



Population and Family Planning Laws, Policies and Regulations



CHINA

Decision of the Standing Committee of the National People's Congress on Revising the Adoption Law

Date: Adopted at the 5th Meeting of the Standing Committee of the Ninth National People's Congress on November 4, 1998

Source: The Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China

Subject: adoption

Text:

At its 5th Meeting the Standing Committee of the Ninth National People's Congress decides to make the following revisions of the Adoption Law of the People's Republic of China:

1. **Article 2** is revised as follows: " Adoption shall be in the interest of the upbringing and growth of adopted minors, with the lawful rights and interests of both adoptees and adopters safeguarded, in adherence to the principles of equality and voluntariness, and not in contravention of social morality."
2. One item is added as item 3 in **Article 6**: "(3) suffering no such disease as is medically regarded as unfit for adopting a child;" Item (3) is changed to be item (4) and revised as follows: " (4) having reached the age of 30."
3. The first paragraph of **Article 7** is revised as follows: " A person may adopt a child belonging to a collateral relative by blood of the same generation and up to the third degree of kinship, irrespective of the restrictions specified in item (3), Article 4; item (3), Article 5 and Article 9 of this Law as well as the restriction that the adoptee shall be under the age of 14."
4. The second paragraph of **Article 8** is revised as follows: " Orphans, disabled children, or abandoned infants and children whose biological parents cannot be ascertained or found and who are under the care of a social welfare institution may be adopted irrespective of restrictions that the adopter shall be childless and that he or she may adopt one child only."
5. **Article 14** is revised as follows: " The husband or wife may, with the consent of the father or mother of a child, adopt the child as his or her step-son or step-daughter, and may be subject to no restrictions specified in item (3), Article 4; item (3), Article 5 and Article 6 of this Law, nor the restrictions that the adoptee shall be under the age of 14 and that only one child may be adopted."

6. The first paragraph of **Article 15** is revised as follows: "The adoption shall be registered with the civil affairs department of the people's government at or above the county level. The adoptive relationship shall be established as of the date of registration."

One paragraph is added as the second paragraph: "Where an abandoned infant or child whose parents cannot be ascertained or found is adopted, the civil affairs department in charge of registration shall make it known to the general public before registration."

The second paragraph is changed to make two paragraphs as the third and fourth paragraph and revised as follows: "If the parties involved in the adoptive relationship wish to enter into an agreement on adoption, they may conclude such an agreement.

" If the parties or one party in the adoptive relationship wishes that the adoption be notarized, it shall be done accordingly."

7. One article is added as **Article 16**: "After the adoptive relationship is established, the public security organ shall, in accordance with the relevant regulations of the State, carry out registration of residence for the adoptee."

8. **Article 20 is changed to be Article 21**, with the second paragraph changed to make two paragraphs as the second and third paragraph, and is revised as follows: "Where a foreigner wishes to adopt a child in the People's Republic of China, the matter shall be subject to examination and approval by the competent authorities of the adopter's resident country in accordance with the law of that country. The adopter shall provide papers certifying such particulars of the adopter as age, marital status, profession, property, health and whether ever subjected to criminal punishment, which are issued by the competent agencies of the country to which the adopter belongs. Such certifying papers shall be authenticated by a foreign affairs institution of the country to which the adopter belongs or by an agency authorized by the said institution, and by the embassy or consulate of the People's Republic of China stationed in that country concerned, too. The adopter shall conclude a written agreement with the person who places out the child for adoption and register in person the adoption with a civil affairs department of the people's government at the provincial level.

"If the parties or one party involved in the adoptive relationship wishes that the adoption be notarized, it shall be done with a notary agency that is qualified to handle foreign-related notarization and is designated by the administrative department of justice under the State Council."

9. **Article 27 is changed to be Article 28** and revised as follows: " Where the parties agree to terminate the adoptive relationship, they shall register the termination of the adoptive relationship with a civil affairs department."

10. **Article 30 is changed to be Article 31** and the first paragraph is revised as follows: "Whoever abducts and traffics in a child under the cloak of adoption shall be investigated for criminal responsibility in accordance with law."

The second paragraph is revised as follows: "Whoever abandons an infant shall be fined by a public security organ; if the act constitutes a crime, the offender shall be investigated for criminal responsibility in accordance with law."

The third paragraph is revised as follows: "Whoever sells his or her own child, his or her illegal gains shall be confiscated by a public security organ and he or she shall also be fined; if the act constitutes a crime, the offender shall be investigated for criminal responsibility in accordance with law."

11. This Decision shall go into effect as of April 1, 1999. The adoptive relationship

established or terminated in accordance with the Adoption Law of the People's Republic of China before implementation of this Decision shall no longer be registered.

The Adoption Law of the People's Republic of China shall be published anew with the revisions made according to this Decision.

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