

The adoption of the children from Kazakhstan by foreign citizens
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Усыновление детей из Казахстана иностранными гражданами
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Abstract: *this article contains some of the issues of adoption (adoption) of children by foreign citizens in the Republic of Kazakhstan. Adoption is the most preferred form of care for children left without parental care. Since this form of best protects the rights of children without parental care.*

Аннотация: *данная статья содержит некоторые вопросы усыновления (удочерения) детей иностранными гражданами в Республике Казахстан. Усыновление является наиболее предпочтительной формой устройства детей, оставшихся без попечения родителей. Поскольку эта форма наилучшим образом обеспечивает защиту прав детей, оставшихся без попечения родителей.*

Keywords: *adoption of the child (children), children left without parental care, foreign citizens.*

Ключевые слова: *усыновление (удочерение), ребенок (дети), дети, оставшиеся без попечения родителей, иностранные граждане.*

Currently, a lot of foreigners who do not have children of their own, wish to adopt a child from Kazakhstan. However, the Code of RK «On Marriage (Matrimony) and family consists fixed rules, of adoption and conditions that foreign citizens must do to adopt a child».

Adoption is permitted in respect of minor children whose births are registered in the manner prescribed by this Code, and only in their best interest, taking into account the possibilities of ensuring full physical, mental, spiritual and moral development [1].

The procedure for adoption of a child from Kazakhstan by foreign citizens, in accordance with the Convention «On Protection of Children and Cooperation in Respect of Intercountry Adoption» and the Code of RK «On Marriage (Matrimony) and Family». Foreign nationals wishing to adopt a child from Kazakhstan, hand over all the necessary documents to the accredited international adoption agency [2].

This takes into account the age, degree of maturity and the child's consent to adoption.

Children - citizens of the Republic of Kazakhstan, consisting of the centralized accounting of orphans and children left without parental care, may be given in adoption to citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan, and the relatives of the children, irrespective of their nationality.

Children who are citizens of the Republic of Kazakhstan, consisting of the centralized accounting of orphans and children left without parental care, may be given in adoption to foreigners only in cases where the child can not be adopted by relatives, the citizens of the Republic of Kazakhstan, residing in the territory of the Republic of Kazakhstan and beyond.

When considering the case on adoption by foreigners court is obliged to ensure the implementation of the authorized body in the field of child protection children's rights of the Republic of Kazakhstan the right of priority of adoption by relatives regardless of their nationality and place of residence or the citizens of the Republic of Kazakhstan.

The adoption of children by foreigners allowed only nationals having equivalent effect with the Republic of Kazakhstan's international obligations in the sphere of protection of the rights and interests of children. Procedure for the transfer of children who are citizens of the Republic of Kazakhstan, on adoption approved by the Government of the Republic of Kazakhstan.

Citizens of the Republic of Kazakhstan permanently residing on the territory of the Republic of Kazakhstan, who wish to adopt children who are required to personally choose the child, have him direct contacts at least two weeks to submit to the authority exercising functions of guardianship or custody for the child finding the place a written request of the desire to adopt child as well as to present the act of a survey of living conditions, the certificate of the amount of gross income, marital status, health status, criminal record.

Moreover, citizens of the Republic of Kazakhstan permanently residing on the territory of the Republic of Kazakhstan, wishing to adopt orphans, children left without parental care under the age of one year have the right to take the children into care or foster care until the end of the adoption process.

Citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan, foreigners applying to adopt a child is fed to the authorized body in the field of protection of children's rights of the Republic of Kazakhstan a written statement about the desire to adopt a child, as well as information on income, marital status, health status, including including mental, the absence of drug (toxic), alcohol dependence, criminal record, a personal moral qualities of the potential parents issued by specially authorized state bodies and foreign adoption organizations. After the submission of documents to the authorized body in the field of protection of children's rights of the Republic of Kazakhstan and with the consent of the adoptive parent to adopt a child should have the adopter with the child in contact for at least four weeks.

Furthermore, the adopter has the right to determine the child's education methods, taking into account the child's views and recommendations of the authority carrying out the functions of trusteeship or guardianship, and shall comply with the requirements stipulated by this Code.

Adoptive parents who are citizens of the Republic of Kazakhstan permanently residing on the territory of the Republic shall be obliged at least once a year until the child reaches the age of eighteen years to submit to the authority exercising functions of guardianship or custody, the place of the court decision on the adoption of a child of the living conditions reports, training, and state of health of the adopted child.

Adoptive parents who are citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan and foreign adoptive parents are required in the first three years after the entry into force of the court about adoption through in the coming years, every six months - at least once a year until the child reaches eighteen age to submit to the authorized body in the field of protection of children's rights of the Republic of Kazakhstan reports on living conditions, training and state of health of the adopted child.

Adoption is permitted in the presence of the family of adoption of conditions for the normal physical, mental, spiritual and moral development, education and child education.

The age difference between the adopter and the adopted child must be at least sixteen years of age and not more than forty-five years. For reasons deemed valid by a court, the age difference may be reduced.

In the absence of legal representatives of minors or their parents if the child is thrown underage parents in the medical organization at birth and his fate no one is interested in more than three months - you must consent to organ exercising functions of guardianship or trusteeship.

For the adoption of orphans and children left without parental care and are in educational institutions, medical and other organizations, the consent in writing heads of the organizations data.

To organize and strengthen controls at the international adoption of Kazakhstan ratified the Convention on Protection of Children and Cooperation in foreign adoptions. Named Convention was signed in The Hague in order to create safeguards to foreign adoption was carried out in the best interests of the child and with respect for the fundamental rights recognized by international law. Law on Ratification of the Convention has been signed by Kazakhstan Head of State March 12, 2010 [3].

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