

LAW 46

July 17th, 2013

General Adoptions Law of the Republic of Panama

THE NATIONAL ASSEMBLY

Decrees:

Title I

General Provisions

Article 1: Scope: This Law shall apply to the adoption of minors who have been declared in state of adoptability prior ruling. It includes minors who are close to achieving adulthood during the process.

Article 2: Purposes: The purposes of this Law include, amongst others:

1. Expeditious restoration of the right to family life for children and adolescents who were deprived of this right.
2. Protection of children and adolescents from unnecessary separation of their nuclear biological and blood-related family.
3. To facilitate the permanent placement of the child or adolescent with a receiving family or with adoptive parents who can provide love, safety, care, and support.
4. To advise parents when taking the decision to consent to the adoption.
5. To provide prospective adoptive parents with all available comprehensive information about the child or adolescent who has been assigned to be accepted or rejected.
6. To protect the confidentiality of the parties as per the exceptions in the Law.
7. To prevent illegal smuggling and trafficking of children and adolescents and other illegal placement activities.

Article 3: Best interests of the child or adolescent: The best interest of the child or adolescent is the principle that ensures the protection to their right to stay and live within the biological family or, if this is not possible, in another permanent family environment.

Article 4: Definitions: For the purposes of this Law, the following terms shall be understood as follows:

1. *Placement:* The delivery of the child or adolescent temporarily to a person who will provide care as a good parent.

2. *Pre-adoption placement*: The comprehensive care provided by future adopter or adoptive family assigned to the child or adolescent in the adoption process for a specified period as provided in this Law.
3. *Adoption*: Legal institution of permanent protection, of public order and social interest, constituted as the last measure of protection in favor of a child who is not blood related thus restoring her or him with the right to be part of a family.
4. *Adoptee*: Person, a non blood-related son or daughter that becomes one according to the terms established by this Law.
5. *Adopter*: Person over eighteen who complies with the requirements and procedures established in this Law in adopting someone else's child.
6. *Central Authority*: Entity responsible of performing the investigations, evaluating the competence of the blood related family, and applying for permanent loss of parental rights of the parents, and/or declaration of adoptability of the child or adolescent. In addition, it provides pre- and post-adoption monitoring and other administrative procedures concerning domestic and international adoption.
7. *State of adoptability*: Judicial declaration establishing the deprivation of the right of the family of the child or adolescent and ordering its recovery through adoption in the terms established in this Law.
8. *Receiving family*: The one who provides a temporary, comprehensive, non-institutional place to a child or adolescent, as an alternative to family life, assigned by the administrative authority with judicial review.
9. *Nuclear biological family*: The father and mother of the minor.
10. *Consanguineous family*: That which comprises all individuals united by the bond of kinship to the second degree of consanguinity in a straight line, directly upward and collateral, and according to the certification of the family tree issued by the Civil Registry Office of the Electoral Tribunal.
11. *Foster home*: Placement in an institution or shelter requested by the National Secretariat for Children, Youth and Family, approved by the appointed court, temporarily providing the child and/or adolescent care, food, education and housing.
12. *Competent judge*: Judicial authority with jurisdiction in all matters related to the processes of loss of parental rights, declaration of competence or incompetence of the biological family, declaration of adoptability, and domestic and international adoption.
13. *Evident danger*: All direct or indirect situations that violates the rights and guarantees of children and adolescents and that requires prompt action by the appointed authorities to preserve the life and honor of children and adolescents.
14. *Non-governmental organization*: Organization with no economic profit objective and that does not belong to the traditional private or public sector, registered in the corresponding Registry whose statutes are intended to the protection of children and adolescents and that, by meeting the requirements of this standard, obtain an authorization from the National Secretariat for Children, Youth and Family.
15. *Deprivation of the right to family life*: The alleged abandonment of the family rights of the child and adolescent.
16. *Permanent loss of parental authority*: Measurement of permanent disqualification in the exercise of parental rights as stated in the Family Code.
17. *Suspension of parental authority*: Provisional protection measure that limits the exercise of parental rights as stated in the Family Code.

Title II Central Authority

Article 5: Central Authority and its functions: The National Secretariat for Children, Youth and Family is the Central Authority for the protection of the right to family life, foster care and domestic and international adoptions.

The Secretariat shall have the following functions:

1. Will act as the Central Authority for the protection of the right to family life, and adoptions.
2. Will regulate and supervise national non-governmental organizations, and will accredit and supervise the collaborating associations in international adoption.
3. Will approve or extend the evaluations conducted by non-governmental organizations on adoption or national foster homes, or by collaborating associations in respect of international adoption.
4. Will perform or supervise pre-adoption and post-adoptive stages of the adoption process of children and adolescents judicially declared in state of adoptability.
5. Will ensure effective compliance and respect for the rights of children and adolescents during the administrative process and implementation of adoption.
6. Will keep and maintain the database of suitable adoptive parents, foster parents, as well as the database of children and adolescents in state of adoptability.
7. Will ensure that adoption applications from adoptive parents meet the legal requirements established in this Law.
8. Will declare, within the term established by this Law, the suitability of the adoptive parents after evaluating assessments and technical reports, or the approvals of assessments and technical reports submitted by NGOs or adoption associates.
9. Will provide post-adoption quarterly follow-up reports to the appointed judge, once the post-adoption stage has started.
10. Will monitor international adoption follow-ups of children and adopted adolescents conducted by the collaborating institutions on international adoption.
11. Will train, evaluate and monitor receiving families and non-governmental organizations that coordinate them. To this end, the National Secretariat for Children, Youth and Family will create and implement guidelines for receiving families.
12. Will design and implement, directly or through NGOs authorized for that purpose, the Educational Program for Adoptive Parents, and the Post-Adoptive Support Services Program, and will accompany adoptees who wish to know their origins.
13. Will develop and coordinate plans to promote adoptions of minors with disabilities or special health conditions, through non-governmental organizations or international adoption accredited entities authorized for that purpose.
14. Will encourage, create and implement prevention policies and parental care and training with emphasis on vulnerable groups such as teenage parents, among others.
15. Will perform any other duties as established by law.

Article 6: State responsibility: It is the State's obligation to protect the rights of children and adolescents during the adoption process, ensuring full recognition, especially to prevent abduction, sale and trafficking as well as any form of exploitation or abuse.

When there is no family alternative, the State, through the corresponding authority, will temporarily delegate its custody obligations as well as legal representation and property management of children and adolescents in receiving families while their right to family life is restored.

The foster parents are held accountable and responsible for the actions taken in the exercise of their duties, as provided in this Law. In the case of institutional homes, they will have legal representation and the administration of property will be established by an appointed authority in accordance with the Law.

Title III Foster Home and Receiving Family

Article 7: Placement family: The foster homes and receiving families are meant to provide temporary care similar to a safe and comforting home to children and adolescents and are not intended to be permanent.

Article 8: Handling over to receiving families: Receiving families can be granted by the administrative authority and under subsequent judicial review, to a single person, a couple of man and woman united in marriage or by common-law, to an extended family or family groups in the community in the following order:

- 1st: To the child or adolescent related by blood or marriage
- 2nd: People or families in the community who meet the qualifications and solidarity needed to become placement families, giving priority to those that are part of the network of community relations and/or social ties of the child or adolescent.

When a child or adolescent has been given up for its upbringing by his father or his mother, or both, to a third party appointed to raise it, this third party will be considered as the first choice for the provision as placement family.

It is prohibited for the person or placement family to hand over the child or adolescent to a third party without prior approval of the authority.

Article 9: Resolution of suitability: The National Secretariat for Children, Youth and Family is the authority responsible for receiving the documentation of receiving families' applicants and evaluating a term of maximum fifteen calendar days, and to approve or disapprove their suitability within a maximum of five calendar days, and forwarding for inclusion in the database. Suitability is granted for a period of three years and may be renewed.

If eligibility is suspended, revoked or has expired, children and adolescents under the care of the placement family will be removed immediately and placed in another foster home.

Article 10: Renewal of suitability: The documents for the renewal of eligibility must be submitted to the National Secretariat for Children, Youth and Family before the expiration of suitability. All documents for renewal must be submitted at the same time and be dated within ninety days prior to presentation.

The renewal must be given within a period of five days in accordance with the provisions of the preceding Article. Incomplete renewal applications will be returned.

If the placement families submit before the National Secretariat for Children, Youth and Family a request to terminate its suitability before completing the term of three years, the Secretariat would resolve the request and suspend.

Article 11: Revocation: The National Secretariat for Children, Youth and Family will revoke the suitability if the result of an investigation indicates that the children and/or adolescents have been victims of abuse or neglect in foster homes and if they fail to meet the standards established in this Law.

Such decision shall be notified in writing to the foster parents.

Article 12: Appeal: An appeal can be made against the decision to deny or revoke the suitability of foster parent, which will be announced in the act of notification to the parties or within two working days of this, and will be backed up within the next three business days, and resolved by the Board of the National Secretariat for Children, Youth and Family within five days after being supported.

Article 13: Training Program for Receiving Families: Individuals or families interested in being receiving families must complete at least thirty hours a Training Program for Receiving Families issued by the National Secretariat for Children, Youth and Family or a non-governmental organization previously authorized by the Secretariat before receiving suitability.

The Receiving families may be specialized receiving families once they have completed up to twenty additional hours of the Training Program for Specialized Receiving Families issued by the National Secretariat for Children, Youth and Family or a non-governmental organization previously authorized by the Secretariat before receiving suitability.

All receiving families must submit documentation to the National Secretariat for Children, Youth and Family proving that they have completed training in first aid and CPR before receiving suitability.

Article 14: Conditions to be considered a receiving family: People wishing to be considered suitable as a receiving family must submit the application with all required documents mentioned in this Law.

The applicants must have proven to be affective, social, moral, and have physical and psychological health and have the necessary resources to ensure the basic needs of the child or adolescent placed in the home.

In the case of receiving families with a link with the child or adolescent's blood family, if it lacks the financial resources to ensure adequate living standards, the National Secretariat for Children, Youth and Family will manage its incorporation into family strengthening programs.

If the applicants have descendents, this does not prevent them to be chosen as receiving families.

Article 15: Required documentation: Those interested being receiving families must provide the following documents with the application:

1. Birth Certificate of the person or persons concerned.
2. Marriage certificate or proof of legally recognized union in fact, if it is the case, or certification of such union if issued by traditional authorities when appropriate.
3. Proof of labor certification or other document to establish the capacity in meeting the material needs of the child or adolescent.
4. Psychosocial interview report of the sons and daughters of those concerned or any other person residing permanently in the home, except household employees, if any, reflecting the views of the interviewees.
5. Medical certificate of good physical and mental health issued by a licensed physician in the Republic of Panama.
6. Psychological assessment of applicants by a clinical psychologist with expertise for the exercise of the profession in the Republic of Panama.
7. Two recent passport-size photographs in color.
8. Color photographs, postcard size, of the facade, the interior and the back of the applicants' residence
9. Certification of personal background information.
10. Social assessment of the applicants, conducted by a professional qualified social worker with two years of experience at least in the exercise of their profession.
11. Two letters of recommendation from persons of recognized moral life other than from relatives and that have known these persons for a period exceeding ten years.
12. Completion Certificate of the Training Program for Receiving Families issued by the National Secretariat for Children, Youth and Family or by a non-governmental organization approved for this purpose by the Secretariat.

In the case of institutional foster care homes, this shall be governed in terms of legal status according to the requirements of current legislation.

Article 16: Assessment procedure: The National Secretariat for Children, Youth and Family, within three business days of receipt of the request, will proceed with the admission using the proper protocol, thus starting the assessment procedure.

At this stage, the technical team appointed by the National Secretariat for Children, Youth and Family or by those NGOs approved by this Department to conduct assessments, may conduct home visits, interviews and psychological tests and other psychosocial research to applicants needed to determine the suitability of the receiving family.

This stage will have a maximum period of fifteen days from the acceptance of the application from the receiving family. During this period, applicants must attend the Training Program for Receiving Families given by the National Secretariat for Children, Youth and Family or by NGOs approved for this purpose by the Secretariat.

Article 17: Psychological and social assessment: The applicants must be evaluated within a period not exceeding five days and the contents of the assessment shall be regulated by the National Secretariat for Children, Youth and Family.

Article 18: Confidentiality of the assessments: The assessments are confidential and should be filed and maintained in the respective files, so as to ensure such confidentiality. To this end, the National Secretariat for Children, Youth and Family should scan these files in a secure electronic format and submit original records every five years to their archive section.

Article 19: Database of the classified suitable receiving families: Applicants who have been declared suitable will be added to the suitable receiving families' database of the National Secretariat for Children, Youth and Family.

This database will be filed in the chronological order of how the information was entered for each applicant and will be declared fit according to this order.

The institutional foster care, and specialized receiving families, upon this Law coming to force, shall update the information with the National Secretariat for Children, Youth and Family in the manner and conditions provided in this Law.

Article 20: Placing a child in a receiving family home: The National Secretariat for Children, Youth and Family will request the placement of children and adolescents with receiving families who have met the requirements of this Law. These placements will be authorized by the competent court within a maximum of five working days.

The request for placement will follow the chronological order of the suitable receiving families' database, abiding to the profile and cultural context of the child or adolescent and the availability of the family. The application shall be accompanied by the medical, psychological and educational background of the child and/or adolescent. In the event of imminent emergency placement, the judge will have two business days to answer to the placement request.

If this is the case, the child or adolescent's advocate must issue concept within three business days.

If not in agreement with this decision, the only possible way to disagree is to appeal for reconsideration.

Article 21: Capacity: No more than five children or adolescents at any given time should reside at the receiving home. These include the placement family's children and any other child residing in the home at the time.

For specialized receiving families no more than two children or adolescents at any given time can reside in the home. There is an exception in the case of siblings.

Article 22: Responsibilities of receiving families: Receiving families will be required to provide children and adolescents under their care, all the care inherent to their special quality coupled with those usually provided by a good parent to its children. This care is considered minimal, and the Law may require special care depending on the conditions of each case.

The aforementioned care, include adequate medical, emotional and affective care, education, housing, clothing, right to leisure, the right to freedom of opinion and expression, and orientation according to their age and cultural context, as well as any other rights. Such care should be made in accordance with the provisions of the Convention on the Rights of the Child.

Article 23: Supervision: The National Secretariat for Children, Youth and Family receiving families should be monitored periodically to ensure the welfare of children and adolescents.

Social workers assigned by the National Secretariat for Children, Youth and Family will visit the receiving family at least once a month with the specific purpose of evaluating and ensuring compliance with the requirements under suitability. Monthly visits will be unannounced.

Article 24: Collaboration with NGOs: The National Secretariat for Children, Youth and Family is empowered to make and execute agreements with non-governmental organizations, in order to provide the authorized services on its behalf.

These NGOs will only be authorized to carry out the services contained in the partnership agreement.

The National Secretariat for Children, Youth and Family will be responsible for ensuring compliance with these agreements in the best interests of the child or adolescent.

The National Secretariat for Children, Youth and Family will regulate the content of the agreements.

Title IV Declaration of Adoptability and Adoption

Chapter I General Rules

Article 25: Principles: Adoption is governed by the following principles:

1. It will be applied in the best interests of the adoptee, these being: respect for the rights and guarantees established in the Constitution of the Republic of Panama, on international instruments of promotion, protection and defense of human rights in force in the Republic of Panama and national laws preventing the abduction, sale and trafficking of children and adolescents.
2. Best interest of the child or adolescent, which aims, among others, is to ensure respect for the child or adolescent's right to a family and family life.

3. It is the ultimate measure of protection applied for the restoration of the right of the child and adolescent's family.
4. Primacy of national adoption over international adoption, which will only apply when national adoption is not possible, preferring Panamanian nationals over foreigners in international adoption applications, even if only one of the spouses or partners is a Panamanian.

Article 26: Interpretation: For the interpretation of the provisions of this Law, the following rules will be observed:

1. These are special rules, therefore, will be preferred above other rules regulating the same topic and other laws, unless those laws enshrine better benefits and greater protection.
2. If there is doubt on which law to apply, the one that is more favorable to the protection of the rights of the adopted person should be applied, regardless of the provisions in the preceding paragraph.
3. In case of minors, the Convention on Protection of Children and Cooperation in Respect of International Adoption will be applied in line with the Convention on the Rights of the Child, and other international where there is comprehensive protection to the children and adolescents, as well as the recommendations issued by the Committee on the Rights of the Child of the United Nations and the Permanent Bureau of the Hague Conference on Private International Law.

Article 27: Right to a family and to family life: The child or adolescent has the right to live, grow and be educated and cared for under the guidance and accountability of the nuclear biological family or consanguineous family.

The separation of a child or adolescent from a consanguineous family must be through court ruling. However, in situations of obvious danger during a legal holiday, the National Secretariat for Children, Youth and Family should take immediate action presented by appealable court ruling administrative decision and will order the necessary measures to ensure that the child or adolescent is removed immediately from the obvious danger and temporarily placed in a suitable placement home, preferably that of a blood relative. This measure will be effective immediately. This does not preclude competition to the judicial authority.

The administrative decision will be sent within a maximum of seventy-two hours or on the next business day to the appointed judicial authority for ratification, modification or addition of degree of consultation. This decision is appealable for reviewing purposes.

The measurement shall be for a period of six extendable months.

Article 28: The right to know their origins: Every child or adolescent has the right to know its origins. All information will be kept confidential in the Civil Registry as per this law. The adoptee, the mother and/or adoptive parent may have access to this information

Chapter II

Investigative Administrative Process for the Request of Termination of Parental Rights

Article 29: Procedure of declaration of adoptability: The directors of protection entities, public or private, engaged in providing temporary care service, health and hospital services or any other person or entity, are required to report to the National Secretariat for Children, Youth and Family about children or adolescents in alleged deprivation of the right to a family, within maximum twenty-four hours after knowing this information in order to adopt the necessary measures for the initiation of investigations of alternative placement within the biological family or the declaration of adoptability, with the exception of weekends, holidays, or if they are in remote locations; these exceptions will have an additional period of forty-eight hours or the next business day.

Upon receipt of such notification, the National Secretariat for Children, Youth and Family will have two days to start proceeding and search for the family tree at the Civil Registry. The Civil Registry, in turn, should provide the consanguineous family tree information within a maximum of ten working days. Once received, the National Secretariat for Children, Youth and Family has thirty calendar days to complete the investigation and prepare the written report. If during the investigation it is not possible to physically locate the whereabouts of the parents or blood relatives, or their whereabouts are unknown, this will be documented in the record. At the end of the period of thirty calendar days, the National Secretariat for Children, Youth and Family will have three days to prepare a detailed ruling as a declared state of adoptability.

Article 30: Foundling children: In cases of children of unknown parents, the National Secretariat for Children, Youth and Family has sixty calendar days to open the record, investigate and prepare the statement request on foundlings, transferring it to the appointed authority, and if accepted, to order registration and the declaration of state of adoptability and will validate copies for the Public prosecutors, who will send official instructions.

Article 31: Voluntary manifestation in the placement of children and adolescents in adoption: The parent who wishes that its child be placed for adoption, including emancipated minor mother, shall communicate its decision to the National Office for Children, Youth and Family and undergo an orientation program whose goal is to provide professional and individual advice and information on the principles, rights and the consequences of adoption. Refusing or failing to attend the program will be considered as an indication to the National Secretariat for Children, Youth and Family of the lack of interest from the biological parents to maintain custody of their child.

If after a period of fifteen calendar days after undergoing the orientation program, the parents still decide to give their child up for adoption, the National Secretariat for Children, Youth and Family shall forward them to the appointed judge to rule in respect of the prohibition in the exercise of parental authority, who will certify the authenticated copy of the declaration before the National Secretariat for Children, Youth and Family to start investigating the biological family.

Article 32: Effect of the act of giving away a child: The act of giving away a child or adolescent will be grave and serious indication for future permanent loss of custody or parental relationship.

The certified record of having given away a child issued by the National Secretariat for Children, Youth and Family constitute documentary evidence for the process of termination of parental rights in compliance with the requirements of the documentary evidence established in the Judicial Code.

Article 33: Beginning of an investigation of the consanguineous family during pregnancy: A mother may express her decision to give up her born child for adoption by contacting the National Secretariat for Children, Youth and Family, which will undergo an orientation program whose goal is to provide professional and individual advice and information on the principles, rights and the consequences of the adoption, and after complying with Article 31, an investigation will be started on the biological family before birth of the child, including cases of rape or incest victims.

The birth mother may abandon the decision of giving away the child within sixty days after the birth of the child.

Article 34: Alternatives within the biological family: The National Secretariat for Children, Youth and Family shall coordinate the search of an alternative family for the child or adolescent in alleged state of deprivation of the right to a family, investigating blood relatives to determine who wants custody and if the family is suitable to care for the child or adolescent. In doing so, it will obtain scientific advice from the Institute of Legal Medicine and Forensic Sciences for DNA forensic evidence confirming family relationship, as well as to carry out all scientific expertise that are required; the reports from the experts will be forwarded to the National Secretariat for Children, Youth and Family after having sent an application request.

Article 35: Investigation of the consanguineous family: The National Secretariat for Children, Youth and Family will use an investigation format as standard protocol for investigations of the biological family.

If during the investigation the consanguineous family expresses its intention to take or not take custody, then it must signed in the investigation format.

If through the investigation it is found that the family lacks resources needed to guarantee adequate living standards and/or to improve their conditions in ensuring the development and protection of the child or adolescent, the National Secretariat for Children, Youth and Family will work on joining the family in strengthening programs.

Relatives within the third degree of consanguinity will be considered if they demonstrate the interest to take custody.

Article 36: Lack of resources: The lack of material resources from the mother, the father and its biological family is not a cause for declaring the separation of the child or adolescent or to decree the declaration of adoptability or legal tutelage.

If during a psychosocial assessment of the mother, father and the biological family of the child or adolescent is found that they lack the necessary resources to ensure adequate living standards and

they show evidence of their intention on working for this, the National Secretariat for Children, Youth and Family will work with the family to join in strengthening programs and will evaluate its results, in order to determine if they have improved the conditions to ensure the development and protection of the child or adolescent.

For such purposes a period of up to sixty calendar days will be granted from the moment that they start getting help and are also subject of the research process.

However, if there is no interest in accepting the before mentioned assistance, it shall be deemed to apply for declaration of adoptability or loss of legal tutelage.

Chapter III Procedure for Termination of Parental Rights

Article 37: Beginning of the termination of parental authority process: In the cases provided for in this Law, when the National Secretariat for Children, Youth and Family presents a detailed request for permanent termination of parental authority to the competent judge, it will be admitted by order within two business days after receipt of application.

This same order shall establish the hearing date, which shall be held within twenty-five working days following the submission of the application, and the competent judge shall order the practice of informal evidence he/she considers fit. Such order shall be served personally, each party will count with three business days to adduce evidence and object on those that have been presented except in cases of unknown whereabouts of one or more of the parties; if this is the case, then a writ of summon will be published for three days in a local newspaper and this will be charged to the applicant and, if the defendants are not in the country, it should be published for three days in a local newspaper and for ten days in the courtroom.

Article 38: Hearing for permanent termination of parental authority: The public prosecutors, the child or adolescent's public defender, and parents must come to the hearing, if these are the ones who are applying for the permanent termination of parental authority.

The National Secretariat for Children, Youth and Family will attend the hearing in cases deemed necessary; institutional foster care may be heard.

The court will rule on the admissibility of evidence and their respective practices and will listen to the child or adolescent, taking into account their age and mental maturity.

The hearing will be held with those present and on the appointed date; this cannot be postponed under any circumstances. The public prosecutors and the child's advocate must provide its opinion during the hearing.

Article 39: Advocate for the absentee: The Fourth Chamber of General Affairs of the Supreme Court will issue an annual list of legal professionals who can serve as an advocate for the absentee.

The Competent judge will assign an advocate for the absentee from this list and the person will assume the representation of the absentee during the hearing of termination of parental authority. The fee for this process will not be more than one hundred dollars (\$100.00), which shall be deposited following the procedures established by the Judiciary; the National Secretariat for Children, Youth and Family shall submit a copy of such deposit slip.

Article 40: Public defender of the child or adolescent: The Judiciary should allocate resources for the appointment of public defenders for the child or adolescent for each nationwide child and adolescent courtroom when this Act comes into force, requesting the special funds it considers appropriate.

Article 41: Judge's Decision: The judge will rule on the request for permanent loss of parental authority during the hearing, granting it or denying it and/or based on the extent of restoration of the right to a family; this will be notified to everyone who had been summoned for arraignment to the hearing.

Chapter IV Procedure for Termination of Parental Rights

Article 42: Appeal: The end decision made by the Competent judge may be appealed before the Court of Children and Adolescents. All other decisions made by the Competent judge are subject to be reconsidered.

Article 43: Presenting the appeal: The party who feels affected by the end decision at the preliminary hearing may appeal by presenting a notification and by presenting facts and the appeal within three working days of being notified of the end decision. The opposite party shall have the same amount of time to appeal, a term that will run from the date the appeal is presented.

Once presented, and without any ruling, the preliminary hearing judge must submit the appeal to the High Court for Children and Adolescents. Once the final judge has been presented with the case, it will proceed to correct procedural defects, and, if it is admitted, it shall refer it to the Attorney General who will decide in a period not exceeding three business days of receipt of the dossier. In the event that the Attorney General does not decide within the established time, then the case must be referred to the High Court to be resolved.

The final judge will have a term of five working days to work on the project and pass it on to the rest of the judges, who, in turn, will have a term of not more than three days to read it. If during the second reading there is an observation to be made, this needs to be done in a term of two days for each judge.

In the Collegiate High Court, the final judge will have an extension of the period established above when there is a voluminous file, following the terms of the Judicial Code.

Article 44: Effects of the appeal: The appeal filed in a process of permanent termination of parental rights will be granted with a suspension effect, referring it to the High Court within the following forty-eight hours after having been presented, maintaining the protection measures, and this appeal stage will not, in any case, last more than forty-five working days from its commencement to the final resolution of the second instance.

The Prosecutor's office will have a term of five days to issue concept, counted from the date that the file was received.

Chapter V Adoption

Article 45: Types of adoption: Adoption can be:

1. *National*: When the people are Panamanian with habitual residence in the national territory, or foreigners with more than two years residing in the country with permanent resident visa.

In the case of nationals who have children who have lived in the home of the person or applicant family for more than a year, it will be given a term of eighteen months from the date of entry into force of this Law to submit an application to legalize their adoption.

2. *International*: When the applicants, Panamanians or foreigners, have their habitual residence in a country other than the adopted child or adolescent and especially when the child or adolescent habitually resides in a country and is going to be moved to another country after its adoption, or an adoption in another country.
3. *Son or daughter of the spouse*: When the spouse or common-law partner present an application after enjoying family life for a minimum period of two years in the case of marriages or at least five years in the case of the union, in fact proven by common means of evidence. If any of the parties dies during the process, the process initiated by legal ward can be continued for the benefit of the child or adolescent. In order to present the application for the adoption of a child of the spouse or common-law partner, a definitive termination of parental rights of the biological parent must be filed first.

Article 46: Prohibitions: The following is prohibited:

1. The adoption of a child to be born.
2. The adoption of a child of the non-emancipated teenage mother unless she has family support within the second degree of consanguinity.
3. For a mother or biological father who directly and voluntarily give up a child or adolescent to the supposedly adoptive parent.
4. A mother and biological father or legal ward of the child or adolescent who have expressly adopted the child, except in the case of a child of the spouse, partner or common-law consanguineous family.
5. The adoption by the spouse or common-law partner without the consent of the other.
6. For an adoptive mother and father to dispose of the organs and tissues of the adopted person for illicit purposes.

7. For the applicants involved in the adoption process to have any type of relationship with public or private entities engaged in the temporary care and foreign accredited institutions engaged in the care of children and adolescents declared in state of adoptability.
8. For potential adoptive mothers or fathers to have any contact with mothers or biological parents of the child or adolescent or any person who may influence the consent of the person, authority or entity involved in the adoption process. Exceptions are cases where the adoptive parents are biological family or biological family.
9. The direct or indirect improper obtainment of benefits, or of any type of material benefits by the biological and extended family or any person as well as by public or private entities and authorities involved in the adoption process.

If the prohibitions mentioned before have been found, the case will immediately be suspended, the adoption will not be permitted and certified copies will be sent to the Attorney General without prejudice to the corresponding annulments.

Chapter VI Adoptee and Adopter

Section 1 Adoptee

Article 47: Adoptee: A person under eighteen can be adopted when the judge declares the state of adoptability and determines to reestablish the right to a family through adoption.

Article 48: Respect for the views of the child or adolescent: The child or adolescent shall be heard during the adoption process and may express their views, which will be assessed according to their degree of maturity and will be recorded in the hearing.

Article 49: Adoption of siblings: It will ensure that the brothers likely to be adopted shall not be separated before or during the adoption process and that are adopted by the same family.

Whenever all the possibilities for joint adoption of the brothers have been exhausted and on the basis of the principle of respect for the rights and guarantees of the child or adolescent, the National Secretariat for Children, Youth and Family must request adoptions separately, preferably national, in which case the adopting people will be required to maintain communication between the brothers, if it is in the best interest of the child or adolescent.

Article 50: Adoption of indigenous children and adolescents or other ethnicities: For the adoption of indigenous children or adolescents and other ethnic groups, preference will be given to the request of the adoptive parents of their own ethnicity, as long as they meet the requirements of this Law.

Section 2 Individual Adopter

Article 51: Adopter: An adopter can be:

1. A person of legal age able and in full exercise of civil and political rights.
2. A man and woman united in marriage for a minimum period of two years or common-law partners, as established in the Constitution of the Republic of Panama as long as both consent.

If a minor is being adopted, in addition to the above requirements, the adopter must be domiciled in the Republic of Panama or in one of the States which has signed and ratified the Hague Convention on the Protection of Children and Cooperation with Respect to International Adoption, or that has signed and ratified the official adoption agreement with the Panamanian state.

Article 52: Conditions for adoption: Adopters must have proven affective, social, moral, and physical and psychological health and have the necessary resources to ensure that the adoptee receives its basic needs.

The person must be qualified to responsibly assume the role as parents with the rights and obligations it generates. They must not have a criminal record.

If the adopter is a biological family member who is not forbidden to adopt under this Law and who lacks the necessary resources to ensure the basic needs of the adoptee, it should be incorporated into the family strengthening programs referred to in Article 14.

If the adopter has descendants, that is not an impediment for adoption.

Article 53: Obligation of the person with an interest in adopting: People interested in adopting are required to complete the paperwork and approve the courses required by the Law to obtain suitability as adopters.

Those found suitable for adoption have shown interest and are required to give full cooperation to the authorities in order to evaluate the integration of the child or adolescent to the adoptive family.

After the adoption has been decreed, the adoptive parents agree to inform the child of its status as an adopted child before the child is seven years old, if that child has the ability to understand, if not, then it has to be informed before the prepubescent. Such information shall be determined as per the orientation parameters that were taught by the authorized parties involved.

Article 54: Limitations to adoption: There are limitations to adoption:

1. A person cannot adopt within the straight line or relationship or be a sibling of the person to be adopted.

2. Among the adopter and the adoptee there must be an age difference of not less than eighteen years and not more than forty-five years. In the case of joint adoptions, the age difference will apply to the spouse or partner who is younger.
3. If when adopting the child of the spouse or common-law partner, the age difference between the adopter and the adoptee must be at least ten years.

These age limits do not apply to cases of adoptions among relatives, except as provided in paragraph 1.

Article 55: Joint and individual adoption: Adoption may be made jointly or individually. A joint adoption is when the applicants are spouses or common-law partners and of opposite gender. If one spouse or common-law partner withdraws before the adoption is settled, then the process will continue with the spouse that is interested.

If the couple separates, divorces or do not live together, the adoption process can continue jointly, if both parties express their desire to do so; it can also become an individual adoption process if only one of the two wants to continue the process, as long as it is not the guilty spouse and if the expertise of the interdisciplinary teams determines there is no serious diseases that can affect the children and adolescents.

Single people may adopt if it is in the best interests of the child or adolescent as defined by this Act, in which case the decision will be made based on individual adoption.

Article 56: Adoption by the legal ward: The legal ward can adopt the protégé after legally removing his position and the courts have approved the accounts of his administration, except as provided in paragraph 1 of Article 54.

In the case of a testamentary legal ward, if the appointment had been made prior to the adoption, the person will remain in charge of the administration of the property, except if the person must be removed from the legal guardianship on legal grounds. When such appointment is made subsequent to the adoption in probate testamentary proceeding, the judge shall decide if the person can keep testamentary legal ward on the administration of property or if the property should be administrated by the adoptive parent, in which case a formal legal inventory will be done and duly notarized.

In this case, the requirement included in this article for the legal ward is extended to the foster home and to that which has custody and parenting, with the limitation described in Article 54.

Article 57: Property belonging to the adopted child: In the event that the person sought to be adopted has property that is under the responsibility or custody of another person, the adoption cannot take place without involving solemn duly registered legal inventory of goods in favor of the adopted person to satisfaction of the Competent adoption judge.

The administration of property, at the discretion of the judge and in the best interest of the adoptee, may be administered by the adopter or it could stay under the administration of one who had it so far.

Article 58: Death of one of the adopters: When one of the adoptive parents dies during the adoption process, the process initiated by both can be continued to completion, as long as the expertise of the interdisciplinary teams determines there are no serious pathologies that can affect children and adolescents.

Chapter VII Effects of the Adoption

Article 59: Kinship due to adoption: Adoption creates kinship between the adopter and the adoptee, just as that between the parent and the biological children; a bond which brings forth the same rights and duties of kinship by blood.

All rights, attributes, duties, responsibilities, prohibitions, disqualifications and impediments created because of parental relationship or parental rights are established between the adopter and the adoptee in the case of minors.

This legal relationship is extended to the descendants of the adoptee and the adopting family.

The legal family relationship created due to adoption is final, indivisible, inalienable and irrevocable. The death of the adoptive parent or parents does not restore parental rights or parental relationship with the biological mother or father of the adoptee.

Article 60: Termination of the legal family kinship: The adoption extinguishes the relationship between the adoptee and the nucleus biological family members or consanguineous family.

However, the matrimonial impediments of the adoptee will still remain because of blood kinship relations, and other rights and prohibitions established in this Law.

Article 61: Name and Surname: The adoptee takes the surname of its adopter or adopters.

In relation to the adopted name, the trial judge shall, at the request of the party, decide and justify whether if the change is justified or not, according to the rights and guarantees of the child or adolescent.

Article 62: Retroactive effect: For immigration purposes, once the adoption has been decreed, this is retroactive to the date of the resolution granting the pre-adoption placement.

If the spouse or common-law partner adopts or if it is an adoption of children of foster parents, this will be retroactive to the filing of the petition for adoption.

Article 63: Adoption granted abroad: When the adoption is granted abroad, the duties and rights of the adopter and the adoptee with each other shall be governed by the Law of the domicile of the adoptee at the time of the adoption; when this would have been granted in another state, provided

its compliance with what has been established in Article 7 of the Family Code and the Convention on the Protection of Children and Cooperation with Respect to International Adoption.

Article 64: Extraterritoriality: Panamanian children or adolescents whose adoptive parents are citizens of another State shall enjoy all inherent rights, product of its nationality and the Panamanian State, and the Panamanian state must provide protection and assistance in accordance with this Law and other laws. The Consular Corps of the Republic of Panama shall coordinate with the National Office for Children, Youth and Family, after having had communication with the Ministry of Foreign Affairs, in checking on the Panamanian children and adolescents' situation abroad. If a child or adolescent abroad is in any special difficult circumstance, it is the duty of the Panamanian diplomatic Corps to ensure its protection under the coordination and supervision of the National Secretariat for Children, Youth and Family and/or the Ministry of Foreign Affairs.

Article 65: Nationality of the child adopted abroad: The nationality of children and adolescents born abroad and adopted by Panamanian people shall be governed by the provisions of the Constitution of the Republic of Panama.

Chapter VIII License for Adoption

Article 66: Entitlement to a leave of absence: In a single or joint adoption, the adoptive mother is entitled to 4-weeks paid leave of absence for adoption, counted from the date of notification of the decision to grant pre-adoption placement, to facilitate insertion of the child or adolescent to the family dynamics.

The adoptive father in individual adoption will be eligible to two weeks, which will be deducted from his vacation time.

Article 67: Rules in obtaining a leave of absence: The leave of absence set forth in the preceding Article shall be as regulated according to the rules of the Social Security institution in relation to maternity allowance, provided the legal term has been met.

Article 68: Notice: The National Secretariat for Children, Youth and Family when decreeing pre-adoption placement, will notify the appropriate authorities so that the paid leave of absence process will take place.

Chapter IX Nullity

Article 69: Legitimacy and grounds for revocation: The annulment of the decision will be done by the competent court at the request of the adoptee, the prosecutor or the public children defender,

when it has been enacted that there have been serious violation or non-observance of substantive and procedural rules.

The invalidity action requested by the mother or biological father only comes to effect when the process of permanent termination of parental authority has been previously declared invalid due to violation of substantive and procedural guarantees.

Article 70: Statue of limitation: An action for annulment of adoption shall lapse in two years from the date of the registration in the Registry, or after the declaration of permanent termination of parental rights has been cancelled, except for the absolute nullity and when is requested by the adoptee.

Chapter X Adoption Procedure

Article 71: Constitution of adoption: Adoption filiations is established by court order issued by the personal appearance of the concerned parties, of the public prosecutors, the children and adolescents' advocates, the National Secretariat for Children, Youth and Family and the legal representative of the foster care institution where the adopted child or adolescent is living when requested by the parties.

The constitution of the adoption proceeds only where the conditions and procedures required by law are in effect, and there are good reasons and advantages for the adoptee.

Article 72: Adoption procedure: The adoption procedure is the set of actions aimed at restoring the right of the child or teenager in having a family, which comprises the following steps:

1. Pre-adoption assessment
2. Pre-adoption assignment
3. Pre-adoption placement
4. Constitution of adoption
5. Monitoring post-adoption

Article 73: Starting the adoption process: The procedure of adoption of a child or adolescent begins when the National Secretariat for Children, Youth and Family receives from the Competent Court the decree of permanent termination of parental rights of the biological parents, or when there is an absence of alternatives within the consanguineous family, and there is an order for the child or adolescent to return the legal right to a family through adoption and subsequent registration in the National Registry of Children and Adolescents in State of Adoptability.

With respect to adoptive applicants, the process begins when the National Secretariat for Children, Youth and Family receives the application with the required documentation attached.

Article 74: Individual or joint request: The adoption application must be filed jointly or individually through a legal representative or directly by the party to the National Secretariat for Children, Youth and Family.

However, the appointment of a legal representative will be compulsory in the pre-adoption allocation stage.

When the adoptive applicants are spouses or common-law partners, the application shall be made jointly. When the applicant is single, the application shall be made on an individual basis, also taking into consideration the prohibitions laid down in Article 46.

Article 75: Documentation required for National adoption: National applicants interested in adopting must submit the following documents with the application:

1. Birth Certificate of the person or persons interested in adopting.
2. Marriage certificate or proof of common-law union, if any.
3. Proof of labor or last two tax returns, if self-employed, and bank reference letter or any other document to establish the capacity to meet the material needs of the child or adolescent.
4. Psychosocial assessment done to the adopting people's children or of any person residing permanently in the adopter's home, except employees at the home if any, reflecting the views of the respondents.
5. Medical certificate of good physical and mental health issued by a licensed physician in the Republic of Panama for domestic cases, or by someone similar in the host country for international cases.
6. Psychological assessment by a psychologist issued by suitability professional. Such assessment shall be subject to the provisions of Article 78. If required, a clinical or forensic psychologist report may be required.
7. Two recent color passport-size photographs.
8. Color photographs, postcard size, of the facade, the interior and the back of the applicant's house.
9. Certification of personal background information.
10. Adopter's social work assessment, conducted by a qualified professional social worker.
11. Two letters of recommendation from persons of recognized moral other than relatives, and that have known the person for a period exceeding ten years.
12. Acceptance of post-adoption follow-up during the three years following the adoption.
13. For national applicants, certificate of completion of the Training Program for Prospective Adoptive Parents issued by the National Secretariat for Children, Youth and Family or by a non-governmental organization approved by SENNIAF for this purpose. For foreign applicants, the Secretariat will verify the validity of certificates issued by central authorities or associates on adoption of the country.
14. Affidavit to establish the intention of the parties to adopt.

The National Secretariat for Children, Youth and Family may request the update or renewal of all or part of the documentation.

Section 1: Pre-adoption Stage

Article 76: Pre-adoption stage: The National Secretariat for Children, Youth and Family, within three business days of receipt of the application, shall admit it by mere adherence to obedience, thus starting this pre-adoption stage.

If the application is rejected, the applicants shall be served personally.

At this stage, the technical team appointed by the National Secretariat for Children, Youth and Family or those non-governmental organizations approved by the Department for pre-adoption assessments may conduct home visits, interviews and psychological tests to applicants, as well as other psychosocial assessment deemed necessary to complement the information already obtained.

The pre-adoption stage will last a maximum of two months as of the date of acceptance of the application for adoption. During this period, the adoptive applicants must attend the courses for adoptive parents provided by the National Secretariat for Children, Youth and Family or by authorized NGOs.

Article 77: Request of documentation and psychosocial assessments: The National Secretariat for Children, Youth and Family may request documents that complement the adoption process to all public institutions, including a certification of personal background information, birth certificates and a certificate of non-ownership of property.

The Secretariat shall be entitled to apply for registration of children and adolescents who are not registered, but that have birth certificate, to the Registry Office. In cases of foundlings, registration is jurisdictional.

The National Secretariat for Children, Youth and Family may require, according to needs of assessment, documents and any other requirement to the adopter to be provided in the proceedings.

The National Secretariat for Children, Youth and Family is responsible for conducting the expert psychosocial surveys provided in the adoption process, in order to ensure the suitability of the people interested in adopting. Five working days will be given for this expert survey, counted from the ruling of acceptance of the application.

Article 78: Psychosocial assessment in the pre-adoption stage: Three days of separate interviews (not consecutive) and a personal interview with the adoptive couple (or individual) at home, a separate interview with each member of the family more than seven years old and an interview with the present family should be done for the psychosocial assessment in the pre-adoption stage.

The following psychosocial assessment in the pre-adoption stage must also be done and they should remain on the records of the adoptive applicants:

1. The reasons for applicants to adopt.

2. The strengths and needs of each household member.
3. How applicants perceive the attitudes and feelings of the applicant's family toward accepting adoptive children and parenting children not born to them.
4. The attitudes of the applicants toward the birth parents, and with regard to the reasons why the child or adolescent is in need of adoption.
5. Applicants' attitudes towards the behavior of the child or adolescent and discipline.
6. The applicants plan to discuss adoption with the child or adolescent.
7. Emotional stability and maturity of the applicants.
8. The ability of applicants to address the problems, stress, frustrations, crises and losses.
9. The applicant's ability to give and receive affection.
10. The skills of applicants in the care of the child or adolescent and the desire to acquire additional knowledge needed for the development of the child or adolescent.
11. The ability of applicants to meet the physical and emotional needs of the child or adolescent.
12. The strengths and needs of the biological children or of those previously adopted.
13. The physical and mental health of the applicant, including any signs of addiction to alcohol, drugs or psychotropic substances.
14. Current financial information provided by the applicants, including property, income and expenses.
15. Personal references and sexual orientation of applicants.
16. The location and physical environment of the home.
17. The care plan for the child or teenager if the parents work.
18. The findings for the adoption, in terms of the number, age, sex, ethnic qualities, characteristics and special needs of children and adolescents that can be met by the family, including observations indicating whether the prospective adoptive parents are eligible and qualified to adopt.
19. Any previous participation in adoption processes proceeding in which applicants have been actively involved and the result.
20. If any applicant has been prosecuted for domestic violence, sex crimes, abuse or other crime under the Panamanian criminal laws.
21. The age of the applicant, date of birth, nationality, race or ethnicity and any religious preference.
22. The marital status of applicants and their family situation and history, including the presence of the applicants' children born or adopted and any other children in the home.
23. Educational and employment history and skills of the applicants.
24. Any other additional fact or circumstance that may be relevant to determining the applicant's suitability to be an adoptive parent, including the quality of the home environment and the level of functioning of children in the home.
25. Any specific document required by other countries to be included in the social assessment and any immigration document required to bring an adoptive child to Panama.

Article 79: Psychosocial assessment: If an applicant does not have the resources to provide psychosocial assessment on its own, then it must be prepared and finalized by the technical team of the National Secretariat for Children, Youth and Family or by the NGO approved by this Department within a maximum of ten working days, counted from the ruling of acceptance of the application, and should become part of the permanent record of the applicants in the National Secretariat for Children, Youth and Family.

Article 80: Confidentiality inherent to the assessments: The assessments are confidential, except for the appointed authority, and shall be filed and maintained in the respective files, so as to ensure such confidentiality. To this end, the National Secretariat for Children, Youth and Family should scan these files in a secure electronic format and submit original records every five years to their archive section.

Article 81: Duration of assessment in the pre-adoption stage: When adopting a child of the spouse or partner, the pre-adoption stage shall not exceed thirty calendar days and it is exempted from the pre-adoption placement stage.

When adopting a foster child, pre-adoption stage assessment shall not exceed thirty calendar days and it is exempted from the pre-adoption placement stage.

Article 82: Declaration of suitability to adopt: Upon completion of the psychosocial assessment or review and the development of each technical report detailing the proceedings, investigations and assessments done to the applicants, the National Secretariat for Children, Youth and Family will issue within five working days following the administrative decision decreeing or refusing the suitability of applicants. The decision must be substantiated; suitability will be valid for two years.

A motion for reconsideration of this resolution can be presented within two business days of notification; it must be justified within the next three working days without any ruling.

The National Secretariat for Children, Youth and Family will resolve the appeal within five working days of its justification.

Article 83: Suitable Adoptive People Databank: Adoptive applicants who have been found suitable will be incorporated into the Suitable Adoptive People Databank.

This database shall contain, in chronological input order, information from each applicant declared suitable, which will be considered in accordance with this order, except where duly motivated and always keeping the best interests of the child or adolescent as provided in this Law.

Article 84: Family Assignment Committee: The Family Assignment Committee is established to handle adoption issues. It shall consist of two members of the technical team of the National Directorship of Adoption of the National Secretariat for Children, Youth and Family and three non-governmental representatives of the National Support Network for Children and Adolescents in Panama, chosen for a period of one year which may be renewed for one more year, at the discretion of the National Support Network for Children and Adolescents in Panama.

The decisions of the Committee shall be taken by consensus and, if this cannot be done, then they would proceed to vote, deciding by simple majority, primarily considering the best interests of the child or adolescent.

The technical team that prepared the reports that are the basis for selection should be available during the meetings of the Committee, to clarify unclear points of the report, if so provided by the Committee.

Article 85: Organization of the Committee's meetings: The Family Assignment Committee in Charge of Adoption Issues will need to meet every fifteen days, subject to weekly meetings when deemed appropriate.

The National Secretariat for Children, Youth and Family will act as the secretariat of this Committee, performing the following functions:

1. Organization and coordination of the Committee's meetings
2. Presentation of alternative families suitable for children and adolescents in state of adoptability
3. Recording the minutes of each meeting, stating the date, the venue, the existence of quorum, the names of the participants, and the numbers of cases examined, the arguments in favor and against each pre-assignment performed or rejected as the result of having voted. The minutes are to be filed in the National Secretariat for Children, Youth and Family and must be signed at the time by all the people who participated in the meeting.

The minutes of the meeting must be included in each case discussed by the Family Assignment Committee in Charge of Adoption Issues, stating the elements that were taken into consideration when deciding allocation. In the event that there was a majority of votes or consensus, the minutes will be placed, by decree, in a mural of the National Adoption of the National Secretariat for Children, Youth and Family for a period of three working days, within which the legal representatives of the interested parties may file appeals as established by this Law.

Article 86: Committee's Decision: The assignment is a decision made by the Family Assignment Committee in Charge of Adoption Issues, expressed by administrative act by which a family is assigned to a child or adolescent in state of adoptability.

Article 87: Acceptance or denial of the assignment: The assignment provided by act shall be notified personally to legal representative of the applicant for acceptance or denial. Assignments will always be accompanied by the medical, psychological and educational report of the child and/or adolescent. Prospective adoptive parents have the right to know everything about the health of the child or adolescent that has been assigned.

The applicants residing in the country shall express their acceptance or rejection of the assignment in writing directly or through a legal representative, within a period of five working days of notification.

In the case of applicants residing abroad, the legal representative, central authority or accredited body must state their acceptance or denial within a maximum period of thirty working days, counted from the applicants confirming receipt of such notice.

Article 88: Revocation of the assignment by the Committee: The Family Assignment Committee in Charge of Adoption Issues will revoke the assignment if any of the following occurs:

1. When the teenager does not consent to the assignment and when children state their opinion contrary to their assignment for adoption.
2. When the adopters desist in adopting the child or adolescent or when it has not been stated within the period specified in the preceding Article.
3. When the judge has denied the adoption.

Article 89: Appeal: The appeal will be announced and sustained within three working days of the notification of the decision of the Family Assignment Committee in Charge of Adoption Issues, and must be presented to the Board of the National Secretariat for Children, Adolescents and Family, which should resolve within ten working days. The appeal will be granted as suspension effect.

Article 90: Accompaniment and interaction by assignment: Once the placement of the child or adolescent has been accepted, the technical team appointed by the National Secretariat for Children, Youth and Family will accompany the adopters. This is the guidance and information needed for the proper understanding and attention to the special needs of the child or adolescent, as well as family dynamics and the construction of proper bonding and family integration during the different developmental stages of the minor.

While accompanying them, the technical team will evaluate the family relationship as favorably or unfavorably. The assessment report will reflect the adaptation of the child or adolescent with his/her future fathers and/or mothers, as well as the ability of these to cope with the child or adolescent that has been assigned.

In the case of children and adolescents who are in foster care institutions, the National Secretariat for Children, Youth and Family will assign a period of interaction between the adopters and the child or adolescent, required to gradually prepare the adoptee on changes in their living conditions, which shall not exceed ten calendar days. The technical team of the National Secretariat for Children, Youth and Family will assist the bonding process by providing the adopter and the adoptee methods to promote this linkage process. Exempted from this period of interaction are those cases that from the beginning of the relationship shows a clear empathy between the parties; these may proceed with the pre-adoption placement period.

Article 91: Pre-adoption placement period: If there is a positive assessment on the relationship, the National Secretariat for Children, Youth and Family will proceed in issuing a reasoned decision, granting the pre-adoption placement, which will last thirty calendar days.

The pre-adoption placement will be monitored and evaluated by the technical team of the National Secretariat for Children, Youth and Family or by a cooperating organization authorized by this Department. To that end, they will carry out three visits and assessments needed to check the suitability of the child or adolescent in the environment of the future adoptive family. These visits, in the case of national applicants, will be in their home, and in the case of international applicants, at their temporary home.

Article 92: Rights and obligations of pre-adoption placement: Pre-adoption placement does not create rights for the applicants regarding the child or adolescent. However, it creates obligations, to care and protect and of comprehensive care from the family.

Section 2: Stage of Adoption

Article 93: Purpose: The judicial adoption declaration aims to create the state of filiation by adoption. This will be given together with the personal appearance of the parties and the intervention of the Public Prosecutor, the children and adolescents' defender and the National Secretariat for Children, Youth and Family. The legal representative of the institutional foster home where the adopted or adolescent had been placed may be present when requested by the parties. This declaration only proceeds where the conditions required by this Law are fulfilled and for good reasons and will offer advantages to the adopted person.

Article 94: Judicial declaration of adoption: After completing the pre-adoption stages, the National Secretariat for Children, Youth and Family will send the judge formal request for the establishment of the adoption in the period of five business days after ending of the pre-adoption placement. In making it a legal adoption, this application will have the adopter's file, a report with the profile of the child or adolescent, the certified copy of the minutes taken at the Family Assignment Committee in Charge of Adoption Issues, acceptance from the people making the request or the Central Authority acceptance statement of the allocation or of accredited institutions in the cases of international adoption, and the other requirements as per this Law.

Article 95: Court proceedings: Once the adoption petition and the documentation that accredits the pre-adoption period as favorable by the National Secretariat for Children, Youth and Family has been filed, the appointed judge shall issue an order for admission within three working days, once the application has been received; the date of hearing will be set to be held within fifteen working days, counted from the date the application was accepted.

Article 96: Probative value: The assessment and reports produced or endorsed by the National Secretariat for Children, Youth and Family constitute evidence in the adoption process. However, once the reports have been received, the competent judge, based on the principle of sound criticism, may order a one-time extension within the next five working days after receiving the records. Once they have ordered the extension, the National Secretariat for Children, Youth and Family will have a period of ten days to get the information they need and return the file to the competent judge, who shall have the respective hearing within a period of ten working days after having receiving it.

Article 97: Adoption hearing: The hearing will be held with those present, without the need of new designation. If the prosecutors and/or defender of the child or adolescent are absent, without just cause, the hearing may be suspended only once if duly motivated circumstances exist in the file, which must be programmed to a new date within five days business following the postponement and the hearing will be held with those who are present.

At the adoption hearing, the parties to the proceedings will submit or present evidentiary admissibility, thus, said decision cannot be appealed. The public prosecutor and the public defender of children and adolescents are required to give opinion during the oral hearing, which shall not exceed twenty minutes. The judge will rule on the petition for adoption during this hearing. The sentence shall be deemed served to the parties who are present at the hearing. Those who are not present will be notified according to notification rules established by the Judicial Code.

Article 98: Appeal: The party aggrieved by the decision of granting or rejecting the adoption has the right to appeal in the act of notification or within two working days of notification. The appeal against the judgment of adoption has a suspension effect. After announcing the appeal and without ruling that supports the appeal, thus granting the appeal, the appellant shall have three business days to present. Once that term has lapsed, the other parties will have three business days to object without ruling. The presentation will be before the court handling the case.

Article 99: Hearing in court of appeals: Once the case has been received by the Court of Appeals, the appointed judge shall forward it to the Attorney General, which will have a term of five working days to issue concept in a court of appeals. The appointed judge shall prepare a draft on his decision within ten working days after having received it and the rest of the judges will have a term of three days each to make their observations.

The process of a hearing in the court of appeals, for any case, shall not exceed a period of thirty days, counted from the day the Court *ad quem* received it. If there are comments on the draft, the judge will have two days to read them.

Article 100: Registration of the adoption: Once the adoption has been granted, the judge will have a term of three working days from the date of the execution of the judgment, to refer to the Civil Registry a certified copy to be properly registered. The Civil Registry shall register it within five business days of receipt and once the registration has been completed, it will have a maximum term of five working days to provide a copy of the registration marginal to the court to be filed.

The Civil Registry Office, in coordination with the Judiciary, will establish audit mechanisms to verify the number of decision issued on adoptions.

Section 3 Post-adoption Stage

Article 101: Post-adoption stage: Once the court has granted the adoption, the post-adoption stage will begin, which involves regularly monitoring the new relationship for three years.

The National Secretariat for Children, Youth and Family will be responsible for performing periodic monitoring every four months for a period of three years.

The Secretariat shall monitor the term described above regarding Article 53 making sure that adoptive parents have complied with the obligation to inform the child or teenager about being adopted.

Article 102: Referral by default: In case of default in the exercise of parental authority, the National Secretariat for Children, Youth and Family will issue a copy to the appointed authority and the court for children and adolescents in charge of instructions on the appropriate law.

Chapter XI International Adoption

Article 103: Assumptions on international adoption: International adoption is subject to the following assumptions:

1. That the host country is a subscriber of the Convention on the Protection of the Children and Cooperation Regarding International Adoption. If there is an agreement or convention on adoption between the Republic of Panama and the host country, it must be abided by the guarantees and terms of the Hague Convention on the Protection of the Children and Cooperation Regarding International Adoption.
2. That the central authority of the host country, or the appointed authority protecting the rights of children and adolescents ensures the adequacy of the procedures and that the adopted children and adolescents enjoy all the guarantees and rights that the country of origin provides its nationals recognizing its nationality in the host country.
3. That there are rights, guarantees and minimum conditions for the adoptees in the host country, like those embodied by Panamanian laws, including the Convention on the Rights of the Children.

Article 104: Collaborating entities in respect of international adoption: Accredited institutions, as partners in international adoption duly accredited and registered by the central authority of the host country, may be intermediaries in international adoption processes within the country.

The adoption collaborating entity seeking accreditation in the Republic of Panama shall prove that it is authorized to operate in the State of Panama by the Central Authority of the reception state and that it complies with the requirements imposed by the Panamanian laws.

Article 105: Limitations to international conventions on adoption: The State will only sign adoption agreements with other states when they comply with the guidelines and directives of the Convention on the Rights of the Child and the Convention on the Protection of Children and Cooperation Regarding International Adoption, and all human rights instruments ratified by the Republic of Panama.

Such arrangements shall stipulate:

1. The minimum requirements to be met by prospective adopters, which, in any case, can be less than those required for domestic adoption
2. Assessment mechanisms on agreements
3. The commitment to accountability in matters that are required by the central authority
4. The obligation of the counterparty to submit reports as requested

Article 106: Effects of failure to adopt conventions or agreements: The breach of the obligations set forth in the preceding paragraphs shall be grounds for the Central Authority for adoptions to be made known to the Ministry of Foreign Affairs, who, in turn, will make the appropriate arrangements to terminate the agreement or arrangement.

The failure to file follow-up adoption reports or lack of protection in violation of the rights of the adopted children and adolescents shall constitute sufficient grounds for the Central Authority for adoptions are known to the Ministry of Foreign Affairs to end any international convention regarding such country.

Article 107: Application for international adoption: When the applicants are living abroad, they must submit their application for adoption through the central authority of the collaborating institutions or international adoption institutions in the host country. Once the Panamanian Central Authority has received it, the applicants will choose a legal representative suitable to practice law in the Republic of Panama.

Article 108: Documentation required for international adoptions: In the event that the applicant or applicants are foreigners or nationals living abroad, in addition to the provisions of Article 75, it shall submit the following documents:

1. Psychological study of applicant including psychofamiliar dynamics, presented by the central authority or institution accredited by the central authority of the host country.
2. Socio-economic assessment of the applicants, including the dynamics and functioning of the family, presented by the Central Authority or accredited body by the central authority of the host country.
3. Police record issued by the appropriate authority.
4. Copy of the passport.
5. Copy of authorization allowing the adoptee in the host country.

6. Authorization to adopt issued by the central authorities or intuitions accredited by the appointed central authority on adoptions in the host country.
7. Certification issued by the central authorities or institutions accredited by the central authority in the host country, stating the commitment to follow up on the child or adolescent during the adoption process for a term of three years.
8. Certificate of participation in the courses for adoptive parents issued by the central authority or institutions accredited by the central authority on adoptions of other nations and recognized by the Republic of Panama.
9. Authorization or visa from the host country allowing the adopted child or adolescent to enter the country.
10. Certification issued by immigration or nationalization authorities on nationalization requirements.

Article 109: Documents issued abroad: All documents issued abroad must be duly authenticated by the Apostille stamp of (Hague Convention of October 5, 1961) or, alternatively, authenticated at the consulate or embassy of Panama in the country of issuance. If there is an agreement regarding the apostille, it must be governed by it.

All documents that are not in Spanish must be accompanied with a translation made by an authorized translator with license to practice in the Republic of Panama.

Article 110: Pre-adoption placement in international adoptions: The pre-adoption placement in international adoptions may be made in the Republic of Panama or in the country of residence of the adopters and will have a maximum duration of three months; the adopters must stay in the country during the first two months. If the pre-adoption placement is continued abroad, this request must be submitted to the appointed court so it will grant exit permits, abiding by the provisions in the current legislation on migration.

Article 111: Tracking international adoptions: The State, through the Central Authority, or institutions accredited by the Central Authority, has the responsibility to conduct regular follow-ups on the residence and living conditions of the adopted children and adolescents, in accordance with the rules of the this Act, and is required that measures be taken as deemed necessary, in accordance with existing international instruments to improve these conditions if it is established that they are not suitable for the development of the adoptee.

It is also responsible, quarterly and for a period of three years, in requiring the central authorities of entities and foreign collaborating agents of other countries that allow sponsored international adoptions, the follow-up reports that are bound by such international instruments. The responsibilities outlined cease after three years after the date of adoption. The agreements or arrangements shall stipulate that this monitoring will be done quarterly.

Article 112: Coordination with the foreign service: The National Secretariat for Children, Youth and Family, together with the Ministry of Foreign Affairs, will issue a manual on the Panamanian state's

obligation to provide and demand extraterritorial protection to the children and adolescents who are abroad, especially underage persons adopted by people not residing in the country.

It will also organize or approve seminars previously evaluated by the National Secretariat for Children, Youth and Family addressed to the consular corps in order to implement, evaluate, and modify the mechanisms and procedures for an effective and timely comprehensive protection for the Panamanian children and teenagers abroad.

Article 113: Receptive adoption: Foreign children and adolescents, being adopted by Panamanians or foreigners permanently residing in Panama, shall enjoy all the rights, guarantees, attributes, duties and responsibilities under the Law and international instruments and according to the national adoption regulations. In the case of international adoptions, verification regarding the nationalization of the adoptee should be made in accordance with section 10 of Article 108.

Title V Nullity and Penalties

Article 114: Legitimacy and grounds for nullity: The Court for Children and Adolescents will only nullify at the request of the adoptee, the prosecutor or the defense counsel of the child and adolescent, when it has been enacted with serious violation or non-observance of substantive and procedural rules.

The nullity action requested by the mother or biological father is only made effective when the process of permanent loss of parental authority has been previously declared invalid for violation of substantive and procedural guarantees.

Article 115: Sanctions for individual benefit: Individuals who commit acts prohibited by this Law and improperly benefit directly or indirectly from the processes will be investigated and prosecuted for the crime that has been incurred; the appointed authority must issue the copies to the Attorney General.

A public servant, who is involved in the conditioning of consent to the adoption or receives a financial benefit of any kind or mediates in this area for profit, shall be liable to removal from office and this shall be communicated to the Attorney General for investigation based on the provisions of the Criminal Code. Without prejudice to any criminal liability that may be incurred, the public servants who violate the provisions of this Article shall be subject to disciplinary action, according to the gravity of the offense committed by their superiors.

The National Secretariat for Children, Youth and Family will respond with solidarity for the lack of supervision of deficient or defective services performed by authorized agencies or that are exercising the power conferred by Article 24.

Article 116: Punishment to the parties and other proceedings: The appointed court shall impose a fine of between five hundred dollars (\$500.00) and one thousand dollars (\$1,000.00) to the parties and any other participants in the process who do not attend to the hearing without just cause that has been filed only once.

Assessment experts in the allocation process and the members of the Family Allocation Committee in Regards to Adoption Issues are also responsible for actions arising when performing their functions.

If the appointed judge acts upon breach or evasion of procedural responsibilities of the parties under Article 93, it shall be responsible for disciplinary offense and will be punished in accordance with the provisions of the judiciary law.

Article 117: Penalties for delay or prejudice: All administrative officers that delay or cause any damage in the processes provided for in this Act shall be punished by their superiors upon request and verification of those affected or by those who represent or take care of a child or teenager as follows:

1. A fine of between two hundred fifty dollars (\$250.00) to five hundred dollars (\$500.00)
2. Suspension of the exercise of office for a period of three months without pay
3. Removal from office for good

If the given event leads to penalty and crime, the superior officer imposing the sanction shall provide a copy of the record to the Public Prosecutor to initiate and determine criminal liability.

If there is a delay or loss generated in the process, it will be up to the judge to apply disciplinary sanctions in accordance with standards established by the Judicial Code.

Title VI Additional Provisions

Article 118: Article 342 of the Family Code is as follows:

Article 342: There is deprivation of the right to the family of a child or adolescent by the father and/or mother, immediately causing permanent loss of custody or parental authority, when:

1. Unreasonably it has failed to maintain contact with the minor in a duly proven period of sixty calendar days
2. It repeatedly eludes fulfilling its duties and obligations in a period of sixty calendar days, and/or
3. It has proven to be inappropriate or negligent, as defined by this Code.

Also produce deprivation of the right to family of a child or adolescent when his biological family falls within any of the circumstances set forth in Article 341.

Article 119: Article 343 of the Family Code is as follows:

Article 343: The Public prosecutors, the relatives of the child or adolescent and the National Secretariat for Children, Youth and Family can legally request the permanent termination of parental authority referred to in the previous Article and will become an active part in such proceedings processes.

The legal representatives of institutional foster care who have welcomed a child or adolescent for a period of sixty calendar days without any contact with their biological family must give written notice to the fulfillment of that term to the National Secretariat for Children, Adolescents in order to provide additional evidence within the procedures of permanent loss of parental authority.

Article 120: Repealing Article 343-A of the Family Code.

Article 121: Article 343-B of the Family Code is as follows:

Article 343-B: Once the permanent termination of parental rights and/or declaration of adoptability have been requested by the Attorney General, the National Secretariat for Children, Youth and Family or by relatives of the minor, due to judicial economy, the appointed judge, in process, shall determine if the demand is founded, according to the following rules:

1. If parental responsibility to the mother or the father is revoked, parental responsibility shall be performed by the other.
2. If parental authority is revoked to the father and mother, and it has been proven the existence of alternative within the consanguineous family who wants legal guardianship or tutelage, it will be granted by the Court.
3. If parental rights are revoked to the father and mother, and the existence of competent family alternative is not proven, the judge shall order reestablishment of the juridical family bond, restoring the right to family through adoption, declaring its adoptable status under the procedural rules set out in this Adoption Law.
4. If there are orphans, or those whose parents are unknown and without family alternatives, the judge will then immediately proceed to declare a state of adoptability.

For relatives who are demanding the permanent termination of parental rights may only request so through court.

With regards to the above assumptions, the process is performed through special procedural rules established in the Adoption Law.

Article 122: Article 369 of the Family Code is as follows:

Article 369: The placement of the child or adolescent in a receiving family does not exclude the receiving family to request in the future the adoption of the child or adolescent in their care. However, this is not a requirement, as each case will be governed by the best interest of the child or adolescent. Receiving families wishing to adopt a child or adolescent in their care must comply with the adoption requirements set forth in this Adoption Law.

The placement in a receiving family is only allowed in the country, and only when the parents are Panamanian or foreigners with permanent resident status, or nationalized and residents in Panama.

Article 123: The numeral 4 of Article 752 of the Family Code is as follows:

Article 752: Sectional Family Courts are responsible to learn and decide in the first hearing:

...

4: Adoption of an adult person.

...

Article 124: Public Defender of child and adolescent: A public defender of children and adolescents for each Court of Children and Adolescents, except for courts in Panama Center, Veraguas and San Miguelito where two advocates will be appointed. These advocates will be appointed after the entry into force of this Law, and extra budget is assigned.

Article 125: Requirements of the child and adolescent defender: To hold the office of public defender of the child and adolescents, the person needs to be a law graduate and have a license to practice the legal profession in the Republic of Panama and have studies and experience in children and adolescents for more than five years.

The Jurisdiction for Children and Adolescents will be part of the selection committee of these professionals.

Article 126: Foster Care Department: From the entry into force of this Law, the National Secretariat for Children, Youth and Family will create the Foster Care Department, consisting of a legal and technical team with expertise in childhood and adolescence, to train, assess and monitor foster homes; it will have extra budget.

Article 127: Report on the implementation: The National Secretariat for Children, Youth and Family will coordinate and evaluate, together with the Jurisdiction of Children and Adolescents of the Judiciary, the Civil Registry and the Panamanian Association for Family Planning, the progress and results of this Law and shall report this every six months to the Committee on Women, Children, Youth and Families of the National Assembly.

**Title VII
Special Provisions**

Article 128: Adoption of an adult person: The adoption of an adult person under this Law is the responsibility of the family sectional judge and the process will be subject to the rules of ordinary common procedures established in the Family Code.

To be able to appropriately adopt and adult it is necessary:

1. Consent of the adoptive person.
2. Coexistence with the adoptive people, of not less than five years before coming of age
3. Proof that there is an existence of affective family bonding with the adopters
4. That the adoptee files its request within a period of two years from the age of majority.

Article 129: Disqualification from public office: People who have been sentenced to prison for crimes against sexual freedom to the detriment of minors, spousal homicide or relatives prejudice, drug trafficking, arms trafficking, money laundering and trafficking cannot hold public office paid by the State, even though they fulfill the requirements of the Law.

**Title VIII
Final Provisions**

Article 130 (transitional): Rules on current adoptions in process: Adoptions that, on the effective date of this Law, are pending proceeding are subject to the substantive and procedural rules laid down in this Law, except for cases in which the pre adoptive placement stage has started, whose proceedings will continue in accordance with the previous law, as long as they do not incurred any of the prohibitions in Article 46.

Article 131: Indication: This Law amends sections 342, 343, 343-B and 369 and paragraph 4 of Article 752, and repeals Article 343-A of the Family Code and subrogates Law 61 of August 12, 2008.

Article 132: Effectiveness: This Law shall take effect the day following its promulgation.

COMMUNICATE AND ENFORCE

Project 551 of 2013 approved on third reading at the Palacio Justo Arosemena, Panama City, on the sixth day of June, two thousand and thirteen.

The President

The Secretary General

Sergio R. Galvez Evers

Wigbert E. Quintero G.