



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ADOPTION OF CHILDREN ACT 1939

2020 REVISED EDITION

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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

(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 1993 or some other person.

(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 1959 or the regulations made thereunder.

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.

(2) Where, at any time after the making of an adoption order —

- (a) the adopter or the adopted person or any other person dies intestate in respect of any movable or immovable property, that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and not the child of any other person;
- (b) in any disposition of movable or immovable property made, whether by instrument inter vivos or by will (including codicil) after the date of an adoption order —
 - (i) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;
 - (ii) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and
 - (iii) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

(3) Where an adopted child or the spouse or issue of an adopted child takes any interest in movable or immovable property under a disposition by the adopter or under any intestacy, or where an adopter takes any interest in movable or immovable property under a disposition by an adopted child or the spouse or issue of an adopted child, or under the intestacy of an adopted child or the spouse or issue of an adopted child, any estate or other duty which becomes leviable in respect thereof shall be payable at the same rate as if the adopted child had been a child born to the adopter in lawful wedlock.

(4) For the purposes of this section, “disposition” means an assurance of any interest in property by any instrument whether inter vivos or by will including codicil.

(5) For the purposes of section 20 or 21 of the Civil Law Act 1909, a person shall be deemed to be the parent or child of the person deceased notwithstanding that he was only related to him in consequence of adoption; and accordingly in deducing any relationship which under the provisions of that section is included within the meaning of the expressions “parent” and “child” an adopted child shall be treated as being, or as having been, the legitimate offspring of his adopter.

(6) Notwithstanding anything in this section, trustees or personal representatives —

(a) may convey or distribute any movable or immovable property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein; and

(b) shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution,

but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(7) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of this section in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made after that date.

(8) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order and all children and adopted children of the adopter shall be deemed to be within the prohibited degrees of consanguinity; and this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same infant.

(9) An adoption order shall not by itself affect the citizenship of the adopted child.

Power to make interim orders

8.—(1) Upon any application for an adoption order, the court may postpone the determination of the application and may make an interim order (which shall not be an adoption order for the purposes of this Act) giving the custody of the infant to the applicant for a period not exceeding 2 years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the court to dispense with any such consent.

Power to make subsequent order in respect of infant already subject to an order

9. An adoption order or an interim order may be made in respect of an infant who has already been the subject of an adoption order, and, upon any application for such further adoption order, the adopter or adopters under the adoption order last previously made shall, if

living, be deemed to be the parent or parents of the infant for all the purposes of this Act.

Procedure

10.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules —

- (a) to prescribe any matter which may be prescribed under this Act;
- (b) to provide for the manner in which any application to the court is to be made, heard and determined; and
- (c) to provide for all matters of procedure and incidental matters under this Act.

[27/2014]

(2) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

[27/2014]

(3) For the purpose of any application under this Act and subject to the Family Justice Rules, the court shall appoint some person or body to act as a guardian in adoption of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

[27/2014]

Restriction on payments

11. It shall not be lawful for any adopter or for any parent or guardian except with the sanction of the court to receive any payment or other reward in consideration of the adoption of any infant under this Act or for any person to make or give or agree to make or give to any adopter or to any parent or guardian any such payment or reward.

Matters relating to registration or re-registration of birth of adopted child

12.—(1) If an adoption order is made, the Registrar of the court that makes the adoption order must, as soon as practicable, provide to the Registrar-General of Births and Deaths a copy of the adoption order and the particulars (as far as they are known to the court) that the Registrar-General requires for the purposes of registration or re-registration of the adopted child's birth under the Registration of Births and Deaths Act 2021.

[Act 17 of 2021 wef 29/05/2022]

(2) Where —

(a) the precise date of the adopted child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth; and

[Act 17 of 2021 wef 29/05/2022]

(b) the country of birth of the adopted child is not proved to the satisfaction of the court, the particulars of that country may be omitted from the order and from the entry in the register maintained by the Registrar-General.

[Act 17 of 2021 wef 29/05/2022]

(3) *[Deleted by Act 17 of 2021 wef 29/05/2022]*

(4) *[Deleted by Act 17 of 2021 wef 29/05/2022]*

(5) *[Deleted by Act 17 of 2021 wef 29/05/2022]*

(6) *[Deleted by Act 17 of 2021 wef 29/05/2022]*

(7) *[Deleted by Act 17 of 2021 wef 29/05/2022]*

(8) *[Deleted by Act 17 of 2021 wef 29/05/2022]*

(9) *[Deleted by Act 17 of 2021 wef 29/05/2022]*

(10) The Adopted Children Register maintained under section 11 repealed by the Adoption of Children (Amendment) Act 1972 shall cease to be maintained and no extracts therefrom shall be issued except by an order of court.

(11) The Registrar-General shall keep such other registers and books, and make such entries therein as may be necessary to record

and make traceable the connection between any entry in the Adopted Children Register previously maintained under section 11 repealed by the Adoption of Children (Amendment) Act 1972 and any entry in the registers of births made pursuant to this section, but the registers and books kept under this subsection shall not be, nor shall any index thereof be, open to public inspection or search nor except under an order of court shall the Registrar furnish any person with any information contained in or with any copy or extract from any such registers or books.

[Act 17 of 2021 wef 29/05/2022]

THE SCHEDULE

[Repealed by Act 17 of 2021 wef 29/05/2022]

LEGISLATIVE HISTORY
ADOPTION OF CHILDREN ACT 1939

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Ordinance 18 of 1939 — Adoption of Children Ordinance, 1939

Bill	:	G.N. No. 523/1939
First Reading	:	27 February 1939
Second Reading	:	24 April 1939
Third Reading	:	12 June 1939
Commencement	:	29 December 1939

2. Ordinance 34 of 1952 — Adoption of Children (Amendment) Ordinance, 1952

Bill	:	36/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	23 October 1952

3. 1955 Revised Edition — Adoption of Children Ordinance (Chapter 36)

Operation	:	1 July 1956
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4. Ordinance 21 of 1959 — Adoption of Children (Amendment) Ordinance, 1959

Bill	:	201/1959
First Reading	:	11 February 1959
Second and Third Readings	:	3 March 1959
Commencement	:	20 March 1959

5. Ordinance 71 of 1959 — Transfer of Powers Ordinance, 1959

(Amendments made by section 4 read with the First Schedule to the above Ordinance)

Bill	:	30/1959
First Reading	:	22 September 1959
Second and Third Readings	:	11 November 1959
Commencement	:	20 November 1959 (section 4 read with the First Schedule)

6. 1970 Revised Edition — Adoption of Children Act (Chapter 43)

Operation : 1 March 1971

7. Act 9 of 1972 — Adoption of Children (Amendment) Act, 1972

Bill : 24/1971
 First Reading : 2 December 1971
 Second Reading : 7 March 1972
 Notice of Amendments : 7 March 1972
 Third Reading : 7 March 1972
 Commencement : 15 May 1972

8. Act 3 of 1985 — Adoption of Children (Amendment) Act 1985

Bill : 1/1985
 First Reading : 4 March 1985
 Second and Third Readings : 29 March 1985
 Commencement : 10 May 1985

9. 1985 Revised Edition — Adoption of Children Act (Chapter 4)

Operation : 30 March 1987

10. Act 11 of 1987 — Civil Law (Amendment) Act 1987
(Amendments made by section 5(2) of the above Act)

Bill : 1/1987
 First Reading : 26 January 1987
 Second and Third Readings : 4 March 1987
 Commencement : 1 May 1987 (section 5(2))

11. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005
(Amendments made by section 7 read with item (3) of the Fifth Schedule to the above Act)

Bill : 30/2005
 First Reading : 17 October 2005
 Second and Third Readings : 21 November 2005
 Commencement : 1 January 2006 (section 7 read with item (3) of the Fifth Schedule)

12. 2012 Revised Edition — Adoption of Children Act (Chapter 4)

Operation : 31 March 2012

13. Act 27 of 2014 — Family Justice Act 2014

(Amendments made by section 50 of the above Act)

Bill : 21/2014

First Reading : 8 July 2014

Second Reading : 4 August 2014

Notice of Amendments : 4 August 2014

Third Reading : 4 August 2014

Commencement : 1 October 2014 (section 50(a), (b) and (e))
1 January 2015 (section 50(c) and (d))

14. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

(Amendments made by section 28(1) read with item 3 of the Schedule to the above Act)

Bill : 32/2019

First Reading : 7 October 2019

Second Reading : 5 November 2019

Notice of Amendments : 5 November 2019

Third Reading : 5 November 2019

Commencement : 2 January 2021 (section 28(1) read with item 3 of the Schedule)

15. 2020 Revised Edition — Adoption of Children Act 1939

Operation : 31 December 2021

16. Act 17 of 2021 — Registration of Births and Deaths Act 2021

Bill : 13/2021

First Reading : 10 May 2021

Second and Third Readings : 6 July 2021

Commencement : 29 May 2022

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number