

An overview of Thai adoption practices

Inter-country adoption has been in the headlines over the past few years, with international celebrities such as Angelina Jolie/Brad Pitt and Madonna garnering much media attention for their adoption experiences. Since the practice is not limited to adoption between citizens of one country and there is no global authority with oversight of inter-country adoption, individual governments are left to the task of creating their own adoption laws. As a result, adoption laws can vary from country to country, creating much confusion for prospective adoptive parents.

Naturally, each country's adoption laws seek to protect the welfare of its citizens, given the fact that generally, adoptees have not yet reached adulthood. Thai adoption laws are no different in this respect. However, the adoption process under Thai law is quite simply, although there are some issues that need to be taken into consideration when the adopter is a foreigner.

The Civil and Commercial Code of Thailand requires that a person wishing to adopt is not less than 25 years old, is at least 15 years older than the adoptee, and is not a person prohibited by law from adopting, such as a bankrupt or an incompetent. If the adopter is a foreigner,

he must also be legally eligible under the laws of his home country to adopt a child.

If the adoptee is a minor (less than 20 years of age), adoption requires consent from his parents. If one of the parents is deceased or custody has been taken away from that parent, consent from the living or custodial parent is required. If there is no person to give consent, or both parents are unable to give consent or refuse to give consent without reason and such refusal has adversely affected the health, development, and welfare of the minor, the father or mother, the adopter, or the public prosecutor (state attorney) may request a court order to grant the adoption.

Additionally, a minor who has already been adopted cannot be adopted by two adopters at the same time, unless adopted by the spouse of the adopter, and if the adoptee is more than 15 years of age, his consent would be required for the adoption. A married person who will adopt or be adopted must obtain consent from his spouse. It is important to note that adoption of more than one child at a time is not allowed except in cases of twins, siblings, or children of the applicant's Thai spouse.

According to the Child Adoption Act B.E. 2522, a child's adoption is subject

to a probation period, usually at least six months, and must have the approval of the competent authority. The authority will consider the financial status and various personal aspects of the person wishing to adopt the child.

All Thai adoptions are directed by the Child Adoption Center of the Department of Social Development and Welfare (DSDW), Ministry of Social Development and Human Security. The activities of the DSDW, in turn, are supervised and approved by the Child Adoption Board of Thailand. Certain NGOs such as the Thai Red Cross and Holt Sahathai Foundation are authorised to deal with the DSDW in cases involving placement of adopted children abroad.

The adoption process varies depending on the country of origin of the adopting parents, the agency they work with (and the Thai placement officials the agency works with), and the child's age and needs. It is legally possible, but very difficult to adopt independently without the assistance of an agency, unless the foreign family resides in Thailand or speaks fluent Thai.

Adoption through international agencies is usually quite complicated and involves close co-ordination between agencies in Thailand and abroad. Before the DSDW can begin the application

process, Thai law requires an authorised agency in the foreign country to confirm that the adoption will be legalised. The adoption must follow both Thai laws and the laws of the foreign country. Inter-country adoption will also normally involve immigration and nationality issues.

The length of time it takes to adopt can vary widely. The process of adoption is typically time-consuming and detailed, and various supporting documents are required. All of the documents must be original and verified by the Royal Thai Embassy or Consulate in the applicant's country. The official language used in all applications and related documents is Thai, but English is also acceptable. Documents in other languages must be accompanied by translations, either in Thai or English. Lastly, the adopting person or parents must travel to Thailand to bring the adopted child home.

Thai law still does not recognise the right to adopt for homosexual couples as many Western countries do.

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