



Procedure for child adoption in cameroon- capacity of the parties involved-legal requisite

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The legislation on adoption in cameroon, what is the correct procedure?

The procedure of adoption is one which really serves as succor and relieve for potential parents hit with the inability to procreate and it is equally a godsend opportunity for deprived children to grow up in a reliable and dependable environment so as to ensure their education and general well-being.

For the greater part, borrowed from French Law, the procedure for adoption in Cameroon is recorded in sections 343 to 370 of the Civil Code and in section 41 of Ordinance No. 82/02 of 29 June 1981 modified on May 6, 2011, to organize Civil Status Registration in Cameroon.

We shall, for a better apprehension of the procedure for adoption in Cameroon, define same from the perspectives relating to the capacity of the parties involved, the requisite formalities to be respected and the competent jurisdictions to be sought.

1. Title 1: conditions relating to the capacity of the parties involved.

As to the Adoptive Parents.

In principle, adoption is a prerogative awarded to all persons of either sex who should have attained at least 45 years of age and more. Meanwhile it can also be sought by both spouses to a legitimate marriage, married for at least 10 years within which, they should never have been legally separated or divorced and one of the spouses must have been more than 35 years of age.

The adoptive parents, by the day of the adoption, should not have bore any legitimate nor natural children and there must be a 15 years difference between the adoptive parents and the adopted.

The aforementioned conditions may seem very rigid, but they have been moderated by International Conventions ratified by Cameroon, which her national jurisdictions usually apply, especially, when it concerns the sole interest and well being of the child (the adopted). This position is clearly held and expressed in Article 3 of the United Nations Convention on The Rights of The Child as follows; **“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.”**

In the same tandem, it should be retained that, whenever an adoption puts the well-being and interest of the adopted child at the forefront, the National Tribunals, most often apply the dispositions of the aforementioned Supranational Convention which are supplier, rather than those of the Civil Code which, by all standards, appear to be stringent.

Added to these legal exigencies, the adoptive parents shall show evidence of sufficient income, either by producing pay slips or any other fiscal document to that effect.

With respect to the Adopted child.

All natural persons can be adopted, irrespective of their sex, race or primogeniture.

The natural parents of the adopted child, if still alive, must freely manifest their consent(s) in the affirmative to the adoption either in the judgment pronouncing same or by a notarized deed sworn before a notary public.

In the event where the parents are legally separated or divorced, the aforementioned prerequisite of consent shall be reserved to the parent having and exercising the right of custody of the child in question.

Finally, if the minor to be adopted is an orphan of both parents, such consent shall be emitted by the family council or by the charitable organization which had been taking care of him.

1.1.Title II : conditions relating to the procedure itself.

Competent jurisdictions.

In Cameroon, besides modern Civil Jurisdictions there also exist Traditional courts which apply the traditions and customs of the parties which seek its competence. It should however be retained that, foreigners are not eligible to bring matters before these jurisdictions.

Meanwhile, a foreigner who wishes to adopt a child shall file his or her application before the High court having competence over the domicile of the parents of the child to be adopted.

Time limits.

Despite all other remedies at law, which in cases of adoption are rarely sought, the procedure lasts averagely six (6) months. Appeals to adoption matters shall be done within three (3) months from notification of the judgment, under pain of being time-barred.

As regards the effects of adoption, they differ depending on whether it is simple or plenary, which in either case will constitute a distinct study.