THE CHILD ADOPTION BILL

(No. ..... of 2026)

Explanatory Memorandum

The main object of this Bill is to provide a legal framework for the domestic adoption and intercountry adoption of children and give effect to the Convention on Protection of Children and Co-operation, in respect of Intercountry Adoption, concluded on 29 May 1993, to which the Republic of Mauritius is a signatory.

2. The Bill, inter alia, makes provisions for –

(a) the establishment of the Mauritius Child Adoption Authority which shall be responsible for matters relating to domestic adoption and intercountry adoption of children and act as the Central Authority for the purpose of the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption;

(b) the principles governing the adoption of children;

(c) monitoring the pre-adoption and post-adoption process and ensuring the protection of children prior to and after the adoption;

(d) the prospective adoptive parent to possess a certificate of eligibility and the conditions that they should satisfy for that purpose;

(e) the matching of children with the prospective adoptive parent,

and for matters connected, incidental and related thereto.

M. A. NAVARRE-MARIE

Deputy Prime Minster, Minister of Gender Equality and Family Welfare

..... 2026.

THE CHILD ADOPTION BILL
(No. ..... of 2026)

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A BILL

To provide a legal framework for the effective implementation of domestic and intercountry adoptions and for matters connected, incidental and related thereto

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Child Adoption Act 2026.

2. Interpretation

In this Act –

"accredited adoption agency" means an adoption agency which is certified by the Central Authority of a Contracting State as being an accredited adoption agency;

"adoptee" means a child who is the subject of an adoption order;

"adoption" means a domestic adoption or an intercountry adoption;

"adoption order" means an order, for the adoption of a child, made by a the Judge in Chambers or in another Contracting State;

"adoption records" means the records relating to an adoption, which are in the custody of the Authority;

"adoptive parent" means a person who adopts a child;

"Appeal Committee" means the ad hoc Appeal Committee set up under section 25;

"authorised officer" –

(a) means an employee of the Authority, designated as such by the Director; and

(b) includes the Director;

"Authority" means the Mauritius Child Adoption Authority established under section 7;

"Board" means the Board of the Authority referred to in section 11;

"Central Authority", for the purposes of the Convention and intercountry adoption, means –

(a) in the case of Mauritius, the Authority;

(b) in the case of any other Contracting State, the Central Authority designated as such by that State;

"certificate" means a certificate of eligibility and suitability to adopt a child;

"certificate of conformity" means a certificate issued pursuant to Article 23 of the Convention, certifying that an adoption has been made in accordance with the Convention;

"child" has the same meaning as in the Children's Act 2020;

"Contracting State" means a State which has –

(a) ratified the Convention; or

(b) acceded to the Convention, provided Mauritius has not raised an objection to its accession under Article 44(3) of the Convention;

"Convention" means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded on 29 May 1993;

"Director" means the Director of the Authority under section 13;

"domestic adoption" means the adoption of a Mauritian child resident in Mauritius, by a person specified in section 18;

"family member", in relation to a child –

(a) means a grandparent, brother, sister, uncle, aunt or cousin of the child, and any other biological relative within the fifth degree of kinship; and

(b) includes the spouse of a biological parent;

"harm" has the same meaning as in the Children's Act 2020;

"intercountry adoption" means the adoption or proposed adoption of a child who has resided in a Contracting State for a period of at least one year prior to the proposed adoption, by an adoptive parent or a prospective adoptive parent who have resided in another Contracting State for a period of at least one year prior to the proposed adoption;

"kinship adoption" means the adoption of a child by a family member;

"member" means a member of the Board;

"Minister" means the Minister to whom responsibility for the subject of welfare of children is assigned;

"Ministry" means the Ministry responsible for the subject of welfare of children;

"parents", in relation to a child, means his biological mother and father;

"prospective adoptee" means a child who may be the subject of an adoption;

"prospective adoptive parent" means any person who wishes to adopt a child;

"receiving State", in relation to intercountry adoption, means the State where an adoptive parent or prospective adoptive parent resides;

"State of origin", in relation to intercountry adoption, means the State where a child resided prior to his adoption or resides at the time of his proposed adoption;

"supervising officer" means the supervising officer of the Ministry.

3. Application of Act

(1) This Act shall bind the State.

(2) This Act shall apply to the adoption of a child by *adoption simple*, *adoption plénière* or *légitimation par adoption* in accordance with the Code Civil Mauricien.

(3) This Act shall be in addition to, and not in derogation from –

(a) articles 342-2 to 370-5 of the Code Civil Mauricien;

(b) the Children's Act 2020; and

(c) insofar as it relates to a child, the Combating of Trafficking in Persons Act.

PART II – GENERAL PRINCIPLES GOVERNING ADOPTION

4. Best interests principles

(1) The best interests of a child shall, in any matter related to the adoption of a child, be the paramount consideration by any Court, Government department or person.

(2) Subject to this Act and any other enactment applicable to children, a Court, Government department or person shall, for the purpose of determining the best interests of a child, in relation to his adoption, consider –

(a) the health, safety, welfare and emotional well-being of the child;

(b) the needs of the child and his harmonious development, including any educational needs or special needs which may arise due to any disability or any other matter;

(c) the availability of financial and other resources.

5. Other principles applicable in adoption matters

A Government department or person shall, in any matter related to the adoption of a child, have due regard to the fundamental rights of the child and, in particular –

(a) ensure timely access to information which is in its or his possession and which a party to an adoption or a proposed adoption may reasonably require;

(b) give the child the opportunity to express his views on any matter concerning him, including his proposed adoption, having regard to his age and degree of maturity;

(c) ensure that the child is promptly informed of any matter concerning him, having regard to his age and degree of maturity;

(d) ensure that the views of the biological parents of the child are taken into consideration for his best interests;

(e) ensure the placement of siblings together, as far as possible and provided that it is in the best interests of the child;

(f) ensure that a prospective adoptive parent has access to information relating to the religion, ethnic origin and linguistic or other cultural heritage of the child;

(g) promote openness and transparency vis-à-vis an adoptee regarding the fact that he has been adopted;

(h) provide administrative support to a prospective adoptive parent and an adoptive parent during and after an adoption.

6. Principle of subsidiarity

(1) A child shall, as far as possible and provided that it is in his best interests, be raised and remain in the care of his parents or a family member.

(2) Where –

(a) the parents or a family member of a child are or is not able to raise and take care of the child or are or is not available; and

(b) the child is adoptable by virtue of the relevant provisions of article 348 of the Code Civil Mauricien,

the Authority shall take such necessary measures as may be required to find a suitable family for him in Mauritius.

(3) The Authority may, where it cannot find a suitable family for a child, consider an intercountry adoption of the child.

PART III – MAURITIUS CHILD ADOPTION AUTHORITY

Sub-Part A – Establishment of Authority

7. The Authority

(1) There is established, for the purposes of this Act, the Mauritius Child Adoption Authority.

(2) The Authority shall be a body corporate.

Sub-Part B – Objects, Functions and Powers of Authority

8. Objects of Authority

The Authority shall –

(a) act as the Central Authority for Mauritius in matters pertaining to the adoption of a child;

(b) act as a facilitator with respect to domestic adoption and intercountry adoption;

(c) ensure that an adoption is done in accordance with this Act;

(d) promote general awareness on matters pertaining to adoption;

(e) ensure that no adoption is done for the purpose of pecuniary interest or any other illegal practice;

(f) promote coordination and collaboration among relevant stakeholders in relation to matters pertaining to adoption.

9. Functions of Authority

The Authority shall have such functions as are necessary to further its objects most effectively and efficiently and shall, in particular –

(a) receive and determine applications from a prospective adoptive parent;

(b) assess and determine the eligibility and suitability of individuals to adopt and, where appropriate, issue a certificate under section 15;

(c) conduct such enquiries as may be appropriate regarding applications for adoption;

(d) conduct interviews of such persons as it considers appropriate in relation to an adoption or proposed adoption;

(e) counsel and prepare prospective adoptees and an adoptive parent for adoption;

(f) carry out the matching of an adoptable child with a prospective adoptive parent;

(g) provide, following an order of the Judge in Chambers in respect of an application, a report of its opinion;

(h) submit to the relevant authorities such reports as they may require on the placement of a prospective adoptee or adoptee;

(i) be responsible for matters pertaining to intercountry adoptions;

(j) cooperate with the Central Authority of other Contracting States and exchange information in respect of an intercountry adoption;

(k) do post-adoption follow-up;

(l) do follow-up regarding a prospective adoptee who is placed with a prospective adoptive parent;

(m) maintain a register for each of the following –

(i) domestic adoption;

(ii) intercountry adoption where Mauritius is the State of origin; and

(iii) intercountry adoption where Mauritius is the receiving State,

which shall contain such particulars as may be prescribed;

(n) carry out research or participate in research projects and activities for the enhancement and improvement of services in respect of matters pertaining to adoption;

(o) compile statistics and other information relating to adoption;

(p) except where required by a Court, keep and cause to be kept, every matter pertaining to adoption as confidential;

(q) prepare and publish, for relevant stakeholders, a Code of Ethics on matters pertaining to adoption;

(r) advise the Minister on matters pertaining to adoption;

(s) submit to the Minister quarterly reports on its activities.

10. Powers of Authority

The Authority shall have such powers as may be necessary to enable it to discharge its functions most effectively and efficiently and may, in particular –

(a) raise funds;

(b) receive grants, donations and legacies;

(c) buy or sell any property;

(d) charge such fees as may be prescribed with respect to processing an application for a certificate, the issue of a certificate and any of its functions under this Act;

(e) seek, from the Commissioner of Police, such assistance and information, including criminal records, as may be necessary for the purposes of an application for adoption;

(f) take such action as may be necessary for the removal of a child from his prospective adoptive parent where it considers that the placement of the child is no longer in his best interests.

Sub-Part C – Administration and Management of Authority

11. The Board

(1) There shall be a Board which shall be responsible for the administration and management of the Authority.

(2) The Board shall consist of –

(a) a Chairperson, who shall be a law practitioner of not less than 10 years' standing, having knowledge of, and proven experience in, matters pertaining to adoption and the custody of children, to be appointed by the Minister;

(b) a representative of the Prime Minister's Office;

(c) a representative of the Ministry;

(d) a representative of the Ministry responsible for the subject of finance;

(e) a representative of the Ministry responsible for the subject of foreign affairs;

(f) a representative of the Ministry responsible for the subject of health;

(g) a representative of the Attorney-General's Office;

(h) a psychologist having not less than 8 years' experience; and

(i) 2 persons having knowledge and proven experience in matters pertaining to adoption and matters relating to children, to be appointed by the Minister.

(3) Every member shall hold office for a period of 2 years and shall be eligible for a reappointment for a further period of 2 years.

(4) No person shall be qualified to be a member where he is –

(a) a member of the Assembly or the Rodrigues Regional Assembly;

(b) a member of a local authority;

(c) an employee or a member of any Board, or shareholder in, any entity which caters for the welfare of children; or

(d) otherwise actively engaged in politics.

(5) A member, other than an ex-officio member, shall cease to hold office –

(a) on the completion of his term of office;

(b) on his resignation;

(c) where he becomes a member of the Assembly, the Rodrigues Regional Assembly or a local authority, or otherwise actively engages in politics;

(d) where, without sufficient cause, he fails to attend 3 consecutive meetings of the Board.

(6) Every member shall be paid such fees or allowances as the Minister may determine.

12. Meetings and powers of Board

(1) The Board shall meet at such place and time as the Chairperson may determine.

(2) Where the Chairperson is absent at a meeting of the Board, the members present shall elect a member to chair the meeting.

(3) At any meeting of the Board, 6 members shall constitute a quorum.

(4) The Board may co-opt such other persons who may be of assistance in relation to any matter before it and the co-opted member shall –

(a) not have the right to vote at any meeting of the Board; and

(b) be paid such fees or allowances as the Board may determine.

(5) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

(6) (a) The Board shall designate an employee of the Authority to act as Secretary to the Board.

(b) The Secretary shall –

(i) prepare and attend meetings of the Board;

(ii) keep minutes of proceedings of any meeting of the Board; and

(iii) have such other duties as may be conferred upon him by the Board.

(7) (a) The Board may set up such committees as it may determine to assist it in the discharge of its functions.

(b) A committee referred to in paragraph (a) shall consist of not more than 3 members.

(8) The Board shall determine the composition and functions of a committee.

(9) A committee shall –

(a) meet as often as is necessary and at such time and place as the Chairperson of the Board may determine;

(b) meet as and when the Board may require;

(c) regulate its meetings and proceedings in such manner as it may determine.

(10) (a) A committee shall submit its report to the Board within such time as the Board may determine.

(b) The report referred to in paragraph (a) shall contain the observations, comments, findings or recommendations, as the case may be, of the committee, on any matter referred to it.

(11) Where any member or co-opted person, or any person related to him by blood or marriage, has any interest in relation to any matter before the Board, the member or co-opted person –

(a) shall disclose the nature of the interest at or before the meeting convened to discuss the matter; and

(b) shall not take part in any deliberations of the Board relating to the matter.

(12) The Board may, subject to such instructions as it may give, delegate to the Director such of the functions and powers of the Authority as may be necessary for the effective management of the day to day business and activities of the Authority, other than the power to –

(a) buy or sell any property;

(b) raise funds or borrow money;

(c) enter into a contract;

(d) receive grants, donations and legacies.

13. Director

(1) (a) There shall be a Director of the Authority who shall, with the approval of the Minister, be appointed by the Board on such terms and conditions as it may determine.

(b) The Board shall determine the qualifications and experience required for appointment to the post of Director.

(2) The Director shall be responsible for –

(a) the execution of the policy and decisions of the Board;

(b) the control and management of the day to day business of the Authority; and

(c) carrying out such duties as may be assigned to him by the Authority.

(3) (a) The Director shall, in the discharge of his functions, act in accordance with such directions as he may receive from the Board.

(b) The Director may, with the approval of the Board, delegate his functions and powers to such employee as he may determine.

(4) The Director shall, unless otherwise directed by the Board, attend every meeting of the Board and may take part in its deliberations but shall not have the right to vote on any matter before the Board.

14. Staff of Authority

(1) The Board may, on such terms and conditions as it may determine, appoint such employees as it considers necessary for the proper discharge of the functions of the Authority under this Act.

(2) Every employee shall be under the administrative control of the Director.

(3) The Board may make provisions to govern the conditions of service of the employees and, in particular, to deal with –

(a) the appointment, discipline, suspension, dismissal, pay and leave of, and the security to be given by, employees;

(b) appeals by employees against dismissal or other disciplinary measures; and

(c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to, and the benefits derived therefrom.

PART IV – ADOPTION OF CHILDREN

Sub-Part A – Procedures and Requirements Relating to Adoption

15. Certificate

(1) (a) (i) Any citizen or non-citizen who intends to make an application to the Judge in Chambers for a domestic adoption or intercountry adoption shall apply to the Authority for a certificate.

(ii) The application shall be made in such form and manner, and accompanied by such non-refundable fee, as may be prescribed.

(b) A non-citizen referred to in paragraph (a) may apply for a certificate where he –

(i) is the holder of a permanent residence permit;

(ii) has resided in Mauritius for at least 5 years; and

(iii) submits, together with his application, a letter from the Ministry responsible for intercountry adoption in, or the Central Authority of, his native country, certifying that the Ministry or the Central Authority, as the case may be, does not have any objection to the application.

(2) The Authority shall, for the purpose of determining an application made under subsection (1) –

(a) cause a social enquiry to be carried out on the applicant;

(b) cause to be carried out a medical examination of the applicant by a Government medical practitioner to determine whether the applicant is medically fit to adopt;

(c) cause to be carried out a psychological assessment of the applicant by a psychologist of the Authority;

(d) interview the applicant.

(4) The Authority shall, for the purpose of determining an application made under subsection (1) –

(a) require the applicant to submit the information and documents specified in the First Schedule;

(b) take into consideration –

(i) the age of the applicant;

(ii) whether the applicant has any criminal record;

(ii) the financial situation of the applicant;

(iii) the family background of the applicant;

(iv) the medical reports of the applicant;

(v) such other relevant factors as it may determine.

(5) Where the Authority determines that an applicant is eligible and suitable to adopt a child, it shall –

(a) counsel and prepare the applicant for adoption; and

(b) on payment of such fee as may be prescribed, issue to the applicant a certificate in the form set out in the Second Schedule.

(6) The Authority may, where circumstances so warrant, after the issue of a certificate under subsection (5)(b) and before an adoption order is made,

revoke the certificate and accordingly inform the holder of the certificate and the Master and Registrar in writing.

(7) Any person whose application for a certificate is rejected or whose certificate is revoked may, within 21 days from the date he is informed of the decision of the Authority, appeal to the supervising officer in the form set out in the Third Schedule and serve a copy of the notice of appeal on the Authority.

16. Application to Judge in Chambers

(1) A citizen or non-citizen who intends to make an adoption shall make an application to the Judge in Chambers.

(2) The application shall be accompanied by –

(a) such documents as may be prescribed; and

(b) a certificate issued by the Authority.

(3) The Judge in Chambers may require the applicant to produce such additional documents as he considers necessary.

(4) (a) The Judge in Chambers may, after hearing the *Ministère Public*, grant or reject the application.

(b) Where the Judge in Chambers grants the application, he shall, on such conditions as he considers necessary, issue an order for a domestic adoption or an intercountry adoption, as the case may be.

(c) Where the Judge in Chambers rejects the application, the applicant may appeal to the Supreme Court.

17. List of children who may be adopted

(1) The Ministry shall, every quarter and on the basis of information in its possession, provide to the Authority an updated list of children who may be adopted.

(2) On receipt of the list of children referred to in subsection (1), the Authority –

(a) may request the Ministry to provide such further information and documentary evidence as it considers necessary;

(b) shall, counsel the biological parents of a child regarding the adoption and ascertain whether they consent to the adoption;

(c) shall, where the biological parents of a child give their consent under paragraph (b), counsel the child regarding the adoption and record his views and, where the child is aged above 15 years, ascertain whether he consents to his adoption.

(3) For the purpose of subsection (2)(c) and the second *alinéa* of article 345 of the Code Civil Mauricien, a psychologist of the Authority shall examine the child, and his biological parents where their whereabouts may be traced and assess the capacity and maturity of the child to consent to an adoption and submit a report accordingly.

18. Matching of child with prospective adoptive parent

(1) (a) The Authority shall, except for cases where adoption is proposed to be made by a family member or foster parent, to the extent possible, identify an adoptable child whom the Authority considers suitable for the person issued with a certificate and introduce them to each other.

(b) Where the person and an adoptable child referred to in article 345, alinéa 2 of the Code Civil Mauricien –

(i) do not consent to the match, the Authority shall, where possible, proceed with other matching exercises;

(ii) consent to the match, the Authority shall approve the proposed adoption.

(c) The Authority shall, where adoption is proposed to be made by a family member or foster parent, examine all relevant information and documents and hear the prospective adoptive parent, the biological parents and, as appropriate pursuant to article 345 of the Code Civil Mauricien, the child, for the purpose of determining the proposed adoption.

(2) The Director shall, before introducing a prospective adoptive parent and an adoptable child to each other –

(a) examine all relevant information and documents; and

(b) hear the prospective adoptive parent and where applicable, the child.

19. Approval of proposed adoption

(1) Where the Authority approves an adoption, it shall submit to the prospective adoptive parent a report on the proposed adoption, including its recommendations as to whether a pre-adoption placement is recommended.

(2) A prospective adoptive parent shall, together with his application, submit the report referred to in subsection (1).

Sub-Part B – Intercountry Adoption

20. Compliance with Convention

The Authority shall, for the purpose of an intercountry adoption, ensure and ascertain that the provisions of the Convention are complied with.

21. Mauritius as receiving State in intercountry adoption

(1) (a) Subject to paragraph (c), any citizen habitually residing in Mauritius, or a non-citizen who is the holder of a permanent residence permit meets the requirements specified in section 18(1)(b), who wishes to adopt a child from another Contracting State shall, in such form and manner as may be prescribed, make an application to the Central Authority.

(b) An application under paragraph (a) shall be dealt with in such manner as may be prescribed.

(c) Except for kinship adoption, a prospective adoptive parent may proceed with intercountry adoption where he does not find a suitable adoptable child within 18 months from the date a certificate is issued under section 15.

(2) Where the Central Authority determines that an application under subsection (1) may be proceeded with, it shall inform the applicant accordingly, submit to the Central Authority of the State of origin the application and process it in accordance with the Convention.

(3) (a) Where the Central Authority of the State of origin refers a child for adoption to the Central Authority and –

(i) the Central Authority has no objection regarding the child and intercountry adoption; and

(ii) the applicants agree to adopt the child,

the Central Authority shall seek the approval of the Minister responsible for home affairs under article 346 of the Code Civil Mauricien.

(b) Where the Minister responsible for home affairs approves the application, it shall accordingly inform the Central Authority in writing.

(4) The Central Authority shall, following the approval under subsection (3), inform the Central Authority of the State of origin accordingly and submit to

it such documents as it may require and in such form and manner as it may determine.

(5) (a) Where the relevant Court in the State of origin makes an order for the adoption of the child –

(i) the Central Authority of the State of origin shall inform the Central Authority accordingly; and

(ii) the Central Authority shall ensure that the child is issued a passport and a certificate of conformity.

(b) The prospective adoptive parent shall ensure that the certificate of conformity issued under paragraph (a)(ii) is apostilled prior to their return in Mauritius.

(6) Where a judgment obtained in the State of origin, ordering that an adoption –

(a) has the effect of terminating a pre-existing legal parent-child relationship and the Central authority is provided the apostilled certificate of conformity referred to in subsection (5)(b), the adoption shall be deemed to be an *adoption plénière*;

(b) does not have the effect of terminating a pre-existing legal parent-child relationship and the Central Authority is provided the apostilled certificate of conformity referred to in subsection (5)(b), the adoption shall be deemed to be an adoption *simple* and may be converted into an adoption *plénière* where the consent is given in accordance with Article 4(c) and (d) of the Convention;

(c) does not have the effect specified in paragraph (a) or (b), it shall be deemed to be an adoption *simple*.

(7) Where the Central Authority or the *Ministère Public* is of the opinion that an intercountry adoption is, on the basis of l'*ordre public*, not in the best interest of the child, the Central Authority or the *Ministère Public*, as the case may be, may make an application to the Judge in Chambers for an order declaring that the intercountry adoption not be recognised or cease to be recognised in Mauritius.

(8) The Judge in Chambers may, on hearing an application made under subsection (7), make an order declaring that the adoption shall not be recognised, or cease to be recognised, in Mauritius.

22. Mauritius as State of origin in intercountry adoption

(1) Where the Central Authority receives an application from the Central Authority of another Contracting State for the adoption of a Mauritian child residing in Mauritius, it –

(a) shall verify the information and documents communicated to it;

(b) shall request the Central Authority of the other Contracting State to submit to it such original, notarised or apostilled documents as it may determine;

(c) may request such further information and documents as it may require.

(2) Where the Central Authority approves an application under subsection (1), it shall –

(a) inform the Central Authority of the other Contracting State accordingly and submit such documents as may be required;

(b) request the Central Authority of the other Contracting State to submit –

(i) the written consent of the proposed adopting parents;

(ii) the written undertaking of the proposed adopting parents regarding the monitoring of –

(A) such pre-adoption placement to be carried out by the Central Authority of Mauritius in such manner as the Judge in Chambers may determine;

(B) such post-adoption monitoring be carried out by the Central Authority of the receiving State in the manner specified in section 24.

(3) (a) Where the Central Authority receives the documents referred to in subsection (1), it shall, after consultation with the Central Authority of the receiving State, fix a date for the applicants and the child identified pursuant to section 18(1)(a) to be interviewed by an interviewing panel.

(b) The panel referred to in paragraph (a) shall consist of the Director and such other employees of the Central Authority as the Director may determine and who dealt with the application for adoption.

(4) Where the interviewing panel recommends that the application may be proceeded with, the Central Authority of Mauritius shall, where the Central Authority of the receiving State confirms that the child will be authorised to enter and reside permanently in the receiving State, seek the written approval of the Central Authority in relation to the application.

(5) Where the Authority gives its written approval for the application to be proceeded with, the Central Authority of Mauritius shall inform the Central Authority of the receiving State accordingly and seek its approval for the adoption to proceed.

(6) On receipt of the written approval from the Central Authority of the receiving State, the applicants shall make an application to the Judge in Chambers for the adoption of the child in Mauritius.

(7) Where an adoption order is made by a Judge in Chambers, the Authority shall issue and communicate to the Central Authority of the receiving State a certificate of conformity in the form set out in the Fourth Schedule.

(8) Where the adoption order referred to in subsection (7) is required by the receiving State to be declared executory, the Central Authority shall communicate to the Central Authority of the receiving State a certified copy of the adoption order.

(9) Following the transfer of the adoptee to the receiving State, the Central Authority of the receiving State shall promptly notify the Central Authority of any change of citizenship of the adoptee and communicate to it documentary evidence of the citizenship.

Sub-Part C – Pre-adoption and Post-adoption Monitoring

23. Monitoring of pre-adoption placement

(1) (a) (i) Where the Judge in Chambers makes an order for the pre-adoption placement of a child with the proposed adoptive parent, an authorised officer shall regularly visit the child and home of the prospective adoptive parent for the purpose of assessing the pre-adoption placement.

(ii) The visit under subparagraph (i) shall be made at such time as may be convenient to the authorised officer and prospective adoptive parent.

(b) The Authority shall, on a monthly basis, submit a report to the Judge in Chambers.

(2) Where an authorised officer has reasonable ground to suspect that a child referred to in subsection (1) is, or may be, exposed to harm, he shall, in the best interest of the child, take such measures as may be specified in the Children's Act 2020.

24. Post-adoption monitoring

(1) An authorised officer shall –

(a) every quarter, in the first year;

(b) every 6 months, in the second year;

(c) on a yearly basis, as from the third year,

following an adoption order and until an adoptee attains the age of 18, visit the adoptee at the residence of the adoptive parent, at such time as the authorised officer may determine, for the purpose of assessing the condition of the adoptee and submit a report to the Authority in the case of a domestic adoption or Central Authority in the case of an intercountry adoption where Mauritius is the receiving State.

(2) Where an authorised officer has reasonable ground to suspect that an adoptee is exposed or may be exposed to harm, he shall, in the best interest of the child, take such measures as may be specified in the Children's Act 2020.

(3) The Central Authority shall, on receipt of a report under subsection (1), submit a report on the adoption to the Central Authority of the State of origin.

(4) The Central Authority shall, in respect of the intercountry adoption of a Mauritian child, request the Central Authority of the receiving State to submit a report on the adoption at the intervals referred to in subsection (1).

(5) Where, based on post-adoption monitoring, the Authority or Central Authority considers that the adoption of an adoptee is no longer in his best interests, the Authority or Central Authority, as the case may be, shall, in the best interest of the child –

(a) take such measures as may be specified in the Children's Act 2020;

(b) in the case of the intercountry adoption of a non-citizen –

(i) inform the Central Authority of the State of origin of the situation of the child;

(ii) in consultation with the Central Authority of the State of origin, in the best interest of the child, take such measures as may be specified in Article 21 of the Convention.

Sub-Part D – Appeal Committee

25. Appeal Committee

(1) There shall be set up an ad hoc Appeal Committee which shall determine any appeal by a prospective adoptive parent against a decision of the Authority to reject his application for a certificate or to revoke his certificate.

(2) The Appeal Committee shall consist of –

(a) a Chairperson, who shall be a retired Judge or a barrister of not less than 10 years' standing, with experience in civil law and matters pertaining to children;

(b) a psychiatrist, psychologist or paediatrician, as appropriate with not less than 10 years' experience in the mental health of children or families;

(c) a social worker, other than an employee of the Authority, with not less than 10 years' experience in child protection or child adoption;

(d) a member of a non-governmental organisation, having experience in matters pertaining to adoption.

(3) The Chairperson and other members of the Appeal Committee shall be appointed by the Minister on such terms and conditions as he may determine and shall be paid such remuneration or allowances as the Minister may determine.

(1) (a) There shall be a Secretary to the Appeal Committee who shall –

(i) prepare and attend every meeting of the Appeal Committee;

(ii) keep minutes of proceedings of any meeting of the Appeal Committee; and

(iii) have such other duties as may be conferred upon him by the Appeal Committee.

(b) The Secretary to the Appeal Committee shall be a public officer designated by the supervising officer and shall be paid such remuneration or allowances as the Minister may determine.

(5) The Appeal Committee shall not, in the exercise of its functions, be subject to the direction or control of any other person or authority.

(6) Any person who is dissatisfied with a decision of the Appeal Committee may apply to the Supreme Court for a judicial review.

26. Proceedings of Appeal Committee

(1) The Appeal Committee shall sit on an ad hoc basis at such place and time as the Chairperson of the Appeal Committee may determine.

(2) The Appeal Committee shall regulate its proceedings in such manner as it may determine.

(3) At any meeting of the Appeal Committee, 3 members, including the Chairperson, shall constitute a quorum.

(4) (a) The Appeal Committee shall determine an appeal not later than 21 days from the date an appeal is referred to it.

(b) The Appeal Committee may, upon hearing an appeal, affirm, vary or cancel the decision of the Authority.

(5) The Appeal Committee shall, not later than 21 days from the date of its determination, communicate to the appellant its findings, in writing, by registered post, stating briefly the reasons in support thereof.

(6) (a) Where a member of the Appeal Committee has any interest, direct or indirect, in any matter which is the subject of appeal before the Appeal Committee, he shall disclose his interest to the Appeal Committee and shall not take part in the proceedings.

(b) The Minister shall, in relation to the appeal referred to in paragraph (a), appoint another person to replace the member who disclosed his interest.

PART V – FINANCIAL PROVISIONS AND ACCOUNTS

27. General Fund

(1) There shall be a General Fund for the Authority –

(a) into which all monies received from any source by the Authority shall be paid; and

(b) out of which all payments required to be made by the Authority for the purposes of this Act shall be effected.

(2) Subsection (1) shall not prevent the investment of surplus money by the Authority.

28. Estimates

(1) The Authority shall submit to the Minister, not later than 31 March in every year, an estimate of its income and expenditure of the Authority for the following financial year for his approval.

(2) The Minister may –

(a) give his approval to the estimate of the income and expenditure under subsection (1); or

(b) approve only part of the estimate and direct the Authority to amend the estimate.

29. Annual report

(1) The Authority shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit to the Minister, together with an audited statement of accounts on its operations, in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and the audited statement of accounts of the Authority before the Assembly.

30. Audit report

(1) The auditor of the Authority shall be the Director of Audit.

(2) For the purpose of this section, the first financial year of the Authority shall be the period starting on the commencement of this Act and ending on 30 June of the following year.

(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Authority.

PART VI – MISCELLANEOUS

31. Access to adoption order or adoption records

(1) Any adoptee who has attained the age of 18 may apply to –

(a) the Master and Registrar for a copy of his adoption order;

(b) the Authority for a copy of his adoption records.

(2) Where an adoptee, regardless of his age, is diagnosed as having a life-threatening or other serious illness or health condition which is or may be, or which his treating doctor has reasonable ground to believe may be, genetic, the adoptee or adoptive parent, as the case may be, may apply to the Judge in Chambers for an order authorising the treating doctor to have access to the medical records of the biological parents of the adoptee.

32. Powers of Minister

The Minister may give such written directions of a general character to the Authority, not inconsistent with this Act, as he considers necessary in the best interest of the child, and the Authority shall comply with the directions.

33. Protection from liability

No liability, civil or criminal, shall attach to the Authority, a member or an employee of the Authority in respect of any act done or omitted to be done in good faith in the discharge of its or his functions under this Act.

34. Execution of documents

No deed, document, instrument, contract or cheque shall be executed by, or on behalf of, the Authority unless it is signed by –

(a) the Chairperson or, in his absence, a member designated by the Board; and

(b) the Director or, in his absence, such employee of the Authority as the Board may determine.

35. Exemptions

(1) Notwithstanding any other enactment, the Authority shall be exempt from the payment of any duty, levy, rate, charge, fee or tax.

(2) No registration fee shall be payable in respect of any document signed or executed by the Authority or under which the Authority is the sole beneficiary.

36. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Authority.

37. Confidentiality

No person shall, during or after the tenure of his office, directly or indirectly, use or disclose any matter or confidential information which came to his knowledge in the performance of his duties and functions under this Act, except –

(a) for the purposes of this Act; or

(b) where he is required to do so by a Court or under any enactment.

38. Offences

(1) Any person who receives, or agrees to receive, any benefit, in cash or in kind, for the purpose of –

(a) giving his consent to the adoption of a child;

(b) adopting a child,

shall commit an offence.

(2) Any person who gives, or agrees to give, to another person any benefit, in cash or in kind, for the purpose of –

(a) the adoption of a child or obtaining the consent of another person for the adoption of a child;

(b) obtaining the custody of the child for the purpose of adoption,

shall commit an offence.

(3) Any person who gives, or agrees to give, to a child any benefit, in cash or in kind, for the purpose of obtaining his consent for adoption shall commit an offence.

(4) No prospective adoptive parent shall, except where the adoption is proposed to be made by a family member, from the moment he consents to a match under section 18(1)(b)(ii), until any application for adoption of the child is

determined, contact the biological parents of the child or person whose opinion is required under article 350 of the Code Civil Mauricien.

(5) Where a child consents to a match under section 18(1)(b)(ii), the child, the biological parents of the child or person whose opinion is required under article 350 of the Code Civil Mauricien shall not, in any case other than kinship adoption, contact the prospective adoptive parent until any application for adoption of the child is determined.

(6) A prospective adoptive parent referred to in section 18(1)(b)(ii) shall not, except where the adoption is proposed to be made by a family member, contact the biological parents of a child referred to in section 18(1)(b)(ii) until any application for adoption of the child is determined.

(7) A prospective adoptive parent shall not –

(a) in the case of an intercountry adoption, except where the adoption is proposed to be made by a family member or the adoption of a child already known to the prospective adoptive parent, contact the biological parents of the child, or person who has the custody of the child, proposed to be adopted until an adoption order is made in the State of origin;

(b) except for costs and expenses payable for the purpose of the adoption of a child, make any other payment, donation or contribution to, or undertake any kind of project with, the Central Authority or accredited adoption agency handling the adoption of the child.

(8) The Central Authority shall not, except for costs and expenses payable for the purpose of the adoption of a child, solicit or accept from a prospective adoptive parent any other payment, donation or contribution, or undertake any kind of project with him.

(9) Any person who, directly or indirectly, in any manner whatsoever influences or attempts to influence any member, employee of the Authority or authorised officer in the performance of his duties under this Act shall commit an offence.

(10) Any person who publishes or causes to be published any information or material –

(a) containing his wish or intention to adopt a child;

(b) to the effect that a child is being offered for adoption,

shall commit an offence.

(11) Any person who knowingly makes a statement, submits any document or provides any information under this Act, which is false or misleading in a material particular, shall commit an offence.

(12) Any person who, for the purpose of, or in connection with, an application under this Act, misrepresents himself, shall commit an offence.

(13) Any person who, for the purpose of, or in connection with, an application for adoption, submits any document containing a signature which he knows is forged or has been obtained by fraud, duress or by any other illicit means shall commit an offence.

(14) Any person who –

(a) commits an offence under this Act; or

(b) otherwise contravenes this Act shall commit an offence and,

shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years.

39. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), any regulations made under subsection (1) may provide –

(a) for the procedure with respect to the lodging, processing and hearing of an appeal made under this Act;

(b) for the payment of fees;

(c) for the amendment of the Schedules;

(d) for any matter necessary for, or consequential to, the application of this Act;

(e) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years.

40. Repeal

The National Adoption Council Act is repealed.

41. Consequential amendments

(1) The Children's Act 2020 is amended by inserting, after section 15, the following new section –

15A. Sale of child

(1) No person shall sell a child or allow a child to be sold.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years.

(3) In this section –

"sell" includes transfer a child, permanently or temporarily, to another person against payment in cash or any other kind of consideration.

(2) The Civil Status Act is amended –

(a) in section 2, by inserting, in the appropriate alphabetical order, the following new definition –

"intercountry adoption" has the same meaning as in the Child Adoption Act 2026;

(b) in section 5, in subsection (1), in paragraph (b)(vii)(A), by inserting, after the words "births,", the words "adoption orders made,";

(c) by inserting, after section 5, the following new section –

5A. Registers of intercountry adoption

(1) The Registrar of Civil Status shall, for the purpose of recording an intercountry adoption in accordance with the Child Adoption Act 2026, keep and maintain such register as may be required.

(2) The Registrar of Civil Status shall, in the register kept under subsection (1), record the details of the judgment obtained in the State of origin ordering the adoption of a child.

(3) The register shall be available for inspection upon an order of a Judge in Chambers upon good cause shown for such inspection.

(3) The Mauritius Citizenship Act is amended –

(a) in section 2, in subsection (1), by inserting, in the appropriate alphabetical order, the following new definition –

"Contracting State" has the same meaning as in the Child Adoption Act 2026;

(b) in section 3 –

(i) by inserting, after the words "adoption order is made", the words "by the Judge in Chambers";

(ii) by deleting the words "the male adoptor" and replacing them by the words "any of the adoptors";

(c) by inserting, after section 3, the following new section –

3A. Citizenship following intercountry adoption under the Child Adoption Act 2026

Where an adoption order is made by a Court in a Contracting State and is in accordance with the Child Adoption Act 2026, in respect of a minor who is not a citizen of Mauritius, and the adoptor, or, in the case of a joint adoption, one of the adopters, is a citizen of Mauritius, otherwise than by virtue of section 23 of the Constitution, the minor shall become a citizen of Mauritius as from the date of the order of the Court of the Contracting State.

42. Transitional provisions and savings

(1) Any application for the adoption of a minor or application for the exequatur of a judgment relating to the adoption of a minor which has already been lodged before the Judge in Chambers at the commencement of this Act shall be dealt with as if this Act had not come into operation.

(2) The assets and liabilities of the National Adoption Council shall, on the commencement of this Act, be vested in the Authority, to the extent that they relate to the transfer of the functions of the National Adoption Council.

(3) Except where otherwise provided, all rights, obligations and liabilities subsisting in favour of or against the National Adoption Council shall, on the

commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Authority.

(4) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

(5) In this section –

"National Adoption Council" means the National Adoption Council established under the repealed Act;

"repealed Act" means the National Adoption Council Act.

43. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

———————

FIRST SCHEDULE

[Section 15(4)(a)]

INFORMATION AND DOCUMENTS

1. Birth certificate of applicant and spouse, if any

2. Marriage certificate and rule of permanent decree of divorce, where applicable

3. Letter of consent from child aged above 15 years, of the applicant, consenting to any proposed adoption

4. National Identity Card of applicant and spouse

5. Medical certificate from a general practitioner certifying that the prospective adoptive parent do not suffer from any chronic, contagious or life-threatening disease

6. Documentary evidence of financial means of applicant and spouse (payslip/BRN in case of a self-employed, and tax return for the last financial year)

7. Certificate of character of applicant and spouse

8. Photocopy of passport of applicant and spouse, in case of intercountry adoption

9. Utility bill for the last 3 months to determine proof of residence

10. In the case of a single prospective adoptive parent, a letter from a relative of his undergoing to take the responsibility of the child where the prospective adoptive parent is, for any reason, unable to do so, together with –

(a) a photocopy of his National Identity Card in the case of a citizen; or

(b) 2 coloured photocopies of his passport in the case of a non-citizen

11. Letter of reference from 2 referees and coloured photocopy of their National Identity Card

12. Letter of undertaking from the applicant and spouse, in 2 originals, allowing home visits to be conducted for post-adoption follow-up

13. Information on and documentary evidence of any other nationality of applicant or spouse, if any

10. Permanent residence permit of applicant and spouse where they are non-citizens

11. Certificate of citizenship of applicant, where applicable

12. A photograph of the couple together, printed in 2 originals

13. In the case of an intercountry adoption, 2 sets of 5 photographs of house and its compound of applicants

14. Where a citizen is holder of an Overseas Citizen of India card, a copy thereof

SECOND SCHEDULE

[Section 15(5)(b)]

CERTIFICATE OF ELIGIBILITY AND SUITABILITY TO ADOPT A CHILD

(issued under section 15 of the Child Adoption Act 2026)

Certificate no. .....

On an application made on ..... by ..... (citizen residing in Mauritius/non-citizen holder of a permanent residence permit*), I, on behalf of the Mauritius Child Adoption Authority, hereby certify that Mr ..... and/or Mrs .....* has/have* been found eligible and suitable to adopt a child.

.....	.....
Name	Signature
.....	.....
Designation	Date

.....

Seal of the Mauritius Child Adoption Authority

* *Please* d*elete as appropriate*

THIRD SCHEDULE

[Section 15(7)]

NOTICE OF APPEAL

TO THE APPEAL COMMITTEE

[under section 15(7) of the Child Adoption Act 2026]

This form must be completed and filed with the supervising officer of the Ministry responsible for the welfare of children within 21 days from receipt of written notification of the decision of the Authority.

Pursuant to section 15(7) of the Child Adoption Act 2026, I, ... (name), holder of National Identity Card number ..... and residing at ....., hereby appeal against the decision of the Authority to reject my application for a certificate/revoke my certificate* on the following grounds –

(a) .....;

(b) .....;

(c) .....;

(d) .....

Are you being represented by a barrister? Yes/No**

Details of person representing appellant

Name .....

Office address ....

Telephone no. ..... Mobile no. .....

Email address ..... Fax no. .....

DECLARATION

I, the undersigned, declare that all information given is true.

.....	.....
Signature of appellant	Date
Telephone no.	Mobile no. .....
Email address	Fax no. .....

* *Please delete as appropriate*
For inquiries, please call the Ministry.

FOURTH SCHEDULE

[Section 22(7)]

MAURITIUS CHILD ADOPTION AUTHORITY

CERTIFICATE OF CONFORMITY

[issued under section 23(6) of the Child Adoption Act 2026]

The Mauritius Child Adoption Authority, Central Authority for Mauritius, hereby certifies that ..... (name of child), of male/female* gender, born on ..... (date) at ..... (time), and residing at .... (address), was, by virtue of an adoption order made by the Judge in Chambers, adopted by way of adoption *simple*/*plénière** on ..... by the following person(s) –

(a) details of adoptive parent 1 –

Name .....
.....

Date of birth .....

Place of birth .....

Profession .....

Habitual residence at the time of the adoption .....
.....

(b) details of adoptive parent 1 –

Name .....
.....

Date of birth .....

Place of birth .....

Profession .....

Habitual residence at the time of the adoption .....
.....

2. The adoption order was, in accordance with the agreements under Article 17(c) of the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption made by –

(a) Name and address of the Central Authority of the State of origin
.....
.....

Date of the agreement .....

(b) Name and address of the Central Authority[2] of the receiving State
.....
.....

Date of the agreement .....

3. The adoption has the effect of terminating the pre-existing legal parent-child relationship/The adoption does not have the effect of terminating the pre-existing legal parent-child relationship*.

4. The adopted child, by virtue of the adoption order, henceforth bears the following name –

(a) surname/family name .....

(b) name(s) .....
.....

....
Name Designation

....
Signature Date

.....
Seal of the Mauritius Child Adoption Authority
(Central Authority for Mauritius)

* *Please delete as appropriate*