

**Adoption of Children Act
(CHAPTER 4)**

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THE SCHEDULE Adoption of children

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ADOPTION OF CHILDREN ACT

(CHAPTER 4)

(Original Enactment: Ordinance 18 of 1939)

REVISED EDITION 2012

(31st March 2012)

An Act to make provision for the adoption of infants.

[29th December 1939]

Short title

1. This Act may be cited as the Adoption of Children Act.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “court” includes a judge;
 - “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.

[9/72]

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.

[9/72]

(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
- (c) ought, in the opinion of the court and in all the circumstances of the case to be dispensed with, notwithstanding that such person may have made suitable initial arrangements for the infant by placing the infant under the care of the authorities of a home for children and young persons, the protector under the Children and Young Persons Act (Cap. 38) or some other person.

[9/72]

(5) An adoption order shall not be made upon the application of one of 2 spouses without the consent of the other of them; except that court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(6) An adoption order shall not be made in favour of any applicant who is not resident in Singapore or in respect of any infant who is not so resident.

(7) For the purpose of subsection (6), an infant shall be deemed not to be resident in Singapore —

- (a) if he is authorised or permitted to remain in Singapore by virtue of a visit pass, a student's pass or a special pass issued by the Controller of Immigration, irrespective of the number of occasions such a pass is issued to him or renewed; or
- (b) if his presence in Singapore is unlawful under the provisions of the Immigration Act (Cap. 133) or the regulations made thereunder.

[3/85]

Matters with respect to which court to be satisfied

5. The court before making an adoption order shall be satisfied —

- (a) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in

particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

Terms and conditions of order

6. The court in an adoption order may impose such terms and conditions as the court may think fit and in particular may require the adopter by bond or otherwise to make for the adopted child such provision, if any, as in the opinion of the court is just and expedient.

Effect of adoption order

7.—(1) Upon an adoption order being made —

- (a) all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage shall be extinguished;
- (b) all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as though the adopted child was a child born to the adopter in lawful wedlock; and
- (c) in respect of the same matters and in respect of the liability of a child to maintain its parents, the adopted child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock,

except that in any case where 2 spouses are the adopters, such spouses shall, in respect of the matters in paragraphs (a) to (c) and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child would have stood to a lawful father and mother respectively.