

Child Adoption Act (No. 3), B.E. 2553 (2010)

Translation

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 (2010)"

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Section 5 of the Child Adoption Act, B.E. 2522 (1979) shall be repealed and replaced by: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 (1979):

"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 Inter-country 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 Inter-country Adoption in the Government Gazette."

Section 5

The following shall be added as Section 18/1 of the Child Adoption Act, B.E. 2522 (1979):

“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 (1979):

“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 (1979):

“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 (1979):

“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 (1979) 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 (1979):

“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 (1979):

“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
Mr.Abhisit Vejjajiva
Prime Minister

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