

CHILD ADOPTION ACT

B.E. 2522 (1979)

&

Ministerial Regulation

No. 9 (B.E. 2543)

Issued under the Child Adoption Act,

B.E. 2522 (1979)

Child Adoption Center

Department of Children and Youth (DCY)

CHILD ADOPTION ACT

B.E. 2522 (1979)

BHUMIBOL ADULYADEJ , REX.

Given this 22nd day of April, B.E. 2522 (1979)

Being the 34th year of the present reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to have a law relating to child adoption;

Be it, thereof, enacted by H.M. the King, by and with the advice and consent of the National Legislative Assembly, acting as the Parliament, as follows:

Section 1. This Act shall be called the "Child Adoption Act B.E. 2522 (1979)".

Section 2. This Act shall come into effect after the lapse of sixty days from the date of its publication in the Government Gazette.

Section 3. All other laws, regulations and rules, insofar as they relate to the parts already provided in this Act or which are in consistent with or contrary to this Act, shall be superseded by this Act.

Section 4. In this Act:

"Child" means a minor within the meaning of the Civil and Commercial Code.

"Child Welfare Organization" means a foundation, an association or an organization established under the law with the objectives to provide assistance to children and to work in connection with adoption of children.

“Court” means the juvenile court under the law relating to the establishment of juvenile court or the provincial court of a province in which there is no juvenile court.

“Competent Official” means a person appointed by the Minister to execute this Act.

“Director-General” means the Director-General of the Public Welfare Department.

“Board” means the Child Adoption Board.

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. For the purpose of protecting children who will be adopted, the application for the adoption of a child and the registration of the adoption of a child shall be made in accordance with the principles, procedures and conditions stipulated herein.

Section 6. No person, except the Public Welfare Department, the government agencies authorized by the Public Welfare Department or the Child Welfare Organizations licensed by the Director-General, shall take action in arranging the adoption of any child, directly or indirectly.

Section 7. A Child Welfare Organization wishing to take action for adoption of children by others must apply for license from the Director-General.

The principles, procedures and conditions for the application for the license, the grant of the license and the form of the license shall be as prescribed in Ministerial Regulations.

Section 8. In case the Director-General refuses to grant the license under Section 7 to a Child Welfare Organization, he shall send a notice of refusal, together with reasons, to that Child Welfare Organization without delay and the latter has the right to appeal to the Minister against the said order within thirty days from the date of receipt of such order. The order of the Minister shall be final.

If a Child Welfare Organization which has been granted license under Section 7 violates the conditions stipulated in the license or performs an act detrimental to the peace and order or good moral of the public or to the welfare of a child, the Director-General is authorized to revoke its license, and the provisions of paragraph one shall apply.

Section 9. There shall be constituted a board called the "Child Adoption Board" comprising the Director-General as Chairman, representative of the Ministry of Foreign Affairs, representative of a Bangkok Metropolitan Administration, representative of the Local Administration Department, representative of the Police Department, representative of the Public Prosecution Department, and other qualified persons appointed by the Minister, of a number not exceeding eight and half which shall be women, as members, and the Director of the Child Adoption Center shall be member and secretary.

Section 10. The qualified members shall hold office for a term of two years each time.

In the event an appointment of a qualified member is made during the period the previously appointed qualified members are still holding office, whether it be an additional appointment or a replacement appointment, the person so appointed shall hold office only for the period equal to the remaining period of the duration of the office of the previously appointed qualified members.

Retired qualified members are eligible to re-appointment.

Section 11. Other than retirement by rotation as stated in Section 10, a qualified member shall vacate office upon.

- (1) death;
- (2) resignation;
- (3) becoming bankrupt;
- (4) becoming incompetent or quasi-incompetent;
- (5) being sentenced to imprisonment by final court sentence,

except where it is punishment for an offence committed through negligence or a petty offence.

Section 12. At a meeting of the board, to constitute a quorum, there shall be members of a number not less than one half of the total number of numbers attending it. If the Chairman is not present at any meeting, the members present shall elect one among them as the chairman of that meeting.

A decision of the meeting shall be by a majority of votes. Each member shall have one vote. In case of a tie, the Chairman of the meeting shall be entitled to another vote as the casting vote.

Section 13. The Board may appoint one or several sub-committees to carry out any work it may assign to them.

The provisions of Section 12 shall apply to the meetings of the sub-committees.

Section 14. The Board shall have the following powers and duties:

- (1) To issue regulations, rules and procedures relating to adoption of children to be observed by the Adoption Center, the licensed Child Welfare Organizations and other agencies concerned;
- (2) To consider and give decision to adoptions of children;
- (3) To resolve problems concerning adoption of children;
- (4) To give consultations concerning adoption of children to the Adoption Center, the licensed Child Welfare Organizations and other agencies concerned.

Section 15. The Adoption Center which is established in the Public Welfare Department shall act as the Office of Secretary of the Board.

Section 16. For purposes of carrying out this Act, the Director-General, the provincial governors or the competent officials shall have the following powers:

- (1) To enter the place of residence of the parents, guardian, applicant, the welfare institute, nursing home, place of residence of the child, or the office of a Child Welfare Organization during sunrise and sunset for purposes of meeting, interrogating, searching for facts, gathering documents and evidences relevant to the condition of living and taking care of the child, or inspecting the working of a Child Welfare Organization, and to have the power to search such places in order to find or to bring the child back, but such search may be carried out only when permit is obtained from the Director-General or the provincial governor produced to the owner or the person in charge of the place to be searched.

If the Director-General or the provincial governor conducts the search himself, search permit is not necessary.

- (2) To order, in writing, the parents, the guardian, the applicant or the staff of a Child Welfare Organization, as well as other persons concerned to come to give statements or to furnish necessary documents or evidences or to bring along the child or to return the child.

Section 17. In performing his duties, the competent official shall be an officer under the Penal Code.

Section 18. No person shall take or send any child out of the kingdom for the purpose of arranging its adoption, directly or indirectly, unless with a permit from the Minister in accordance with the principles, procedures and conditions stipulated in Ministerial Regulations.

Section 19. An adoption of a child shall be subject to a probationary placement and must have received approval in accordance with the provisions of this Act.

The requirement for a probationary placement of a child mentioned in paragraph one shall not apply to cases where the applicant is a blood brother or sister, half-blood brother or

sister, great grandfather or great grandmother, grandfather, grandmother, uncle, aunt, or lawful guardian of the child to be adopted.

Section 20. Any person wishing to apply for adoption of a child shall submit his application, together with a statement of consent from the person who has the power to give consent to the adoption according to law, in accordance with the principles, procedures and conditions stipulated in Ministerial Regulations.

In case the applicant has domicile in Bangkok Metropolis or in foreign country, he shall submit his application to the Director-General. For other provinces, applications are to be submitted to the provincial governor.

Section 21. After receiving an application for the adoption of a child, the competent official shall investigate the qualifications and facts concerning the condition of living and the suitability of the applicant, the person having the power to give consent to the adoption, and the child to be adopted.

Section 22. After the Director-General or the provincial governor, as the case may be, has considered the report of investigation of the qualifications and facts or documents pertaining to the facts stated in Section 20 and Section 21, he shall give decision as to whether the applicant should be permitted to receive in custody of the child for a probationary placement.

If the Director-General or the provincial governor orders that probationary placement of the child should not be permitted, the applicant may appeal against such order by lodging his appeal with the court within sixty days from the date of receipt of the order. The order of the court of first instance shall be final.

Section 23. When the Director-General or the provincial governor orders for a probationary placement of the child, the applicant may then receive the child in his custody.

The period of probationary placement shall be not less than six months.

The principles, procedures and conditions for the probationary placement of a child shall be as prescribed in Ministerial Regulations.

Section 24. During the probationary placement of a child, if the applicant withdraws his application for adoption of the child he shall return the child to the person who has the power to give consent to the adoption or to the competent official.

The return of the child stated in paragraph one must be made without delay. The Director-General or the provincial governor, as the case may be, shall order the applicant in writing to return the child within a fixed period by taking into consideration the distance, convenience in returning the child, and the welfare of the child.

Section 25. During the probationary placement of a child, the father or mother, whether or not he or she is the person to give consent, may request for cancellation of the application for adoption of the child by submitting an application to the Director-General or the provincial governor, as the case may be. If the Director-General or the provincial governor orders for cancellation of the application for the adoption of the child, the applicant shall return the child to its parent who requests for the cancellation, and the provisions of Section 24, paragraph two, shall apply.

In case the Director-General or the provincial governor deems that the application for cancellation of the application for the adoption of the child will be against the welfare of the child, or that the father or the mother who applies for the cancellation has been withdrawn of the guardianship by the court, the applicant shall continue to look after the child on probationary placement. The applicant in paragraph one may appeal against the order of the Director-General or the provincial governor by filing his appeal with the court within thirty days from the date of receipt of the order. The order of the court of first instance shall be final.

Section 26. During the probationary placement of a child, if the competent official advises the Director-General or the provincial governor, as the case may be, that the applicant is not suitable to be authorized to adopt the child, when the Director-General or the provincial governor orders for cease of the placement of the child, the applicant shall return the child to the competent official, and the provisions of Section 24, paragraph two, shall apply.

The applicant may appeal against the order of the Director-General or the provincial governor in paragraph one by lodging his appeal with the court within thirty days form the date of receipt of the said order.

The order of the court of first instance in paragraph two shall be final.

Section 27. After the probationary placement of the child is complete and it appears that the applicant is suitable to adopt the child, and the Board approves of the adoption, registration of the adoption of the child shall be applied for in accordance with the law governing such.

For purposes of registration of adoption, the consent given by the person who has the power to give consent to the adoption as submitted under Section 20 shall be regarded as the consent to the registration.

Section 28. After the probationary placement of the child is complete, if it appears that the applicant is not suitable to adopt the child, and the Board dose not approve of the adoption, the Director-General or the provincial governor, as the case may be, shall order the applicant to return the child to the person who has the power to give consent to the adoption, or to the parents, or guardian or the competent official. In such case, the applicant must return the child, and the provisions of Section 24, paragraph two, shall apply.

The applicant may appeal against the order of the Board in paragraph one by filing his petition with the court within thirty days from the date of receipt of the order.

Pending court's proceedings, the applicant may request the court that the child remains under his care.

The order of the court of first instance in paragraphs two and three shall be final.

Section 29. When the Board approves of the adoption as mentioned in Section 27 or in case appeal against the order of the Board as stated in Section 28 is made, and the court has permitted the adoption of the child, if the applicant does not proceed with the registration of adoption of the child within six months from the date of receipt of the order of approval of the Board or from the date the court makes the order, it shall be regarded that he has waived his rights and shall therefor return the child to the person who has the power to give consent to the adoption or to the competent official, and the provisions of Section 24, paragraph two, shall apply.

Section 30. When an appeal against an order is made to the court under this Act, the court shall send a copy of petition to and inform the Director-General, the Board Chairman, or the provincial governor, as the case may be, of the date fixed for hearing the case.

Section 31. The trial of a case and the reading of a court judgment concerning adoption of children under this Act shall be made in closed doors, and only the following persons are permitted to appear in the court room:

- (1) Parents, guardian, or the person who has the power to give consent to the adoption, and lawyer;
- (2) The applicant and lawyer;
- (3) The person raising objection and lawyer;
- (4) Court officers;
- (5) The competent officials and the officers of the child welfare organization concerned;
- (6) Witnesses, specialist, and interpreter;

- (7) Persons summoned by the court to make factual statements and other persons as the court thinks fit.

If the court deems that any person should not remain in the court room during any part of the hearing, the court has the power to order all the persons or such person to go out of the court room.

Section 32. No person shall disseminate the picture, name or any statement which will lead other person to come to know the child to be adopted or the adopted child, the father or mother or guardian of the child to be adopted or the adopted child, or the person applying for or adopting the child, and publication of orders of the court under this Act is also prohibited, except where it is necessary for official purpose.

Section 33. proceeding under this Act shall be exempt from court fee.

Section 34. Any person who violates Section 6 or Section 18 shall be punished by imprisonment for a term of not more than three years or by a fine of not more than Baht thirty thousand or by both such imprisonment and fine.

Section 35. Whoever impedes or fails to afford convenience to the persons who perform duties under Section 16 (1) or fails to comply with the order given under Section 16 (2) shall be punished by imprisonment for a term of not more than three months or by a fine of not more than Baht three thousand or by both such imprisonment and fine.

Section 36. If an applicant for adoption of a child refuses to return the child in accordance with Section 24, Section 25, paragraph one, Section 26, paragraph one, Section 28, paragraph one, and Section 29, he shall be punished by imprisonment for a term of not more than six months or by a fine of not more than Baht ten thousand or by both such imprisonment and fine.

Section 37. Whoever violates Section 32 shall be punished by imprisonment for a term of not more than six months or by a fine of not more than Baht ten thousand or by both such imprisonment and fine.

Section 38. In case offender liable to punishment under this Act is a juristic person, its managing director, manager, or representative shall also be liable to the punishment fixed by law for such offence, unless he can prove that he has taken no part in the commission of such offence.

Section 39. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue Ministerial Regulations for the execution of this Act.

Such Ministerial Regulations shall become effective upon publication in the Government Gazette.

Countersignature:

S. HOTRAKITYA

Deputy Prime Minister

(Reference Government Gazette, Volume 96, Part Special, 22 April B.E. 2522 (1979))

Department of Public Welfare

Bangkok, Thailand

25 June 1980.

Tentative Translation

Ministerial Regulation

No. 9 (B.E. 2543)

issued under the Child Adoption Act, B.E. 2522 (1979)*

By virtue of section 7, section 18, section 20, section 23 and section 39 of the Child Adoption Act, B.E. 2522 and section 19 of the Child Adoption Act, B.E. 2522 as amended by the Child Adoption Act (No.2), B.E. 2533 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 35 and section 36 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Minister of Labour and Social Welfare hereby issues the Ministerial Regulation as follows :

Clause 1. The following shall be repealed :

- (1) Ministerial Regulation (B.E. 2523) issued under the Child Adoption Act B.E. 2522 (1979);
- (2) Ministerial Regulation No.2 (B.E. 2523) issued under the Child Adoption Act, B.E. 2522 (1979);
- (3) Ministerial Regulation No.4 (B.E. 2523) issued under the Child Adoption Act, B.E. 2522 (1979);
- (4) Ministerial Regulation No.5 (B.E. 2529) issued under the Child Adoption Act, B.E. 2522 (1979);
- (5) Ministerial Regulation No.6 (B.E. 2533) issued under the Child Adoption Act, B.E. 2522 (1979);
- (6) Ministerial Regulation No.7 (B.E. 2533) issued under the Child Adoption Act, B.E. 2522 (1979);
- (7) Ministerial Regulation No.8 (B.E. 2535) issued under the Child Adoption Act, B.E. 2522 (1979).

* Published in Government Gazette Vol. 117, Part 95 a, dated 22nd October B.E. 2543 (2000).

CHAPTER I
Child Welfare Organization

Clause 2. A child welfare organization which intends to carry out a child's adoption shall submit an application to the Director-General at the Child Adoption Center in form AC. 1 annexed hereto together with the following documents and evidences :

(1) a copy of the constitutional documents, articles and objects of the child welfare organization;

(2) evidence of the applicant's authority to act on behalf of the child welfare organization;

~~(3) a working plan for child welfare and the operation of a child's adoption of the child welfare organization;~~

(4) a financial statement of the child welfare organization dated within the previous six months;

(5) documents and evidences in relation to the person authorized to act on behalf of child welfare organization;

(6) documents and evidences in relation to the person responsible for general administration.

A child welfare organization which intends to carry out a child's adoption abroad shall submit documents and evidences under (1), (2), (3), (4), (5) and (6) as well as documents or evidences in relation to the foreign child welfare organization which has the authority to act on behalf of the Thai child welfare organization evidencing such foreign child welfare organization's authorization from the government of that country to carry out a child's adoption as well as the authority to act on behalf of the Thai child welfare organization together with the license application.

Clause 3. A child welfare organization which intends to carry out a child's adoption must provide the following officers :

(1) general administrators with at least one year experience in child and family welfare; and

(2) child welfare officers with qualifications of not less than a Bachelor's degree or its equivalent in social administration, psychology or sociology

to perform the duty of assessing the adoption suitability of a child and the applicant and considering other matters in relation to the carrying out of a child's adoption.

Clause 4. Upon the receipt of an application together with the documents and evidences under clause 2, the director of the child adoption center shall examine the correctness of such documents and evidences and forward the application together with the documents and evidences as well as the opinion of the director of the child adoption center to the Director-General within seven days as from the date of receipt of the application and the correct documents and evidences.

Clause 5. If the Director-General considers it appropriate to grant a license, a license for the child welfare organization to carry out a child's adoption shall be issued in form AC.2 annexed hereto.

A license shall remain valid until the 31st day of December of the year of the issue thereof.

The renewal of a license shall be submitted in form AC.3 annexed hereto to the Director-General not less than fifteen days prior to the expiration of the license.

Clause 6. A child welfare organization must provide the following services:

(1) to give recommendation and advice to parents, guardians or the person who legally has the power to give consent to the adoption;

(2) to select, evaluate and make a home study report of the family condition of the applicant and;

(3) to supervise and report the result of probationary placement.

Clause 7. A child welfare organization must provide suitable officers in a sufficient number to operate in the manner prescribed by the Director-General and under the rules, regulations and adoption procedure prescribed by the Child Adoption Board.

Clause 8. A license issued to child welfare organization to carry out a child's adoption must be displayed at a place that can easily be seen in the office of the child welfare organization.

Clause 9. In the case where any child welfare organization relocates its office or re-appoints a new general administrator, the child welfare organization shall give written notice to the Director-General within fifteen days as from the date of the relocation or re-appointment.

Clause 10. In the case where a child welfare organization makes changes to its objects, working plan for child welfare and the operation of a child's adoption, the person who has the authority to act on behalf of the child welfare organization or the foreign child welfare organization which has the authority to act on behalf of the Thai child welfare organization, such child welfare organization shall notify the Director-General in writing together with the documents and evidences within thirty days as from the date of the change.

Chapter II

Adoption of a child in Thailand

Clause 11. In the case where the applicant is domiciled in Bangkok Metropolis, an application for child adoption shall be submitted to the Director-General at the Child Adoption Center. In the case where the applicant is domiciled in other *Provincial*, an application shall be submitted to the Provincial Governor at the Provincial Office of Public Welfare, District Office or Sub-District Office and filed together with a letter of consent of the person who legally has the power to give consent to the adoption with the following documents and evidences in relation to the applicant attached for consideration:

- (1) a copy of the identity card or other substitute card;
- (2) a copy of the house register;
- (3) a copy of the marriage register or divorce register (if any);
- (4) a medical certificate evidencing good physical and mental conditions;
- (5) two 4.5 x 6 centimeters photographs each of the applicant and spouse (if any) taken within the past six months;
- (6) a letter of consent of the spouse or a court order in lieu of a consent of the spouse (if any).

An application and a letter of consent under paragraph one shall be in accordance with forms AC. 4 and AC.6 annexed hereto.

Clause 12. In the case where an applicant is domiciled in a foreign country which has diplomatic relations with Thailand but is resident in Thailand and has a period for probationary placement in Thailand of not less than six months, an application for child adoption shall be submitted to the Director-General at the Child Adoption Center together with a letter of consent of the person who legally has the power to give consent to the adoption and with the following documents and evidences in relation to the applicant attached for consideration:

(1) a copy of a passport or other substitute document, a copy of an alien identity card or a certificate of residence;

(2) a copy of the marriage register or divorce register (if any);

(3) a medical certificate evidencing good physical and mental conditions;

(4) a certificate of work and income;

(5) a financial statement dated within the past six months;

(6) a certificate of property owned;

(7) four 4.5 x 6 centimeters photographs each of the applicant and spouse (if any) taken within the past six months;

(8) documents from the relevant authority in the applicant's country of domicile certifying that such applicant may legally adopt a child under the laws of such country;

(9) documents from the immigration bureau or other relevant organizations in the applicant's country of domicile certifying that the adopted child's entry into the country may be done in compliance with the laws of such country;

(10) a letter of consent of the spouse or a court order in lieu of a consent of the spouse (if any);

(11) a copy of alien work permit; and

(12) a certificate of behavior and suitability of an applicant from not less than two reliable persons.

Documents under (1) to (10) shall be certified by the embassy or consulate of the country in which the applicant is domiciled.

An application and a letter of consent under paragraph one shall be in accordance with forms AC.5 and AC.6 annexed hereto.

Clause 13. An applicant may only file an application to adopt one child at a time, unless the applicant is the great-grandfather, great-grandmother, grandfather, grandmother, uncle or aunt of the child, or such child is the son or daughter of

adopted child of the applicant's spouse, or such child is a legitimate brother or sister of full blood or a brother or sister of half blood.

An application to adopt an additional child after the filing of an application may be made once the registration of child adoption for the prior application has been approved.

Clause 14. Upon the receipt of an application under clause 11 or clause 12, the competent official shall examine the qualifications and the facts regarding the living conditions and suitability of the applicant, the person who legally has the power to give consent, and the child who is to be adopted and thereafter report to the Director-General or the *Provincial* Governor, as the case may be, for an order to allow or not allow such applicant to carry out a probationary placement.

~~In the case where a child to be adopted is an abandoned child under the care of a child welfare organization under the law on welfare and child protection, or the child is not abandoned but is in the custody of the organization by the execution of a power of attorney by the father and mother, or father or mother in the case where either has died or has been deprived of parental powers, granting such organization the powers to legally give consent to the adoption on his/her/their behalf, the competent official shall submit to the Director-General for an order under paragraph one regardless of the area in which the application was filed.~~

Chapter 3

Application for child adoption in a foreign country

Clause 15. In the case where an applicant is domiciled in a foreign country which has diplomatic relations with Thailand, an application to adopt a child shall be submitted to the Director-General at the Child Adoption Center in form AC. 5 annexed hereto together with the documents and evidences specified in clause 12 as certified by the Royal Thai Embassy or Royal Thai Consulate in such country as well as the documents specified in clause 17.

An application under paragraph one may be submitted through the Royal Thai Embassy or Royal Thai Consulate in the country in which the applicant is domiciled, or through the responsible organization or an organization entrusted with such responsibilities by the government of the country in which the applicant is domiciled, or through a child welfare organization in such country which has been

authorized by the government of such country to carry out child adoption in a foreign country.

Clause 16. In the case where an applicant is domiciled in a foreign country which has diplomatic relations with Thailand but has residence in another country which has diplomatic relations with Thailand and will have a period for probationary placement of not less than six months in the country where the applicant has residence, an application to adopt a child shall be submitted to the Director-General at the Child Adoption Center in form AC. 5, annexed hereto together with the documents and evidences specified in clause 12 as certified by the Royal Thai Embassy or Royal Thai Consulate in the country in which the applicant has residence as well as the documents specified in clause 18.

An application under paragraph one may be submitted through the Royal Thai Embassy or Royal Thai Consulate in the country in which the applicant has residence or through the responsible organization or an organization entrusted with such responsibilities by the government of the country in which the applicant has residence or through a child welfare organization in such country which has been authorized by the government of such country to carry out child adoption in a foreign country.

Clause 17. An application to adopt a child under clause 15 shall contain the following documents from the responsible organization or organization entrusted with such responsibilities by the government of the country in which the applicant is domiciled or the child welfare organization of such country which has been authorized by the government of such country to carry out child adoption in a foreign country:

- (1) a document certifying that the applicant has the qualifications and suitability for child adoption;
- (2) a document certifying that it will supervise a probationary placement and send a probationary placement report to Director-General every two months; and
- (3) a study report on the applicant's living conditions and family.

Clause 18. An application to adopt a child under clause 16 shall contain not only the documents under clauses 17(1), (2) and (3) from the responsible organization or an organization entrusted by the government of the country in which the applicant is domiciled or the child welfare organization of such country to carry

out child adoption in a foreign country, but shall also contain a letter certifying the applicant's residence and a letter certifying that the applicant has a period of probationary placement of not less than six months in such country from the responsible organization of the country in which the applicant has residence.

Clause 19. The provisions in clause 13 shall apply *mutatis mutandis* to child adoption in a foreign country.

Clause 20. Upon the receipt of an application under clause 15 and clause 16, the competent official shall examine the qualifications and the facts regarding the living conditions and suitability of the applicant, the person who legally has the power to give consent to adoption, and the child who is to be adopted and thereafter report to the Director-General for an order to allow or not allow such applicant to carry out a probationary placement

Once the Director-General issues an order for the applicant to carry out the probationary placement of a child, the Director-General shall submit to the Minister for an order authorizing the applicant to take or send the child out of the Kingdom for the purpose of adoption.

Chapter 4

Probationary placement of a child

Clause 21. For the probationary placement of a child, the following shall be carried out:

(1) for an application to adopt a child in Thailand,

(a) in the case where the applicant is single, the applicant shall receive the child for probationary placement in person;

(b) in the case where the applicant has a spouse, the applicant and his/her spouse shall receive the child for probationary placement in person except where the spouse is unable to receive the child, in which case the spouse shall notify the Director-General in writing of the reasons for his/her inability to receive the child for the Director-General's consideration and approval;

(2) for an application to adopt a child in a foreign country, the applicant or the applicant and spouse, as the case may be, shall receive the child for

probationary placement in person except where authorized by the Director-General as submitted by the Child Adoption Board in the following cases:

(a) the child has legally travelled to the country where the applicant has domicile or is resident for a period of not less than six months;

(b) the applicant has previously been granted an approval to register a child for adoption, and in this subsequent application, the applicant is unable to receive the child for probationary placement due to a reasonable necessity, and for which a letter was sent to the Director-General together with an expression of intent to cover the expenses of the competent official and the child in escorting such child to the country of such applicant's domicile or residence.

Clause 22. The probationary placement of the child shall be for a period of not less than six months as from when the applicant receives the child into the custody.

Clause 23. During the probationary placement of a child, the competent official or an officer of the child welfare organization shall visit the child and the family giving care to the child to observe the living conditions, physical and mental health of the child, the relationship between the child and the applicant and any other matters in relation to the care of a child and report the result of the child's probationary placement to the Director-General or the Provincial Governor, as the case may be, at intervals of every two months.

In the case of a probationary placement of a child in a foreign country, the organization or child welfare organization specified in the documents under clauses 17(2) or clause 18 shall proceed under paragraph one by reporting the result of the child's probationary placement to the Director-General at intervals of every two months.

Clause 24. During the probationary placement of a child, if the applicant has a change of address, he/she shall give at least fifteen days advance notice in writing to the competent official or an officer of the child welfare organization, except where the change of address was an emergency of which an advance notice was not possible, in which case the applicant shall give notice in writing within seven days as from the date of change of address.

In the case of a probationary placement in a foreign country, an applicant who has a change of address shall give at least fifteen days advance notice

organization or child welfare organization specified in the documents under clause 17 (2) or clause 18, except where the change of address was an emergency, of which an advance notice was not possible, in which case the applicant shall give notice in writing within seven days as from the date of change of address and such organization or child welfare organization shall promptly notify the Director-General in writing.

Clause 25. During the probationary placement of a child, if the applicant under clause 11 or clause 12 has to take the child out of the Kingdom for probationary placement by reason of necessity, he/she shall submit an application to the Director-General, and when the Director-General considers it appropriate for the probationary placement to be carried out outside the Kingdom, the Director-General shall submit to the Minister for an order authorizing the applicant to take or send the child out of the Kingdom for the purposes of adoption.

During the probationary placement of a child in a foreign country, if the applicant under clause 15 and clause 16 has to take the child for probationary placement in a country which is not the applicant's country of domicile or country of residence, as the case may be, by reason of necessity, he/she shall submit an application to the Director-General at the Child Adoption Center for an order authorizing the applicant to take the child for probationary placement in such other country and such application may be submitted through the organization or child welfare organization under clause 15 paragraph two or clause 16 paragraph two, as the case may be.

Clause 26. Upon the completion of a six-month probationary placement period, if the Director-General or Provincial Governor, as the case may be considers the result of probationary placement of the child to be satisfactory, he/she shall submit to the Child Adoption Board or a sub-committee entrusted by the Child Adoption Board for an approval of the applicant's registration of the child's adoption under the law on family registration, but if the Director-General or Provincial Governor, as the case may be, considers the result of probationary placement of the child to be unsatisfactory, he/she may extend the period of probationary placement not more than twice and by not more than six months for each extension.

In the case of the probationary placement of a child in a foreign country, the director of the Child Adoption Center shall supervise the probationary placement of the child until the completion of the period prescribed by the Director-General, and the provisions in paragraph one shall apply *mutatis mutandis*.

Clause 27. The following applicants for child adoption shall be exempt from carrying out a probationary placement of a child:

(1) a person who has a consanguineous relationship with the paternal side of the child to be adopted, being the paternal great-grandfather, great-grandmother, grandfather, grandmother, uncle or aunt of the child in the case where the father and mother of the child did not register their marriage and the father of the child did not register his certification of the child;

(2) a person who is the spouse of a consanguineous relative to the paternal or maternal side of the child and who has registered his/her marriage for not less than six months or registered his/her marriage for less than six months but the child has lived with such spouse for not less than one year in the case where such consanguineous relative has also submitted an application to adopt such child;

~~(3) a person applying to adopt a child or an adopted child of his/her spouse and the marriage with such spouse has been registered for not less than six months or the marriage has been registered for less than six months but the child has once lived with such spouse for not less than one year;~~

(4) a person authorized by the Department of Public Welfare to care for an abandoned child as a foster family and has satisfactorily cared for such child to be adopted for not less than one year;

(5) a person who has cared for a child abandoned with himself/herself where the care has been provided for such child to be adopted for a period of not less than one year and the court has issued an authorization order in lieu of a consent of the father and mother to the child's adoption.

Given on 6th October B.E. 2543 (2000)

(signed) Pol. Gen. Pracha Promnong

(Pol. Gen. Pracha Promnong)

Minister of Labour and Social Welfare