



The Adoption Act

Act of 16 June 2017 No. 48 relating to adoption

Law | Date: 29/10/2018 | [Ministry of Children and Families](#)

(<http://www.regjeringen.no/en/dep/bfd/id298/>)

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.