

## GUATEMALA

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Procedures for applicants wishing to adopt a child from Guatemala are as follows:

1. You should contact your local authority's social services department to discuss your wish to adopt a child from Guatemala and to request a home study assessment. This is explained in the sheet headed 'The Intercountry Adoption Procedure'.
2. If you are approved to adopt a child from Guatemala, your home study assessment report, medical reports, police checks and references will be sent to the Department of Health. If you live in Scotland, Wales or Northern Ireland, your papers will be sent to the Scottish Executive, National Assembly for Wales or Health & Social Services Executive.
3. Once the Department of Health is content with the local authority's recommendation, a Certificate of Eligibility will be issued and signed by a Department of Health official. The Guatemalan Authorities will not accept an adoption application without this Certificate. You will be asked to send to the Department of Health the name and address of your Notary Public, and the lawyer/agency in Guatemala, and appropriate fee for the legalisation of your documents. The legalisation fee will depend on the way your agency wishes your papers to be legalised.
4. The Department of Health will arrange for the Certificate of Eligibility and home study report to be notarised. You will need to arrange for the supporting documents that are listed in Appendix A to be individually\* notarised by your Notary Public (\*Again, you will need to check with your lawyer/agency how they wish your documents to be notarised.) The Department of Health will arrange for all the documents to be legalised by the Foreign and Commonwealth Office and by the Embassy of Guatemala (fees are set out below).
5. Once the papers have been legalised, the Department of Health will forward the documents and two copies, by courier, to the British Embassy in Guatemala. The British Embassy registers details of the application and notifies your lawyer/agency of the arrival of the application which must be collected within 2 working days.
6. When a child has been identified and you wish to accept the child, your lawyer/agency will inform the British Embassy and start the entry clearance process. Where the child identified for you has been given up for adoption by his birth parent(s) and parental consent is given, the child and birth parent(s) will have to undertake a DNA test. The sample will be sent to a laboratory in London for testing. The results will take 6 weeks to be notified to your lawyer/agency and the British Embassy. The Entry Clearance Officer will interview the birth parent(s) and should the outcome of the interview be satisfactory, your lawyer/agency will apply on your behalf to the Procuradoria Nacional for an adoption order.
7. The Entry Clearance Officer at the British Embassy in Guatemala will liaise with the appropriate Health Department to obtain advice on the welfare aspects of the child and whether a UK court would grant an adoption order. The Health Department will provide the advice within ten working days of receipt of the documents.
8. Once the adoption order is made you (if you are married, both you and your spouse), should travel to Guatemala to meet the child. In the unlikely event that you decline the child after the adoption order has been made, your lawyer/agency may apply to the Procuradoria to cancel the order according to Guatemala law.

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## Guatemala

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9. You may now visit the British Embassy to complete the entry clearance process. Once your child has received entry clearance you may return to the UK.

### IMPORTANT NOTES

10. To adopt a child from Guatemala you will have to comply with both UK and Guatemalan Law.

### UK LAW

11. Under UK law people who wish to adopt may be single, male or female or married. In the case of a married couple, the application must be made jointly. Where a couple are not married but are living together, only one of them may apply to adopt.

12. If either you or, in the case of a married couple, your spouse or any adult member of your household has been convicted of certain specified offences, the adoption agency may not accept an adoption application from you. See regulation 8A(2) and Schedule 2 of the Adoption Agencies Regulations 1983 as amended by The Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997.

13. You must be 21 years of age before you may apply to adopt.

14. The UK does not recognise the effects of an adoption order made in Guatemala and thus you will need to adopt your child again in the UK. Once you have brought your child to the UK, you **must** tell your local authority that you have adopted the child under Guatemalan law and let them know that you intend to adopt the child under UK law. An adoption order may not be made until the child has lived with you for at least one year.

15. Until you have adopted your child under UK law, your local authority is required to carry out periodic visits to your home to review the welfare of your child. Your social worker will prepare a report on you and your child for presentation to the court in connection with your application for an adoption order. This report is prepared under Schedule 2 of the Adoption Rules 1984. Once the adoption order is granted, your social worker will no longer need to visit you or your child.

### GUATEMALAN LAW

16. You must be 25 years or older than the child and must be a single female or married.

17. A translator authorised by the Guatemalan authorities should translate the document into Spanish in Guatemala.

### 18. Fees

Home study assessment	Fees vary. Can be up to £3,500.
Legalisation by the FCO	£12 per document. Cheques payable to the Foreign & Commonwealth Office

Legalisation by the Embassy of Guatemala	£8 per document. Postal orders/cheque made payable to the Embassy of Guatemala
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## Guatemala

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Visa for the child (subject to changes in the exchange rate)	£240 payable in quetzales
Taking of DNA sample DNA test	US\$8 (subject to changes in the exchange rate) £447.67 (Fee should be paid to HSBC, 54 Clarence Street, Kingston Upon Thames, Surrey, KT1 1NP, sort code: 40-26-12. Account number 31419862, Account name University Diagnostics Limited.)

Other costs are for the notarisation of your documents; flights to and from Guatemala and accommodation.

### USEFUL ADDRESSES

The Department of Health	The Adoption Unit, Room 122 Wellington House, 133-155 Waterloo Road, London SE1 8UG. Tel: 020 7972 4014. Fax: 020 7972 4257 Email: <a href="mailto:lyahyaou@doh.gov.uk">lyahyaou@doh.gov.uk</a>
Department of Health adoption website:	<a href="http://www.doh.gov.uk/adoption">www.doh.gov.uk/adoption</a>
Scottish Executive	Children and Young People's Group, Young People and Looked After Children, Area 2b-S, Victoria, Edinburgh, EH6 6QQ. Tel: 0131 244 5480/5443. Fax: 0131 244 3547
National Assembly for Wales	Children & Families Unit, Cathays Park, Cardiff, CF1 3NQ. Tel: 029 2082 3875 Fax: 029 2082 3142 Email: <a href="mailto:Vivian.Martin@Wales.GSI.Gov.UK">Vivian.Martin@Wales.GSI.Gov.UK</a>
[Northern Ireland] Health & Social Services Executive	The Child Care Unit, Dundonald House, Belfast, BT4 3SF. Tel: 028 90 52 4388
Home Office Immigration & Nationality Dept.	Room 1101 Apollo House, 36 Wellesley Rd, Croydon CR9 3RR. Fax: 020 8760 8777.
Foreign & Commonwealth Office's web site	<a href="http://www.fco.gov.uk">http://www.fco.gov.uk</a>
Guatemalan Embassy	13 Fawcett Street, London SW10 9HN Tel: 020 7351 3042
British Embassy in Guatemala	Avenida La Reforma 16-00, Zona 10 Edificio Torre International, Nivel 11 Ciudad di Guatemala Tel: 00 502 3675425 / 3675426 Fax: 00 502 3675430 Email: <a href="mailto:embassy@infovia.com.gt">embassy@infovia.com.gt</a>

**SUPPORTING DOCUMENTS**

1. Your Marriage certificate and if you have been divorced, you decree absolute;
2. Your birth certificate;
3. An "AKA" statement indicating all of the names each applicant is referred to in their documentation (maiden names, nicknames, etc.);
4. Report from a psychologist. We have been advised that the report would be an advantage to your application. Should you decide to include this document with your application you may wish to liaise with your social services department;
5. At least 2 letters of reference written on letter headed stationery by reliable individuals whose integrity is known, for example an employee of an educational establishment, and from a church or religious body. The Guatemalan Authorities would prefer the referees' signatures to be notarised in the presence of a notary;
6. Statements of at least two witnesses stating that you are of high moral standing, honest, worthy of merit, emotionally stable and any further qualities which make you suitable to be adoptive parents able to fulfil the responsibilities ahead of you. The witnesses must give their name and address, state how long they have known you, why they are giving their declaration and that they have no personal or any other form of interest with you and that their declaration is totally impartial. The statement should be made under oath and in the presence of a notary;
7. Letter from your employers or employment agency stating position in the organisation, the term of your employment and annual salary. If you are self-employed the letter should come from your accountant and state your profession and income;

**Documents provided by your social services department and the Department of Health**

8. Department of Health's Certificate of Eligibility to Adopt;
9. Home study assessment report;
10. Police report on each applicant.
11. Medical reports on each applicant.

**The above documents 1-7 will need to be notarised by a Notary Public. Please do not have your supporting documents notarised until you have been asked to do so by the Department of Health.**

**\*Please check with your lawyer/agency how they wish your documents to be notarised, ie individually, or covered by a notarial statement.**