The Adoption Act

**Act of 16 June 2017 No. 48 relating to adoption**

Law | Date: 29/10/2018

Entered into force July 1 2018.

**Chapter 1. The purpose and scope of the Act. The adoption authority**

**Section 1. The purpose of the Act**

The purpose of the Act is to ensure that adopted children are provided with a secure upbringing by establishing lasting legal ties corresponding to the relationship between a child and his or her parents.

In the case of adoption of persons who have reached 18 years of age, the purpose of the Act is to legally confirm existing ties corresponding to the relationship between a child and his or her parents.

**Section 2. The application of the Act to Svalbard**

The King may issue regulations making the Act’s public law provisions applicable also to Svalbard, and may issue separate provisions concerning the conditions there.

**Section 3. The adoption authority**

The Ministry shall be the adoption authority pursuant to this Act. The Ministry may delegate its authority. Authority may be delegated to various bodies.

**Chapter 2. General conditions for adoption and for prior consent to adopt**

**Section 4. Regard for the best interests of the child**

The best interests of the child shall be the primary consideration in adoption cases. An application for adoption and for prior consent to adopt may only be granted when it is clearly probable that the adoption will be in the best interests of the child.

**Section 5. Fundamental requirements regarding adoption applicants**

Only persons capable of being good care providers for children may adopt or be granted prior consent to adopt. The applicant must moreover wish to bring up a child or must have brought up the child to whom the adoption applies.

A person who applies to adopt or to be granted prior consent to adopt must submit an exhaustive police certificate of good conduct.

The Ministry may issue regulations concerning the processing of adoption cases, assessment of the adoption applicants, prior consent for adoption, conditions for adoption and requirements regarding applicants. Among other things, requirements may be provided regarding the applicant’s age, health, good conduct, finances, housing arrangements, the length of time two applicants have lived together and participation in a course preparing applicants for adoption. Different requirements may be provided regarding different types of adoption.

**Section 6. Requirements concerning marriage and cohabitation and exceptions thereof**

Only spouses and cohabitants may adopt together. Cohabitants here means two persons who live together in a stable and marriage-like relationship.

An applicant who is married or is a cohabitant may only adopt together with his/her spouse or cohabitant. A person who is married or a cohabitant may nevertheless adopt alone if his or her spouse or cohabitant is missing, is mentally disabled or has a serious mental illness.

An applicant who is married or is a cohabitant may also adopt alone if the child is

1. a) the child of the applicant’s former or current spouse or cohabitant
2. b) the applicant’s own child
3. c) the applicant’s former adoptive child.

**Section 7. Conditions for adoption by single persons**

Single persons may adopt if they are capable of sole care of a child. Only applicants who live alone are deemed single persons.

The Ministry may issue regulations providing conditions for adoption by single persons.

**Section 8. Age limit for adopters and restrictions for applicants declared incapable of managing their own affairs**

Only persons who have reached 25 years of age may adopt or be granted prior consent to adopt. An applicant who has reached 20 years of age may nevertheless adopt or be granted prior consent to adopt if the applicant and the child already have strong ties to each other.

An applicant who has been placed under guardianship pursuant to the Guardianship Act may only adopt if the applicant and the child already have strong ties to each other and the applicant’s guardian consents to the adoption.

**Section 9. The child’s participation in and consent to the adoption**

A child who has reached seven years of age shall be given the opportunity to express his or her opinion before a decision on adoption is made. The same applies to children younger than seven years of age who are capable of forming their own opinions. The child shall be provided with information about what an adoption entails and guidance adapted to the child’s capacity to understand. Importance shall be attached to the child’s opinion in accordance with his or her age and maturity.

A child who has reached 12 years of age may only be adopted if he or she consents to the adoption. This shall nevertheless not apply if the child, owing to mental disability or mental or physical illness, is clearly incapable of understanding what such consent entails.

Before giving his or her consent, the child shall be provided with information about what adoption entails. The consent shall be in writing and be given voluntarily without provision or promise to the child of any financial inducements or other benefits. The consent may only be received or confirmed by a public official. The public official shall ascertain that the child has understood the information.

The municipality shall assist in providing information concerning the case and in obtaining consent if so requested by the adoption authority.

**Section 10. The parents’ consent to adoption**

A child who is under 18 years of age may not be adopted without the consent of the person or persons with parental responsibility. If either of the persons with parental responsibility is missing or if one of them is clearly incapable of understanding what such consent entails, the consent of the other person with parental responsibility is sufficient. If both are in a situation as referred to in the second sentence, the consent of the child’s appointed guardian is required.

Before granting their consent, parents and any guardians shall be provided with information on what consent entails. The consent shall be in writing and be given voluntarily without any form of compensation. The consent may only be received or confirmed by a public official or a lawyer.

Pursuant to the first paragraph, the parents’ consent may not be given until two months after the birth of the child. A parent who has transferred parental responsibility to the other parent before the child is two months old shall also consent to the adoption.

A father or mother who does not have parental responsibility shall be notified and allowed to express his or her opinion before the adoption application is decided (see section 16 of the Public Administration Act).

If a person other than the parents has been appointed as the child’s guardian or if the father or mother has a guardian, the guardian shall also be allowed to express his or her opinion.

**Section 11. Prohibition against payments**

It is not permitted to provide or promise financial inducements or other benefits in order to influence a person whose consent to an adoption is required or who is to express an opinion concerning an application for adoption or for prior consent to adopt.

**Chapter 3. Domestic adoption**

**Section 12. The body responsible for deciding adoption applications**

Adoption applications shall be decided by the adoption authority.

If a child has been taken into care by the child welfare service pursuant to section 4-12, section 4-8, second paragraph, or section 4-8, third paragraph, of the Act relating to child welfare services, the adoption case shall be decided by the County Social Welfare Board pursuant to section 4-20, second and third paragraph, of the Act relating to child welfare services. When the adoption application is decided by the County Social Welfare Board, the adoption authority shall nevertheless issue the adoption order.

**Section 13. Adoption of the children of the spouse or cohabitant (stepchild adoption)**

Subject to the consent of the other spouse, one spouse may adopt the other spouse’s children. It is required that a person who applies to adopt his or her spouse’s children shall have brought up the child for at least five years and wish to continue to bring up the child. When special grounds so indicate, exceptions may be made from the requirement regarding the duration of upbringing by the applicant.

A divorced spouse may, subject to the consent of his or her former spouse, adopt the former spouse’s children. A surviving spouse may adopt his or her deceased spouse’s children.

The first and second paragraph shall apply correspondingly to cohabitants and former cohabitants.

Current or former same-sex spouses or cohabitants may not adopt a stepchild if the child has been adopted from a country that does not permit persons of the same sex to adopt together.

**Section 14. Adoption of infants**

Infants may only be adopted if the parents have voluntarily relinquished actual care of the child at birth.

The adoption authority shall select adoptive parents for the child from the register of applicants and make decisions in cases concerning adoption of infants. A statement concerning selection of adoptive parents for the child shall be obtained from the Advisory Committee for Adoption Cases. When deciding which of the applicants shall be allowed to adopt the child, considerable importance shall be attached to this statement.

The adoption authority shall follow up the infant’s parents and keep the register of applicants.

The Ministry may issue regulations concerning mediation activities, case processing, responsibility for the register of applicants and responsibility with regard to the child and the child’s original parents.

**Section 15. New adoption of adopted children**

An adopted child may only be adopted anew if there are strong reasons for a new adoption. When assessing a new adoption, particular importance shall be attached to the family situation of the child should no new adoption take place.

**Section 16. Adoption of a person who has reached 18 years of age (adult adoption)**

A person who has reached 18 years of age may only be adopted if it is clearly probable that the adoption would be in the best interests of the person concerned. The adoption applicant must moreover have brought up the person for at least six years unless other special reasons indicate adoption. When assessing the case, particular importance shall be attached to the ties between the applicant and the person for whom adoption is applied, any family ties that might be severed by the adoption and any siblings whom the applicant plans to adopt at the same time.

A person who, pursuant to the Guardianship Act, has been placed under guardianship may only be adopted if his or her guardian consents to the adoption.

**Chapter 4. Intercountry adoption**

**Section 17. The Central Authority under the Hague Convention of 29 May 1993**

The Ministry shall designate the body that shall be the Central Authority under the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. The Central Authority may delegate its responsibilities as Central Authority to organisations so authorised under sections 31 and 32.

**Section 18. Prior consent for intercountry adoption**

In the case of persons habitually resident in Norway, the prior consent of the adoption authority is required for adoption of children from abroad.

An applicant may be granted prior consent for adoption of a single child who is under five years of age or of two siblings who are both under five years of age.

The Ministry may by regulations issue further provisions concerning the age limits provided in the second paragraph.

**Section 19. Processing of applications for prior consent for intercountry adoption**

The adoption authority processes applications for prior consent for adoption of children habitually resident abroad.

If so requested by the adoption authority, the municipality shall assist in providing information concerning the case.

If the adoption is to be carried out after the child has arrived in Norway, the municipality shall also provide assistance after arrival of the child.

**Section 20. Adoption of children habitually resident abroad**

A child habitually resident abroad may only be adopted through an organisation authorised to mediate adoptions under section 31 and to mediate adoption of children from specially designated countries pursuant to section 32.

The adoption authority may nevertheless grant prior consent for adoption from abroad that is not mediated by an adoption organisation if

1. a) the conditions for prior consent under this Act and under regulations issued pursuant to this Act are met
2. b) at least one of the applicants has special ties with the child’s country of origin
3. c) no Norwegian adoption organisation is authorised to mediate adoptions in the child’s country of origin
4. d) the adoption can be carried out in a responsible manner.

**Section 21. Adoption of children with whom the applicant has a connection**

If an application for prior consent concerns a specific child habitually resident abroad, the adoption authority may grant prior consent to adopt if

1. a) the conditions for prior consent under this Act and regulations issued pursuant to this Act are met
2. b) at least one of the applicants has special ties with the country where the child is habitually resident
3. c) at least one of the applicants has a close personal connection with the child or the child’s close family and contact was established without the intention of adoption
4. d) the child lacks security and stable care providers in the country where he or she is habitually resident
5. e) the adoption can be carried out in a responsible manner.

**Section 22. Placement of children from abroad**

The country where the child is habitually resident matches the child to an applicant who has been granted prior consent to adopt. The placement is subject to approval by the adoption authority. Before approving the placement, it shall be assessed whether the child has special needs. If the child has special needs, a statement must be obtained from the Advisory Committee for Adoption Cases. When deciding whether the placement is to be approved, considerable importance shall be attached to this statement.

The adoption authority pursuant to the first paragraph may delegate the authority to approve placement of children from abroad to organisations so authorised under sections 31 and 32.

**Section 23. Follow-up reports to the country from which the child was adopted**

If the authorities of the country from which the child was adopted demand follow-up reports prepared or approved by a public authority concerning the child’s situation in Norway, the adoption authority shall prepare such reports for a maximum of three years following the child’s arrival in Norway.

The municipality shall assist in providing information for these follow-up reports and shall prepare follow-up reports if so requested by the adoption authority.

**Chapter 5. Effects of adoption**

**Section 24. Equal status of adoptive children and other children**

An adoptive child and his or her direct lineal descendants shall have the same legal status as in the case of a child born to the adoptive parents unless otherwise provided by sections 12 and 52 of the Allodial Rights Act, section 5 of the Norwegian Nationality Act or section 5 of the Act relating to personal names.

If a spouse or cohabitant has adopted the other spouse’s or cohabitant’s child, the child shall have the same legal status as a child born of their relationship. The same applies if the child is adopted by the parent’s former spouse or cohabitant.

An adoptive child’s legal status in relation to his or her original family shall cease to apply on the adoption unless otherwise provided by section 25, section 3 of the Marriage Act or sections 312 and 313 of the Penal Code.

**Section 25. Contact visits between the adoptive child and his or her original parents**

If an adoption is carried out pursuant to section 4-20 of the Act relating to child welfare services and the County Social Welfare Board has made a decision on contact visits between the child and the original parents pursuant to section 4-20 a of the Act relating to child welfare services, section 24 shall apply with any limitations that follow from the decision.

**Section 26. The child’s legal status following a new adoption**

If an adopted child is adopted anew, the child’s legal status in relation to the first adoptive parents and their family shall cease to apply.

If the new adoption is an adoption under section 6, third paragraph, (a)–(c), the legal effects of the first adoption shall only cease to apply in relation to the adoptive parent from whom the child is adopted.

The legal effects of a new adoption follow otherwise from section 24.

**Section 27. Public registers**

The adoption shall be recorded in the National Population Register. The Ministry may issue regulations providing that the adoption shall be recorded in other public registers and records.

**Section 28. Extended legal force and special provisions concerning judicial review**

A final decision on adoption or a legally enforceable judgment concerning the validity of a decision on adoption shall apply for and against all parties and in all circumstances where the adoption has significance.

The question concerning the validity of a decision on adoption may not be the subject of a preliminary ruling in a case concerning another matter.

When a decision on adoption is to be reviewed by a court, the person who brings the action shall notify the parties in the adoption case.

**Chapter 6. Mediation of adoption of children from abroad**

**Section 29. Definition of adoption mediation**

By adoption mediation is meant actions and activities whose purpose is to establish contact between adoptable children and persons who wish to adopt. Adoption mediation includes the registration of adoptable children, registration or assessment of applicants and selection of parents for individual children.

**Section 30. Prohibition against adoption mediation**

Adoption mediation by private individuals is prohibited. Adoption mediation may only be carried out by organisations so authorised by the adoption authority.

**Section 31. Authorisation to operate adoption mediation (operation authorisation)**

The adoption authority may grant organisations a time-limited authorisation to operate adoption mediation. Authorisation may only be granted to organisations

1. a) whose main purpose is to mediate adoptions
2. b) that work to promote the best interests of the child
3. c) that are managed and staffed by persons qualified to work on intercountry adoptions
4. d) whose purpose is not financial gain.

The Ministry may issue regulations concerning the requirements that may be made of an organisation prior to granting operation authorisation as well as requirements regarding the organisation’s activities and winding up of the organisation.

**Section 32. Authorisation to mediate adoption from individual countries (mediation authorisation)**

The adoption authority may grant organisations authorised pursuant to section 31 specially time-limited authorisation to mediate adoption of children from individual countries. An authorisation is granted subject to authorisation of the organisation by each individual country to mediate adoptions from that country.

The Ministry may by regulations issue further provisions concerning mediation authorisation.

**Section 33. Prohibition against provision of financial inducements to influence mediation of adoption**

It is not permitted to provide financial inducements or other benefits to organisations, persons in organisations or other persons who mediate an adoption with the intention of influencing an adoption process or the outcome of an adoption case.

**Section 34. Supervision of adoption organisations**

The adoption authority shall supervise all aspects of the adoption organisation’s activities.

Adoption organisations may be ordered to remedy matters that are contrary to statutes, regulations or conditions for authorisation under sections 31 and 32.

Authorisation may be revoked if statutes, regulations or conditions for authorisation under sections 31 and 32 are not complied with.

**Chapter 7. Provisions concerning processing of cases**

**Section 35. Relationship to the Public Administration Act**

The Public Administration Act shall apply to the processing of adoption cases unless otherwise provided by this Act.

Any person who performs services or work for the Agency for Children, Youth and Family Affairs or an adoption organisation authorised under sections 31 and 32 has a duty of secrecy pursuant to sections 13 to 13e of the Public Administration Act. The duty of secrecy also applies to information concerning place of birth, date of birth, personal ID number, nationality, civil status, occupation, address and place of work.

**Section 36. Limitations regarding parties to infant adoption cases and right of appeal**

An applicant who is registered pursuant to section 14 on adoption of infants is not deemed a party in a case concerning placement of a child to another applicant. An applicant who believes that he or she has been passed over, may not appeal against the granting of adoption to another applicant.

**Section 37. Anonymous adoption**

Section 18, first paragraph, of the Public Administration Act shall not preclude that the parties in an adoption case be kept unknown to each other.

**Section 38. The obligation of adoptive parents to tell the child that he or she is adopted**

As soon as is advisable, the adoptive parents shall tell the child that he or she is adopted, and inform the child of his or her ethnic, religious, cultural and linguistic background.

**Section 39. The right of the adoptive child and his or her direct lineal descendants to information**

An adoptive child who has reached 18 years of age has a right to be informed by the adoption authority of the identity of his or her original parents. The adoptive child shall be given necessary guidance in this connection.

When an adoptive child has reached 18 years of age, the adoption authority shall inform the child in writing of his or her right to information pursuant to this Act and of the right of access to information pursuant to sections 18 to 21 of the Public Administration Act.

If the adoptive child is no longer alive, his or her direct lineal descendants have a right to be informed of the identity of the birth parents of the adoptive child.

**Section 40. Time limit for reversal of an adoption decision**

A decision on adoption may not be reversed later than ten years after the date of the decision.

**Section 41. The authority of the King to approve decisions**

The King may with retroactive effect approve a decision on adoption that was made without compliance with the conditions of the Act.

**Section 42. The Advisory Committee for Adoption Cases**

The Ministry appoints the Advisory Committee for Adoption Cases. The purpose of the Advisory Committee is to assist the adoption authority in assessing applications for adoption of infants pursuant to section 14 and placements of children from abroad pursuant to section 22.

The Ministry may issue regulations concerning the composition and procedures of the Advisory Committee for Adoption Cases.

**Chapter 8. When an adoption case can be dealt with in Norway, when Norwegian law applies and recognition of foreign adoption**

**Section 43. Adoption applications that may be decided in Norway**

An application for adoption and for prior consent to adopt may be decided in Norway if the applicant or the child is habitually resident in Norway.

The application may also be decided in Norway if the applicant or the child is a Norwegian national and the country of residence does not have jurisdiction to decide an adoption application from the applicant. The application may moreover be decided in Norway if there are special reasons for doing so and the case has close connections with Norway.

The first and second paragraph shall nevertheless not apply if otherwise provided by an agreement with another state.

**Section 44. The country’s law that shall apply**

An application for adoption and for prior consent to adopt shall be decided pursuant to Norwegian law.

If the application concerns adoption of a child who is under 18 years of age who is habitually resident in another country, the question concerning the consent of the parents or guardians shall be assessed pursuant to the law of the other country.

**Section 45. Adoption of children with ties to a country other than Norway**

If the application concerns adoption of a child who is under 18 years of age who has ties with a country other than Norway, in assessing the best interests of the child, importance shall be attached to whether the adoption will also be recognised in a country with which the applicant or the child has such strong ties that it would involve a considerable disadvantage for the child if the adoption were not recognised there.

**Section 46. Recognition of a foreign adoption**

A final adoption decision by a public authority or court in another state will be recognised in Norway if the Norwegian authorities have granted prior consent to the adoption pursuant to sections 18, 20 and 21, or if the adoption was granted or recognised in the country where the applicant was habitually resident on the date of the decision.

A foreign adoption of a child under 18 years of age who was habitually resident in Norway or held Norwegian nationality on the date of the decision will not however be recognised pursuant to the first paragraph.

The first paragraph shall not apply if otherwise provided by an agreement with another state.

**Section 47. Confirmation or decision concerning recognition of a foreign adoption**

The adoption authority may at the request of the adopted child, the adopter or an authority that must consider whether a foreign adoption is to be recognised as part of a case, confirm that the conditions of section 46, first paragraph, are met.

When it is in the best interests of the child and special reasons so indicate, the adoption authority may decide that a foreign adoption not recognised pursuant to section 46 shall nevertheless apply in Norway if the child or the adopter so requests. This shall nevertheless not apply if otherwise provided by an agreement with another state.

A confirmation or decision pursuant to the first and second paragraph shall be adopted by the Norwegian authorities without further consideration.

The Ministry may issue regulations concerning implementation of the provisions of sections 46 and 47.

**Section 48. Recognition of a foreign revocation or reversal of an adoption**

If the adoptive child or one of the parents is habitually resident in Norway and a foreign authority or court revokes or reverses a foreign adoption, the decision concerning this will be recognised in Norway if the adoption authority so consents and no agreement with another state provides otherwise.

**Section 49. The legal effects of a recognised foreign adoption**

A foreign adoption that is recognised pursuant to section 46 or section 47 has the same legal effect as a Norwegian adoption unless otherwise provided by an agreement with another state.

**Section 50. Ordre public**

If clearly contrary to Norwegian public policy (ordre public), foreign law shall not apply in Norway and a foreign adoption shall not be valid in Norway.

**Chapter 9. Penal sanctions**

**Section 51. Penal sanctions**

Any person who violates the prohibition provided in sections 11, 30 or 33, shall be liable to fines or imprisonment for a term not exceeding three months.

Violation of the duty of secrecy pursuant to section 35, second paragraph, shall be liable to punishment pursuant to section 209 of the Penal Code.

**Chapter 10. Entry into force, transitional provisions and amendments to other Acts**

**Section 52. Entry into force**

This Act will enter into force from the date decided by the King. From the same date, the Act of 28 February 1986 No. 8 relating to adoption will be repealed.

The King may decide that certain new provisions shall enter into force at a later date.

**Section 53. Transitional provisions**

This Act shall apply to adoptions pursuant to previous legislation, but, in the case of adoptions prior to 1 July 1957, it shall only apply if extended rights of inheritance are provided pursuant to section 15 b of the Act of 2 April 1917 No. 1 relating to adoption, as worded pursuant to the Act of 24 May 1935 No. 2 relating to amendments to the Adoption Act.

This Act shall only apply to adoption applications received by the adoption authority following entry into force of this Act.

Section 12, second paragraph, and section 4-20, new fifth paragraph, of the Act Relating to child welfare services shall apply to processing of cases concerning consent to adopt that are brought before the County Social Welfare Board following entry into force of this Act. If a matter is brought before the County Social Welfare Board prior to entry into force of this Act, these provisions shall nevertheless apply if the negotiation meeting of the County Social Welfare Board has not yet started. In connection with judicial review of the decision of the County Social Welfare Board, the provisions that were effective when the County Social Welfare Board considered the matter shall be applied.

The provision of section 39, second paragraph, shall only apply to adoptions granted pursuant to this Act.

The Ministry may issue further transitional provisions.

**Section 54. Amendments to other Acts**

From the date this Act enters into force, the following amendments shall be made to other Acts:

1. In the Act of 4 July 1991 No. 47 relating to marriage, section 95, second paragraph, shall read as follows:

Provisions of Norwegian legislation concerning marriage and spouses shall apply correspondingly for registered partnerships and registered partners.

1. In the Act of 17 July 1992 No. 100 relating to Child Welfare Services

Section 4-20, new fifth paragraph, shall read as follows:

The County Social Welfare Board may make a decision on an adoption when the parents so consent provided the conditions of the third paragraph are met.

Section 4-23, third paragraph, shall read as follows:

In the case of mediation activities for placement of children for the purpose of adoption, the Adoption Act shall apply.

1. In the Act of 7 June 2002 No. 19 relating to personal names, section 5 shall read as follows:

Section 5. Surname on adoption

If a person who is under 18 years of age is adopted, he or she shall receive the adopter’s surname unless otherwise provided in connection with the adoption. This shall not apply when one spouse or cohabitant adopts the other’s child.

When spouses or cohabitants together adopt a person who is under 18 years of age, the adoptive child shall receive the surname of the adoptive mother unless otherwise provided in connection with the adoption. Section 2, second paragraph, second sentence, shall apply correspondingly.

1. In the Act of 10 June 2005 No. 51 relating to Norwegian nationality

Section 5, second sentence, shall read as follows:

The adoption order must be issued by a Norwegian authority pursuant to the Adoption Act or in connection with foreign adoption that shall apply in Norway pursuant to the provisions of the Adoption Act.

Section 37, first paragraph, shall read as follows:

A child who is under 18 years of age who was adopted by a Norwegian national prior to entry into force of this Act but who did not become a Norwegian national on adoption or at a later date by means of a notification or application, has on notification the right to become a Norwegian national provided that the adoption order was issued by a Norwegian authority pursuant to the Adoption Act or that a foreign adoption applies in Norway pursuant to the provisions of the Adoption Act.