

CHILD ADOPTION ACT (No. 3),
B.E. 2553 (2010)

BHUMIBOL ADULYADEJ, REX;
Given on the 11th Day of November B.E. 2553;
Being the 65th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend a law on adoption;

This Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 41 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act shall be called "Child Adoption Act (No. 3) B.E. 2553"

Section 2. This Act shall come into force after the expiration of one hundred and eighty days as from the date of its publication in the Government Gazette.

Section 3. Section 5 of the Child Adoption Act B.E. 2522 shall be repealed and replaced by:

" **Section 5.** For the purpose of protecting children, whom will be adopted, the application, the registration and the dissolution of child adoptions shall be made in accordance with the rules, procedures and conditions stipulated herein.

Application for child adoptions in paragraph one shall be made with the preparation for the applicant and the child who is to be adopted in accordance with the rules, procedures and conditions stipulated by the Child Adoption Board"

Section 4. The following shall be added as Section 5/1 of the Child Adoption Act B.E. 2522:

"**Section 5/1.** an adoption in foreign countries, where is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, in which a competent authority of that country certifies that it has exercised in accordance with the above Convention and such adoption is not contradictory to the law or public peace or public moral, shall be considered as the adoption made in accordance with this Act.

The Minister shall have the power to announce a list of countries which are the parties to the Convention on Protection of Children and Co- Operation in Respect of Intercountry Adoption in the Government Gazette.”

Section 5. The following shall be added as Section 18/1 of the Child Adoption Act B.E. 2522 :

“ **Section 18/1.** No person shall use deceitfulness, intimidation, force by using power immorally or assault by any other means or be a middleman who induces by paying fee or reward or any other kinds of benefit which shall not be received in order to get a consent to child adoption”

Section 6. The following shall be added as paragraph two of Section 21 of the Child Adoption Act B.E. 2522:

“An examination on qualifications and facts as to the livelihood and suitability of the adoption applicant under paragraph one shall be determined in the Ministerial Regulation.”

Section 7. The following shall be added as paragraph two of Section 29 of the Adoption Act B.E. 2522:

“In the case where there is a special circumstance in which such adoption registration cannot be made within the time defined in paragraph one, the adoption applicant shall submit a request stating such special circumstance to the Child Adoption Board in accordance with the rules and procedure stipulated by the Board and the Board may consider to extend the period of adoption registration for no longer than three months from the date that such special circumstance is finished.”

Section 8. The following shall be added as Section 31/1 of the Child Adoption Act B.E. 2522:

“**Section 31/1.** In the case where an adoptive parent(s) wishes to call for a dissolution of adoption, if the adopted child is still a minor, prior to a registration for a dissolution of adoption or a request submitted to the Court following section 1589/31 of the Civil and Commercial Code, the adoptive parent(s) has to notify a competent official so that he can solve the problems and improve such relationship at the primary level and the adoptive parent (s) shall go through the consultation and remedy procedure in accordance with the rules and procedures determined in the Ministerial Regulation.

In the case of a dissolution of adoption, if the adopted child is still a minor and such child used to be under an institution care during the period of a registration of adoption or he or she has no father or mother or guardian to look after him or her, a competent official shall perform his duty so that the child is under the care or protect the child's welfare following the law on child protection. The adoptive parent (s) who dissolves the adoption shall continue his responsibility to pay for the expenses supporting the child and education as appropriate and in accordance with his or her capability until the child is no longer a minor and shall bear the responsibility to pay for the expenses supporting the adopted child if such child who is handicapped or disabled and is unable to support himself or herself even though he or she is no longer a minor except for the case where the adopted child conducts an action under section 1598/33 (1) (2) (3) or (6) of the Civil and Commercial Code or another prospective adoptive parent (s) has provided him or her a care, such adopted child shall not have the right to expenses under this Section. The claim for the expenses supporting the child and education may be sued in the Court by a competent official and a prosecutor."

Section 9. Section 34 of the Child Adoption Act B.E. 2522 shall be repealed and replaced by:

"Section 34. Any person who contravenes section 6 or section 18 shall be liable to imprisonment for a term not exceeding three years or a fine of not exceeding sixty thousand Baht or to both".

Section 10. The following shall be added as Section 34/1 of the Child Adoption Act B.E. 2522:

"Section 34/1. Any person contravenes section 18/1 shall be liable to imprisonment for a term between four and ten years or a fine between eighty thousand and two hundred thousand Baht or to both".

Section 11. The following shall be added as Section 38/1 of the Child Adoption Act B.E. 2522:

"Section 38/1. Any person who contravenes section 6 or section 18 or section 18/1 outside the Kingdom while the Thai government or a Thai national is a victim, that person shall be sentenced in the Kingdom and section 10 of the Penal Code shall be applied *mutatis mutandis*".

Countersigned by:
Abhisit Vejjajiva
Prime Minister

Ministerial Regulation

Procedure for providing consultation and remedy prior to discontinuation of child adoption

B.E. 2554

By virtue section 31/1 paragraph one of the Child Adoption Act B.E. 2522 as amended the Child Adoption Act (No. 3) B.E. 2553 and section 39 paragraph one of the Child Adoption Act B.E. 2522 which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 33, section 34 and section 41 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Minister of Social Development and Human Security hereby issue the Ministerial Regulation as follows:

Clause 1. When a competent official receives a notification from an adoptive parent that he or she wishes to discontinue an adoption which the child is still a minor, the competent official shall ask the adoptive parent about problems causing such a discontinuity and other relevant information in to order solve such problems and improve the relationship at the primary level. If the adoptive parent still wishes to discontinue the adoption, there shall be a procedure to provide consultation and remedy in accordance with Clause 2 and Clause 3.

Clause 2. The competent official shall investigate on facts about the problems causing discontinuity of the adoption in order to process with the procedure to provide consultation and remedy within sixty days from the date the competent official is informed from the adoptive parent that he or she still wishes to discontinue the adoption in accordance with Clause 1. Such investigation shall be as follows:

- (1) Reasons for such discontinuity of the adoption
- (2) The mental state and social environment of the adopted child
- (3) Evaluation of the reasons for discontinuity of the adoption

In a necessary case, the Director of Child Adoption Center or the Director of the Provincial Social Development and Human Security Offices, as the case may be, may

extend the period in paragraph one twice and shall only extend it for no more than fifteen days per time.

Clause 3. In accordance with Clause 2, the competent official shall cooperate in planning and preceding the procedure to provide consultation and remedy with the following relevant persons, as appropriate and necessary:

- (1) The person who has given the consent to child adoption
- (2) Adoptive parents
- (3) Adopted child
- (4) Other relevant child specialists such as psychologists, social workers, doctors or psychiatrists

Clause 4. When the procedure under Clause 2 is finished, if the adoptive parent still wishes to discontinue the adoption, the competent official shall summarize the result of consultation and remedy to the Director-General or the Governor, as the case may be, for a consideration of issuing a letter of certification for a registration of discontinuity of adoption or for using as an attached document for the Court request in accordance with Section 1598/31 of the Civil and Commercial Code.

The letter under paragraph one shall last for a period of six months from the date of issuance.

Given on 29th of December B.E. 2554

Santi Prompat

Minister of Social Development and Human Security

Ministerial Regulation

An examination on qualifications and facts as to the livelihood and suitability of the adoption applicant, the person authorized to consent the adoption and a child intended for adoption

B.E. 2554

By virtue section 21 paragraph two of the Child Adoption Act B.E. 2522 as amended the Child Adoption Act (No. 3) B.E. 2553 and section 39 paragraph one of the Adoption Act B.E. 2522 which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 33, section 34 and section 41 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Minister of Social Development and Human Security hereby issue the Ministerial Regulation as follows:

Clause 1. In order to adopt a child, a competent official shall examine the qualifications and facts as to the livelihood and suitability of the adoption applicant to see whether or not he or she is suitable to have an adopted child as follows:

- (1) History and basic data about family;
- (2) Conditions of the residence and environment;
- (3) Career and the economic situation of the family;
- (4) Conditions of the mental state in accordance with the psychological examination;
- (5) Criminal background check;
- (6) Perspectives and suitability in looking after the child and providing him or her with an education;
- (7) Reasons for an adoption application

Clause 2. A competent official shall examine the qualification and facts as to the livelihood and suitability of the person authorized to consent the adoption as follows:

(1) History and basic data about family;

(2) Reasons for giving up a child to be adopted

Paragraph one shall not be enforced in the case where the Court has given the permission order on behalf of the person authorized to consent the adoption or in the case where the child is in care or in being looking after of the institution under the law on child protection in which such institution has the power to give consent for the adoption and has given its consent.

Clause 3. A competent official shall examine the qualification and facts as to the livelihood and suitability of a child intended for adoption as follows:

(1) History and basic data about family;

(2) Living and care conditions;

(3) Intentions and opinions in being an adopted child

In the case where a child intended for adoption cannot give a verbal statement, a competent official shall examine qualifications and facts in accordance with paragraph one (1) and (2) from the person authorized to consent the adoption or from a person taking care of such child.

Given on 29th of December B.E. 2554

Santi Prompat

Minister of Social Development and Human Security

Notification of the Child Adoption Board

On rules and procedures relating to the time extension for registration of the adopted child
in the case of special circumstances

B.E. 2554

By virtue section 29 paragraph two of the Child Adoption Act B.E. 2522 as amended the Child Adoption Act (No. 3) B.E. 2553 and the resolution of the Child Adoption Board in the meeting No. 16/2554 on May 26, B.E. 2554, the Child Adoption Board hereby issue the Notification as follows:

Clause 1. This Notification shall be called "Notification of the Child Adoption Board on rules and procedures relating to the time extension for registration of the adopted child in the case of special circumstances B.E. 2554".

Clause 2. This Notification shall come into force as from the day of its publication in the Government Gazette.

Clause 3. In the case of a special circumstance where the applicant may not register within the six month period from the day the applicant has received the approval of the Child Adoption Board or from the day which the Court has given its order, the applicant shall inform a competent official about the special circumstances from the time he has known of such special circumstance and submit a request with evidence to the Child Adoption Board, Central Adoption Sub-committee or Province Adoption Sub-Committee, as the case may be.

Clause 4. Once the Board or Sub- Committee under Clause 3 has received the request, they may consider extending the time for registration of the adopted child for a period not exceeding three months from the day that such special circumstance has finished.

Clause 5. Director-General of the Social Development and Welfare Department shall have charge and control of the execution of this Notification.

Given on 29th of June B.E. 2554

Pakorn Pantu

Director-General of the Social Development and Welfare Department
Chairperson of the Child Adoption Board

Notification of the Child Adoption Board

On criterion, procedure and conditions of child adoption preparedness

B.E. 2554

By virtue section 5 paragraph two of the Child Adoption Act B.E. 2522 as amended the Child Adoption Act (No. 3) B.E. 2553 and the resolution of the Child Adoption Board in the meeting No. 14/2554 on May 12, B.E. 2554, the Child Adoption Board hereby issue the Notification as follows:

Clause 1. This Notification shall be called "Notification of the Child Adoption Board on criterion, procedure and conditions of child adoption preparedness B.E. 2554".

Clause 2. This Notification shall come into force as from the day of its publication in the Government Gazette.

Clause 3. In the process of requesting to adopt a child, a competent official shall arrange an adoption preparation for an applicant and a child who is about to be adopted.

Clause 4. Preparation for the approved applicant shall be as follows:

(1) Providing the applicant with knowledge on law related to child protection and an adoption under the Child Protection Act B.E. 2546, Child Adoption Act B.E. 2522, Civil and Commercial Code, Convention on the Rights of the Child, Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and other laws.

(2) Providing knowledge on fostering the child and methods to stimulate child development in accordance with curriculum specified by Department of Social Development and Welfare.

(3) Providing necessary information about the background of the child who is to be adopted while considering limited personal rights as stipulated by the law.

In the case where the applicant is an alien residing in a foreign country and has already been through the adoption preparedness, he or she shall not have to go through the procedure in paragraph one (1) and (2).

Clause 5. There shall be a procedure of adoption preparedness for a child who is about to be adopted as follows:

(1) examining or evaluating child development including physical, psychological, emotional, intelligent and social matters by a child development worker and or by doctors.

(2) developing self assistant skills in the child's daily life, social, language, communication and other skills which are necessary and appropriate to the age of the child.

(3) providing the child with information about the family of the applicant and the environment as appropriate.

Clause 6. Director-General of the Social Development and Welfare Department shall have charge and control of the execution of this Notification.

Given on 29th of June B.E. 2554

Pakorn Pantu

Director-General of the Social Development and Welfare Department

Chairperson of the Child Adoption Board