

COUNTRY SITUATION

MEXICO

Revised by local contacts



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GENERAL SITUATION

Geographical situation

Mexico, whose official name is the United Mexican States, is a sovereign country located in the southern part of North America. Its territory covers an area of [1,964,375 km²](#), making it the thirteenth-largest country in the world and the third-largest in Latin America. It is bordered to the north by the United States of America and to the south by Guatemala and Belize. Its coasts are bordered to the west by the Pacific Ocean and to the east by the Gulf of Mexico and the Caribbean Sea. Its capital and most populated city is Mexico City.

Political situation & governance

- According to the current Constitution, Mexico is a representative, democratic, secular and federal republic composed of 32 states. Its current president is Andrés Manuel López Obrador.
- In Mexico, there is a strong presence of organised drug crime and common crime. López Obrador's administration promised to reduce the presence of drug cartels through social policies aimed at youth, who are easy prey for criminal groups because they ensure a means of living. Given that in Mexico there is almost total impunity, with 97% of crimes going unpunished, the risk of being caught by the authorities is rather low. In this regard, in 2019, the Human Rights Committee (CCPR/C/MEX/CO/6) expressed its concern about the recurrent impunity of law enforcement officers in relation to the commission of serious human rights violations, including extrajudicial executions, enforced disappearances and torture.
- According to the Capacity to Combat Corruption Index (CCC), Mexico has gone from eighth place in 2020 to [eleventh place in 2021](#) among 15 Latin American countries.

Population

- Mexico is the tenth most populous country in the world, with an estimated population of [130 million people](#) in 2023. Its own Constitution defines it as a multicultural nation since its [ethnic distribution](#) consists of 62% *mestizos*, 28% indigenous and 10% others (mostly European).
- According to Mexico's [National Institute of Statistics and Geography \(INEGI, as per its Spanish abbreviation\)](#), in 2020, there were 38.2 million C&A in Mexico, 49% women and 51% men. The [states with the highest proportion of C&A](#) with respect to the total population were Chiapas, Guerrero, Zacatecas, Oaxaca and Durango in 2020.

Economic & social situation

- In macroeconomic terms, according to its gross domestic product (GDP), [Mexico is the fourteenth world economy and the eleventh by purchasing power parity \(PPP\)](#). On a regional scale, it is the second-largest economy in Latin America and the fourth-largest in the continent. According to the 2021 UN Human Development Report, Mexico has a high human development index of 0.758 and ranks 86th in the world.
- In Mexico, 43.9% of the total population is in poverty, according to the 2020 poverty measurement, carried out by Mexico's [National Council for the Evaluation of Social Development Policy \(Coneval\)](#). On the other hand, people living in [extreme poverty account for 8.5%](#) of the total population. According to the same organisation, only 23.7% of the Mexican population is neither poor nor vulnerable.
- The current federal administration (2018-2024) prioritises poor and vulnerable populations in its rhetoric but has also adopted a strong austerity stance that has limited public investments for C&A in the health, education and social protection sectors. Over the last 4 years, although the percentage of total social spending has increased from 50.4% to 52.6%, [social spending for C&A has decreased from 26.5% to 18%](#).



- In Mexico, there are higher [levels of poverty among 0-17-year-olds](#) (52.6%) compared to other generational groups (43.9%). [One in two C&A lives in poverty, that is, about 19.5 million](#). The highest percentages of poverty among C&A are found in southern states and indigenous regions.
- Mexico is also a country of emigrants, of whom [75% aim for the United States as their final destination](#). For every ten Mexicans who leave their country, four foreigners enter Mexico, legally and illegally, and decide to stay in the country indefinitely. Compared to 2020, [in 2022, there was an increase in the number of migrant children and adolescents \(hereinafter C&A\)](#). Between January and November 2022, [60,020 C&A](#) were detained in Mexico, while 1,008,215 adults and 2,219 C&A were detained and expelled by US authorities under [Title 42](#)¹.

Children's rights

- **Weakening of family structures:** The increase in crime, domestic and cross-border migration and the more than 350,000 people who have died because of COVID-19, have left, according to data from the NSIFD, more than [118,000 orphaned C&A](#).
- **Violence against C&As:** In 2018, [52.8% of C&A](#) have experienced some form of violent discipline (spanking, slapping or pinching) in their homes. On the other hand, during the lockdown enforced to limit the spread of COVID-19, according to the [National Census of State Justice Prosecution \(CNPJE\) 2021](#), family violence increased by 5.3% from 2019 to 2020, reaching 220,609 registered cases of violence.
- **HIV/AIDS:** According to data from the [Bulletin of Comprehensive Care for People Living with HIV \(Volume 7, 2021\)](#), up to the third quarter of 2021, 1,648 C&A with HIV were detected in Mexico. In addition, 1,275 adolescents under the age of 14 living with HIV were registered, of which 670 (52.5%) are male and 605 (47.5%) are female. 5.7% of these C&A were found to be in a situation of treatment failure. The Ministry of Health constantly monitors and distributes drugs to reduce the proportion of C&A with a detectable viral load.
- **Child labour:** In Mexico, in 2017, [7.1% of C&A between the ages of 5 and 17](#), or approximately 2.1 million C&A, carried out illegal work, such as domestic work under subpar conditions. Of this figure, 1.2 million carried out work classified as hazardous or exposed to risks and 800 were under the age of 15 – the minimum age to be employed under Mexican law. The [rate of child labour is almost twice as high in rural areas](#), compared to urban areas, which indicates that most C&A who work do so in the agricultural sector. Also, this issue is more pertinent to men than women (73.2% are boys and 26.8% are girls), although these figures may invisibilise domestic and care work that disproportionately affects girls and women.

CHILDREN DEPRIVED OF PARENTAL CARE AND ALTERNATIVE CARE OPTIONS

Applicable laws and policies & competent authorities

- The [General Law on the Rights of Children and Adolescents \(LGDNNA, as per its Spanish abbreviation\)](#) was published on December 4, 2014, and within the following year, the 32 states published their harmonised local legislation. Its [latest amendment](#) was in May 2023. One of the objectives of the LGDNNA is to *“guarantee the full exercise, respect, protection and promotion of the human rights of children and adolescents in accordance with the provisions set out in the Political Constitution [...] and in the international treaties to which the Mexican State is party; ..”* (Art. 1)

¹[Title 42](#) is a public health order issued on March 20, 2020 by the United States government, which was intended to stop the spread of COVID-19, and by virtue of this, the authorities were allowed to swiftly expel migrants at the US land borders. Unaccompanied migrant C&A are exempt from this measure.



- On June 7, 2023, the Decree issuing the [National Code of Civil and Family Procedures](#) was published. The ISS/IRC local contact points out that this issuance is untimely because it should have been enacted in March 2018.
- The LGDNNA establishes and regulates the [National System for the Comprehensive Protection of the Rights of Children and Adolescents \(SIPINNA, as per its Spanish abbreviation\)](#), which aims to “*guarantee the comprehensive protection, prevention and restitution of the rights of children and adolescents who have been violated;*” (Art. 1.III. LGDNNA). The SIPINNA’s operational coordination falls on the Executive Secretariat. Therefore, the law foresees that the SIPINNA is under the obligation of creating, revising and modifying public policy.
- The [Protection Agency for Children and Adolescents \(PPNNA, as per its Spanish abbreviation\)](#), created by the LGDNNA, is the institution that is directly responsible for coordinating actions and measures to protect and restore the rights of children and adolescents in Mexico. Therefore, the PPNNA participates in the process of implementing and supervising public policy and their main focus is on individual or collective cases. PPNNA works collaboratively with several administrative authorities, such as social services, healthcare, education, social protection, culture, sport, etc., among others, to carry out its functions.
- The [National Program for the Protection of Children and Adolescents \(PRONAPINNA, as per its Spanish abbreviation\)](#) 2021-2024, outlines the priority actions of the federal government to guarantee the rights of children and adolescents in Mexico and responds to the mandate established in LGDNNA. This programme’s priority objective 3 is to “*fully protect and restore the human rights of C&A that have been violated or who have been victims of crime.*”
- With regards to family support (family strengthening) and prevention of separation, it would be worth mentioning the LGDNNA ban stating that the lack of resources is not sufficient cause for separation, considering that in Mexico many C&A are unnecessarily deprived of family care due to poverty (Article 22), as well as the authorities’ mandate at all three levels of government to implement family strengthening policies.
- The [National System for Integral Family Development \(NSIFD\)](#) is the decentralised public body responsible for coordinating the National System of Public and Private Social Assistance; promoter of the comprehensive protection of the rights of C&A, under the constitutional requirement regarding the best interests of the child, as well as the comprehensive development of individuals, family and community, mainly of those who, due to their physical, mental or social condition, are in a situation of vulnerability, until they are integrated into a fulfilling and productive life.

Family support & prevention of unnecessary family separation

- The **SIPINNA** establishes family strengthening policies to prevent the separation of C&A from their family environment so that, where appropriate, special protection measures are applied. These measures do not necessarily involve the separation from their family environment but also include the inclusion of the C&A and their family in a medical, psychological or psychiatric treatment programme, or in other programmes ranging from social, health and educational assistance, as well as sports, cultural, artistic and social activities or any other recreational activity.
- Here are some examples of programmes for vulnerable families: 1) [Programme for the welfare of C&A of working mothers](#); 2) [Benito Juarez Basic Education Welfare Scholarship](#); 3) [Insurance for Female Heads of Family](#).
- In 2022, [UNICEF assisted 180,000 C&A](#), caregivers, frontline workers and authorities through child protection interventions. Institutional capacity was strengthened for protective services, benefiting 3,181 C&A who are victims, as well as violence prevention, benefiting 3,866 C&A. The programmes addressed self-reliance skills, and bullying prevention and 119,712 adults benefited from positive parenting programmes. In addition, [12,816 C&A and 20,605 caregivers](#) benefited from psychosocial support and resilience-building



activities, carried out by key UNICEF partners.

Gatekeeping mechanism & family reintegration

- The C&A may not be separated from their parents or guardians or from the people who have their custody, unless there is an **order from a competent authority** determining the reasons for separation, in compliance with the preservation of the best interests of the child and due process. In any case, the C&A's opinion will be taken into account according to their age, cognitive and evolutionary development, and maturity.
- The competent authorities are usually **Ministerial agents**, that is, bodies associated with the Prosecutor's Office or the Attorney General's Office. Family or criminal law judges also participate in these decisions, but they are the minority.
- In case of family separation, the competent authorities will take the necessary actions to facilitate the processes of locating and reuniting the C&A with their family, provided that this is not against their best interests.
- In any case of violation of the C&A's rights, the PPNNNA will be informed and will coordinate to ensure that the corresponding protection measures are taken, following a preliminary assessment of the case and the establishment of a **Rights Restitution Plan**, as detailed in Article 123 of the LGDNNA. Subsequently, the PPNNNA follows up on all measures contained in the restitution plan to ensure that the specialised actions required and all necessary actions are provided on a case-by-case basis for each C&A to access their rights.
- **Gatekeeping mechanism & family reintegration:** According to the ISS/IRC local contact, this year the Federal Prosecutor's Office, RELAF and UNICEF will jointly publish a Family Reunification Guide. This instrument aims to standardise the nationwide practice on family reunification.

ALTERNATIVE CARE OPTIONS

Competent Authorities: The NSIFD or the SIFDs of the different states, in coordination with the PPNNNA (Federal and Local), must grant special measures to protect C&A who have been "abandoned by their families" (Art. 26 LGDNNA). Other law enforcement authorities are also involved.

Key reasons: When a C&A's legitimate rights or interests are threatened or violated, and it is appropriate to separate them from their family environment, in consideration of their best interests. The UNHRC report identifies some of the reasons why C&A lose or are deprived of their rights.

Abandonment of a C&A is penalised as "omission of care", although, according to the ISS/IRC local contact, some federal entities refer to it as "abandonment of a person". These offences include the loss of family rights as part of the sentence. Although this can vary from state to state because each has its own Penal Code, or in the Federal Penal Code if this offence is criminalised (Articles 335.343). However, although it is criminalised, abandonment alone is not usually prosecuted. The local ISS/IRC contact indicates that solutions to this are sought in other ways.

C&A profiles: C&A who are temporarily deprived of parental care and exceptionally have had to leave their homes in order to preserve their physical and psychological integrity.

Statistics on C&A without parental care: According to SOS Children's Villages, more than 1 million C&A are without parental care. The [INEGI](#) states that there are [more than 600 million C&A living without their parents](#) in Mexico. However, the ISS/IRC local contact specifies that this population is housed in these centres and are not necessarily without parental care, but deprived of that care.

Kinship care/informal care or other specific form of care (i.e. confiage)

There are no data on kinship or informal care established by Law. However, the LGDNNA (Art. 26) establishes care for C&A by the family of origin, whether extended or acquired, as a form of alternative care for children without parental care, until their legal situation is resolved with a permanent protection measure. The extended family is defined as that composed of the direct ascendants of the C&A without limitation of degree and collateral



relatives up to the fourth degree (Art.4 LGDNNA). In addition, the ISS/IRC local contact states that it is a common and widespread practice in Mexico.

Statistics: There are no official statistics on this matter, as confirmed by the ISS/IRC local contact. However, the same contact indicates that some states are beginning to make efforts to formalise kinship care and assess extended or acquired families, but these practices are still rather isolated.

Foster care or kafalah

Legislation:

- LGDNNA
- [Regulation of the General Law on the Rights of Children and Adolescents \(LGDNNA Regulation\)](#),
- [Agreement to require complementary information to ensure and preserve the child's best interests for interested families who request the authorisation and corresponding certification to the Federal Protection Agency to become a Foster Family](#) (Complementary Information Agreement),
- [Agreement to determine additional information for the administration, operation and update of the registry of Foster Family Certifications](#),
- [Guidelines for the Incorporation of a Technical Evaluation Council for the Issuance of Foster Family Certifications](#)

Definitions and types of foster families: The LGDNNA defines a foster family as *"a family that has been certified by the competent authority and that provides care, protection, positive parenting and the promotion of the social well-being of a C&A for a limited period of time until a permanent option with the family of origin, extended or adoptive family can be secured;"* (Art. 4. XII). The Mexican legal system does not distinguish different types of foster families as other countries may do, except pre-adoptive foster care, which shall be explained in the next section on adoption since it is a stage of the adoption process.

Programmes:

- The [National Foster Family Programme](#), operated by the NSIFD, establishes that foster care is transitory in nature, does not create any type of filial relationship or kinship between its beneficiaries, that is, the family and the C&A, but it does provide them with the necessary parental care until that right is definitively restored. In [June 2023](#), the Federal Protection Agency, in coordination with UNICEF and other partners, published a guide for the implementation of this national programme throughout the country.
- The PFPNNA has its own regulations on active foster family programmes.
- [UNICEF Mexico](#), in partnership with RELAF, has supported the Attorney General's Office and SIFD CDMX to promote deinstitutionalisation and the development of family-based care alternatives. In addition, in 2022 UNICEF Mexico, along with the Federal Protection Agency, produced a working document (an informal roadmap) on the development of foster care programmes in the country². Thus, they contributed to the consolidation, expansion and training of the cross-sector technical teams of the "Hogares de Corazon" programme implemented by SIFD CDMX, which in 2021 managed to integrate a total of 56 certified foster families. In other regions, such as Ciudad Juárez, in partnership with the [Familia Lightshine](#) organisation, they provided support by recruiting and training a multidisciplinary team to operate a foster family programme for migrant C&A.

Selection criteria/eligibility of foster parents: In order to be certified as a foster family, applicants must comply with Article [72 of the LGDNNA Regulation](#) and must complete a training course given by the Federal

² Available upon request to the ISS/IRC.



PPNNA, which addresses the psychosocial, administrative and judicial aspects surrounding the C&A's care, protection, positive upbringing and promotion of their social welfare (Art. 63 LGDNNA Regulation).

Foster families who have obtained their certification from the Federal PPNNA, must submit a monthly report with the activities carried out by the C&A in the social, educational and health environments, as well as the measures that have been implemented to guarantee their rights without discrimination of any kind or condition (Art. 69 LGDNNA Regulation).

Specifically, while the SIFD/Protection Agency has temporary guardianship of the C&A, the foster family is in charge of the C&A's care, but any decisions about the C&A's life must be taken by the authority. Custody is held by the parent or guardian as long as there is no court case involving the loss of parental custody. This court case must be brought by the Protection Agency.

Monitoring & complaint mechanism: The Federal PPNNA shall be in charge of verifying the physical, psychological, educational and social status of the C&A that is placed with a Foster Family. If the PPNNA Federal finds that the information provided by the Foster Family in any of the reports is false or violates the rights of the child, they shall revoke the corresponding certification after a hearing, without prejudice to any other sanctions that may be incurred. (Art. 70 LGDNNA).

Support and follow-up: The NSIFD shall carry out actions, in coordination with other agencies and entities of the Federal Public Administration, and the federal bodies, to provide special services regarding preparation, support, advice and follow-up to the foster families, before, during and after fostering the C&A. These actions may include, among others, access to medical and educational services; material support; home visits; as well as the possibility of maintaining permanent contact with specialised personnel of the NSIFD. Once the foster care is completed, the NSIFD shall follow up on the C&A with professional psychologists and social workers (Art. 67 LGDNNA).

Statistics: At the moment there are no official statistics. Data will begin to be generated from the "[Por tus Derechos](#)" entry system which contains a section related to the right to family life (source: ISS/IRC local contact).

Residential care

Legislation: LGDNNA; [Reglamento de la Ley General de los Derechos de Niñas, Niños y Adolescentes \(Reglamento LGDNNA\)](#); y [Acuerdo por el que se emite el Protocolo de Supervisión a Centros de Asistencia Social](#).

Definitions and Types of Institutions: The LGDNNA (Art. 4) defines residential care as a **last resort special protection measure intended to last for the shortest possible time**, which shall be carried out in residential care institutions (RCIs). RCIs may be managed by a public or private institution, or by an association providing residential care for C&A without parental care (Art. 108 I. LGDNNA).

Monitoring & complaint mechanism: The Federal PPNNAs shall be the competent authorities to authorise, register, certify and supervise the RCIs, for which they shall form the [National Registry of Residential Care Institutions](#) (Art. 112 LGDNNA). The PPNNAs will also be responsible for supervising the RCIs and, where appropriate, shall carry out the corresponding legal actions due to any breach of their requirements established by the Law and other applicable provisions (Art. 113 LGDNNA).

The LGDNNA also establishes the minimum requirements of the General Health Law for the operation of RCIs (Art. 108); the services that the RCIs must provide to guarantee the C&A's physical and psychological integrity (Art. 109); and the minimum staff that the RCIs must have (Art. 110).



Support and follow-up: There shall be a periodic review of the situation of a C&A in residential care, that of their family and the special protection measure by which they entered the RCI must be carried out, ensuring contact with their family and significant relatives whenever possible, taking into account their best interests (Art. 109 RCI).

Statistics: In 2022, the number of C&A in homes or shelters could have well reached [40,000 institutionalised C&A](#). According to the ISS/IRC local contact, these data are being studied since the known figures have not necessarily been provided following the standards that define what a Residential Care Institution is as per to the LGDNNA. According to an infographic created by the "[Por tus Derechos](#)" registry, there may be 600 RCIs in Mexico³.

Leaving care

Once the C&A is able to return to their family of origin or is adopted, taking into account their best interests, the best option shall be analysed and, if appropriate for the C&A, the protective measures shall be revoked (Art. 26 LGDNNA). With regards to adolescents who reach the legal age and are in the custody of public or private RCIs, they must be guaranteed care services that allow them optimal inclusion in society (Art. 30 Bis 8 LGDNNA).

These services shall include support for the eventual return to their country of origin or for the [search for a stable environment to live in within Mexican territory](#) (e.g. a family unit with other young people or access to autonomous housing); assistance with settling down, follow-up in case of medical treatment; support for vocational training and further studies; support in the search for employment, access to health and other services, and professional psychological support. In addition to these actions, it is considered appropriate to contemplate a preparation for an autonomous life, focused on psycho-emotional skills that contribute to the prevention of pregnancy, premature parenthood or the abuse of toxic substances, as well as other life skills.

Focus on specific groups of children

C&A with disabilities: With respect to RCIs, the LGDNNA requires that they offer an environment that provides the necessary support for C&A with disabilities to live an inclusive life in their community. It also provides that C&A with temporary or permanent disabilities, regardless of the reason or degree of disability, may not be discriminated against in order to be received or remain in the RCI (Art. 108 LGDNNA).

No consolidated information was found on C&A with disabilities living in alternative care options. However, there are some RCIs with specific services for C&A with disabilities such as the children's shelter [La Casa de Jesús y María AC](#); the shelter [D'Corazón. Jalisco's SIFD](#) also offers care to C&A with disabilities.

Migrant C&A: During 2020, alternative care for [Migrant C&A](#) was also a priority for UNICEF. Within this framework and as a result of the collaboration agreement signed with the SIFD of Chihuahua, the "Nohemí Álvarez Quillay" Shelter was inaugurated in Ciudad Juárez as the first open-door shelter for migrant children, which until December 2020 provided safe accommodation for more than 180 migrant C&A, most of them repatriated to Mexico from the United States. [UNICEF](#) developed a model of alternative care options for unaccompanied migrant C&A and a manual for its implementation. This model includes the following alternative care options: open-door shelters, specialised departments and foster care. In addition to this, [UNICEF](#) through its offices in Tapachula, Chiapas, and Tijuana, Baja California, provided technical support to the PPNNAs of these border entities on case management, that is, the identification of special protection needs in case a child requires assistance for the restitution of their rights, family reunification or help in initiating the asylum application process in Mexico.

Indigenous C&A: It is estimated that 3.8 million people between the ages of 3 and 11 self-identify as indigenous; Oaxaca and Chiapas are the states where the largest numbers of this population are concentrated with 476,000

³ Available upon request to the ISS/IRC.



and 469,000 people, respectively ([INEGI, 2022](#)).

Comments of the ISS/IRC

Progress

As stated in Mexico's Sixth and Seventh Reports ([CRC/MEX/6-7](#)), Mexico's efforts to bring its legal system into line with the Convention should be acknowledged. Likewise, [UNICEF](#) supported the NSIFD to promote the national alternative care reform programme, by standardising procedures. To this end, several actions were carried out: a roadmap to reform care alternatives for C&A; a guide to promote family reintegration of C&A separated from their families; training materials for the certification of RCIs. The NSIFD assessed foster care programmes in all 32 states and UNICEF provided direct support to foster care programmes in Mexico City, Chihuahua, Baja California and Durango.

Remaining challenges to be addressed

Despite the provisions of the LGDNNA and the negative effects it entails for the development of C&A, institutionalisation continues to be the most recurrent alternative care measure, though it should be the last resort. Therefore, [UNICEF](#) is making efforts to raise awareness of the issue among multiple actors and sectors about the importance of carrying out a comprehensive reform of the alternative care system in Mexico and adopting a policy of gradual deinstitutionalisation that guarantees the right of all children to live in a family environment that provides them with protection and care.

Furthermore, since PPNNAs are the institutions directly responsible for coordinating actions for the protection and restitution of C&A's rights in Mexico, their role is paramount. However, in the process of creating and developing the [PPNNAs, there have been a variety of obstacles](#) and challenges, as stated by the ISS/IRC local contact, which severely limit their effectiveness and scope, resulting in inadequate protection and restitution of C&A's rights. The diversity of contexts and needs in each state makes it difficult to establish a minimum critical path to meet this objective, and the lack of reliable information makes it difficult to estimate the magnitude of the problem. For this reason, there is an urgent need to strengthen the PPNNAs.

As stated in the [PRONAPINNA 2021-2024](#) (p.7), a fact that cannot go unnoticed is the number of migrant C&A presented to Mexican migration authorities, which has grown 792% from 2010 to 2019. This situation reflects the lack of a comprehensive protection policy for the rights of both accompanied and unaccompanied migrant and refugee C&A.

It should be mentioned that, when carrying out the research for this report, updated data and statistics surrounding C&A in the different alternative care options was very lacking.

ADOPTION

Accession to/Ratification of the 1993 Hague: Mexico ratified to the 1993 Hague Convention on [September 14, 1994](#), and it went into force on May 1, 1995.

National laws/policies: The [LGDNNA](#), published in 2014, establishes standards on domestic and intercountry adoption, applicable to the whole Mexican territory. Likewise, the new [National Code of Civil and Family Procedures](#) has introduced a new section (Section Seven) solely for domestic adoption as part of Family Justice, as well as new articles on the steps for its domestic and intercountry procedures (Articles 642-653). Among the novelties introduced by this new code and to be implemented are the following:



- The privileged use of information technology is an example of this (e.g. recordings of hearings or expedited communication between authorities via electronic means);
- Obligation to notify the NSIFD or through the PPNNA;
- Acknowledgement of the need to provide psychological support at all stages of the process for those who intend to adopt, as well as for those who will be adopted and, if requested, for those who consented to the adoption;
- In addition to the "traditional" adoption decree, the judicial authority is obliged to issue an "easy-to-read" one addressed to the person or people who were adopted.

In the new National Code, intercountry adoption is covered along with all international proceedings (Book Ten), which also refers to international treaties. Although it is requested that the same treatment be given to foreigners as to Mexican nationals, there is only a reference to the way in which competence will be governed for cases involving prospective adoptive parents who do not reside in Mexico (Article 1120).

The ISS/IRC local contact specifies that [certain guidelines](#) also apply to the federation in relation to Article 30 Bis 1 of the LGDNNA (2022), which are intended to resolve the situation of institutionalised C&A much more quickly.

In the case of the [LGDNNA Regulation](#), this applies only to the federal authorities and not to the authorities of each state. Likewise, the [NSIFD's Guidelines on Adoption](#) (Guidelines), are only applicable to federal authorities. Lastly, the [Federal Civil Code](#) (Federal CC) also includes provisions relating to adoption. Therefore, this Country Situation reflects only the legislation applicable to the federal authorities, i.e. the NSIFD as well as the PPNNA, the governing body in this area at the federal level, and a guideline for the states.

CENTRAL AUTHORITY

National System for Integral Family Development (NSIFD) / Federal Protection Agency for C&A (PFPNNA)

Address:

Francisco Sosa No. 439

Colonia Del Carmen

Alcaldía Coyoacán

C.P. 04100

Ciudad de México

Phone number: + (55) 3003 2200 Extensions: 4429 and 4434.

E-mail: dulce.mejia@dif.gob.mx; oliver.castaneda@dif.gob.mx

Website: <https://www.gob.mx/difnacional>

In addition, each state's system for Integral Family Development (31) constitutes the Central Authorities, with exclusive jurisdiction in the territory to which they belong. Therefore, the NSIFD coordinates the states and systematises the information they provide. Each state, within the scope of its powers, is responsible for implementing the Convention in its territorial jurisdiction.

Source: [HCCH Central Authority](#).

COMPETENT AUTHORITY ARTICLE 23 OF THE 1993 HAGUE CONVENTION:

Ministry of Foreign Affairs - Directorate General of Consular Protection and Strategic Planning

Address:

Plaza Juárez #20, piso 17

Colonia Centro

Alcaldía Cuauhtémoc

C.P. 06010

Ciudad de México



Phone number: +52 (55) 3686-5100 ext. 5871, 7543
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Source: [HCCH Competent authority Art.23](#)

FULL/SIMPLE ADOPTION

The LGDNNA expressly states that "*Adoption shall in any case be **full and irrevocable***". However, in the [Decree of 3 June 2019 amending several provisions of the LGDNNA](#), the second article of its Transitory Provisions establishes that "*In the case of the federal entities that at the date of entry into force of this Decree contemplate **simple adoption** within their legislation, said figure shall remain in force until the legislatures of the States determine otherwise*". This means that although at the federal level, simple adoption has been abolished and only full adoptions are carried out, this figure can still be found in the states that have not modified their legislation on adoption.

In Mexico, there are still local laws that provide for simple adoption:

Regulatory Status of Adoptions Standardisation reform 03 June 2019			
No.	State	Adoption legislation in force	Simple adoption Art. 418 to 426
1	Campeche	Civil Code of the State of Campeche	Simple adoption Art. 460 to 464-J
2	Guanajuato	Civil Code of the State of Guanajuato	Simple adoption Art. 561 to 560
3	Guerrero	Civil Code of the Free and Sovereign State of Guerrero	Simple adoption Art. 543 to 550
4	Jalisco	Civil Code of the State of Jalisco	Simple adoption Art. 285 to 292
5	Sonora	Family Code of the State of Sonora	Simple adoption Art. 381 to 397
6	Tabasco	Civil Code of the State of Tabasco	Simple adoption Art. 390 to 393
7	Yucatán	Family Code of the State of Yucatán	Simple adoption Art. 364 Ninth to 369
8	Zacatecas	Family Code of the State of Zacatecas	Simple adoption Art. 418 to 426

However, the ISS/IRC local contact states that while these regulatory provisions remain in force, it is the obligation of judges to stop applying them informally and instead give preference to Article 30 Bis 14 of the LGDNNA, which provides that all adoptions shall be full and irrevocable.

Sources: Art. 30 Bis 14 LGDNNA; Art. 410 A- 410 F Federal CC.

SUBSIDIARITY PRINCIPLE

The LGDNNA specifies that "*In equal circumstances, preference in adoption shall be given to Mexican applicants over foreigners. Preference shall also be given to domestic adoptions over intercountry adoptions*".

Source: Art. 30, Law 7/2020.



CHILD ADOPTABILITY

The national and state SIFDs, together with the federal and state PPNNAs, are the authorities in charge of determining the C&A's adoptability. For this, the C&A's legal situation must be determined, according to an analysis of their best interests, taking into account the C&A's characteristics and needs.

The new [National Code of Civil and Family Procedures](#) imposes the obligation to present the views and feelings of the person to be adopted.

The following C&A are eligible for adoption:

- I. Those who do not have someone with parental authority over them;
- II. Those who are foundlings or abandoned;
- III. Those who are in any of the above situations and are sheltered in Residential Care Institutions or under the guardianship of the SIFDs whether on a national or state level, or of the PPNNAs;
- IV. If they are under parental authority or guardianship, the person exercising parental authority or guardianship must declare their consent in writing before the national or state SIFDs, or before the corresponding PPNA.

In any of these cases, the adoptability report must be available.

C&A placed in RCIs will be considered foundlings or abandoned once **sixty calendar days** have elapsed without any claim to them or without any information that would allow their origin to be known. If the relevant PPNA does not have enough evidence to be certain that the C&A is a foundling or has been abandoned, the deadline may be extended for up to sixty more calendar days.

Once this period has elapsed without obtaining information regarding the child's origin, or without having achieved their reintegration into a family, the corresponding PPNA will draw up a circumstantial record publishing the certification of having carried out all the necessary investigations to find out their origin, and from that moment onwards, the C&A will be eligible for adoption.

As for the judicial process, the judge specialised in the matter will have 90 non-extendable working days to issue the sentence on the loss of parental authority of the C&A in question.

The **adoptability report** must contain the information specified in Article 90 of the Regulation, as well as the information mentioned in Article 28 of the Guidelines. The NSIFD may request from the RCI or the foster family that has the child in its care any additional information it deems necessary to safeguard the best interests of the child, which shall be included in the adoptability report.

It is the responsibility of the NSIFD, as well as the State and Municipal Systems, to have a **registry** with information on C&A who are in a state of adoptability. Article 38 of the LGDNNA Regulation sets out the information to be contained in the registry.

Source: Art. 4f, XV, 30 Bis 1, 30 Bis 3, 30 Bis 6 LGDNNA; Art. 38 and 90 LGDNNA Regulation; Art. 417 Federal CC; Art. 28 Guidelines; [Art. 30 Bis 1 Guidelines](#) Response No. 10 [HCCH Country Profile \(2022\)](#).

PROSPECTIVE ADOPTIVE PARENTS

Domestic adoption

Applicants for adoption shall meet the following requirements:

- I. They must clearly and simply state the reasons behind their intentions;



- II. The adoption must be beneficial to the C&A to be adopted;
- III. They must be over 25 years of age at the time the judge issues the decision granting the adoption and be at least 17 years older than the adoptee;
- IV. They must have sufficient means to provide for the C&A's subsistence and education;
- V. They must demonstrate an honest way of life, as well as the moral and social capacity to provide a suitable and stable family for the adoptee;
- VI. They must not have been prosecuted or involved in criminal proceedings for offences such as domestic or sexual violence, offences against public health, and
- VII. Any other information that the NSIDF deems necessary to ensure and preserve the C&A's best interests.

In addition, single people, unmarried couples or married couples of the same or different sexes can adopt. The number of years of cohabitation between couples before adoption will depend on each State.

In the event that the adopter is a foreigner with permanent residence in the national territory, the competent authorities shall include, as a requirement of the suitability certificate, a verification of the adopter's regular migratory situation in the national territory.

Any person interested in adopting must first apply to a **Protection Agency** (Art. 30 Bis 4). The [new code](#) (Art. 646) requires a **suitability certificate issued by the Protection Agencies**. The Protection Agencies have 90 days to decide whether to issue or deny the certificate of suitability to persons who have already initiated a judicial adoption procedure before the entry into force of the new code.

Intercountry adoption

In addition to the requirements for domestic adoption, applicants for intercountry adoption must be residents of a state party to the Hague Convention and meet the additional requirements of Article 42 of the Guidelines.

In addition, those interested must apply for a visitor's visa in order to carry out adoption procedures.

Sources: Art. 646, [National Code of Civil and Family Proceedings](#); [Art. 30 Bis 13 LGDNNA](#); [Art. 72 LGDNNA Regulations](#); Art. 30 Bis 13 LGDNNA; Art. 72 LGDNNA Regulations; Art. 42 Guidelines; Art. 40 Section III of the Law on Migration; [AC Spain](#) ISS/IRC local contact.

CONSENTS

In order for the adoption to take place, the following people must consent to it, in their respective cases:

- I. The person who exercises parental authority over the child to be adopted;
- II. The guardian of the person to be adopted;
- III. The person who has fostered the person to be adopted for six months and treats them as a child, if there is no parental authority or guardianship over them;
- IV. The PPNNA linked to the adoptee's place of residence when the adoptee has no known parents, no guardian, and no person who ostensibly provides them with protection and has taken them in as a child.
- V. The public or private social welfare institutions that have taken in the C&A to be adopted.

If the person to be adopted is over the age of twelve, i.e. an adolescent, their consent to the adoption is also required. Likewise, consent on behalf of the applicant(s) for adoption is also required.

In the event that the competent PPNNA does not consent to the adoption, they shall state the cause, which the judge shall assess taking into account the best interests of the child.

Sources: Art. 397 Federal CC; Art. 30 Bis 9 LGDNNA.



PROCEDURE

At present, all procedures must go through the **Protection Agencies**.

Domestic adoption

Those interested in adopting C&A may submit the corresponding application in any state, regardless of the physical location of the C&A eligible for adoption.

At the federal level, in order to initiate the adoption process, the applicant must submit the application using the form provided by the Federal PPNNA (through the General Directorate for the Legal Representation of Children and Adolescents). The documents to be attached to the application are mentioned in Article 14 of the Guidelines. Once the file is complete, the interested parties will be notified within a period of no more than three working days that the psychological studies and social diagnosis will be carried out.

Psychosocial assessment: The PPNNAs carry out an evaluation of the psychological, economic, and social work spheres, and any other assessments necessary to determine the suitability of those applying for adoption. Then, they issue the corresponding opinions and make the relevant recommendations. The assessments are extended to the other members of the family living in the same household.

Support and preparation: It is the responsibility of both the national and state SIFDs to provide legal advice and support services to adoption applicants, as well as prepare them. The Federal PPNNA gives an induction course in which they are informed about the psychosocial, administrative and judicial aspects of adoption. It is mandatory to attend the induction course as a requirement to be able to obtain the Suitability Certificate.

Suitability Certificate: By virtue of this document, applicants for adoption are determined to be eligible as prospective adoptive parents. After a technical assessment, suitability certificates may be issued by the National or State SIFDs, or the PPNNAs, and shall be valid to initiate the adoption process in any state, regardless of where they have been issued.

In the case of the NSIFD, the Technical Adoption Committee is the official body of the Federal PPNNA in charge of evaluating the adoption applicants and, if necessary, making a favourable recommendation to the Protection Agency in order to issue the corresponding Suitability Certificate, as well as to intervene in any matter related to the adoption procedures of the C&A. The Technical Adoption Committee shall be composed and operate in accordance with the guidelines for its composition and functioning issued by the Federal PPNNA.

In case the Committee decides in favour of issuing the Suitability Certificate, the Federal PPNNA issues it and registers the adoption applicants on the waiting list. The Suitability Certificate is valid for two years from the date of issue.

In addition, adoption applicants should not have any contact with the C&A they intend to adopt until they have a Suitability Certificate, except in cases where the adoption is between relatives.

Intercountry adoption

The NSIFD, within the scope of its powers, guarantees the protection of the rights of C&A subject to the intercountry adoption procedure, verifying that the C&A in question is eligible for adoption, by means of the adoptability report. Once the applicants receive the C&A's Adoptability Report, they must issue their acceptance, which will be sent to the State SIFD, through the Central Authority of their country of residence.

To initiate the intercountry adoption procedure, applicants must obtain a suitability certificate issued by the



competent Central Authority of their country of residence. Once the Ministry of Foreign Affairs has received the file, it is the responsibility of the Federal PPNNA, through the General Directorate of Legal Representation of Children and Adolescents, to check that the intercountry adoption files are complete and to send them to the states where the adoption procedure is to take place. At the same time, the NSIFD checks that the Central Authority of the applicant's country of habitual residence has verified that the prospective adoptive parents are suitable and fit to adopt (Suitability Certificate); the prospective adoptive parents have been advised on adoption procedures, and the C&A to be adopted has been or will be authorised to enter and reside permanently in the applicant's country of habitual residence.

All documentation must be apostilled or legalised and translated into Spanish.

In the event that the National DIF System determines that the applicants do not meet the requirements for intercountry adoption, the documentation is returned to the Central Authority of the applicants' country of habitual residence through the Ministry of Foreign Affairs or, where appropriate, to the corresponding accredited adoption bodies, indicating that the requirements that were not met, as well as a deadline for compliance.

In the event that the NSIFD determines that the applicants meet the requirements for intercountry adoption, they send the file to the System of the corresponding state for processing.

Sources: Articles 4, 26, 27, 29, 30 Bis 4, 30 Bis 5, 31, 35 LGDNNA; Articles 71, 73, 74, 89, 93-97 LGDNNA Regulation; Articles 12-27, 43, 44 and 46 Guidelines.

MATCHING

Domestic adoption

The Technical Adoption Committee is in charge of, among other functions, establishing and applying the criteria for matching C&A in accordance with the subsidiarity principle, in order to determine their match; deciding on the matching process of C&A in pre-adoptive foster families; and requesting the competent areas of the NSIFD to provide additional information for their assessment, when deemed appropriate, in order to guarantee the best interests of the child.

A C&A may only be matched to a family with a **Suitability Certificate**. For this purpose, the following is taken into account:

- The opinion of the C&A, whenever possible according to their age, cognitive development and degree of maturity;
- The conditions in the family are adequate for the C&A's integral development, in accordance with the C&A's best interests;
- The degree of kinship, i.e. the relationship of affinity and attachment; the origin, community and cultural conditions in which C&A grow up; and
- Siblings shall not be separated, but if there is a need to do so, measures shall be put in place to ensure that they maintain bonds of cohabitation, contact and permanent communication.

The C&A's matching process is carried out in a Session with the Technical Adoption Committee, in which the adoptable C&A's needs and best interests are analysed, as well as the psychosocial profile of the people applying for adoption.

First encounter: Once the match has been made, the Federal PPNNA sends the applicants' file, the adoptability report and the match to the RCI where the C&A is located.

Applicants for adoption must communicate their decision on the match to the RCI in writing within three working days at the latest. If the answer is yes, the physical introduction is scheduled. If the answer is no, the applicants'



adoption file is forwarded to the Federal PPNNA.

Once the physical introduction has taken place, the psychologists and social workers responsible for the C&A's care prepare a report on their perception of that first encounter, which shall be notified to the Federal PPNNA and the RCI.

Intercountry adoption

The Technical Adoption Committee analyses the file in order to decide whether or not the application for intercountry adoption is admissible or inadmissible.

Just like in the case of domestic adoption, they shall match the applicants and notify the Central Authority or the representative in Mexico of the corresponding accredited body through the Federal PPNNA by sending the Adoptability Report.

Once the match has been accepted by the applicants, which must be sent by the Central Authority of the receiving country through the Ministry of Foreign Affairs, the physical introduction of the C&A with the family will be scheduled.

Sources: Articles 7 and 44 Guidelines; Responses No. 22.2 and 25 [HCCH Country Profile \(2022\)](#).

PROBATIONARY PERIOD

1. To begin the probationary period, the Federal PPNNA calls on the Technical Committee in order to carry out the physical integration of the C&A into the family assigned to them and with whom they have shared internal and external supervised cohabitation.

2. The beginning of the probationary period is formalised in an administrative act, which must be signed by the members of the Technical Committee, the certified family that accepted the match and by the C&A involved.

3. The probationary period is subject to a time limit of no more than 30 working days. During this period, psychologists and social workers will prepare a report on the placement (dynamics-relationship between the parties) to be submitted to the Federal PPNNA. During this period, there should preferably be a process of progressive adaptation so that the case is brought before the appropriate judicial authority.

It is emphasised that the probationary period follows internal and external living arrangements (both supervised). This implies that people with a suitability certificate take on the care of the C&A directly in their homes. As the ISS/IRC local contact explained, this stage is intended to be temporary while the judicial adoption process is being resolved, however, the objective is for the child to be integrated into the family and not to be removed from their new environment.

Exceptions exist in cases where the probationary period lasts longer than 30 working days. In such cases, the Protection Agency updates the probationary period act, justifying the reasons for this decision (most often, documentation is missing in order to present the case to the Judge).

Sources: Art. 28 LGDNNA; Art. 77-79 LGDNNA Regulation; Art. 31-37 Guidelines; ISS/IRC local contact.

ADOPTION DECISION

Once the adoption application has been filed, the family judge shall have 15 non-extendable working days to issue the ruling, counted from the day after the administrative authority (PPNNA) has delivered the complete adoption file.



Once the court decision declaring the adoption admissible has been issued, the Federal PPNNA will draw up the act of definitive release of the C&A from the NSIFD and will make the final handover of the C&A to the adoptive family, as well as the documentation of the process, which will be recorded in the corresponding act. Once this has been done, the adoptive family must carry out the corresponding procedures at the Civil Registry and notify the Federal PPNNA.

Appeal

Generally speaking, once a court decision is enforceable, the adoption is irrevocable, i.e. no appeal is allowed against it. However, in the event that flaws or irregularities are identified in the adoption process, for example, the absence of deprivation of parental authority over the C&A, the adoption can be annulled by means of an appeal.

Sources: Art. 30 Bis 6 LGDNNA; Art. 80 LGDNNA Regulation; Art. 39, 45 Guidelines.

REGISTRATION

Once the final judicial decision authorising the adoption has been issued, the judge shall, within a period of eight days, send a certified copy of the proceedings to the corresponding Judge of the Civil Registry so that the corresponding record may be drawn up in the presence of the adoptive family.

Source: Art. 84 of the Federal CC.

ADOPTION EFFECTS

As mentioned before, adoption shall in any case be **full and irrevocable**.

In the case of full adoption, a certificate shall be drawn up as if it were a birth certificate, on the same terms as those issued for biological children. As soon as the birth certificate has been drawn up, entries shall be made in the original birth certificate, which shall be confidential. No record revealing the origin of the adoptee or their status as an adoptee shall be published or issued, except by court order.

In the case of intercountry adoption, once the competent judge issues the enforceable judgment granting the adoption, the Ministry of Foreign Affairs in its capacity as Central Authority, at the request of the interested parties, shall certify that the procedure has been carried out in accordance with the International Treaties and, where appropriate, shall issue the adoptee's passport, in accordance with the Regulations on Passports and Identity and Travel Documents.

Sources: Art. 30 Bis 14 LGDNNA; Art. 86 LGDNNA Regulation; Art. 98 LGDNNA Guidelines.

POST-ADOPTION FOLLOW-UP

Once the sentence has been executed, the NSIFD, through the Federal PPNNA, will order the post-adoption follow-up, which must be carried out **every six months for three years**, which may exceptionally be extended in accordance with the C&A's best interests.

Follow-up measures should include the reports made by social workers where the family coexistence and the C&A's daily development in their environment can be observed in order to prevent or correct any difficulties that may arise. The follow-up intervention shall be as non-invasive as possible in order not to affect the family environment.

In the case of intercountry adoption, post-adoption follow-up shall be carried out by the competent Central Authority or the Accredited Body. There will be semi-annual follow-ups for the first three years, and then annual until the C&A reaches the age of 16. The frequency of follow-up will depend on each state.

Sources: Art. 26, 30 bis 12 LGDNNA; Art. 99 LGDNNA Regulation; Art. 40 Guidelines; [AC Spain](#).



ADOPTION BREAKDOWN

According to representatives of the Central Authority of Mexico, there is no record of intercountry adoptions that have failed, nor have there been cases of return to Mexico of C&A that have been adopted internationally.

The ISS/IRC local contact indicates that there are cases of failed probationary periods where suitability certificates have been revoked from people who for unjustified reasons concluded the probationary period. In these situations, cases are reviewed to determine if there was negligence while carrying out the social and psychological evaluations.

Sources: [Response no. 22 on the Questionnaire on the Practical Operation of the 1993 Adoption Convention, February 2020](#); ISS/IRC local contact.

SEARCH FOR ORIGINS

See the Annex for information on Search for Origins.

ADOPTION ACCREDITED BODIES (AABs)

In order to obtain authorisation to process intercountry adoptions of C&A in the Mexican Republic, the AABs of a receiving State must include with their application the documents referred to in Article 47 of the Guidelines.

The AABs shall be authorised by resolution of the **Technical Adoption Committee** and will be notified through their legal representative by the Federal PPNNA. If appropriate, the authorisation will be valid for four years from the date of its notification. The AAB previously authorised by the Committee may obtain the renewal of their authorisation every four years.

The representative appointed by the AAB may not work in any SIFD, whether on a national or state level and may only represent one agency.

The Committee shall revoke the authorisation of such AAB that commit irregular acts, considering their seriousness, in the following cases: I. where the AAB engages in direct violations of the Hague Convention or national legislation; II. where the AAB's actions put the C&A's integrity at risk; and III. where the AAB's actions are presumed to constitute a criminal offence.

The revocation of the authorisation will be notified to the AAB through its legal representative. In addition, the Permanent Bureau of the Hague Conference, the Central Adoption Authority, the Embassy of their country and the State SIFD will be informed.

In Mexico, there are 13 AABs, distributed in the following countries: United States of America (7), Spain (1), France (1), Italy (3), Canada (1).

Sources: Art. 47-52 Guidelines; Answer No. 7 [HCCH Country Profile \(2022\)](#).

SANCTIONS

The following are forbidden:

- I. The promise of adoption during the gestation process;
- II. Private adoption, understood as the act by which those who exercise parental authority, guardianship or custody, or their legal representatives, agree to directly adopt a C&A, without the intervention of the competent authorities;
- III. An adoption being carried out for illegal purposes such as sale, theft, retention or concealment, trafficking, human trafficking, exploitation, child labour or any other illicit activity. If any of these cases arise once the adoption has been judicially concluded, the competent PPNNA will file a



- complaint with the Public Ministry and take the necessary measures to ensure the integral well-being of the C&A;
- IV. Contact between the biological parents who placed a C&A for adoption and the adopter, the adoptee or any person involved in the adoption, except in cases where the adopters are biological or extended family members or where the adoptee wishes to know their family history and is of legal age;
 - V. Enticement through any form of compensation or payment to influence or favour the decision to place the C&A for adoption;
 - VI. Directly or indirectly obtaining undue benefits, material or otherwise, by the adoptee's family of origin or extended family, or by any person, as well as by officials or employees of public or private institutions and authorities involved in the adoption process;
 - VII. Obtaining illicit profit or personal benefit as a result of adoption;
 - VIII. The marriage between the adopter and the adoptee or their descendants, as well as the marriage between the adoptee and the adopter's family members or their descendants;
 - IX. Be adopted by more than one person, except in the case of the adopters being spouses or concubines, in which case the consent of both shall be required;
 - X. Discriminatory adoption understood as one in which the C&A is considered a supplementary or vindicatory asset;
 - XI. Any adoption contrary to the constitutional provisions, international treaties ratified by the Mexican State or the best interests of C&A and their adequate evolutionary development.

The competent authorities shall establish preventive and protective measures to prevent illegal adoptions. For this purpose, they may require cooperation from the Central Adoption Authority of the country concerned in order to obtain information or supervise preventive measures that have been taken.

Source: Art. 30 Bis 2 and 31 LGDNNA.

COSTS

The LGDNNA prohibits obtaining illicit profit or personal benefit as a result of adoption.

In addition, concerning adoption processes conducted by public procedure, the Mexican NSIFD has reported that, in both the administrative and judicial phases, it is not necessary to hire a lawyer in Mexico because the DIF systems process adoptions through their lawyers (free of charge).

It may happen that the Accredited Adoption Bodies in the receiving countries require certain payments related to the administrative costs of the process (e.g. passport, legalisation of documents, birth certificate, etc.) or the fee of professionals required in the process (legal services, medical, etc.).

Sources: Article 30 Bis 2 LGDNNA; [AC Spain](#) [AC United States of America](#).

STATISTICS

According to Article 29 LGDNNA, it is the responsibility of the SIFDs on a national, state and municipal level, in coordination with the PPNNAs, to have permanently updated information and a registration system, which includes the following: Adoptable C&A; applicants for adoption and those with a suitability certificate; **concluded adoptions divided into domestic and intercountry adoptions**; and **adopted C&A, reporting each update to the Federal PPNNA**. There will also be a record of foster families and the C&A fostered by them.

The "[Por tus Derechos](#)" system contains up-to-date data on the RCIs registered with the coordination of the local Protection Agencies. However, the adoption component is not public. The number of domestic adoptions is much higher than the number of intercountry adoptions, which remains relatively low. According to the infographic derived from the above-mentioned registry, from 2013 to 2022, they had a total of 1,644 adoptions, of which



1,195 were domestic and 18 intercountry.

As a reference, information was found on intercountry adoptions between Mexico and the following countries:

COUNTRY	2019	2020	2021
USA	27	11	27
France	1	0	0

USA: 27 in 2021; 11 in 2020; 27 in 2019.

France: 0 in 2021; 0 in 2020; 1 in 2019.

Sources: Article 29 LGDNNA; Article 38 Regulation; [US Department of State](#); [France Diplomatie](#); ISS/IRC Local Contact.

Comments of the ISS/IRC

Progress:

The publication of the LGDNNA in 2014 and the Adoption Guidelines in 2016, meant a great evolution in guaranteeing C&A rights by the inclusion of international principles and standards on adoption. However, thanks to the LGDNNA reform in June 2019, national standardisation was established in the regulation of adoption procedures. In addition, the NSIFD, through its Federal PPNNA, has undertaken several tasks since 2021 in order to identify best practices in the processes and develop a National Adoption Law. The ISS/IRC local contact states that there is a new National Adoption Bill underway.

The ISS/IRC also welcomes the enactment of the new [National Code of Civil and Family Procedures](#), which was published in compliance, however belatedly, with the ruling issued in 2021 by the First Chamber of the Supreme Court of Justice, which concluded that the Mexican Congress had failed to fulfil its legislative duties. The ISS/IRC appreciates the decision to impose the obligation –in the new code– to identify the person to be adopted as well as the suitability certificate for all applicants for adoption.

Finally, the ISS/IRC congratulates Mexico for having developed a specific Guide to guarantee the rights of the identity of C&A involved in adoption processes with the aim of informing, suggesting legislative reforms that are necessary to remove legal obstacles, and proposing an operational route for the authorities to be in a position to guarantee this right.

Remaining challenges to be addressed:

First of all, the local ISS/IRC contact points out that the new National Code of Civil and Family Procedures has been approved very quickly. In March 2023, a [new draft](#) of this Code was introduced, which was approved within [a month](#) by the House of Senators. Therefore, there is no certainty as to whether the comments were properly taken into account or all suggested corrections were made. For example, in the area of adoption, it was requested that it be addressed sensitively, in a separate chapter and with a clear procedure (see pages 20 to 31 of the [Opinion](#)), but what is stated is different.

In Mexico, there is a *probationary period*, as in a period of cohabitation in order to confirm the compatibility between the C&A to be adopted and the future adoptive family. According to Mexican regulations, meetings are increasingly frequent, prolonged and are accompanied by professionals in psychology and social work. If this



stage of the adoption process is not carried out with the utmost diligence and under constant observation of the principle of the best interests of the child, families may use this stage to choose the C&A they wish to adopt, which would contravene international instruments and the concept of the C&A's integral protection.

While investigating the number of adoptions carried out, it was found in the [National Programme for the Protection of Children and Adolescents \(PRONAPINNA\)](#), that according to the NSIFD's adoption reports, in 2020, of 29 applications received, 11 domestic adoptions were granted; and in 2015, of the 49 applications received, only 8 were granted, although these figures do not include all adoptions in the country (Source: ISS/IRC Local Contact). Although there are many institutionalised C&A at the national level, the number of adoptions or C&A with a declaration of adoptability is clearly low. On the one hand, it could be said that, based on the subsidiarity principle, the Mexican State gives priority to the C&A's family integration with their own biological family. On the other hand, however, it could be worrying if the C&As who are in RCIs or with foster families remain in temporary care for prolonged periods, without a clearly defined legal situation.

With regard to the search for origins, representatives of the Central Adoption Authority of Mexico have indicated that the confidential information that is kept after the adoption processes is not the same in each State, but rather, will depend on its laws. Given that in Mexico, each state decides on the information that will be kept regarding the origins of the adopted C&A, this may affect the legal security of these processes and the C&A's right to know their origins. Therefore, the ISS/IRC expects that, with the application of the new Guide mentioned above, the 32 Mexican states will be able to standardise not only the applicable regulations but also the institutional processes and criteria for the benefit of C&A that have been part of an adoption process in Mexico.

Finally, it should be noted that the new National Code of Civil and Family Procedures does not introduce any novelty. Although it is important to note that it is no longer mandatory for the Family Courts to order the Civil Registry to keep the original birth certificate until the adopted person reaches the legal age. In the future, this could translate into the disappearance of that legal barrier that exists to date for C&A to access their family origins.

LEGISLATION

International instruments

	Signature (S) / Ratification (R) / Accession (A) / In Force (F)
United Nations Convention on the Rights of the Child (1989)	21 September 1990 (R) 26 January 1990 (F)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	15 March 2002 (R) 7 September 2000 (F)
Optional Protocol to the Convention on the Rights of the Child on the participation in armed conflicts	15 March 2002 (R) 7 September 2000 (F)
Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)	1 May 1995 (V) 14 September 1994 (R) 29 May 1993 (F)
Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996)	-



United Nations Convention on the Rights of Persons with Disabilities (2006)	17 December 2007 (R) 30 March 2007 (F)
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Regional instruments

	Signature (S) / Ratification (R) / Accession (A) / In Force (F)
Inter-American Convention on conflict of laws concerning the adoption of minors (1984)	11 February 1987 (R) 2 December 1986 (F)
Inter-American Convention on international traffic in minors (1994)	27 November 1995 (F)

Domestic legislation/regulation

	Language
General Law on the Rights of Children and Adolescents (2014)	Spanish
Regulation of the General Law on the Rights of Children and Adolescents (LGDNNA Regulation) (2015)	Spanish
Federal Civil Code (1928)	Spanish
NSIFD's Guidelines on Adoption (2016)	Spanish
Agreement to require complementary information to ensure and preserve the child's best interests for interested families who request the authorisation and corresponding certification to the Federal Protection Agency to become a Foster Family (Complementary Information Agreement)	Spanish
Agreement to determine additional information for the administration, operation and update of the registry of Foster Family Certifications	Spanish
Acuerdo por el que se emite el Protocolo de Supervisión a Centros de Asistencia Social	Spanish

State Legislation/Regulations

	PROTECCIÓN A LA NIÑEZ Y DERECHOS DEL NNA	ADOPTION
AGUASCALIENTES	Law on the Rights of Children and Adolescents for the State of Aguascalientes.	Civil Code
BAJA CALIFORNIA	Law for the Protection and Defence of the Rights of Children and Adolescents for the State of Baja California.	Civil Code
BAJA CALIFORNIA SUR	Law on the Rights of Children and Adolescents for the State of Baja California Sur	Civil Code
CAMPECHE	Law on the Rights of Children and Adolescents for the State of Campeche	Civil Code
CHIAPAS	Law on the Rights of Children and Adolescents for the State of Chiapas; Code of Assistance to the Family and Vulnerable Groups for the State Libre y Soberano of Chiapas.	Civil Code



CHIHUAHUA	Law on the Rights of Children and Adolescents for the State of Chihuahua	Civil Code
CIUDAD DE MÉXICO	Law on the Rights of Children and Adolescents for the State of Ciudad de México Law on Alternative Care of Children and Adolescents in the Federal District	Civil Code
COAHUILA	Law on the State System for the Guarantee of the Rights of Children in the State of Coahuila de Zaragoza	Family Law of the State of Coahuila de Zaragoza
COLIMA	Law on the Rights of Children and Adolescents for the State of Colima	Civil Code
DURANGO	Law on the Rights of Children and Adolescents for the State of Durango	Adoption Law of the State of Durango
GUANAJUATO	Law on the Rights of Children and Adolescents for the State of Guanajuato	Civil Code
GUERRERO	Law on the Rights of Children and Adolescents for the State of Guerrero, Law on Homes for Children and Adolescents	Civil Code
HIDALGO	Law on the Rights of Children and Adolescents for the State of Hidalgo	Family Law of the State of Hidalgo
JALISCO	Law on the Rights of Children and Adolescents for the State of Jalisco	Civil Code
ESTADO DE MÉXICO	Law on the Rights of Children and Adolescents for the State of México Law that regulates Social Assistance Centres and Adoptions in the State of Mexico	Law that regulates Social Assistance Centres and Adoptions in the State of Mexico
MICHOACÁN	Law on the Rights of Children and Adolescents for the State of Michoacán de Ocampo	Adoption Law of the State of Michoacán de Ocampo
MORELOS	Law on the Rights of Children and Adolescents for the State of Morelos	Family Code
NAYARIT	Law on the Rights of Children and Adolescents for the State of Nayarit	Civil Code
NUEVO LEÓN	Law on the Rights of Children and Adolescents for the State of Nuevo León	Civil Code
OAXACA	Law on the Rights of Children and Adolescents for the State of Oaxaca	Civil Code, Adoption Law
PUEBLA	Law on the Rights of Children and Adolescents for the State of Puebla	Civil Code
QUERÉTARO	Law on the Rights of Children and Adolescents for the State of Querétaro	Civil Code
QUINTANA ROO	Law on the Rights of Children and Adolescents for the State of Quintana Roo	Adoption Law of the State of Quintana Roo

SAN LUIS POTOSÍ	Law on the Rights of Children and Adolescents for the State of San Luis Potosí	Family Code
SINALOA	Law on the Rights of Children and Adolescents for the State of Sinaloa	Family Code
SONORA	Law on the Rights of Children and Adolescents for the State of Sonora	Family Code
TABASCO	Law on the Rights of Children and Adolescents for the State of Tabasco	Civil Code
TAMAULIPAS	Law on the Rights of Children and Adolescents for the State of Tamaulipas	Adoption Law of the State of Tamaulipas
TLAXCALA	Law on the Rights of Children and Adolescents for the State of Tlaxcala	Adoption Law for the State of Tlaxcala
VERACRUZ	Law on the Rights of Children and Adolescents for the State of Veracruz de Ignacio de la Llave	Adoption Law of the State of Veracruz de Ignacio de la Llave
YUCATÁN	Law on the Rights of Children and Adolescents for the State of Yucatán	Family Code
ZACATECAS	Law on the Rights of Children and Adolescents for the State of Zacatecas	Family Code

PARTICULARLY RELEVANT SOURCES OF INFORMATION

Periodic review by the CRC Committee

- **Concluding Observations:** Mexico, [CRC/C/MEX/CO/4-5](#), 8 June 2015.
- **Sixth and Seventh Consolidated Report:** Mexico, [CRC/C/MEX/6-7](#), 18 december 2020
- **Fourth and fifth periodic reports:** Mexico, [CRC/C/MEX/4-5](#), 25 July 2014

Other organisations

- [UNICEF Mexico](#) – general information about children and adolescents
- [Observatorio Regional Derecho a Vivir en Familia](#), march 2021 - information on the situation of children and adolescents
- **Hague Conference on Private International Law** – [Mexico Country Profile](#) (2022) and [Questionnaire on the impact of COVID-19 on intercountry adoptions under the 1993 Hague Convention](#) – Information on the intercountry adoption process
- [U.S. Department of State, EE.UU.](#) – Information on the intercountry adoption process
- [France Diplomatie](#) – Information on the intercountry adoption process
- [Ministerio de Sanidad, Servicios Sociales e Igualdad, España](#) – Information on the intercountry adoption process
- [Red por los Derechos de la Infancia en México](#) – information on the situation of children and adolescents

