



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ADOPTION OF CHILDREN ACT 1939

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Adoption of Children Act 1939

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An Act to make provision for the adoption of infants.

[29 December 1939]

Short title

1. This Act is the Adoption of Children Act 1939.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “court” means the General Division of the High Court or a Family Court;
 - “father”, in relation to an illegitimate infant, means the natural father;
 - “parent”, in relation to an illegitimate infant, does not include the natural father;

“Registrar”, in relation to any court, means the Registrar of that court.

[27/2014; 40/2019]

Power to make adoption orders

3.—(1) Upon an application in the prescribed manner by any person desirous of being authorised to adopt an infant who has never been married, the court may, subject to the provisions of this Act, make an order (referred to in this Act as an adoption order) authorising the applicant to adopt that infant.

(2) A person so authorised to adopt the infant and an infant authorised to be adopted are referred to in this Act as an adopter and an adopted child respectively, and infant means a person under the age of 21 years.

(3) Where an application for an adoption order is made by 2 spouses jointly, the court may make the order authorising the 2 spouses jointly to adopt an infant.

(4) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

(5) Except as provided in this section, no adoption order shall be made authorising more than one person to adopt an infant.

Restrictions on making adoption orders

4.—(1) An adoption order shall not be made in any case where —

(a) the applicant is under the age of 25 years; or

(b) the applicant is less than 21 years older than the infant in respect of whom the application is made.

(2) Notwithstanding subsection (1), it shall be lawful for the court, if it thinks fit, to make an adoption order —

(a) where the applicant is under the age of 25 years and less than 21 years older than the infant if —

(i) the applicant and the infant are within the prohibited degrees of consanguinity; or

- (ii) in other special circumstances which justify as an exceptional measure the making of an adoption order where the applicant and the infant are not within the prohibited degrees of consanguinity;
- (b) in the case of an application by 2 spouses jointly where one of the spouses and the infant are within the prohibited degrees of consanguinity, notwithstanding that the other spouse is under the age of 25 years and less than 21 years older than the infant; and
- (c) in the case of an application by 2 spouses jointly where neither spouse is within the prohibited degrees of consanguinity with the infant, notwithstanding that one or both the spouses are less than 21 years older than the infant.

(3) An adoption order shall not be made in any case where the sole applicant is a male and the infant in respect of whom the application is made is a female unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(4) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant in respect of whom the application is made or who has the actual custody of the infant or who is liable to contribute to the support of the infant; but the court may dispense with any consent required by this subsection if the court is satisfied that the person whose consent is to be dispensed with —

- (a) has abandoned, neglected, persistently ill-treated the infant or cannot be found and that reasonable notice of the application for an adoption order has been given to the parent or guardian where the parent or guardian can be found;
- (b) is unfit by reason of any physical or mental incapacity to have the care and control of the infant, that the unfitness is likely to continue indefinitely and that reasonable notice of the application for an adoption order has been given to the parent or guardian; or