


 Expat Counsel

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FAMILY LAW IN THAILAND

Part XIX: Adopting a child in Thailand — finalising the procedure



This week we'll finish our discussion of child adoption in Thailand. Below we'll explain what happens after the application and all the documents we explained in our recent columns are submitted.

First, the Department of Social Development and Welfare (DSDW) will review the background of the child and confirm the child is eligible for adoption.

Next, all of the documents, including the application form, will be reviewed by the Child Adoption Board (CAB). The CAB is composed of representatives of government agencies involved in the process of adoption and the secretary of the CAB is the director general of the DSDW.

The results of the review, in favour of adoption or not, will be reported to the adoptive parents in writing through the licensed or government agency (the foreign agency) that submitted the application from the adoptive parents' country. If the adoptive parents are domiciled in Thailand the CAB will report this decision in writing directly to the adoptive parents.

If the decision of the CAB is against adoption, the adoptive parents may appeal this decision to the Juvenile Court within 60 days of the date on which they become aware of the decision. The trial court's decision on this issue will be final.

If the CAB decides in favour of adoption, the DSDW or one of the four approved Thai adoption agencies, the one that initiated the application, will identify the child to the adoptive parents. It will also send a package about the child, including photos, to the adoptive parents through the foreign agency.

The adoptive parents should then review the package and decide whether to accept the child proposed. If the adoptive parents accept, the case will be resubmitted to the CAB for approval of pre-adoption placement.

If the adoptive parents are domiciled outside of Thailand permission will at this time be requested of the Ministry of the Ministry of Social Development and Human Security for permission to take the child out of Thailand for the purpose of adoption. When the CAB approves the pre-adoption placement, an appointment will be made by the DSDW through the foreign agency for both parents to come to Thailand to receive the child for pre-adoption placement. Under present min-

isterial regulations, incidentally, it must be both adoptive parents who come to Thailand to pick up the child.

For adoptions directly through the DSDW, the DSDW will arrange the travel documents for the child. The adoptive parents should plan on being in Thailand at least two weeks and paying for all of the medical expenses, passport fees and travel expenses of the child. Though the adoptive parents have to pay these expenses and may have to pay the foreign agency, there is no charge from the Thai government to the adoptive parents for the adoption.

When they return with the child to their country of domicile the parents must report to the foreign agency to begin the supervision by the foreign agency of the pre-adoption placement. Six months must then elapse and the foreign agency must have sent three bi-monthly pre-adoption placement reports to the CAB. If the CAB approves the adoption, the adoptive parents apply to register the adoption at a royal Thai embassy or consulate in the country of domicile. The DSDW will inform

the Thai Ministry of Foreign Affairs, which is responsible for instructing the embassy or consulate to register the adoption. The DSDW also officially informs the foreign agency and adoptive parents of the official status of the adoption.

If the adoptive parents are domiciled in Thailand the adoption can be registered at a district office in Bangkok or an amphur in the provinces outside of Bangkok. The documents needed to do this are the ID card or passport of the child and the CAB's approval of the adoption. When the registration is complete the adoptive parents will receive an executed Registration of Adoption form (*Khor Ror 14*).

If the registration of the adoption was accomplished outside of Thailand, the Thai Ministry of Foreign Affairs will send a copy of the Registration of Adoption form to the DSDW for its records. Adoptive parents domiciled in Thailand are required by law to give a copy of the Registration of Adoption form to the CAB. ■

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