when they are unsuccessful at finding adoptive parents domestically despite the efforts they took in accordance with Clauses 2 and 3.

**Article 8 (Reduction of Foreign Adoption):** The government shall take efforts to reduce the number of foreign adoptions as part of its responsibility to protect children.

제7조(국내양육 우선 추진)

1) 국가 및 지방자치단체는 입양의뢰
   된 아동의 양육(養育)을 위한 사람을
   국내에서 찾기 위한 시책을
   최우선적으로 시행하여야 한다.

2) 입양기관의
   주둔 보건복지부령으로 정하는 바에
   따라 입양의뢰된 아동의 양육을
   국내에서 찾기 위한 조치를
   취하고, 그 결과를
   보건복지부장관에게 보고하여야
   한다.

3) 입양기관의
   주둔 제 2 항에 따른
   국내양육을 위한 조치에
   불구하고 양육을 못맞한 경우
   제 6 조에 따른 정보시스템을
   활용한 관련 기관과의 정보공유를
   통하여 국내양육을 추진하여야
   한다.

4) 입양기관의
   주둔 제 2 항 및
   제 3 항에도 불구하고 국내에서
   양육이 되려는 사람을
   못맞하였을 경우에
   한하여 경우에
   한하여 국외양육을
   추진할 수
   있다.

제8 조(국외양육의 감축) 국가는
   아동에 대한 보호의무를
   책임을
   행하기
   위하여
   국외양육을
   줄여나가기
   위하여
   노력하여야 한다.
CHAPTER 2: ADOPTION REQUIREMENTS AND EFFECT

Article 9 (Qualifications to be an Adoptive Child): To be adopted under this Act, a child for adoption must be a child in need of protection that satisfies any one of the following qualifications:

1. The child is without a guardian, and the person whose duty it is to support the child cannot be found by the city’s administrative head, the mayor, the governor, or the special provincial governor (hereinafter, the “city/province governor”), and therefore the child’s protection is requested to the protection facility, pursuant to the National Basic Living Security Act.

2. A child whose protection has been requested to the protection facility or an adoption agency under Article 20 by the child’s parent (or lineal ascendant, if the parent is deceased or cannot give consent due to other circumstances) or guardian.

3. A child whose protection has been requested to the protection facility by the city/province governor or the city’s administrative head, mayor, or governor because the child’s birth parents have lost custody of the child in court.

제2장 입양의 요건 및 효력

제9조(양자가 될 자격) 이 법에 따라 양자가 될 사람은 요보호아동으로서 다음 각 호의 어느 하나에 해당하는 사람이어야 한다.

1. 보호자로부터 이탈된 사람으로서
   특별시장⋅광역시장⋅도지사 및 특별자치도지사(이하 "시⋅도지사"라 한다) 또는 시장⋅군수⋅구청장(자치구의 구청장을 말한다. 이하 같다)이 부양의무자를 확인할 수 없어 "국민기초생활 보장법"에 따른 보장시설(이하 "보장시설"이라 한다)에 보호의외한 사람

2. 부모(부모가 사망이나 그 밖의 사유로 동의할 수 없는 경우에는 다른 직계존속을 말한다) 또는 후견인이 입양에 동의하여 보장시설 또는 제 20 조에 따른 입양기관에 보호의외한 사람

3. 법원에 의하여 친권상실의 선고를 받은 사람의 자녀로서 시⋅도지사 또는 시장⋅군수⋅구청장이 보장시설에 보호의외한 사람
4. A child who has been requested for protection by the city/province governor or the city’s administrative head, mayor, or governor because the persons responsible for supporting the child cannot be identified.

Article 10 (Qualifications, etc. to be an Adoptive Parent):

1) To be an adoptive parent under this Act, the candidate must meet all of the following qualifications:

1. The candidate shall have sufficient assets to support an adopted child

2. The candidate acknowledges the adopted child’s religious freedom and shall provide the care and education that is necessary for the child to become a member of society who appreciates such a right.

3. The candidate shall not have a history of child abuse, domestic violence, sexual abuse, drug abuse, alcoholism, or other crimes or addictions

4. For candidates who are not Korean citizens, the candidate shall be qualified to be an adoptive parent under the laws of their own country

5. In addition to the aforementioned qualifications, the candidate shall meet the qualifications provided by an ordinance of the Ministry of Health and Welfare to protect

4. 그 밖에 부양의무자를 알 수 없는 경우로서 시·도지사 또는 시장·군수·구청장이 보장시설에 보호의뢰한 사람

제10조(양친이 될 자격 등)

1) 이 법에 따라 양친이 될 사람은 다음 각 호의 요건을 모두 갖추어야 한다.

1. 양자를 부양하기에 충분한 재산이 있을 것

2. 양자에 대하여 종교의 자유를 인정하고 사회의 구성원으로서 그에 상응하는 양육과 교육을 할 수 있을 것

3. 양친이 될 사람이 아동학대·가정폭력·성폭력·마약 등의 범죄나 약코올 등 약물중독의 경력이 없을 것

4. 양친이 될 사람이 대한민국 국민이 아닌 경우 해당 국가의 법에 따라 양친이 될 수 있는 자격이 있을 것

5. 그 밖에 양자가 될 사람의 복지를 위하여 보건복지부령으로 정하는 필요한 요건을 갖출 것
and guarantee the wellbeing of adopted children

2) The candidate shall not have an occupation that puts the adoptive child’s welfare at risk or that has the risk of infringing upon the child’s human rights.

3) The candidate shall complete the training provided by adoption agency, etc. prior to the adoption, as required by an ordinance of the Ministry of Health and Wellness.

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Article 11 (Permission from Family Court):

1) To adopt a child qualified under Article 9, one must prepare the following documents and obtain permission from the Family Court:
   1. Proof of the child’s birth certificate
   2. Documentation establishing the child’s qualification under Article 9 and Article 10
   3. Consent documents required by Article 12 and Article 13
   4. Other documents required by an ordinance of the Ministry of Health and Welfare for the well-being of the child

2) The Family Court may, for the well being of the child being adopted, elect not to grant permission under Clause 1 after considering the prospective adoptive parents’ parenting skills, motives behind the adoption, and other circumstances.

3) The documents required for the Family Court’s permission under
Clause 1 shall be issued by the agencies appointed by a presidential decree after they examine and confirm the matters necessary for the preparation of the documents, and such matters necessary for the preparation of documents shall be determined by an ordinance of the Ministry of Health and Welfare.

4) Matters necessarily pertaining to the application procedures, deliberation, permits, etc. under Clause 1 shall be determined by the Supreme Court rulings.

**Article 12 (Consent to Adoption):**

1) To be an adoptive parent of a child qualified under Article 9, the consent of the birth parents is required. However, an exception exists for any one of the following cases:

1. When the birth parents have lost custody of the child by way of a court order
2. When consent from the birth parents cannot be obtained for reasons of their unknown whereabouts, etc.

2) When the birth parents’ consent cannot be obtained under Clause 1, consent from the child’s guardian must be obtained.

3) When trying to adopt a child qualified under Article 9, Clause 2, one may substitute the birth parents’ consent required under Clause 1 [of this article] with the consent of the city requesting the

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대등령령으로 정하는 기관이 서류의 작성에 필요한 사항을 조사·확인한 후 이를 발급하는, 서류의 작성 등에 필요한 사항은 보건복지부령으로 정한다.

4) 제 1 항에 따른 허가신청 제출, 심리 및 허가 등에 필요한 사항은 대법원규칙으로 정한다.

**제12조(임양의 동의)**

1) 제 9 조 각 호의 어느 하나에 해당하는 아동을 양자로 하여 기관이 동의를 받아야 한다. 다만, 다음 각 호의 어느 하나에 해당하는 경우에는 그러하지 아니한다.

1. 임양부모가 본권상실의 신고를 받은 경우
2. 임양부모의 소재불명 등의 사유로 동의를 받아 수 없는 경우

2) 임양부모가 제 1 항 단서의 사유로 인하여 임양의 동의를 할 수 없는 경우에는 후견인의 동의를 받아야 한다.

3) 제 9 조 제 2 호에 해당하는 아동을 양자로 하자로 하여 기관이 동의를 받아야 하는 경우에는 보호죄의 시의 임양동의로써 제 1 항에 따른 임양의 동의를 갈음할 수 있다.
child’s protection.

4) When trying to adopt a child who is 13 years of age or older, one must receive the consent of the child in addition to the consent of the birth parents or the guardian under Clause 1 or Clause 2.

5) Consent pursuant to Clause 1 through Clause 4 may be withdrawn before permission is granted under Article 11, Clause 1.

6) Consent pursuant to Clause 1 through Clause 4, or the withdrawal of consent pursuant to Clause 5, shall be provided in writing, and matters required for the consent shall be determined by an ordinance of the Ministry of Health and Welfare.

Article 13 (Requirements for Consent, etc.):

1) Consent for adoption pursuant to Article 12, Clause 1 shall only be made after one week has passed since the birth of the child.

2) As consideration for the consent for adoption, exchanges of pecuniary interests, property, or other types of exchanges, or promises of such exchanges, shall not be made.

3) Before the birth parents consent to adoption pursuant to Article 12, Clause 1, the adoption agency must provide adequate counseling on the government subsidies, etc. that would be available to them if they raise the child themselves, the legal ramifications of such consent, etc. The content of the counseling, etc.
shall be determined by an ordinance of the Ministry of Health and Welfare.

4) The adoption agency shall provide children who are adopted pursuant to Article 12, Clause 4 with sufficient counseling regarding the ramifications of their adoption consent, and the counseling material shall be determined by an ordinance of the Ministry of Health and Welfare.

Article 14 (Effect of Adoption): A child adopted pursuant to this Act shall legally have the same status as a “fully adopted” child under the Civil Act.

Article 15 (Effective Date of Adoption): Adoptions pursuant to this Act are effective at the time the Family Court renders an inyong decision [a decision granting permission/approval], and the adoptive parent or the adoptive child shall register the adoption in accordance with the law concerning the Family Relations Registry by appending the Family Court’s permission of the adoption as a part of the application materials.

Article 16 (Revocation of Adoption):
1) When the birthparent was unable to consent to the adoption in accordance with Article 12, Clause 1, paragraph 2, for reasons not of their fault, the Family Court may revoke the adoption during the first six months after the date on which...
the birthparent became aware of the adoption.

2) When the order revoking the adoption is finalized or when order takes effect, the Family Court shall report the revocation of the adoption to the local authorities in the jurisdiction without delay.

**Article 17 (Dissolution of Adoption):**

1) Adoptive parents, adopted children, and prosecutors may request the Family Court to dissolve an adoption in any one of the following cases:

1. When the adoptive parent(s) abuses, neglects, or significantly risks the welfare of the adopted child
2. When the relationship between the adoptive parent(s) and the adopted child cannot continue because of the adopted child’s immoral behavior towards the adoptive parent(s)

2) If the adopted child whose adoption has been dissolved is 13 years of age or older, the Family Court shall listen to and respect the opinion of the adopted child.

3) When the order to dissolve the adoption is finalized or when the order takes effect, the Family Court shall report the dissolution of the adoption to the local authorities in the jurisdiction without delay.

**Article 18 (Foreign Adoption in South Korea):** A foreign national who wishes to adopt, in South Korea, a

2) 가정법원은 입양의 취소 청구에 대한 관결이 확정되거나 심판의 효력이 발생한 때에는 지체 없이 그 뜻을 가정법원 소재지 지방자치단체에 통보한다.

**제17조 (과양)**

1) 양친. 양자, 검사는 다음 각 호의 어느 하나의 사유가 있는 경우에는 가정법원에 과양을 청구할 수 있다.

1. 양친이 양자를 학대 또는 유기하거나 그 밖에 양자의 복리를 현저히 해하는 경우
2. 양자의 양친에 대한 폐행행위로 인하여 양자관계를 유지시킬 수 없게 된 경우

2) 가정법원은 과양의 청구된 아동이 13 세 이상인 경우 입양아동의 의견을 청취하고 그 의견을 존중하여야 한다.

3) 가정법원은 과양의 청구에 대한 관결이 확정되거나 심판의 효력이 발생한 때에는 지체 없이 그 뜻을 가정법원 소재지 지방자치단체에 통보한다.

**제18조 (국내에서의 국외양양)**

국내에서 제 9 조 각 호의 어느 하나에
child who falls under any one of the clauses of Article 9 must, together with the child’s guardian, submit the following documents of child’s place of residence or place of registration to the Family Court that has jurisdiction over the adoption, in order to apply for the adoption:

1. Birth certificate of the child to be adopted
2. Documents showing the child’s qualification for adoption under Article 9
3. Documents showing the adoptive parents’ qualification to adopt under Article 10 Clause 1
4. A written consent to the adoption, per Article 12 and Article 13

**Article 19 (Foreign Adoption Overseas):**

1) The head of the adoption agency who receives an adoption request from a foreign national must apply for the Family Court’s permission of the adoption by appending the emigration permit issued by the Minister of Department of Health and Welfare.

2) In order for foreign nationals residing overseas to adopt a child residing in South Korea, the foreign nationals must go through the procedures established by the adoption agency to pursue the adoption.

3) When the adopted child is granted an emigration permit by the Ministry of Health and Welfare and acquires citizenship in the child’s

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1. 양자가 될 아동의 출생신고 증명 서류
2. 양자가 될 사람이 제 9 조의 자격을 구비하였다는 서류
3. 제 10 조 1 항에 따른 양친이 될 사람의 가정상황에 관한 서류
4. 제 12 조 및 제 13 조에 따른 입양동의 서류

**제19 조(외국에서의 국외입양):**

1) 외국인으로부터 입양할선을 의뢰받은 입양기관의 장은 입양할선을 하여야 할건복지부장관이 발행한 해외이주허가서를 첨부하여 가정법원에 입양허가를 신청하여야 한다.

2) 국외에 거주하는 외국인이 국내에 거주하는 아동을 입양하기 위하여는 입양기관을 통하여 입양절차를 진행하여야 한다.

3) 양자가 될 사람이 해외이주허가를 받고 출국하여 그 국가의 국적을 취득하였을 때에는 입양기관의 장은 보건복지부령으로 정하는

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adoptive country, the adoption agency, pursuant to an ordinance by
the Ministry of Health and Welfare, shall report such information to the
Minister of Justice without delay, and the Minister of Justice, by
exercising its authority, shall notify the agency in charge of the family
registration so that the child’s Korean citizenship is cancelled.

4) The Ministry of Health and Welfare that receives an application under
Clause 1 of this Article, may elect not to issue an immigration permit
if any one of the following paragraphs are met:

1. When the child to be adopted is
a missing child or is otherwise
determined by the Ministry of
Health and Welfare

2. When the receiving country or
the adoption agency of the
foreign country has not signed
the Convention on Intercountry
Adoption

3. When the foreign adoptive
parent(s) is a national of a
country at war or in an
adversarial relation with South
Korea

CHAPTER 3: ADOPTION AGENCIES AND
THE CENTRAL ADOPTION AGENCY

Article 20 (Adoption Agencies):
1) A person who wishes to operate an
adoption agency must receive
approval from the Ministry of
Health and Welfare to operate a
social welfare organization

제3장 입양기관 및 중앙입양원

제20조(입양기관)
1) 입양기관을 운영하려는 자는
사회복지사업법에 따른
사회복지법인으로서
보건복지부장관의 허가를 받아야
한다. 다만, 국내입양만을
pursuant to the Social Welfare Services Act. However, a person who wishes to arrange only domestic adoptions need only receive permission from the city/province.

2) When a person, who has received permission to operate an adoption agency under Clause 1, wishes to change important matters prescribed by a presidential decree, that person must report such changes.

3) A foreign national cannot be the head of an adoption agency.

4) The head of an adoption agency and its employees shall receive regular training, as prescribed by a decree of the Health and Welfare Minister, in order to protect the human rights of adopted children and to establish a healthy adoption culture.

5) When the head of an adoption enters into an agreement for an adoption and adoption services with a foreign country or any of its accredited adoption agencies, it shall report the agreement to the Ministry of Health and Welfare. Matters that will be included in the agreement regarding adoption shall be determined by a presidential decree.

6) The decree of Health and Welfare Minister shall determine the necessary criteria and conditions for adoption agency facilities and personnel.
Article 21 (Adoption Agency Duties):

1) The head of an adoption agency shall protect the rights of the adopted person and, in cases where the birth parents are unknown, shall make every effort to find the birth parents or the linear ascendants.

2) The head of an adoption agency shall research whether the prospective adoptive parents qualify under Article 10 when arranging an adoption.

3) The head of an adoption agency shall provide the prospective adoptive parents with child rearing-related training, and after the adoption, the head of an adoption agency shall pass along the records relating to the adopted child to the adoptive parents or the adoptive parents-to-be, pursuant to an ordinance of the Ministry of Health and Welfare, and shall make a report of it to the city’s administrative head, the mayor, the governor, and the city/province governor.

4) Pursuant to Article 26, the head of an adoption agency shall provide information about the adopted child and the child’s birth family, as prescribed by an ordinance of the Ministry of Health and Welfare, to the Central Adoption Agency, to establish an efficient adoption process and the cooperation between the adoption agencies.

제21조(임양기관의 의무)

1) 임양기관의 장은 임양의뢰인 사람의 권익을 보호하고, 부모를 알 수 없는경우에는 부모 등 직계존속을 찾기 위하여 노력을 다하여야 한다.

2) 임양기관의 장은 임양을 앞선할 때 그 양친이 될 사람에 대하여 제 10 조에서 정한 사실을 조사하여야 한다.

3) 임양기관의 장은 양친이 될 사람에게 임양 전에 아동양육에 관한 교육을 하여야 하며, 임양이 성립된 후에는 보건복지부령으로 정하는 바에 따라 임양아동과 그에 관한 기록 등을 양친 또는 양친이 될 사람에게 전달하고, 그 결과를 특별자치도지사·시장·군수·구청장에게 보고하여야 한다.

4) 임양기관의 장은 임양업무의 효율 및 임양기관 간의 협력체계 구축을 위하여 임양아동과 가족에 관한 정보를 보건복지부령으로 정하는 바에 따라 제 26 조에 따른 중앙임양원에 제공하여야 한다.
5) The head of an adoption agency shall record the matters relating to the adoption task, pursuant to an ordinance of the Ministry of Health and Welfare. In this case, the adoption records may be recorded electronically.

6) Adoption records prescribed by Article 5 shall be permanently preserved for post-adoption services for the adopted child.

7) Information about the scope and content, pursuant to Article 4, and information necessary for the preservation of adoption records and electronic records, pursuant to Article 5, shall be determined by an ordinance of the Ministry of Health and Welfare.

Article 22 (Guardianship Duties of the Heads of Adoption Agencies):

1) When the head of an adoption agency takes custody of a child being adopted from the child’s birth parents or from a head of the protection facility, etc., the head of the adoption agency shall become the guardian of the child from the day the agency takes custody of the child until the finalization of the child’s adoption. However, this does not apply if a court has already appointed a guardian for the child.

2) A child’s birth parents lose parental custody when they or the child’s guardian gives custody of the child over to the adoption agency for adoption, per the preceding clause.

5) 입양기관의 장은 입양업무에 관한 사항을 보건복지부령으로 정하는 바에 따라 기록하여야 한다. 이 경우, 입양기록은 전자문서로서 기록할 수 있다.

6) 제 5 항에서 정한 입양업무에 관한 기록은 입양아동에 대한 사후관리를 위하여 영구보존하여야 한다.

7) 제 4 항에 따른 정보의 범위 및 내용과 제 5 항에 따른 입양기록 및 전자기록의 보존 등에 필요한 사항은 보건복지부령으로 정한다.

제22조(입양기관의 장의 후견직무)

1) 입양기관의 장은 입양을 앞서하기 위하여 보장시설의 장, 부모 등으로부터 양자됨 아동을 인도받았을 때에는 그 인도받은 날부터 입양이 완료될 때까지 그 아동의 후견인이 된다. 다만, 양자가 될 아동에 대하여 법원이 이미 후견인을 둔 경우에는 그러하지 아니하다.

2) 제 1 항의 경우에 양자로 될 아동을 인도한 천권자의 천권행사는 정지된다. 다만, 천권자가 제 12 조 제 5 항에 따라 입양의 동의를 철회한 때에는 다시 천권을
However, pursuant to Article 12, Clause 5, if the birth parents or guardian later revoke their consent of the child’s adoption, they may exercise their parental custody again.

Article 23 (Establishment of Registration of Family Relations):
When the head of the adoption agency takes custody of the child whose family relationship has not been registered, the head shall follow the procedures of establishing the child’s family relationship registration.

Article 24 (Protection of Those Whose Adoption Placements are Difficult):
1) The head of the adoption agency must report to the city/province governor or the city’s administrative head, mayor, or governor if any person meets the following sub-paragraphs:
   1. A person whose adoption placement is difficult because he/she was requested for protection under Article 9, Clause 2
   2. A person whose protection has been requested to the adoption agency by the guardians pursuant to his/her adoption having been cancelled or declared dissolved under this Act
2) A person who has been reported by the city/province governor or the city’s administrative head, mayor,

행사할 수 있다.

제 23 조(가족관계등록 창설)
임양기관의 장은 양자가 될 아동을 가족관계등록이 되어 있지 아니한 상태에서 인계받았을 때에는 그 아동에 대한 가족관계 등록 창설 절차를 거친다.

제 24 조(임양활동에 관한 사망 등의 보호)
1) 임양기관의 장은 다음 각 호의 어느 하나에 해당하는 사람이 있는 경우에는 시·도지사 또는 시장·군수·구청장에게 이를 보고하여야 한다.
   1. 제 9 조제 2 호에 따라 보호의뢰된 사람으로서 임양활동이 관할한 사람
   2. 이 법에 따른 임양이 취소되거나 파량을 선고받은 사람으로서 보호자가 임양기관에 보호를 요청한 사람

2) 시·도지사 또는 시장·군수·구청장은 제 1 항에 따른 보고를 받은 사람에 대하여
or governor under Clause 1 must be protected without delay under Article 15 of the Child Welfare Act.

Article 25 (Provision of Post-Adoption Services):

1) For mutual adaptation of the adoptive parents and the adopted child, the head of the adoption agency must provide the following post-adoption services for one year after the adoption has been established. However, the following sub-paragraph will not be applied to foreign adoptions.
   1. Monitoring the mutual adaptation statuses of the adoptive parents and the adopted child, as well as any services necessary for such adaptation
   2. Providing adoptive families with information deemed necessary to raise adoptive children
   3. Creating a window of time during which adoptive families may frequently obtain counseling, and placing counselors for those adoptive families

2) The head of the adoption agency shall confirm whether the adopted child has acquired the nationality of the adoptive country through that country’s cooperative agency, and shall report its confirmation to the Ministry of Health and Welfare via the head of the Central Adoption Agency, pursuant to Article 26.

3) The head of the adoption agency

제 25 조(사후서비스 제공)

1) 입양기관의 장은 입양이 성립된 후 1 년 동안 양친과 양자와 상호적응을 위하여 다음 각 호의 사후관리를 하여야 한다. 다만, 국외입양의 경우에는 다음 각 호를 적용하지 아니한다.

   1. 양친과 양자의 상호적응상태에 관한 관찰 및 이에 필요한 서비스
   2. 입양가정에서의 아동양육에 필요한 정보의 제공
   3. 입양가정이 수시로 상담할 수 있는 장구의 개설 및 상담요원의 배치

2) 입양기관의 장은 해당 국가의 협력기관을 통하여 입양아동이 입양된 국가의 국적을 취득하였는지를 확인하고 그 결과를 제 26 조에 따른 중앙입양원의 원장을 통하여 보건복지부장관에게 보고하여야 한다.

3) 입양기관의 장은 국외로 입양된
shall implement projects that are determined by a presidential decree, such as homeland visitation, etc., for the adopted children.

**Article 26 (Establishment of the Central Adoption Agency):**

1) The Ministry of Health and Welfare shall establish and operate the Central Adoption Agency in order to promote domestic adoptions as well as to provide post-adoption services.

2) The Central Adoption Agency shall be an incorporated foundation.

3) To establish the Central Adoption Agency, articles of incorporation must be prepared and authorized by the Ministry of Health and Welfare. The same is required to amend the articles of incorporation.

4) Central Adoption Agency will perform the tasks provided in the following sub-paragraphs:

1. Operation of an integrated database necessary for finding adopted children, adoptive family, and birth parents

2. Establishment and interconnection of the adopted children’s database

3. Investigation and research regarding domestic and foreign adoption policies and services

4. International cooperation regarding adoption-related tasks

5. Performance of any other projects entrusted by the Ministry of Health and Welfare

5) Unless otherwise prescribed under
this Act, the Civil Act regulation of incorporated foundation shall be applied to the Central Adoption Agency.

**Article 27 (Employees of the Central Adoption Agency, etc.):**

1) The Central Adoption Agency will consist of a nine-member board of directors, including one chairman of the board and one auditor.

2) The chairman of the Central Adoption Agency’s board of directors shall be appointed by the Ministry of Health and Welfare.

3) The head of the Central Adoption Agency shall represent the agency and exercise overall control of the agency’s tasks.

4) The chairman of the Central Adoption Agency’s board of directors shall serve concurrently as the head of the agency.

5) Matters necessary for the appointment procedure and the terms of the board of directors, auditor, and employees shall be determined by an ordinance of Ministry of Health and Welfare.

**Article 28 (Expenses):**

1) The Government may subsidize expenses that are necessary to establish and operate the Central Adoption Agency in the Government’s budgetary scope.

2) Matters necessary for the use of the subsidy, etc. under Clause 1 shall be governed by the Act on the Budgeting and Management of

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정부는 중앙임양원의 설립·운영에 필요한 경비를 예산의 범위에서 보조할 수 있다.

재 1 항에 따른 보조금의 사용 등에 관한 사항은 「보조금의 예산 및 관리에 관한 법률」에서 정하는 바에 따른다.
Subsidies.

Article 29 (Request for Cooperation from Authorities):
1) The head of the Central Adoption Agency may request the public institutions, adoption agencies, and etc. to submit data necessary in carrying out the agency’s tasks. The public institutions and agencies must comply with the request unless special reasons exist.

2) The data submitted to the Central Adoption Agency under Clause 1 may not be used for any purpose other than to carry out the agency’s tasks.

Article 30 (Supervision of the Central Adoption Agency):
1) The Ministry of Health and Welfare shall guide and supervise the Central Adoption Agency.

2) The Ministry of Health and Welfare may compel the Central Adoption Agency to report matters regarding its tasks, accounting, and assets, as well as order public officials of the Ministry to inspect the Central Adoption Agency’s books, documents, and other items.

3) Public officials who inspect the Central Adoption Agency pursuant to Clause 2 must present proof of authorization for the inspection to the appropriate person of the Central Adoption Agency.

4) The Ministry of Health and Welfare may issue a corrective order when deemed necessary after carrying out
the inspection under the Clause 2.

CHAPTER 4: WELFARE SUPPORT FOR ADOPTED CHILDREN

Article 31 (The Transfer of a Child):
1) The adoption agency or the birth parents shall give custody of the child to the adoptive parents once the Family Court has granted permission of the adoption.
2) For foreign adoptions, custody of the child must be given in South Korea, unless a special reason exists.

Article 32 (Payment Of and Aid For Fees):
1) Adoption agencies under Article 20, Clause 1 may receive a portion of the actual costs incurred from arranging the adoption from the adoptive parents, pursuant to determinations made by a presidential decree.
2) The State and local governments may subsidize the adoptive parents for part of or the entire amount of the actual costs incurred from the adoption arrangement under Clause 1.

Article 33 (Prevention of Generating Children Who Require Protection):
The State and local governments shall take measures to develop policies that are necessary to prevent children from requiring the protection of the protection facility so that children can be raised by their birth families.
Article 34 (Social Welfare Services):
The State and local governments shall provide social welfare services, such as the use of the social welfare facility and necessary counseling, to adoptive families through the adoption agencies so that the adoptive families can raise their adopted children in a healthy manner.

Article 35 (Child Rearing Subsidies and Payments):
1) The State and local governments may subsidize child-rearing allowances, medical fees, fees to support childhood education, and other necessary subsidies determined by a presidential decree, so that handicapped child adopted through the adoption agency, etc. can be raised in a healthy manner.

2) The State and local governments may subsidize the adoption agency’s operational expenses, as well as foster-care protection costs, in addition to the supplies provided under the National Basic Living Security Act.

3) Matters necessary to provide child-rearing allowances under Clause 1 and foster-care protection costs under Clause 2 shall be determined by a presidential decree.
CHAPTER 5: DISCLOSURE OF INFORMATION ON ADOPTED CHILDREN

Article 36 (The Disclosure of Adoption-related Information):

1) Under this Act, the adopted person may request for the disclosure of his/her adoption information retained by the Central Adoption Agency or an adoption agency. However, if the adopted person is a minor, consent of the adoptive parents is required.

2) The Central Adoption Agency or the adoption agencies shall disclose the information requested under Clause 1 after obtaining the consent of the birth parents. However, in cases where the birth parents do not give their consent, information other than the personal information of the birth parents shall be disclosed.

3) In cases where the birth parents have died or their consent cannot be obtained because of some other circumstance, then regardless of whether the birth parents have consented, the adoption agencies may disclose information about the adoption if it is for medical purposes or for other special reasons.

4) The scope of the information disclosed, the information disclosure application, its procedures, and other necessary matters under Clause 1 through 3 shall be regulated by the Administrative Regulations.
Clause 3 shall be determined by a presidential decree.

Article 37 (The Obligation for Confidentiality): Any person who was employed by the Central Adoption Agency or the adoption agencies must not disclose confidential information obtained while they conducted agency-related duties. However, such duty of confidentiality is exempted when information about the adoption is disclosed under Article 36.

CHAPTER 6: GUIDANCE, SUPERVISION, ETC.

Article 38 (Guidance, Supervision, etc.):

1) The Ministry of Health and Welfare, city/province governor, or the city’s administrative head, mayor, or governor shall provide persons who operate an adoption agency with guidance and supervision pertaining to their duties, and, when necessary, may order the heads to make reports or submit relevant documents, as well as order public officials to conduct on-site inspections and on-site investigations at the adoption agencies’ offices or facilities.

2) Public officials conducting inspections or investigations, pursuant to Clause 1, shall have proof of authorization and present such proof to the appropriate persons at the agencies.
Article 39 (Revocation of the Permission to Operate, etc.):

1) The Ministry of Health and Welfare, city/province governor, or the city’s administrative head, mayor, or governor may suspend the operation of an adoption agency for a maximum term of six months, or revoke the permission for operation under Article 20, Clause 1, if the adoption agency meets any of the following sub-paragraphs:

1. When the facility or the employees do not meet the qualification governed by Article 20, Clause 6.

2. When the adoption agency infringes upon the rights and interests of the person requesting an adoption, in violation of Article 13, Clause 3 and Clause 4, or Article 21, Clause 1.

3. When the adoption agency does not report or makes a false report of a statement governed by Article 38 without just cause, or when the adoption agency refuses, interferes with, or avoids inspections without just cause.

4. When the adoption agency violates this Act or the orders made pursuant to this Act.

2) Detailed criteria of the administrative measures under Clause 1 shall be determined by an ordinance of the Ministry of Health and Welfare after it considers the reasons for the administrative measures.

제 39 조(허가의 취소 등)

1) 보건복지부장관 또는 시·도지사는 입양기관이 다음 각 호의 어느 하나에 해당할 때에는 제 20 조제 1 항에 따른 허가를 취소할 수 있다.

1. 제 20 조제 6 항에 따른 시설 및 종사자의 기준에 미치지 못하게 되었을 때

2. 제 13 조제 3 항·제 4 항 또는 제 21 조제 1 항을 위반하여 입양의뢰된 사람의 권익을 해저는 행위를 하였을 때

3. 정당한 사유 없이 제 38 조에 따른 보고를 하지 아니하거나 거짓으로 하였을 때 또는 조사를 거부·방해하거나 기피하였을 때

4. 이 법 또는 이 법에 따른 명령을 위반하였을 때

2) 제 1 항에 따른 행정처분의 세부적인 기준은 그 행정처분의 사유와 위반의 정도 등을 고려하여 보건복지부장으로 정한다.
measures, the degree of violation, etc.

CHAPTER 7: SUPPLEMENTARY PROVISIONS

Article 40 (Hearing): The Ministry of Health and Welfare or the city/province governor must hold a hearing before revoking an adoption agency’s permission to operate that is pursuant to Article 39, Clause 1.

Article 41 (Delegation of Authority): The Minister of Health and Welfare or the city/province governor may delegate a part of its authority to the city’s administrative head, mayor, or governor, as prescribed by the presidential decree.

Article 42 (Relation to Civil Law): Unless provided otherwise in this Act, the Civil Act will govern adoption related matters.

Article 43 (Treatment as Government Officials When Penalized): When applying Articles 129 through 132 of the Criminal Act, executives and employees of the Central Adoption Agency shall be regarded as public officials.

CHAPTER 8: PENALTIES

Article 44 (Penalties):
1) A person will be punished by imprisonment of up to 3 years or fines of up to 20 million Won when
any of the following subparagraphs applies:

1. A person adopts a child without obtaining court permission in violation of Articles 11, 18, or 19 
2. A person arranges an adoption without authorization, in violation of Article 20, Clause 1 
3. A person discloses confidential information obtained during the course of his/her work without just cause, in violation of Article 37 

2) A person who modifies an important matter that he/she is permitted to authorize, without filing a report, in violation of Article 20, Clause 2, shall be punished by imprisonment of up to one year or fines of up to three million Won. 

Article 45 (Regulation of Double Penalties): When the representative, agent, servant, or any other employee of an organization or individual violates Article 44 in relation to the organization’s or individual’s duties, the organization or the individual, in addition to the offender, shall be fined under the same article. However, the organization or the individual shall not be held liable if sufficient care and supervision was given to prevent such violation by its agents.