

**Law 46**  
**Of July 17, 2013**

**General Law of Adoptions of  
the Republic of Panama**

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**THE NATIONAL ASSEMBLY  
DECREES:**

**Title I**  
**General Provisions**

**Article 1. Scope of Application.** This Law will be applied for the adoption of minors that have been declared in state of adoptability with prior legal ruling. Minors that are close to being of legal age during the process are included.

**Article 2. Purposes.** The purposes of this Law are, among others, to:

1. Restore, in an expedite manner, the right to family life to the children and adolescent to whom this right has been denied.
2. Protect the children and adolescent from the unnecessary separation of his/her nuclear biological family and from their consanguineous family.
3. Enable the permanent placement of the children and adolescent with receiving family members or placement parents that can provide love, safety, care, and support to them.
4. Guide the parents to take the decision of giving their consent for the adoption.
5. Provide the future adoptive parents all the comprehensive information available about the children or adolescent that has been assigned to be accepted or rejected.
6. Protect the confidentiality of the parties pursuant to the exceptions set forth in the Law.
7. Prevent the illegal smuggling and trafficking of children and adolescents, and other activities of illegal placement.

**Article 3. Best interest of the children or adolescent.** The best interest of the children or adolescent is the principle that has as its purpose to ensure the protection of the right of the aforementioned to stay and live within the consanguineous family or, in the event that this is not possible, in another permanent family environment.

**Article 4. Definitions.** For the effects of this Law, the following terms will be understood as follows:

1. *Foster care.* The placement of a temporary nature of the children or adolescent with the person that provides care as a good parent.

2. *Pre-adoption placement.* The comprehensive care provided by the future adopter or future adopting family assigned to the children or adolescent within the adoption process for a period determined pursuant to what is set forth in this Law.
3. *Adoption.* Legal institution of permanent protection, law enforcement, and social interest, created as the last resource of protection in favor of the son or daughter who has no consanguineous relation and that restores his/her right to be a part of a family.
4. *Adoptee.* Person that not being son or daughter by consanguinity is one pursuant to the terms set forth by this Law.
5. *Adopter.* Person over eighteen years of age that fulfills the requirements and the procedures set forth in this Law to adopt a person, son or daughter of another person.
6. *Central Authority.* Entity responsible for carrying out the investigations, evaluating the competence of the consanguineous family, requesting the definite loss of the parents' parental rights and/or the declaration of adoptability of children or adolescent. It also gives pre- and post-adoption follow up, as well as the other administrative procedures related to national and international adoption.
7. *State of adoptability.* Legal statement that establishes the loss of the right to family of the children or adolescent and that orders it to be restored through the adoption in the terms set forth in this Law.
8. *Receiving family.* The one that provides care in a comprehensive, temporary, and non-institutional manner to a children or adolescent, as an alternative to family life, assigned by the administrative authority with jurisdictional control.
9. *Nuclear biological family.* The father and the mother of the minor.
10. *Consanguineous family.* The one that comprises all the individuals bound by the bond of kinship up to a second degree of consanguinity in direct line, ascending or collateral, in conformity with the family tree certificate issued by the Civil Registry of the Electoral Tribunal.
11. *Foster home.* Foster care in an institution or shelter requested by the National Secretariat for Children, Youth, and Family authorized by competent judge, which temporarily provides to a children 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 consanguineous family, declaration of adoptability, as well as in national and international adoption.
13. *Evident danger.* All situations, direct or indirect, that make the rights and guarantees of the children and adolescents vulnerable, and that require

a prompt action from the competent authorities to preserve the life and honor of the children and adolescents.

14. *Non-governmental organization.* Organization that does not have as its purpose an economic profit and that does not belong to the traditional private sector or to the public sector, registered in the corresponding Registry, and which by-laws state as its purpose the protection of children and adolescents, and that, fulfilling the requirements foreseen in this regulation, obtains the authorization from the National Secretariat for Children, Youth, and Family.
15. *Deprivation of right to family life.* The presumed abandonment of the rights to a family of the children and adolescent.
16. *Permanent loss of parental rights.* Barring measure of a permanent nature in the exercise of parental rights according to what is set forth in the Family Code.
17. *Suspension of parental rights.* Protection measure of a provisional nature that limits the exercise of parental rights pursuant to what is set forth 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 in terms of protection of the right to family life, foster homes, and national and international adoptions.

The Secretariat will have the following functions:

1. To work as the Central Authority in terms of protection to the right to family life and adoptions.
2. To establish and supervise national non-governmental organizations, and accredit and supervise the international adoption collaborating entities.
3. To approve or extend the assessments made by non-governmental organizations in matters of national adoption or foster homes, or by collaborating entities in matters of international adoption.
4. To carry out or supervise the pre-adoption and post-adoption stages of the adoption process of children and adolescents legally declared in a state of adoptability.
5. To look after the effective compliance and respect of the rights of the children and adolescent during the administrative and execution process of the adoption.
6. To keep and maintain the database of suitable adopters, the database of suitable foster homes, as well as the database of children and adolescents in state of adoptability.
7. To verify that the adoption requests of the adopters comply with the legal requirements set forth in this Law.
8. To declare, within the term set forth in this Law, the suitability of the adopters after carrying out the assessments and the technical reports, or after the approval of the assessments and technical reports submitted by the non-governmental organizations or collaborating entities in matters of international adoption.
9. To submit to the competent judge the follow-up reports for post-adoption every quarter, once the post-adoption stage has started.
10. To supervise the post-adoption follow-up of the children and adolescents adopted at an international level, carried out by the collaborating entities in matters of international adoption.

11. To train, assess, and supervise the receiving families and the non-governmental organizations that coordinate them. For this purpose, the National Secretariat for Children, Youth, and Family will create and implement guidelines for the receiving families.
12. To design and execute, directly or through non-governmental organizations or collaborating entities authorized for this purpose, the Ongoing Training Program for Adoptive Mothers and Fathers, as well as the Post-Adoption Support Services Program, and guidance to the adoptees that wish to know their origins.
13. To create and coordinate plans to promote adoptions of minors with disabilities or with special health conditions, through non-governmental organizations or collaborating entities for international adoption authorized for such purpose.
14. To motivate, create, and execute prevention and training policies for parental care, emphasizing in vulnerable groups, such as adolescent fathers and mothers, among others.
15. To execute other duties set forth by law.

**Article 6. Responsibility of the State.** It will be the State's obligation to protect the rights of the children and adolescents in the process of adoption, guaranteeing the full exercise of these rights, especially to avoid their removal, sale, and trafficking, as well as any other form of exploitation or abuse.

When there is no family alternative, the State, through the competent authority, will temporarily delegate the obligations derived from the exercise of care, as well as the legal representation and the administration of assets of the children and adolescents in receiving families while the right to family life is restored.

The foster homes are under the obligation to be held accountable and responsible for the actions carried out during the exercise of their duties, as set forth in this Law. In the event of institutional homes, they will have the legal representation and the administration of assets will be established by the competent authority according to the law.

**Title III**  
Foster Home and Receiving Family

**Article 7. Foster families.** The substitute homes and receiving families have the purpose of temporarily providing care similar to a safe and comforting home for the children and adolescents and do not have the intention of being permanent.

**Article 8. Granting of foster family.** The fostering by a family could be granted, by the administrative authority and under subsequent jurisdictional control, to only one person, to a male-female couple joined in marriage or in common-law marriage, to the extended family, or family groups in the community, in the following order:

1st: Relatives by consanguinity or affinity with the children or adolescent.

2nd. Persons or family groups in the community that meet the conditions of ability and solidarity needed to become foster families, giving priority to those that are part of the community relations and/or social bonds network of the children or adolescent.

When a children or adolescent has been given up to be raised by his/her father or his/her mother, or by both, to a third party apt to care for him/her, said third party will be considered as the first choice for granting foster care.

It is forbidden to the foster person or family to hand over the children or adolescent to a third party without prior written authorization of the authority.

**Article 9. Resolution of suitability.** The National Secretariat for Children, Youth, and Family is the authority in charge of receiving the documentation of the people applying to be receiving families and to assess them in a term of no more than fifteen calendar days, as well as to approve or decline their suitability in a term of no more than five calendar days, and to submit it for their inclusion in the database. The suitability will be granted for a period of three years and can be renewed.

In the cases in which the suitability is suspended, revoked, or expired, the children and adolescents under the care of the receiving family will be immediately removed and placed in another foster home.



**Article 10. Renewal of suitability.** The documents for the renewal of suitability shall be submitted to the National Secretariat for Children, Youth, and Family before the expiration of the suitability. All the documents for the renewal shall be submitted at once and be dated within the ninety days prior to their submission.

The renewal must be resolved in a term of five days according to what is set forth in the preceding article. Incomplete applications for renewal will be returned.

If the foster families submitted to the National Secretariat for Children, Youth, and Family their requests for ending their suitability before the expiration of the three-year term, the Secretariat will take in said request and will resolve to suspend the suitability.

**Article 11. Revocation.** The National Secretariat for Children, Youth, and Family will revoke the suitability if the result of an investigation shows that the children and/or adolescents have been victims of abuse, mistreatment, or negligence by the foster homes and if these do not comply with the standards set forth in this Law.

Said decision will be notified in writing to the foster homes.

**Article 12. Remedy of appeal.** The remedy of appeal against the decision denying or revoking the suitability of the receiving home is a possibility and it shall be announced in the act of notice to the parties and within the two working days following said decision, supported within the following three working days, as well as resolved by the Board of Directors of the National Secretariat for Children, Youth, and Family within the five days following its supporting statement.

**Article 13. Training program for receiving families.** The persons or families interested in being receiving families shall complete thirty days of the Training Program for Foster Families given by the National Secretariat for Children Adolescents, and Family or by a non-governmental organization previously authorized by the Office before receiving the suitability.

The receiving families can be specialized after completing twenty additional hours of the Training Program for Specialized Receiving Families given by the National Secretariat for Children, Youth, and Family or by a non-governmental organization previously authorized by the Secretariat before receiving the suitability.

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

**Article 14. Conditions to be considered as a receiving family.** The persons that wish to be considered suitable for being a receiving family shall submit the request that contains all the documents required by this Law.

The requesting parties shall have proven affective, social, moral, and physical and psychological health conditions, as well as the essential resources to guarantee to the children or adolescent placed in their home the fulfillment of his/her basic needs.

In the event of receiving families by consanguinity relationship bonds with the children or adolescent, if there is a lack of economic resources necessary for guaranteeing the adequate standard of living, the National Secretariat for Children, Youth, and Family will arrange their incorporation into programs for family strengthening.

The existence of descendants of the requesting parties does not prevent them to choose to be a receiving family.

**Article 15. Required documentation.** The parties interested in being receiving families shall provide the following documentation along with their application:

1. Birth certificate of the interested person or persons.
2. Marriage certificate or proof of legally acknowledged common-law marriage, as applicable, or certificate of common-law marriage by the traditional indigenous authorities, if applicable.
3. Certificate of work or another document that allows the establishment of the ability to fulfill the material needs of the children or adolescent.
4. Report of psychosocial interview to the sons and daughters of the interested party, or of any other person that permanently resides in the home, that reflects the views of the interviewed persons, except for household employees, if any.
5. Certificate of clean bill of physical and mental health issued by a suitable physician in the Republic of Panama.
6. Psychological assessment of the requesting parties, performed by a clinical psychologist in good professional standing in the Republic of Panama.
7. Two recent photos, I.D. size, in color.
8. Photos, postcard size and in color, of the external appearance, internal appearance, and back part of the residence of the requesting party or parties.
9. Certificate of information with personal background.
10. Social assessment of the requesting parties, performed by a Social Worker in good professional standing, with a minimum of two years of experience in exercising this profession.

11. Two letters of recommendation of persons with known good moral standing that are not relatives of the requesting party and that have known the requesting party for more than ten years.
12. Certificate of completion 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 event of institutional foster homes, these will be governed in terms of legal capacity according to the requirements set forth in current legislation.

**Article 16. Assessment procedure.** The National Secretariat for Children, Youth, and Family, within the following three working days after the receipt of the request, will proceed to its admission, through the corresponding order and, with this, the assessment procedure begins.

In this stage, the appointed technical team of the National Secretariat for Children, Youth, and Family or of those non-governmental organizations approved by this Secretariat to perform assessments will be able to carry out home visits, interviews, and psychological tests to the requesting persons, as well as other psychosocial investigations needed in order to determine the suitability of the receiving family.

This stage will last no more than fifteen days, as of the date of admission of the request as receiving family. During this period, the requesting persons shall attend the Training Program for Foster Families given by the National Secretariat for Children, Youth, and Family or by a non-governmental organizations approved for this purpose by the Secretariat.

**Article 17. Psychological and social assessment.** The requesting persons shall be assessed in a term of no more than five days and the content of said assessment will be regulated by the National Secretariat for Children, Youth, and Family.

**Article 18. Confidential nature of the assessments.** The assessments are confidential and shall be filed and kept in the corresponding files, in a way that ensures such confidentiality. For this purpose, the National Secretariat for Children, Youth, and Family shall digitalize said files in a secure electronic media and send the original files every five years to their archive section.

**Article 19. Database of classified suitable receiving families.** The requesting parties that have been declared suitable will be incorporated into the database of suitable receiving families of the National Secretariat for Chil-

dren, Youth, and Family.

In this database, the information of each requesting party declared suitable will be recorded by chronological order of entry, and will be considered as receiving family based on this order.

The institutional receiving, foster, and specialized homes, at the time of enforcing this Law, shall update the information before the National Secretariat for Children, Youth, and Family in the way and conditions provided in this Law.

**Article 20. Placement in receiving families.** The National Secretariat for Children, Youth, and Family will request the placement of children and adolescents in receiving families that have fulfilled the requirements set forth in this Law. These placements will be authorized by the competent judge in a term of no more than five working days.

The placement request will be carried out according to the chronological order of the suitable receiving family database, following the profile and cultural context of the children and adolescent and according to the availability of the family. The request will be accompanied by medical, psychological, and education information of the children and/or adolescent. In the event of imminent urgency for placement, the competent judge will have two working days to issue an opinion on the placement request.

In both situations, the advocate of the children or adolescent will give their opinion in a term of three working days. Against this resolution the only remedy is reconsideration.

**Article 21. Capacity.** In the receiving families there shall be no more than five children or five adolescents at any given moment. These include the existing children of the foster family and any other child residing at the house.

In the event of specialized foster families, there shall be no more than two children or two adolescents at any given moment. In cases of siblings exceptions can be made.

**Article 22. Responsibilities of the receiving/foster families.** The receiving families will have the obligation to provide to the children and adolescents under their care all the care inherent to their special quality along with the ones that a good parent usually provides to his/her children. This care will be considered minimal, with the law the authority to request special care depending on the specific conditions of each case.

The abovementioned care include the appropriate medical, emotional, and affective attention, education, housing, clothing, right to leisure,

right to freedom of opinion and speech, based on their age and cultural context, as well as any other right. Said care shall be carried out according to what is set forth in the Convention of the Rights of the Child.

**Article 23. Supervision.** The National Secretariat for Children, Youth, and Family shall supervise periodically the receiving/foster families to ensure the well-being of the children and adolescents.

The social workers assigned by the National Secretariat for Children, Youth, and Family will visit the receiving/foster family, at least once a month, with the specific purpose of evaluating and guaranteeing the compliance with the requirements the suitability demands. The monthly visits will be carried out without prior notice.

**Article 24. Collaboration with Non-governmental organizations.** The National Secretariat for Children, Youth, and Family will be authorized to make and execute collaboration agreements with the non-governmental organizations, so that they can perform the authorized services on its behalf.

These non-governmental organizations will only be authorized to perform the services included in the collaboration agreement.

The National Secretariat for Children, Youth, and Family will have the responsibility of guaranteeing the compliance of said agreements in benefit of the best interest of the children and 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 Regulations

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

1. It will be applied in terms of the interest of the adoptee, which consists in the respect to the rights and guarantees set forth in the Political Constitution of the Republic of Panama, the current international instruments for the promotion, protection, and defense of human rights in the Republic of Panama, and national laws preventing the abduction, sale, and trafficking of children and adolescents.
2. The best interest of the children or adolescent, which has as its purpose, among others, to ensure that the right of the children or adolescent to have a family and to family life is respected.
3. It is the last protection measure that will be applied for the restoration of the child's and adolescent's right to a family.
4. Primacy of national adoption over international adoption, which will only take place when national adoption is not possible, having preference within the international adoption requests those of Panamanian citizens over foreign citizens, even when only one of the spouses or partners is Panamanian.

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

1. These are special regulations; therefore, its application before other regulations that rule this same matter and are found in other laws will be preferred, unless said laws provide better benefits and greater protection.
2. In the event of doubt regarding applicable provisions, the one resulting in the most favorable for the protection of the rights of the adoptee shall be applied, notwithstanding what is set forth in the preceding paragraph.
3. In the case of minors, these will be applied according to the Convention of the Rights of the Child, the Agreement Related to the Protection of the Child, and to the Cooperation in Matters of International Adoption and other international instruments in which the comprehensive protection of childhood and adolescence is included, as well as

with the recommendations issued by the United Nation's Committee of the Rights of the Child and the Permanent Bureau of The Hague Conference on International Private Law.

**Article 27. Right to a family and to family life.** The children or adolescent will have the right to live, grow, and be educated and cared for under the guidance and responsibility of his/her nuclear biological family or consanguineous family.

The separation of a children or adolescent from his/her consanguineous family shall be ordered through ruling based on legal grounds. However, in situations of evident danger, in non-working days and hours, the National Secretariat for Children, Youth, and Family shall take immediate actions, which will be supported through administrative ruling based on legal grounds and not open to appeal, and order the necessary measures to ensure that the children or adolescent be removed immediately from the situation of evident danger and placed temporarily in a suitable receiving home, preferably with a consanguineous relative. This measure will be of immediate effect. The above does not preclude the competence of legal authority.

The administrative ruling will be submitted in a term of no more than seventy-two hours or the following working day to the competent legal authority, so that it is ratified, modified, or added at consult level. This resolution can be appealed without suspension of judgment. The measure will be for a period of six months, which can be extended.

**Article 28. Right to know their origins.** Every children or adolescent has the right to know their origins. For such effects, the Civil Registry will hold under confidence all the related information. The adoptee and the adoptive mother and/or father will have access to this information.

## Chapter II

### Administrative Investigation Process to Request the Permanent Loss of Parental Rights

**Article 29. Procedure of declaration of adoptability.** The directors of the protection entities, public or private, dedicated to providing temporary foster, health and hospital services or any other person or entity are under the obligation of informing to the National Secretariat for Children, Youth, and Family about the children or adolescents in a presumed deprivation of

right to a family, in a term of no more than twenty-four hours after being aware of the situation, in order to apply the necessary measures to initiate the investigations on alternatives within the consanguineous family or the declaration of adoptability, with the only exception of weekends, holidays or that they are located in remote places, situations that will provide an additional period of forty-eight hours or the following working day.

Once the notice has been received, the National Secretariat for Children, Youth, and Family will have two working days to open the file and request the family tree to the Civil Registry, who shall provide the information of the consanguineous family tree within a term of no more than ten working days. As of the date of its receipt, the National Secretariat for Children, Youth, and Family will have thirty calendar days to finish said investigation and the drafting of the written report. If during said investigation it is not possible to physically locate the birth parents or the consanguineous family, or their whereabouts are unknown, this will be documented in the file. At the end of the period of thirty calendar days, the National Secretariat for Children, Youth, and Family will have three working days to prepare the request based on legal grounds of the declaration of adoptability.

**Article 30. Foundling children.** In the cases of children to unknown birth parents, the National Secretariat for Children, Youth, and Family will have sixty calendar days to open the file, investigate, and prepare the request of declaration of foundling child, submitting it to the competent authority, and in the event of being fostered, the Secretariat will order the registration, the declaration of state of adoptability and the attestation of copies to the Public Ministry, which will start the process.

**Article 31. Voluntary statement of placement of children and adolescents for adoption.** The father or the mother that decides to state their wish to place his/her son or daughter for adoption, including the emancipated minor mother, shall communicate her decision to the National Secretariat for Children, Youth, and Family and be included in a guidance program that will have as its purpose to guide and inform, professionally and individually, about the principles, the rights, and the consequences of adoption. Refusing to attend or not complying with the program will be considered as an indication to the National Secretariat for Children, Youth, and Family of lack of interest of the biological parents in keeping the parental rights of their son or daughter.

If after the term of fifteen calendar days of being included in the guidance program, the birth parents still maintain the decision of placing



their son or daughter for adoption, the National Secretariat for Children, Youth, and Family will proceed to submitting it to the competent judge for his/her ruling regarding the suspension of their exercise of parental rights, who will attest the authenticated copy of the declaration to the National Secretariat for Children, Youth, and Family to start the investigation of the consanguineous family.

**Article 32. Effect of the act of giving up [the child].** The act of giving up the children or adolescent will be considered a grave and serious indication for the future permanent loss of parental rights or parental relationship.

The certified deed of giving up the child by the National Secretariat for Children, Youth, and Family shall constitute documented proof for the process of permanent loss of the parental rights complying with the requirements of documented proof set forth in the Judicial Code.

**Article 33. Start of investigation of consanguineous family during pregnancy.** A mother will be able to express her decision to give up for adoption her unborn son or daughter, communicating this to the National Secretariat for Children, Youth, and Family, who will include her in a guidance program that will have as its purpose to guide and inform, professionally and individually, about the principles, the rights, and the consequences of adoption, and after completing the process stated in article 31, the consanguineous family investigation will start before the birth, including the cases of rape and incest victims.

The birth mother can desist to continue with giving up her child for adoption within the sixty days after the birth of the child.

**Article 34. Alternatives within the consanguineous family.** The National Secretariat for Children, Youth, and Family will proceed to coordinate the search for family alternatives for the children or adolescent in presumed state of deprivation of right to a family, investigating the consanguineous family to determine if they want the custody and that they are suitable to care for the children and adolescent, which will be scientifically assessed with the Institute of Legal Medicine and Forensic Sciences by performing the DNA tests that confirm the family relation, as well as performing all the scientific expert opinions that are required, and the expert reports will be sent to the National Secretariat for Children, Youth, and Family with prior notice of request.

**Article 35. Investigation of consanguineous family.** The National Secretariat for Children, Youth, and Family will use an investigation form as

standard protocol to perform the consanguineous family investigations. If during the investigation the consanguineous family expresses their intention to take or not take the custody, they shall sign the investigation form.

If the investigations proves that they lack the necessary resources to be able to guarantee proper standard of living and/or that they should improve their conditions to guarantee the comprehensive development and protection of the children or adolescent, the National Secretariat for Children, Youth, and Family will promote their incorporation to family strengthening programs.

The family members within third degree of consanguinity will be taken into consideration if they show interest in assuming the custody.

**Article 36. Lack of resources.** The lack of material resources from the mother, the father, and their consanguineous family will not be a reason to state the separation of the children or adolescent, or to decree the declaration of adoptability or legal tutelage.

If during the psychosocial investigation of the mother, the father, and the consanguineous family of the children or adolescent it can be proven that they lack the necessary resources to guarantee the proper standard of living and show evidence of their intention on working for this, the National Secretariat for Children, Youth, and Family will promote their incorporation into the family strengthening programs and will evaluate the results of said programs, in order to determine the improvement of the conditions that will allow to guarantee the comprehensive development and protection of the children or adolescent.

For such effects, a term of no more than sixty calendar days will be granted, which will run from the moment in which the aid is first received and parallel to the investigation process.

If, however, no interest in assuming the mentioned support is seen, there will be a consideration for requesting the declaration of adoptability or the loss of legal tutelage.

### Chapter III

#### Procedure for Termination of Legal Rights

**Article 37. Start of the process of definitive termination of parental rights.** In the cases provided in this Law in which the National Secretariat for Children, Youth, and Family submits the request based on legal grounds for the definitive termination of parental rights to the competent judge,

this will be admitted through a process within the two working days following the receipt of the request.

In this same process, the date for the oral hearing will be set, which will be carried out within the twenty-five working days following the submittal of the request, and in the same process the competent judge will order the request for evidence he/she deems necessary. Said process will be personally notified, having each of the parties three working days to submit evidence and object the evidence submitted, except in those cases where the whereabouts of one or many of the parties is unknown, situation that bring about the notification by publication for three days in a newspaper of the locality in charge of the requesting party and, in the event that the defendants are outside the country, three days in a newspaper of the locality and ten days in the courtrooms' newspaper.

**Article 38. Hearing of definitive termination of parental rights.** The people that shall appear at the hearing are the Representatives of the Public Ministry, the advocate of the children or adolescent, the relatives of the children and adolescent, in the cases in which these are the ones requesting the definitive termination of parental rights.

The National Secretariat for Children, Youth, and Family shall attend said hearing in the cases which it considers necessary and the institutional receiving homes can be heard.

In said hearing, the judge will proceed to resolve the admissibility of evidences and its corresponding practices, and to hear the children or adolescent taking into account their age and mental maturity.

The hearing will be carried out with the appearing parties and on the date appointed, without possibility of being postponed under any circumstances. The Public Ministry and the advocate of the minor shall state their opinion during the hearing.

**Article 39. Advocate for the defendant in absentia.** The Fourth Chamber of General Affairs of the Supreme Court of Justice shall issue annually a list of professionals in Law that can act as advocate for the defendant in absentia.

The competent judge will assign the advocate for the defendant in absentia from said list, in order to assume the representation of the absentee within the process of definitive termination of parental rights. For the process of this Law, the fees shall not be more than one hundred Balboas (B/.100.00), which shall be deposited after the procedures set forth by the Judicial Body, with the National Secretariat for Children, Youth, and Family having to present a copy of the receipt for the allocation.

**Article 40. Advocate of the children or adolescent.** The Judicial Body shall assign the resources for the appointment of the advocates of the children and adolescent for each court of children and adolescent matters at a national level once this Law is in effect, requesting the special funds it considers indispensable.

**Article 41. Judge's decision.** The judge shall decide on the request for definitive termination of parental rights during the hearing, granting it or denying it and/or on the measure to restore the right to a family, being all the appearing parties notified at that same time.

#### Chapter IV

##### Procedure for Definitive Termination of Parental Rights

**Article 42. Appeal.** The competent judge's decision on the merits is appealable before the High Court for Child and Adolescent Matters. All other decisions made by the competent judge are susceptible to reconsideration.

**Article 43. Justification of the remedy of appeal.** The party that feels affected by the decision on the merits of first instance could appeal at the time of the notice and justify it, within the three working days following the notice of the decision on the merits. This same term applies to the party opposing the appeal to submit its opposition to the appeal, term that will run as of the appellant's justification.

Once justified, without the need for any ruling, the first instance judge shall send the remedy to the High Court of Child and Adolescent Matters, where once the file is assigned to the reporting judge, he/she will proceed with the corrections and, in the event of accepting its admission, will send it to the Public Ministry so that it can give its opinion in a term of no more than three working days as of the date of receipt of the file. In the event that the Public Ministry does not give its opinion within the term set forth, it shall send the file to the High Court to resolve it.

The reporting judge shall have a term of five working days to develop his/her project and submit it to the rest of the judges, who will have a term of no more than three working days to read it. For the second reading, in the event of an observation, there will be a term of two days for each judge.

In the Collegiate High Court, the reporting judge will have an extension of the aforementioned term, in the cases in which the file is voluminous, following the terms set forth in the Judicial Code.

**Article 44. Effects of the appeal.** The remedy of appeal submitted within a process of definitive termination of parental rights will be granted with the effect of a stay pending appeal, being sent to the High Court in a term of forty-eight hours following the justification keeping the measures for protection and, in any event, this stage of appeal shall not last more than forty-five working days, from its submittal until the issuance of second instance ruling.

The Public Ministry will have a term of forty-five days to give their opinion, as of the date of receipt of the file.

## Chapter V Adoption

**Article 45. Types of adoption. The adoption can be:**

1. *National.* When the requesting persons are Panamanians with usual residence in national territory or foreigners with more than two years with usual residence in the country with permanent resident visa.  
In the case of national citizens with foster sons or daughters that have lived for more than one year at the house of the requesting person or family, these will be given a term of eighteen months as of the date this Law is in effect to submit the request for legalizing the adoption.
2. *International.* When the requesting parties, national or foreign, have their usual residence in a country other than the one of the adopted children or adolescent and, especially, when the children or adolescents with usual residence in a country is to be moved to another country after their adoption or to formalize their adoption in another country.
3. *Son or daughter of the spouse.* When the spouse or partner in a common-law marriage submits the request after enjoying family life of a period of time of more than two years in the case of marriages or a minimum of five years in the case of a common-law marriage proved by usual means of evidence. In the event that any of the parties of the process dies during the process, the process started can be continued by a legal proxy, as long as it is in the benefit of the children or adolescent. In order to submit the request for adoption of the son or daughter of the spouse or partner in a common-law marriage, it is first

required the ruling of definitive termination of parental rights of the biological father or mother.

**Article 46. Prohibitions.** The following are prohibited:

1. The adoption of a child that is yet to be born.
2. The adoption of a son or daughter of a non-emancipated minor mother, provided she has the support of family members within a second degree of consanguinity.
3. For the biological mother or father to give the children or adolescent directly and voluntarily to the alleged adoptive father or mother.
4. For the biological mother and father or legal representatives of the children or adolescent, to expressly decide who will adopt the son or daughter, unless he/she is the son or daughter to the spouse, partner in a common-law marriage or a consanguineous relative.
5. The adoption by the spouse or partner in a common-law marriage without the consent of the other.
6. For the adoptive mother and father to dispose of the organs and tissues of the person adopted for illegal purposes.
7. For the requesting parties participating in the adoption process to have any kind of relationship with the public or private entities dedicated to the temporary foster care and with the accredited foreign organisms that are dedicated to the care of children and adolescents declared in a state of adoptability.
8. For the potential adoptive mothers or fathers to have any type of contact with the biological mothers or fathers of the children or adolescent or any other person that could influence the consent of the person, authority, or entity involved in the process of adoption. The only exceptions are the cases in which the adopting parties are biological family members or consanguineous relatives.
9. The direct or indirect collection of inappropriate benefits, material or of any other kind, by their biological or extended family or by any other person, as well as by public or private entities and authorities involved in the adoption process.

In the files where the abovementioned prohibitions are found, the process will be suspended immediately, the adoption will not be authorized and the copies will be attested and sent to the Public Ministry without prejudice of the corresponding nullities.

## Chapter VI Adoptee and Adopter

### Section 1 Adoptee

**Article 47. Adoptee.** A person under the age of eighteen years old can be adopted when the competent judge has declared his/her state of adoptability and determines that the right to a family shall be restored through adoption.

**Article 48. Respect of the opinion of the children or adolescent.** The children or adolescent shall be heard during the adoption process and shall express his/her opinions, which will be taken into account according to his/her level of maturity and left on record for the hearing.

**Article 49. Adoption of siblings.** Efforts will be made so that siblings susceptible to adoption are not separated before or after the adoption process and that they are adopted by one same family.

As long as all the possibilities to achieve the joint adoption of siblings have been exhausted first and on the basis of the principle of respect to the rights and guaranteed of the children or adolescent, the National Secretariat for Children, Youth, and Family shall request separate adoptions, preferably national adoptions, in which case the adopters will be under the obligation to maintain the communication among the siblings, provided that this is in the best interest of the children or adolescent.

**Article 50. Adoption of indigenous children or adolescents or of any other ethnicity.** For the adoption of indigenous children or adolescents or of any other ethnicity, requests submitted by adopters of their same ethnicity will be given preference, as long as they fulfill the requirements of this Law.

### Section 2 Adopter

**Article 51. Adopter.** The following persons can be adopters:

1. The person of legal age, legally capable and in full exercise of his/her civil and political rights.

2. The man and woman joined in marriage for a minimum of two years or in common-law marriage, pursuant to what is set forth in the Political Constitution of the Republic of Panama, as long as there is consent from both spouses/partners.

In the event of adoption of a minor, besides the abovementioned requirements, the adopter shall be resident of the Republic of Panama or in one of the States that has subscribed and ratified the Agreement Related to Child Protection and to the Cooperation in Matters of International Adoption, or has subscribed and ratified the official adoption agreement with the Government of Panama.

**Article 52. Conditions to adopt.** The adopters must have proven affective, social, moral conditions and be in good physical and psychological health, as well as to provide the necessary resources for guaranteeing to the adoptee the fulfillment of his/her basic needs.

They have to be suitable to responsibly assume the role of fathers or mothers with the rights and obligations this bring about. They also shall not have criminal record on file.

In the event that the adopter is a consanguineous family member without the prohibition to adopt stated in this Law and that he/she lacks the resources necessary for guaranteeing the basic needs of the adoptee, he/she shall be included in family strengthening programs referred to in article 14.

The existence of descendants of the adopters does not prevent them to adopt.

**Article 53. Obligation of the persons interested in adopting.** The persons interested in adopting have the obligation to complete the processes and approve the courses required by law to obtain the suitability as adopters.

The persons declared suitable to adopt are bearers of an interest and are under the obligation to provide all their collaboration to the authorities in order to evaluate the integration of the children or adolescent to the adoptive family.

After the adoption has been ruled, the adopting parties commit to informing to the adoptee his/her condition as adoptive son/daughter before they reach seven years of age, as long as he/she has the ability to understand it, if not, this shall be made before reaching prepubescence. Said information shall be made according to the guidance parameters that are given by the corresponding professionals.



**Article 54. Limitations for adoption.** The following are limitations for adoption:

1. A relative in direct line or sibling of the adoptee cannot make the adoption.
2. Between the adopter and the adoptee there shall be an age difference of no less than eighteen years and no more than forty-five years. In the event of joint adoptions, the age difference will be applied to the youngest spouse or partner.
3. In the cases of adoption of the son or daughter of the spouse or partner in a common-law marriage, the age difference between the adopter and the adoptee must be of at least ten years.

These age limitations will not be applied in the cases of adoption between relatives, with the exception of what is set forth in number 1.

**Article 55. Joint and individual adoption.** The adoption can be made in a joint or individual way. It will be made jointly when the requesting parties are spouses or partners in a common-law marriage and of opposite gender. In this case, if one of the spouses or partners in a common-law marriage desists before the ruling of adoption, the process will continue with the interested spouse or partner.

In the cases of separation, divorce or separation of the common-law marriage, the adoption process can continue in a joint way, if both parties state their desire to do so, without prejudice of turning as well into an individual adoption process, if only one of the spouses or partners wishes to continue with the process, as long as he/she is not the guilty spouse and the experts of the interdisciplinary teams do not determine serious pathologies that can affect the children or adolescents.

Single persons shall be able to adopt if it is in the best interest of the children or adolescent as defined by this Law, in such cases the adoption shall be made as an individual adoption.

**Article 56. Adoption by legal ward.** The legal ward can adopt his/her protégé once his role has been ceased legally and the accounts of his/her administration have been approved judicially, with the exception of what is provided in number 1 of article 54.

In the event of testamentary legal ward, if the appointment had been made before the adoption, the role for the administration of assets will be kept, except if he/she has to be removed from the guardianship based on legal grounds. When said appointment is made after the adoption in a probate, the judge will decide if the testamentary guardian will keep the administration of assets or if said assets shall be transferred for admi-

nistration to the adoptive father and/or mother, in such case, the process to make solemn judicial inventory shall be carried out, which shall be left on record and duly notarized.

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

**Article 57. Assets of the adopted child.** In the event that the person intended to be adopted has assets that are under the responsibility or custody of another person, the adoption cannot have place without an solemn judicial inventory, duly notarized and recorded in the Notary's Formal Book, of the assets of the adoptee at the satisfaction of the competent adoption judge.

The administration of the assets, at the judge's discretion and in attention to the best interest of the adoptee, can be transferred by the administration to the adopter or remain under the administration of whoever has had it up until that moment.

**Article 58. Death of one of the adopters.** When one of the adoptive parents dies during the adoption process, the process started can be continued by both until its completion, as long as the expertise of the interdisciplinary teams do not determine serious pathologies that can affect the children and adolescents.

## Chapter VII

### Effects of the Adoption

**Article 59. Bond by adoption.** The adoption creates a relationship between the adopter and the adoptee that is equal to the kinship between the biological father or mother and the biological daughter or son, a bond from which the same rights and duties from a consanguineous relationship arise. In the case of minors, all the rights, attributes, duties, responsibilities, prohibitions, incapacities, and impediments inherent to the parental relationship or parental rights are established, between the adopter and the adoptee. This legal family relationship is extended to the descendants of the adoptee and to the family of the adopters.

The legal family bond created by the adoption is final, indivisible, inalienable, and irrevocable. The death of the adoptive parent or parents

does not restore the parental rights or parental relationship of the adoptee's biological mother or father.

**Article 60. End of the legal family bond.** The adoption ends the family relationship between the adoptee and the members of his/her nuclear biological family or family by consanguinity.

However, the legal impediments for marriage that affect the adoptee for reasons of extinguished consanguineous family relationships and other rights and prohibitions set forth in this Law will prevail.

**Article 61. Name and surname.** The adoptee acquires the surname of his/her adoptive parent or parents.

In terms of the name of the adoptee, the judge will determine, at the request of the interested party, if the change is justified or not, according to the rights and guarantees of the children or adolescent, for which he/she/they will have to support their decision.

**Article 62. Retroactive effect.** For immigration purposes, once the adoption has been decreed, this will produce retroactive effects as of the date of the resolution granting the pre-adoption placement.

In the cases of adoption by the spouse or partner or the adoption of foster sons or daughters, the retroactive effect takes place as of the date the petition for adoption was first submitted.

**Article 63. Adoption granted abroad.** When the adoption is granted abroad, the duties and rights between the adoptive parent and the adoptee will be governed by the law of the residence of the adoptee at the time of the adoption, if granted in another State, as long as it complies with what is set forth in article 7 of the Family Code and in the Convention Related to the Protection of Children and Co-operation with Respect to Intercountry Adoption.

**Article 64. Extraterritoriality.** The children or adolescents with Panamanian nationality whose adoptive parents are citizens of another State will have all inherent rights resulting from their nationality, and it is the Panamanian State's obligation to provide them with protection and aid according to what is set forth in this and other laws. The Consular Corps of the Republic of Panama shall coordinate with the National Secretariat for Children, Youth, and Family, with prior to the communication with the Ministry of Foreign Affairs, in order to verify the situations of Panamanian children or adolescents abroad. In all cases in which children or adolescent

living abroad are found in a specially difficult situation, it is obligation of the Panamanian diplomatic body to guarantee the protection of the adoptee 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 adoptee living abroad.** The nationality of children and adolescents born abroad and adopted by Panamanians will be governed by what is set forth in the Political Constitution of the Republic of Panama.

### Chapter VIII

#### Leave of Absence Due to Adoption

**Article 66. Right to leave of absence.** In the joint or individual adoption the adoptive mother will have the right to a 4-weeks paid leave of absence for adoption, as of the date of notice of the decision that grants the pre-adoption placement, in order to make easier the incorporation of the children or adolescent to the family dynamics.

The adoptive father in an individual adoption will have the right to take off two weeks, deducted from his vacation time.

**Article 67. Rules for the leave of absence.** The leave of absence established in the above article will be adjusted to what is regulated by the Organic Law of the Social Security Office in terms of the subsidy paid due to maternity, as long as the term set forth by law has been complied.

**Article 68. Notice.** The National Secretariat for Children, Youth, and Family, at the time of decreeing the pre-adoption placement, will notify the corresponding offices so that the process of paid leave of absence is processed, if applicable.

### Chapter IX

#### Nullity

**Article 69. Legitimation and grounds of nullity.** The action of annulment of the adoption will only take place before the competent judge, at the request of the adoptee, the Public Ministry, or the advocate of the children or adolescent, when it has been enacted with violation of rights or serious disregards of the substantive and procedural rules.

The nullity action requested by the biological mother or father will only take place when the process of definitive termination of parental rights has been previously declared null due to violation of substantive and procedural guarantees.

**Article 70. Statute of limitations.** The nullity action of the adoption has a statute of limitations of two years, as of the date of its registration at the Civil Registry, or after the declaration of definitive termination of parental rights has been annulled, except for absolute nullity and when it is requested by the adoptee.

## **Chapter X** Adoption Process

**Article 71. Constitution of the adoption.** The filiation by adoption is constituted through legal decision issued with the personal appearance of the interested parties, the Public Ministry, the advocates of the children or adolescent, of the National Secretariat for Children, Youth, and Family, and the legal representative of the institutional foster home where the children or adolescent is being sheltered when requested by the parties.

The constitution of the adoption shall only take place when the condition and the processes required by law concur, when there are justified reasons, and it offers advantages to the adoptee.

**Article 72. Adoption process.** The adoption process is the group of actions that tend to restore the right of the children or adolescent to have a family, which comprise the following stages:

1. Pre-adoption assessment.
2. Pre-adoption assignment.
3. Pre-adoption placement.
4. Constitution of the adoption.
5. Post-adoption follow-up.

**Article 73. Start of the adoption process.** The pre-adoption process of adoption of a children or adolescent starts with the receipt, by the National Secretariat for Children, Youth, and Family, of the legal ruling that decrees the definitive termination of parental rights of the biological mother and father and/or the inexistence of a consanguineous family alternative and orders the restoring of the legal family bond through the adoption and its

subsequent at the National Registry of Children and Adolescents in State of Adoptability.

In terms of the persons requesting the adoption, the process starts with the receipt, by the National Secretariat for Children, Youth, and Family, of the request with the documents required attached.

**Article 74. Individual or joint request.** The request for adoption must be submitted jointly or individually through the legal proxy or directly by the interested parties to the National Secretariat for Children, Youth, and Family.

The appointment of a legal proxy, however, will be mandatory as of the pre-adoptive assignment stage.

When the persons requesting the adoption are spouses or partners in a common-law marriage, the request will be made jointly. When the person requesting the adoption is single, the request will be made individually, considering likewise the prohibitions set forth in article 46.

**Article 75. Documentation required for national adoption.** The national requesting parties interested in adoption shall provide the following documentation, along with their request:

1. Birth certificate of the person or persons interested in adopting.
2. Marriage certificate or evidence of common-law marriage, if applicable.
3. Certificate of work or the last two tax income statements in the case of self-employed workers, and letter of reference from the bank or any other document that allows establishing the ability to meet the material needs of the children or adolescent.
4. Psychosocial assessment made to the sons and daughters of the adopters, or of any other person that permanently resides in their home, except for household workers, if any, which reflects the opinion of the interviewed persons.
5. Certificate of clean bill of physical and mental health issued by a suitable physician in the Republic of Panama, for national cases, or suitable in the country of receipt for international cases.
6. Psychological assessment performed by a clinical psychologist in good professional standing. Said assessment will be subjected to what is set forth in article 78. If required, a report from the clinical or forensic psychologist can be requested.
7. Two recent photos, I.D. size, in color.
8. Photos, postcard size and in color, of the external appearance, internal appearance, and back part of the residence of the requesting party or parties.

9. Certificate of information with personal background.
10. Assessment by social worker regarding the adoptive parties, performed by a Social Worker in good professional standing.
11. Two letters of recommendation from persons with known good moral standing, not relatives and that have known the person for more than ten years.
12. Acceptance of post-adoption follow-up during the three years following the adoption.
13. For national requesting parties, certificate of completion of the Training Program for Future Adoptive Parents issued by the National Secretariat for Children, Youth, and Family or by a cooperating organization approved for this purpose by the Secretariat. For the foreign requesting parties, the National Secretariat will verify the validity of the certificates issued by the central authorities or collaborating entities in terms of adoption of the country of origin.
14. Affidavit establishing the parties' intention to adopt.

The National Secretariat for Children, Youth, and Family will be able to request the update or partial or total renewal of the documentation.

### Section 1

#### Pre-adoption Stage

**Article 76. Pre-adoption stage.** The National Secretariat for Children, Youth, and Family within the three working days following the receipt of the request will proceed with its admission, with immediate compliance, and with this the pre-adoption stage starts.

In the event that the request is rejected, this will be notified in person to the petitioners or the requesting parties.

In this stage, the technical team assigned from the National Secretariat for Children, Youth, and Family or from those non-governmental organizations approved by the National Secretariat to perform pre-adoption assessments will be able to carry out home visits, interviews, and psychological tests to the requesting persons, as well as other psychosocial investigations needed to expand on a report provided.

The pre-adoption stage has a term of no more than two months as of the date of the admission of the adoption request. During this period, the persons requesting the adoption shall attend course for adoptive fathers and mothers given by the National Secretariat for Children, Youth, and Family or non-governmental organizations authorized by it.

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

The Secretariat will be authorized to request to the Civil Registry the registration of the children and adolescents that are not registered, but that do have a birth certificate. In the cases of foundlings, the registration will be of a jurisdictional competence nature.

The National Secretariat for Children, Youth, and Family will be able to request, pursuant to the needs for assessment, the requirements, and the documents to the parties requesting adoption so that these can be included in the process.

The National Secretariat for Children, Youth, and Family is responsible for performing the expert psychosocial inspections provided in the adoption process, with the purpose of guaranteeing the suitability of the persons interested in adopting. In order to carry out said expert inspections, the term will be five working days, as of the date of the ruling of admission of the request.

**Article 78. Psychosocial assessment in the pre-adoption stage.** For the psychosocial assessment in the pre-adoption stage, three separate days of interviews (not consecutive) shall be carried out as follows: one personal interview with the adoptive couple (or individual) at their residence, one interview (separately) with each member of the family older than seven years old and one interview with all the family members present.

Likewise, the following aspects will be reviewed and must be kept in the adoptive parties' file:

1. The reasons of the requesting parties to adopt.
2. The strengths and needs of each member of the home.
3. How the requesting parties perceive the attitudes and feelings of the family of the requesting parties regarding the acceptance of the adoptive children and the paternity of children not born to them.
4. The attitudes of the requesting parties towards the biological parents, and what is related to the reasons for which the children or adolescent is in need of being adopted.
5. The attitudes of the requesting parties towards the behavior of the children or adolescent and discipline.
6. The plan for the requesting parties to discuss the adoption with the children or adolescent.
7. Emotional stability and maturity of the requesting parties.



8. The ability of the requesting parties to face the problems, stress, frustrations, crises and losses.
9. The ability of the requesting parties to give and receive affection.
10. The ability of the requesting parties to care for the children or adolescent, and the willingness to acquire additional knowledge needed for the development of the children or adolescent.
11. The ability of the requesting party to meet the physical and emotional needs of the children or adolescent.
12. The strengths and needs of the biological sons or daughters or previously adopted sons or daughters.
13. The physical and mental health of the requesting parties, including any indication of addiction to alcohol, drugs, or psychotropic substances.
14. Current financial information provided by the requesting parties, including properties, income, and expenses.
15. Personal references and sexual orientation of the requesting parties.
16. The location and physical environment of the home.
17. The care plan for the child or adolescent if the parents work.
18. The conclusions for the adoption, in terms of number, age, sex, ethnic qualities, characteristics, and special needs of the children or adolescents that can be fulfilled by the family, including observations indicating if the future adoptive parents are eligible or suitable to adopt.
19. Any prior participation in processes related to the adoption in which the requesting parties have participated as an active subject and the result.
20. If either of the requesting parties has been prosecuted for domestic violence, sex crimes, abuse, or any other type of felony included in the Panamanian criminal law.
21. The age of the requesting parties, the date of birth, nationality, race or ethnicity, and any other religious preference.
22. Marital status of the requesting parties and their family situation and history, including the presence of children born to the requesting party or adopted by said party, and any other child at home.
23. History of education and employment and special skills of the requesting parties.
24. Any other additional fact or circumstance that can be pertinent to the determination of the requesting parties' capability to become an adoptive parent, including the quality of the environment at home and the level of functionality of the children at the house.
25. Any specific text required by other countries to be included in the social assessment, as well as any other immigration text necessary to bring an adoptive son or daughter to Panama.

**Article 79. Psychosocial assessment.** For those requesting parties that do not have the resources to provide the psychosocial assessment by their own means, this shall be prepared and finalized by the technical team of the National Secretariat for Children, Youth, and Family, or by the collaborating non-governmental organization approved by this Secretariat within a term of no more than ten working days, as of the date of the ruling of admission of the request, and shall become part of the permanent file of the requesting parties at the National Secretariat for Children, Youth, and Family.

**Article 80. Confidential nature of the assessments.** The assessments are confidential except for the competent authority, and shall be filed and maintained in their corresponding files, in a way that ensures said confidentiality. For such purposes, the National Secretariat for Children, Youth, and Family shall digitalize said files in a safe digital format and send the original files every five years to their archive section.

**Article 81. Duration of the assessment during the pre-adoption stage.** For the adoption of a son or daughter of the spouse or partner, the pre-adoption stage will have a duration of no more than thirty calendar days, and the pre-adoption placement stage is excluded.

For the adoption of the foster son or daughter, the assessment pre-adoption stage will have a duration of no more than thirty calendar days, and the stage of pre-adoption placement stage is excluded.

**Article 82. Statement of suitability to adopt.** At the end of the psychosocial assessments or their review and the drafting of the corresponding technical reviews, where the actions, investigations, and assessments performed to the requesting parties are detailed, the National Secretariat for Children, Youth, and Family will issue within the five working days following the administrative resolution decreeing or refusing the suitability of the requesting parties. Said resolutions shall be based on legal grounds and the suitability will be in effect for two years.

Against said resolution the remedy of reconsideration is admitted within the two working days following its notification; the remedy shall be justified within the following three working days, without the need of any resolution.

The National Secretariat for Children, Youth, and Family shall resolve said remedy within the five working days following the justification.

**Article 83. Suitable Adoptive People Databank.** The persons requesting the adoption that have been declared as suitable will be included in the Suitable Adoptive People Databank.

In this Database, the information of each requesting party declared suitable will be recorded by chronological order of entry, and will be considered based on this order, except for pleas duly based on legal grounds and always based on the best interest of the children or adolescents as set forth in this Law.

**Article 84. Family Assignment Committee.** The Family Assignment Committee for Adoption Matters is created, and will be integrated by two members of the technical team of the National Directorship of Adoptions of the National Secretariat for Children, Youth, and Family and three non-government representatives of the National Support Network for Children and Adolescents in Panama, chosen for said network for a one-year term that can be renewed at the discretion of the National Support Network for Children and Adolescents in Panama for only one more term.

The decisions of the Committee will be adopted by consensus and only in the cases in which there is no consensus, a voting scheme will take place deciding by simple majority of votes, taking into account mainly the best interest of the children or adolescent.

The technical team that drafted the reports that are used as foundation for the selection shall be available during the Committee's meetings, in order to explain points that are not clear in the reports, if the Committee decides so.

**Article 85. Organization of meetings of the Committee.** The Family Assignment Committee for Adoption Matters will have to meet every fifteen days, without prejudice of meeting once a week when it deems convenient. This Committee shall have as its secretary the National Secretariat for Children, Youth, and Family, who will have the following tasks:

1. Organize and coordinate the Committee meetings.
2. Present the possible suitable family alternatives for the children and adolescents in state of adoptability.
3. Record the minutes of each meeting, which shall include the date and place of meeting, the existence of required quorum, the names of the persons attending the meeting, the numbers of files analyzed, the arguments in favor and against each pre-assignment made or rejected, as well as the results of the voting. The meeting minutes will be recorded at the National Secretariat for Children, Youth, and Family and shall be signed at that time by all the persons participating in the meeting.

In each file analyzed at the meeting of the Family Assignment Committee for Adoption Matters, the minutes of said meeting shall be included, stating the elements that were used as foundations to make the

decision in terms of assignment. In the event that there is a majority or consensus, said meeting minutes shall be set by publication in a mural at the National Directorship of Adoptions of the National Secretariat for Children, Youth, and Family for three working days; within these three working days the legal proxies of the interested parties will be able to present the remedies set forth by this Law.

**Article 86. Decision of the Committee.** The assignment is the decision of the Family Assignment Committee for Adoption Matters expressed through and administrative act, by which a family is assigned to a child or an adolescent in state of adoptability.

**Article 87. Acceptance or rejection of the assignment.** The assignment established by deed shall be personally notified to the legal proxy of the requesting parties for their acceptance or rejection. The assignments shall always be accompanied by the medical, psychological, and education information of the children and/or adolescent. The future adoptive parents have the right to know everything that is related to the health of the children and adolescent that has been assigned to them.

The requesting persons that reside in national territory shall express their acceptance or rejection of the assignment in writing, directly or through a legal proxy, within the term of five working days following their notice.

In the cases of requesting parties living abroad, the legal proxy, central authority, or accredited organism shall express their acceptance or rejection within a term of no more than thirty working days, as of the date the requesting parties confirm the reception of said notice.

**Article 88. Revocation of the assignment by the Committee.** The Family Assignment Committee for Adoption Matters will revoke the assignment in the following cases:

1. When the adolescent persons do not approve the assignment and when the children issue opinion contrary to their assignment for the adoption.
2. When the adopters desist to adopt the children or adolescent or when they do not express their acceptance or rejection within the term set forth in the article above.
3. When the competent judge denies the adoption.

**Article 89. Remedy of appeal.** The remedy of appeal will be announced and justified within the three working days following the notice of the

decision of assignment from the Family Assignment Committee for Adoption Matters and shall be submitted before the Board of Directors of the National Secretariat for Children, Youth, and Family, who shall resolve it within the next ten working days. The remedy will be granted with a stay of execution.

**Article 90.** Accompaniment and interrelations due to assignment. Once the assignment of the children or adolescent has been accepted, the technical team appointed by the National Secretariat for Children, Youth, and Family will carry out the accompaniment to the adopters. This comprises the guidance and critical information for the proper understanding and attention to the special needs of the children or adolescent, as well as information related to the family dynamics, and the formation of the affective bond and the incorporation to the family during the different stages of evolution of the minor.

During the accompaniment, the technical team will assess favorably or unfavorably the family interrelationship. The assessment report will reflect the adaptation of the children or adolescent with his/her future fathers and/or mothers, as well as the capability of the latter to handle themselves with the children or adolescent assigned.

In the cases of children and adolescents that are in an institutional foster home the National Secretariat for Children, Youth, and Family will assign a period of interrelationship between the adoptive parents and the children or adolescent, required to gradually prepare the adoptee for the change in his/her living conditions, that shall not exceed ten calendar days. The technical team of the National Secretariat for Children, Youth, and Family will assist the affective bonding process by providing the adoptive parents and the adoptee with methods to promote the process of this bonding. This period of interrelationship excludes the cases in which from the beginning of the relationship there is clear empathy among the parties, proceeding then to the period of pre-adoption placement.

**Article 91. Pre-adoption placement period.** With the favorable assessment of the interrelationship, the National Secretariat for Children, Youth, and Family will proceed to dictate the decision based on legal grounds, through which it grants pre-adoption placement, which will have a duration of thirty calendar days.

The pre-adoption placement will be supervised and assessed by the technical team of the National Secretariat for Children, Youth, and Family or a collaborating organization authorized by this Office. For this purpose, there will be three home visits and the necessary assessments to

prove the adaptation of the children or adolescent in the future adoptive family environment. These home visits, in the case of national requesting parties, will be made at their home, and in the case of international requesting parties, at the temporary residence in which they are found.

**Article 92. Rights and obligations during the pre-adoption placement.** The pre-adoption placement does not generate rights for the requesting parties regarding the children or adolescent. It does generate, however, obligations regarding the care, protection and comprehensive attention that arise with a family environment.

## Section 2 Adoption Stage

**Article 93. Purpose.** The legal statement of the adoption has as its purpose the creation of the state of filiation by adoption. This will be given with the appearance of the interested parties, and the intervention of the Public Ministry, the advocate of the children and adolescent and the National Secretariat for Children, Youth, and Family. The legal representative of the institutional foster home where the children or adolescent was placed can be present when requested by the parties. This statement will only take place when the conditions required by law are present,

when there are reasons based on legal grounds, and it presents and advantage for the adoptee.

**Article 94. Legal statement of adoption.** Once the pre-adoption stages are concluded, the National Secretariat for Children, Youth, and Family will send to the competent judge a formal request for the establishment of the adoption, within a period of five working days after the end of the pre-adoption placement. Along with the request, the file of the adopters, a report with the profile of the children or adolescent, the attested copy of the meeting minutes of the Family Assignment Committee for Adoption Matters and of the assignment, the acceptance by the requesting parties or the statement of conformity with the assignment by the Central Authority of reception or organisms accredited if it is the case of an international adoption, and all other requirements set forth in this Law will be included in the file, in order for the adoption to be legally stated.

**Article 95. Legal process.** Once the contained documentation of the request of adoption and the documentation that accredits the pre-adoption period and its favorable assessment by the National Secretariat for Chil-

dren, Youth, and Family has been received, the competent judge will order permission to proceed within the following three working days, as of the date in which the request was submitted; the date for the hearing will be set, to be celebrated within the following fifteen working days, as of the date of the permission to proceed with the request.

**Article 96. Probative value.** The investigations and the reports drafted and endorsed by the National Secretariat for Children, Youth, and Family will constitute evidence within the adoption process. Once the reports have been received, however, the competent judge, based on the principle of constructive criticism, will be able to make a one-time extension through decree duly based on legal grounds within the following five working days, as of the date the file was received. Once the decree ordering the extension has been made, the National Secretariat for Children, Youth, and Family shall have ten working days to gather the information that is still needed and return the file to the competent judge, who shall carry out the corresponding hearing within a period of ten working days as of the date of receiving the file.

**Article 97. Adoption hearing.** The hearing will be held with the appearing parties, without the need of new appointment. When the absence of the Public Ministry and/or the advocate of the children and/or adolescent takes place without a justified cause, the hearing can be suspended only once if there are circumstances duly based on legal ground on file; in this case, a new date shall be scheduled within the next five working days to the postponement and said hearing will be carried out with the persons that are present at that time.

In the adoption hearing, the parties to the proceedings will request or will submit evidentiary methods for their admissibility, being said decision not open to appeal. The representative of the Public Ministry and the advocate of the children and adolescent have the obligation of issuing their opinion during the oral hearing, which cannot exceed twenty minutes. The judge shall give his/her opinion regarding the request for adoption at the end of the hearing. The ruling will be understood as notified to the appearing parties at the hearing. The parties that did not appear will be notified by the rules for notice set forth by the Judicial Code.

**Article 98. Appeal.** The party that considers itself harmed with the ruling granting or rejecting the adoption has the right to appeal at the time of being notified or within the two working days following the notice. The remedy of appeal against the ruling regarding the adoption has the effect of

a stay pending appeal. Once the remedy of appeal has been announced and without the need to appeal of ruling admitting the appeal and granting the remedy, the appellant will have a term of three working days to justify it. Once that term has expired, the remaining parties will have three working days to oppose without the need of ruling. The justification will be carried out before the Court of the proceeding.

**Article 99. Process of second instance.** Once the file has been submitted to the Court of Appeals, the reporting judge will send it to the Public Ministry, who will have a term of five working days to issue their opinion of second instance. The reporting judge shall develop his/her project within the ten working days following the assignment of the case, and the rest of the judges will have a term of no more than three working days each to make their observations.

In none of the cases, the process of second instance shall exceed the term of thirty working days as of the date the file entered the Court ad quem. In the event of observations to the project, the judge will have two working days for reading it.

**Article 100. Registration of the adoption.** Once the adoption has been granted, the judge will have a term of three working days, as of the date of the execution of the ruling, to present to the Civil Registry the attested copy of said ruling for its due registration. The Civil Registry will proceed to register it within the following five working days from the date it was receive and, once the registration has been made, the Registry will have a term of no more than five days to send to the court the copy of the annotations made to the registration so that it is left on file.

The Civil Registry, in coordination with the Judicial Body, will set the audit mechanisms to verify the number of decisions made in terms of adoption.

### **Section 3** Post-adoption Stage

**Article 101. Post-adoption stage.** Once the adoption has been constituted by legal decision, the post-adoption stage begins, which consists of the periodical follow-up of the new family relationship for a period of three years.

The National Secretariat for Children, Youth, and Family will be responsible for carrying out the periodical follow-up every four months for a duration of three years.



The Secretariat will supervise, within the abovementioned term, that the adoptive parents have complied with everything referred to in article 53, the obligation to inform the children or adolescent about his/her condition of adoptee.

**Article 102. Remission due to non-compliance.** In the event of non-compliance in the exercise of parental rights, the National Secretariat for Children, Youth, and Family will certify a copy to the competent authority of instruction and to the Court for Childhood and Adolescent Matters for any action that corresponds by Law.

## Chapter XI International Adoption

**Article 103. Assumptions for international adoption.** The international adoption is subject to the following assumptions:

1. That the host country is subscribed to the Convention Related to the Protection of Children and Co-operation with Respect to Intercountry Adoption. In the event of an agreement regarding adoption between the Republic of Panama and the host country, this shall be governed by the guarantees and terms set forth in the Convention Related to the Protection of Children and Co-operation with Respect to Intercountry Adoption.
2. That the central authority of the host country or the competent authority in the protection of the rights of the children and adolescent guarantees the adequacy of the process and that the children and adolescents adopted have all the guarantees and rights that the country of origin provides its national citizens, acknowledging their nationality in the host country.
3. That in the host country there are rights, guarantees, and minimum conditions for the adoptee, equal to the ones provided by the Panamanian law, including the Convention on the Rights of the Children.

**Article 104. Entities collaborating in matters of international adoption.** The organisms accredited as collaborators in matters of international adoption that are duly accredited and registered by the central authority in matters of adoption of the host country and the country of origin can be intermediaries in the processes of international adoption within the national territories.

The collaborating entity in terms of adoption that requests the accreditation in the Republic of Panama shall prove that it is authorized by the central authority of the host State to operate in Panama and to comply with the requirements set by the Panamanian laws.

**Article 105. Limitations for the international conventions on adoption.**

The State will only sign agreements on adoption with other States that comply with the guidelines and the directives of the Convention on the Rights of the Child and the Convention Related to the Protection of Children and Co-operation with Respect to Intercountry Adoption and all the instruments on human rights ratified by the Republic of Panama.

Said agreements shall state:

1. The minimum requirements that the adoptive candidates shall comply with; in no case can these can be less than the ones demanded by national adoption.
2. The appointment of assessment mechanisms of the agreement.
3. The commitment to render accounts regarding the matters that are required by central authority.
4. The obligation of the counterpart to submit the reports requested to it.

**Article 106. Effects of non-compliance with the adoption agreements.**

The non-compliance of the obligations set forth in the preceding articles will be sufficient cause for the Central Authority in matters of adoption to inform the Ministry of Foreign Affairs, who, at the same time, shall carry out the corresponding processes to terminate the agreement.

The non-compliance in submitting the follow-up reports or the lack of protection in the violation of the rights of the children and adolescents adopted will be sufficient cause for the Central Authority in matters of adoption to inform the Ministry of Foreign Affairs, who, at the same time, shall carry out the corresponding processes to terminate the international adoption agreement with said country.

**Article 107. Request for international adoption.** When the requesting parties are residing abroad, they shall submit their request of adoption through the central authority or the collaborating authorities in matters of international adoption of the host country. Once the request is received by the Panamanian Central Authority, the requesting parties shall appoint a suitable legal proxy to exercise the counseling in the Republic of Panama.

**Article 108. Documentation required for international adoptions.** For the cases in which the requesting party or parties are foreigners or nationals with an address outside the country or residing abroad, additional to what is stated in article 75, they shall provide the following documents:

1. Psychological study of the requesting parties including the psychological family dynamics, supported by the central authority or organism accredited by the central authority of the host country.
2. Socioeconomic assessment of the requesting parties, including the dynamics and the functioning of the family, supported by the central authority or organism accredited by the central authority of the host country.
3. Police background history issued by the corresponding authority.
4. Copy of the passport.
5. Copy of the authorization to enter the adoptee into host country.
6. Authorization to adopt issued by the central authority or organisms accredited by the central authority of the host country.
7. Certificate issued by the central authority or organisms accredited by the central authority of the host country, stating the commitment to follow-up on the children or adolescent in process of adoption, for a term of three years.
8. Certificate of attendance to the courses for adoptive fathers and mothers, issued by the central authority or organisms accredited by the central authority in matters of adoption from other nations recognized by the Republic of Panama.
9. Authorization or visa of the host country for entering the adopted children or adolescent.
10. Certificate from the immigration authority and the nationalization authority regarding the requirements for nationalization.

**Article 109. Documents issued abroad.** All documents issued abroad shall be duly authenticated with Apostille (The Hague Convention of October 5, 1961) or, otherwise, authenticated by the Consulate or Diplomatic Office of Panama in their country of issuance. In the event of an agreement regarding the Apostille, it will be governed by this.

All documents that are not written in Spanish shall be accompanied by its corresponding translations made by a public translator in good standing in the Republic of Panama.

**Article 110. Pre-adoption placement in international adoptions.** The pre-adoption placement in international adoptions can be made in the Republic of Panama or in the country of residence of the adoptive parties,

and will have a duration of no more than three months, of which the first two months shall be in national territory. In the cases in which the pre-adoption placement will be continued abroad, these will be sent to the competent judge so that he/she can provide the permit to exit the country, based on what is set forth in the current legislation in matters of immigration.

**Article 111. Follow-up to international adoptions.** The State, through the Central Authority, or organisms accredited by the Central Authority, has the responsibility to carry out the periodical follow-up of the residence and the living conditions of the children and adolescents adopted in conformity with the regulations of this Law, as well as to demand that necessary measures are taken, according to current international instruments, in order to improve said conditions when it is proven that these are not suitable for the comprehensive development of the adoptee.

The Central Authority is also responsible for requesting every four months, and for a duration of three years, to the central authorities of other countries and to the foreign entities or the collaborating agents that have supported the international adoptions, the follow-up reports to which they are bound by virtue of said international instruments. The responsibilities outlined will cease after the three-year term as of the date of adoption. The agreements shall stipulate that the follow-up will be done every four months.

**Article 112. Coordination with foreign services.** The National Secretariat for Children, Youth, and Family, along with the Ministry of Foreign Affairs, will develop a manual with reference to the Panamanian State's obligations in giving and demanding extra-territorial protection to the children and adolescents that are abroad, especially to the minors adopted by persons that do not reside in the national territory.

The National Secretariat will also organize and approve seminars previously evaluated by the National Secretariat for Children, Youth, and Family, directed to the Consular Corps, in order to implement, evaluate, and modify the mechanisms and processes necessary to provide an effective and timely comprehensive protection to the Panamanian children and adolescents living abroad.

**Article 113. Receptive adoption.** The foreign children and adolescents that, by virtue of adoption by Panamanian persons or foreigners living in Panama, are permanently living in the country will have all the rights, guarantees, attributes, duties, and responsibilities that the law and the international

instruments grant according to the national adoption regime. In the case of international adoptions, what is set forth regarding the nationalization of the adoptee according to number 10 of article 108 will be verified.

**Title V**  
Nullity and Sanctions

**Article 114. Legitimation and causes of nullity.** The action of nullity only takes place before the Court of Children and Adolescent Matters at the request of the adoptee, the Public Ministry, or the advocate of the children or adolescent, when it has been decreed with violation of rights or serious disregards of the substantive and procedural rules.

The nullity action requested by the biological mother or father will only take place when the process of permanent termination of parental rights has been previously declared null due to violation of substantive and procedural guarantees.

**Article 115. Sanctions for the individual benefit.** The individuals that incur in the prohibitions set forth in this Law and benefit in an improper manner, directly or indirectly, from the adoption processes will be investigated and processed for the felony in which they incur, having the competent authority to attest the copies to the Public Ministry.

The public servant that intervenes in the conditioning of the consent for the adoption or receives economic or any other type of considerations or that is an intermediary in this matter with purposes of profit will be sanctioned with the removal from his position and the communication of this action to the Public Ministry will take place for the corresponding investigation based on what is set forth in the Penal Code. Without prejudice of the criminal responsibility in which they could incur, the public servants that contravene what is set forth in this article shall be disciplinarily sanctioned, according to the seriousness of the violation committed, by his/her hierarchical superiors.

The National Secretariat for Children, Youth, and Family will answer in a solidary manner for the lack of supervision of the poor and defective services performed by the organisms or agencies authorized by it for the performance of the authority attributed in article 24.

**Article 116. Sanctions to the parties and other procedural subjects.** The competent judge will sanction the parties and other procedural subjects that do not attend the hearings without fair cause duly accredited on file, for one time only, with fines that range from five hundred Balboas (B/.500.00) up to one thousand Balboas (B./1,000.00).

Expert evaluators in the assignment process and the members of the Family Assignment Committee for Adoption Matters incur in this responsibility by the actions derived from the exercise of their roles.

In the events in which a competent judge propitiates the non-compliance or the evasion of the procedural responsibilities of the parties stated in article 93, he/she will be responsible for disciplinary offense and will be sanctioned pursuant to what is set forth in the judiciary law.

**Article 117. Sanctions for delay or for prejudice.** All administrative workers that delay or provoke any prejudice within the processes foreseen in this Law will be sanctioned by his/her hierarchical superiors at the request and verification of the persons affected or of the persons that represent or have under their care the children or adolescent, as follows:

1. A fine that ranges between two hundred and fifty Balboas (B/.250.00) and five hundred Balboas (B/.500.00).
2. The suspension of the exercise of his/her position for a period of three months without payment.
3. Permanent removal from the position.

If the event that motivates the sanction involves also a felony, his/her supervisor or any other official that applies the sanction shall then send a copy of the file to the Public Ministry so that it can start the process and determine the criminal responsibilities.

For delays and prejudice created within the process, it will be the responsibility of the judge to apply disciplinary sanctions according to regulation set forth in the Judicial Code.

**Title VI**  
Additional Provisions

**Article 118.** Article 342 of the Family Code is left as follows:

**Article 342.** The loss of the right to a family of a children or adolescent by the father and/or mother has taken place, originating the immediate and definitive termination of parental rights or parental authority when:

1. For an unjustified reason, he/she has not kept in touch with the minor for a period of sixty calendar days, duly proven.
2. Repeatedly avoids the fulfillment of his/her duties and obligations in a period of sixty calendar days , and/or
3. Has proven to be incompetent or negligent, as defined in this Code.

The loss of the right to a family by children or adolescent will also take place when his/her consanguineous relatives incur in any of the assumptions set forth in article 341.

**Article 119.** Article 343 of the Family Code is left as follows:

**Article 343** The Public Ministry, the parents of the children or adolescent and the National Secretariat for Children, Youth, and Family are legitimized for demanding the definitive termination of parental rights to which the above article refers to and will become an active procedural party within said processes.

The legal representatives of the institutional foster homes that have fostered a children or adolescent for a term of sixty calendar days without any kind of contact by his/her consanguineous family shall report it in writing at the end of that term to the National

Secretariat for Children, Youth, and Family with the purpose of providing additional evidence within the processes of definitive termination of parental rights.

**Article 120.** Article 343-A of the Family Code is abrogated.

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

**Article 343-B.** Once the definitive termination of parental rights and/or the declaration of adoptability has been demanded, by the Public Ministry, the National Secretariat for Children, Youth and Family or by



the relatives of the minor, due to procedural economy, the Judge will determine whether to proceed or not with what is being demanded, in only one process, following the rules below:

1. If the loss of parental rights is enabled for the mother or the father, the parental responsibility will be exclusively executed by the other party.
2. If the loss of parental rights is enabled for the father and the mother, and there is evidence of a competent consanguineous family option that wishes to have the legal guardianship and tutelage or custody, the Judge will declare it so.
3. If the loss of parental rights is enabled for the father and the mother, and there is no evidence of a competent family option, the Judge will declare that the next step is to restore the legal family bond through adoption, declaring his/her state of adoptability pursuant to the procedural regulations set forth in the General Law of Adoptions.
4. In the event of orphan children and adolescents or children and adolescents of unknown parents without the family option, it will be proceeded to immediately declare the state of adoptability.

In the event that the relatives are the persons demanding the definitive termination of parental rights, they will be able to do so through legal means.

In terms of the above assumptions, the process will take place through the special procedural regulations set forth in the General Law of Adoptions.

**Article 122.** Article 369 of the Family Code is left as follows:

**Article 369.** The placement of the children or adolescent in a foster family will not exclude the possibility of the foster persons, in the future, to request the adoption of the children or adolescent under their care. It is not a requirement, however, since each case is regulated by the best interest of the children or adolescent. The foster persons that wish to adopt the children or adolescent under their care shall fulfill the adoption requirements set forth in the General Law of Adoptions.

The placement in a foster family is only allowed within the Panamanian territory, and only when the foster parents are Panamanian or foreigners with a status of permanent residence or nationalized and residents in Panama.

**Article 123.** Article 752, number 4 of the Family Code is left as follows:

**Article 752.** The Sectional Family Courts shall learn and decide in first instance:

...

4. About the adoptions of persons of legal age.

...

**Article 124.** Advocate of the children and adolescent. An advocate of the children and adolescent shall be appointed for each Court of Children and Adolescent Matters, with the exception of the Courts of Panama Centro, Veraguas, and San Miguelito in which two advocates shall be appointed. These advocates shall be appointed as of the date this Law comes into effect, and for this, the corresponding special budget entries will be approved.

**Article 125.** Requirements of the advocate of the children and adolescent. In order to exercise the position as advocate of the children and adolescent, the person shall be a Law graduate and in good professional standing to practice as an attorney in the Republic of Panama and to have studies and experience in matters of children and adolescents for more than five years.

The Jurisdiction of Children and Adolescents shall become a part of the selection committee of these professionals.

**Article 126.** Department of Foster Homes. As of the date this Law is in effect, the National Secretariat for Children, Youth, and Family shall create the Department of Foster Homes, made up by a legal and technical team with experience in matters of children and adolescents, to train, assess, and supervise the foster homes, and for this purpose, the corresponding special budget entries will be approved.

**Article 127.** Report on the implementation. The National Secretariat for Children, Youth, and Family will coordinate and evaluate, along with the Jurisdiction of Children and Adolescents of the Judicial Body, the Civil Registry, and the Panamanian Association for Family Planning, the progress and results of this Law and will present a report of these every six months to the Committee on Woman, Children, Youth, and Families of the National Assembly.

**Title VII**  
**Special Provisions**

**Article 128. Adoption of a person of legal age.** The adoption of persons of legal age according to this Law is jurisdiction of the family sectional judge and the process will be limited to the standard ordinary processes set forth in the Family Code:

In order to proceed with the adoption of a person of legal age it is necessary:

1. The consent of the adoptive son or daughter.
2. Coexistence of the adoptee with his/her adoptive parents, of no less than five years prior to becoming of legal age.
3. That the existence of affective family bonds between the adoptee and the adoptive parents.
4. That the adoptee submits the request for adoption within the two years after becoming of legal age.

**Article 129. Loss of good professional standing to exercise public office.** The persons that have been charged to serve time in prison for crimes against sexual freedom to the detriment of minors, homicide in prejudice of the spouse or parents, drug trafficking, arms trafficking, money laundering, or human trafficking will not be able to occupy paid public office with the State, even if they fulfill the requirements set forth by law.

**Title VIII**  
Final Provisions

**Article 130.** (temporary). Applicable regulations to the current adoption processes. The adoptions that, at the time of this Law becomes effective, are still pending process shall be subjected to the substantive and procedural rules set forth in this Law, with the exception of the cases in which the pre-adoption placement has started, but the process will continue according to the above dispositions as long as no prohibition, as stated in article 46, are incurred.

**Article 131.** Reference. This Law modifies articles 342, 343, 343-B, and 369, as well as article 752, number 4, and abrogates article 343-A of the Family Code and subrogates Law 61 of August 12, 2008.

**Article 132.** Effect. This Law will be in effect the day following its promulgation.

LET IT BE COMMUNICATED AND OBEYED.

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

The President,

Sergio R. Gálvez Evers

The Secretary General,

Wigberto E. Quintero G.

NATIONAL EXECUTIVE BODY. PRESIDENCY OF THE REPUBLIC. PANAMA, REPUBLIC OF PANAMA, JULY 17, 2013.

RICARDO MARTINELLI BERROCAL  
President of the Republic

GUILLERMO A. FERRUFINO B.  
Minister of Social Development