

NB: Unofficial translation

Adoption Act

(153/1985)

Chapter 1— **Prerequisites for Adoption**

Section 1

- (1) The purpose of adoption is to promote the welfare of the child by creating a relationship of child and parent between the adoptee and the adopter.
- (2) Adoption shall be granted by judicial decision.

Section 2

- (1) *Adoption of a child* may be granted if it is deemed to be in the best interests of the child and if it has been established that the child will be well taken care of and brought up. A petition for the granting of adoption shall contain proof that the child is in the care of the adopter or that the latter is otherwise in charge of the care and upbringing of the child.
- (2) *Adoption of an adult* may be granted if it has been established that, while still a minor, the adoptee was taken care of and brought up by the adopter and that it was not possible to grant adoption while the child was a minor, or that there are other comparable exceptional grounds for the adoption.

Section 3

- (1) Adoption shall not be granted if any remuneration for the adoption has been given or promised or if someone other than the adopter has, with a view to the adoption being granted, made or undertaken to make remunerative payments for the maintenance of the child.
- (2) Any contract or commitment concerning the payment of remuneration or maintenance referred to in paragraph (1) is void.

Section 4

No person shall adopt his/her own child. However, a person may adopt his/her own child who has previously been adopted by someone else.

Section 5

- (1) An adopter shall have attained the age of 25 years.
- (2) Adoption may, however, be granted if the adopter has attained the age of 18 years and the adoptee is either a child of his/her spouse or his/her own child who has previously been adopted by someone else or if there are other exceptional grounds for the adoption.

Section 6

- (1) While married, spouses may adopt a child only jointly, with the exceptions provided in paragraphs (2) and (3).
- (2) A spouse may alone adopt a child of the other spouse or his/her own child who has previously been adopted by someone else.
- (3) A spouse may alone adopt a child if the other spouse cannot validly express his/her will due to an illness or handicap or if the whereabouts of the other spouse are unknown.

Section 7

Unmarried persons may not adopt a child jointly.

Section 8

- (1) Adoption may not be granted without the consent of the adoptee if he/she has attained the age of 12 years. The consent of the adoptee is, however, not necessary if he/she cannot express his/her will due to an illness or handicap.
- (2) In addition, adoption may not be granted against the will of a child who has not attained the age of 12 years if the child is so mature that his/her will can be taken into consideration.

Section 9

- (1) The adoption of a child may not be granted unless his/her parents have consented thereto, with the exceptions provided in paragraphs (2) and (3) and section 36(2).
- (2) For exceptional reasons, adoption may be granted even if the consent of the parents or one of them has not been obtained or if a previous consent has been withdrawn, if it is deemed that the adoption obviously and definitely is in the best interests of the child and that the refusal or withdrawal of consent by the parent(s) is not sufficiently justified, taking into account the best interests of the child and the interaction between the child and the parent(s), their mutual relationship and its nature.
- (3) In accordance with the conditions provided in paragraph (2), adoption may also be granted if a parent cannot validly express his/her will due to an illness or handicap or if the whereabouts of the parent are unknown.

Section 10

- (1) The consent of the parent(s) to adoption shall be given to a municipal body referred to in section 6 (736/1992) of the Social Welfare Act (*municipal welfare body*) or to an adoption agency referred to in chapter 3. Abroad, the consent shall be given to an official who, according to section 6 of the

Administration of Foreign Affairs Act (1164/1987), is competent to act as a notary public; alternatively, the consent may be given as provided in section 36(1). More detailed provisions on the receipt of the consent are issued by Decree. (175/1996)

- (2) Before the consent is given, a consultation shall be arranged with the parent(s) and the purpose, conditions and legal consequences of adoption explained to them. Furthermore, all the social services and financial benefits which are available to the parent(s) and the child shall be explained to the parent(s).
- (3) The consent of the child's mother shall not be accepted before she has sufficiently recovered from the delivery and in any case no earlier than eight weeks after the birth of the child.

Section 11

Any consent to an adoption shall be recorded in a document which shall be dated and signed by the person who has given the consent.

Chapter 2— **Legal Effects of Adoption**

Section 12

- (1) After adoption has been granted, the adoptee shall be deemed the child of the adoptive parents and not of the former parents, as regards the legal effects of a family or in-law relationship, unless otherwise expressly provided by law or unless otherwise follows from the nature of the adoptive relationship.
- (2) If a spouse, during marriage or after its dissolution through the death of the other spouse, has alone adopted a child of the other spouse, the child shall, however, be regarded as the child of both spouses.

Section 13

The surname of an adoptee is subject to the provisions of the Names Act (694/1985).

Section 14

- (1) After an adoptive relationship has been created, the child's former parents are discharged from their obligation to maintain the child.
- (2) If the child's former parent has contractually agreed, or been judicially ordered, to pay maintenance for the child, that parent shall be discharged from the obligation to make the payments that fall due after the adoption. If the maintenance has been fixed to be paid in a lump sum, and the payment has not been made before the adoption, the parent shall be discharged from the obligation to make the

payment. (175/1996)

Section 15

- (1) The legal effects of an adoption terminate if the adopter and the adoptee marry each other. The termination of the adoptive relationship shall not create a legal relationship between the adoptee and his/her former parents or their relatives.
- (2) A dispensation to a marriage referred to in paragraph (1) shall be granted in accordance with the provisions of the Marriage Act.

Chapter 3— **Adoption Counselling**

Section 16

The purpose of adoption counselling is to attend to the best interests of the child in matters concerning the adoption as well as, through consultation and other appropriate measures, to assist the child, the child's parents and the adopters before the adoption is granted by a court and, where necessary, also thereafter.

Section 17 (1101/1992)

- (1) The general planning, supervision and control of adoption counselling belong to the domain of the Ministry of Health and Welfare.
- (2) Adoption counselling is provided by municipal welfare bodies and by adoption agencies which have been licensed thereto by the Ministry of Health and Welfare. (175/1996)

Section 18

- (1) Adoption counselling shall include
 - (1) ascertaining whether the conditions of adoption laid down in chapter 1 exist;
 - (2) placing the child with the adopter;
 - (3) observing whether the placement of the child proves to be successful in view to the best interests of the child and, if the placement proves a failure, undertaking the necessary measures to safeguard the interests of the child; as well as (175/1996)
 - (4) seeing to it that the adopter promptly takes the steps necessary to have the adoption granted.
- (2) When providing adoption counselling the adoption agency shall obtain from the appropriate municipal welfare body a statement concerning the circumstances of the child and the adopter. (175/1996)

Chapter 4— **Inter-Country Adoption Service**

Section 19 (175/1996)

- (1) The purpose of inter-country adoption service is
 - (1) to provide for a child under 18 years of age habitually resident abroad and in need of adoptive parents an adopter habitually resident in Finland;
 - (2) to assist the parties in taking the steps necessary to have the adoption granted; and
 - (3) to provide help and support for the child and for the adoptive parents, where necessary also after the adoption has been granted.
- (2) The inter-country adoption service may provide for a child under 18 years of age habitually resident in Finland and in need of adoptive parents an adopter habitually resident abroad, if such adoption is in the best interests of the child.

Section 20

- (1) The general planning, supervision and control of inter-country adoption service belong to the domain of the Ministry of Health and Welfare. (1101/1992)
- (2) The Finnish Board of Inter-Country Adoption Affairs (*the Finnish Adoption Board*), which is a body subordinate to the Ministry of Health and Welfare, acts as a special expert authority in the field. The Board acts also as the central authority referred to in Article 6(1) of the Convention done at The Hague on 29 May 1993 on protection of children and co-operation in respect of intercountry adoption (*the Hague Convention*). (175/1996)
- (3) More detailed provisions on the composition, appointment and duties of the Finnish Adoption Board shall be issued by Decree. (175/1996)

Section 21 (175/1996)

- (1) Inter-country adoption service shall in Finland be provided by the municipal welfare bodies and other organisations which have been licensed thereto by the Ministry of Health and Welfare (*service providers*).
- (2) A service provider, as an authorised body referred to in chapter III of the Hague Convention, performs the tasks assigned to it by Act, Decree or decision of the Ministry of Health and Welfare.
- (3) A service provider shall operate in co-operation only with such corresponding foreign authorities, organisations or other bodies which have been approved by the Finnish Adoption Board (*foreign service provider*). The Board may withdraw its approval, if a reason arises.
- (4) More detailed provisions on the tasks of a service provider shall be issued by Decree.

Section 22 [repealed by 175/1996]

Section 23

- (1) A service provider may collect a fee for inter-country adoption service, as provided in greater detail by Decree.
- (2) Furthermore, a service provider may collect from the adopter the expenses incurred in the case, as provided in greater detail by Decree.
- (3) In each case the service provider shall ascertain that no remuneration for the adoption has been given or promised, nor remunerative payments for the maintenance of the child made or undertaken to be made, as referred in section 3.

Section 24 (175/1996)

A person habitually resident in Finland and wishing to adopt a child under 18 years of age habitually resident abroad shall request inter-country adoption service from a service provider.

Chapter 5— **Permission Procedure in Inter-Country Adoption Affairs**

Section 25 (175/1996)

Before an adoption is granted in Finland or abroad, the adopter shall obtain the permission of the Finnish Adoption Board, if:

- (1) the adopter is habitually resident in Finland and the adoptee under 18 years of age is habitually resident abroad; or
- (2) the adopter is habitually resident abroad and the adoptee under 18 years of age is habitually resident in Finland.

Section 26 [repealed by 175/1996]

Section 27

- (1) The Finnish Adoption Board may grant permission for adoption in a case referred to in section 25(1), if the conditions of adoption referred to in sections 1—7 are fulfilled and if inter-country adoption service has been provided as referred to in sections 19—24. (175/1996)
- (2) The Finnish Adoption Board may grant permission in a case referred to in section 25(2), if the conditions of adoption referred to in sections 1—11 are fulfilled and if the Board has received a statement of the competent authority or another competent body in the state where the adopter is habitually resident about the adopter and his circumstances, as well as a certificate that the adopter

has been deemed an appropriate and suitable adoptive parent, that he/she has received the necessary counselling and that the child has the right of entry and habitual residence in that state. (175/1996)

- (3) When granting permission, the Board may impose a special condition or restriction on the adoption.
- (4) The permission shall be valid for a limited period, not to exceed two years. Upon application and after having received the statements of the service provider and a municipal welfare body or an adoption agency, the Board may extend the validity of the permission by a maximum of two years at a time. If the child has within the period of validity of the permission been placed with the adopter, for the purpose of adoption, the permission shall continue to be valid until the adoption has been granted. The permission shall expire, if the child is removed from the adopter owing to the failure of the placement. (175/1996)

Chapter 6— **Granting an Adoption**

Section 28 (175/1996)

A parent of a minor, intending to give the child into adoption, and a person intending to adopt a minor, shall request adoption counselling from the municipal welfare body of his/her residence or from an adoption agency licensed by the Ministry of Health and Welfare.

Section 29

- (1) The court competent to grant an adoption shall be the court of first instance of the adopter's place of residence. If spouses intend to adopt jointly, the competent court shall be the court of first instance of either spouse's place of residence.
- (2) A matter concerning the granting of adoption shall be instituted by a written petition made by the adopter or the adopters together.
- (3) Before a matter concerning the adoption of a minor child is taken up for consideration by a court, an applicant habitually resident in Finland shall furnish proof that adoption counselling has been rendered as provided in sections 16—18 and 28. If the matter concerns an adoption referred to in section 25, the applicant shall also furnish proof that the permission has been granted. (175/1996)

Section 30

- (1) The court shall, on its own initiative, order that all the evidence necessary to resolve a matter concerning the granting of adoption be produced.
- (2) The court shall, where necessary, hear all the persons who can provide information on a matter concerning adoption.

Section 31

- (1) The parents of a minor child as well as the child's custodian and guardian shall be reserved an opportunity to be heard in a matter concerning the granting of adoption. If the child's parent is a minor or has been declared legally incompetent, also the custodian and guardian of the parent shall be reserved an opportunity to be heard. If the adopter has been declared legally incompetent, his/her guardian shall also be reserved an opportunity to be heard.
- (2) A hearing in accordance with paragraph (1) shall, however, not be necessary if the summons cannot be served on the person to be heard or the opinion of the person to be heard has already earlier been reliably ascertained or if hearing him/her is otherwise to be deemed unnecessary for resolving the matter.

Section 32

The applicant, the child and a person to be heard under section 31(1) shall have the right of appeal against the court's decision in a matter concerning the granting of adoption.

Section 33

Matters concerning the granting of adoption shall be heard and decided expeditiously at all instances.

Chapter 7 — **Rules of Private International Law**

Jurisdiction

Section 34

- (1) Finnish courts shall have jurisdiction over an application for the granting of adoption if the adopters are or the adoptee is habitually resident in Finland. (175/1996)
- (2) Finnish courts shall also have jurisdiction over an application for the granting of adoption if the adoptee or either of the adopters is a Finnish citizen and the authorities of the state where the adopters are or the adoptee is habitually resident have no jurisdiction over the matter or if there is another good reason for Finnish court to have jurisdiction. (175/1996)
- (3) When the adoptee and the adopters are citizens of Finland, Denmark, Iceland, Norway or Sweden, Finnish courts shall, however, have jurisdiction over an application for the granting of adoption only if the domicile of either of the adopters is in Finland.
- (4) If, in situations referred to above, no court has jurisdiction under section 29(1), the District Court of Helsinki shall be the court competent to grant the adoption. (175/1996)

Choice of Law

Section 35

- (1) Procedure in a matter concerning the granting of adoption shall be governed by Finnish law.
- (2) The conditions of adoption shall likewise be governed by Finnish law.
- (3) If it is obvious that an adoptee under 18 years of age will move into and settle down in a foreign state in which an adoption granted in Finland is not valid and it is obvious that the adoptee will suffer significant inconvenience because of the invalidity, the adoption shall not be granted.

Section 36

- (1) In a foreign state, the consent of the parents to the granting of adoption may be given also in accordance with the formalities and procedure stipulated by the law of said state.
- (2) If the consent of the parents to the granting of adoption has not been obtained because the institution of adoption is not legally regulated in the state in which the consent should be given, the adoption may be granted if it obviously corresponds to the will of the parents.

Recognition of Foreign Adoption and of Foreign Revocation of Adoption

Section 37

- (1) An adoption or a revocation of adoption granted in a foreign state shall be recognised in Finland as provided below.
- (2) A decision or other judicial act in a foreign state may, for the purpose of this Act, be deemed to constitute the granting of adoption if its essential purpose is to create a relationship of child and parent even if the legal effects of the decision or act in the said state do not correspond to the legal effects of adoption under Finnish law.

Section 38 (175/1996)

- (1) Subject to the provisions of paragraph (2), an adoption granted in a foreign state shall be valid in Finland without further measures if, at the time of the granting of the adoption, both adopters were either habitually resident or domiciled in the said state or were citizens of that state, or if the adoption is valid in the state in which the adopters were habitually resident or domiciled at the time of the granting of the adoption.
- (2) An adoption granted in a foreign state for which a permission provided in section 25 has been necessary shall be valid in Finland without further measures only if the permission has been granted.

- (3) An adoption granted in a contracting state of the Hague Convention and certified there as having been made in accordance with the Hague Convention shall be valid in Finland without further measures regardless of the provisions in paragraphs (1) and (2).
- (4) An adoption granted in a foreign state which is not considered valid in Finland under paragraphs (1)—(3) shall be valid in Finland only if it is confirmed by the Helsinki Court of Appeal.

Section 39

- (1) A revocation of adoption granted in a foreign state shall be valid in Finland without special confirmation if, at the time of the revocation, the adoptee and both adoptive parents were either domiciled in the said state or were citizens of that state or if the revocation is valid in the states in which, at the time of the revocation, the adoptee and the adoptive parents were domiciled.
- (2) Any other revocation of adoption granted in a foreign state shall be valid in Finland only if it is confirmed by the Helsinki Court of Appeal.

Section 40

Notwithstanding the provisions of sections 38 and 39, an adoption or a revocation of adoption granted in Denmark, Iceland, Norway or Sweden in accordance with the Convention of Finland, Denmark, Iceland, Norway and Sweden on Rules of Private International Law relating to Marriage, Adoption and Guardianship (*Treaty Series of the Statute Book of Finland, 20/1931*) shall be valid in Finland without further measures.

Section 41

- (1) The Helsinki Court of Appeal may confirm an adoption granted in a foreign state if, at the time of the granting of the adoption, either of the adopters or the adoptee, by reason of habitual residence, domicile or citizenship, had such a connection with the state in which the adoption was granted that the authorities of said state can be deemed to have had sufficient cause to exercise jurisdiction over the matter. (175/1996)
- (2) The Helsinki Court of Appeal may confirm a revocation of adoption granted in a foreign state if, at the time of the revocation, the adoptee or either of the adopters had a connection referred to in paragraph (1) with the state in which the adoption was revoked.
- (3) If a person has been adopted or an adoption has been revoked in a way other than through a decision of an authority, the adoption or revocation may be confirmed only if one of the parties had a connection referred to in paragraph (1) or (2) with the state in which the person was adopted or the adoption was revoked and if the measure is valid under the law of the said state.

Section 41a (175/1996)

- (1) Even if an adoption would be deemed valid in Finland under section 38(1), the Helsinki Court of Appeal may confirm, upon application, that the adoption is recognised in Finland.
- (2) The provision in paragraph (1) applies also to a revocation of adoption which would be deemed valid in Finland under section 39(1).

Section 42

- (1) The petition for confirmation, as referred to above in sections 38(4), 39(2) and 41a and below in section 42b, shall be submitted to the Helsinki Court of Appeal. (175/1996)
- (2) The decisions of the Helsinki Court of Appeal in these matters are not subject to appeal.

Section 42a (175/1996)

If an adoption has been certified as having been made in accordance with the Hague Convention, its legal effects shall include at least those provided in Article 26(1) of the Convention.

Section 42b (175/1996)

If an adoption has been granted in a foreign state which is a contracting state of the Hague Convention and it has been certified there as having been made in accordance with the Convention, and the adoption has not under the law of that state terminated the legal relationship of child and parent, the Helsinki Court of Appeal may, upon the petition of the adopters or the adoptee, confirm the adoption to be of a kind whose effect is to terminate the legal relationship between the child and the former parents. A further prerequisite for this is that the consents for such adoption, as referred to in Article 4, subparagraphs (c) and (d) of the Convention, have been obtained or are obtained.

Section 43 (175/1996)

An adoption referred to in section 38(1) and 38(3) and a revocation of adoption referred to in section 39(1) shall not be considered valid in Finland and the Court of Appeal shall not confirm it in accordance with sections 41 or 41a if this would lead to a result which is contrary to Finnish public policy (*ordre public*).

Ascertainments and Statements

Section 44

If the law of a foreign state is of relevance in resolving a matter under this Act, the court or other authority shall, if not familiar with the law of the foreign state nor familiarised with it as ascertained by

a party, request the Finnish Adoption Board to ascertain the contents of the law of the foreign state.

Section 45

In cases referred to in section 34(2), section 35(3) and section 41 above, the Finnish Adoption Board shall be reserved an opportunity to give its statement on the issues which are of relevance in resolving the matter.

Section 46

The court or other authority may request the Finnish Adoption Board to give its statement on the issues referred to in sections 36 and 37.

Section 47

If the adoptee is under 18 years of age, a citizen of Denmark, Iceland, Norway or Sweden and domiciled in the state of his citizenship, the court shall, before the granting of the adoption, reserve the child welfare authorities of that state an opportunity to give their statement on the matter.

Certification under the Hague Convention

Section 47a (175/1996)

A court which has granted an adoption may, upon petition, certify that the adoption has been made in accordance with the Hague Convention.

Chapter 8— **Miscellaneous Provisions**

Section 48

The adoption of an adopted child shall be governed by the provisions of this Act concerning a child.

Section 49

An adopted child who is not a Finnish citizen may acquire the citizenship of Finland as stipulated in the Citizenship Act (401/1968).

Section 49a (175/1996)

- (1) The documents drafted or received by a municipal welfare body, an adoption agency and a service provider in connection with adoption counselling or inter-country adoption service and relating to the adoptee, the parents and the adopters shall be archived for a minimum of 100 years.

- (2) A service provider may hand the documents referred to in paragraph (1) over to be archived by the municipal welfare body or adoption agency which has provided adoption counselling in the matter, if the body or the agency accepts to receive them. If an adoption agency or a service provider discontinues the activities referred to in this Act, the documents referred to in paragraph (1) shall be handed over to be archived by the municipal welfare body which has been assigned by the Ministry of Health and Welfare to receive them.
- (3) An adoptee, his/her custodian and the descendants of the adoptee shall have the right of appropriately supervised access to documents referred to in paragraphs (1) and (2). However, access to the documents may be denied, if it may be dangerous to the health or development of the adoptee or if access would otherwise be contrary to the interest of the adoptee or another private interest.

Section 49b(175/1996)

The secrecy of the documents received and drafted in the pursuit of activities referred to in this Act and the confidentiality of the information obtained by the personnel involved are governed by the legislation on the secrecy of documents and the confidentiality of information in the field of social welfare.

Section 50

- (1) Upon application, the Ministry of Health and Welfare may grant a license to operate an adoption agency to a confederation of municipalities or another organ of municipal co-operation, or to an association registered in Finland. (175/1996)
- (2) The Ministry of Health and Welfare may, after having obtained the statement of the Finnish Adoption Board on the application, grant a license to provide inter-country adoption service to a municipal welfare body, a confederation of municipalities or another organ of municipal co-operation, or to an association registered in Finland. (175/1996)
- (3) A license to operate an adoption agency or to provide inter-country adoption service may be granted to a non-profit applicant which is deemed capable of providing adoption counselling or inter-country adoption service with the necessary professional expertise. A further condition for granting the license is that commencing such activities is to be deemed appropriate for the organisation of adoption counselling or inter-country adoption service.

Section 51

- (1) The license to operate an adoption agency or to provide inter-country adoption service shall be granted for a fixed period, not to exceed five years at a time.

- (2) When granting a license, the Ministry of Health and Welfare may issue more detailed provisions on the pursuit of the activities of adoption counselling or inter-country adoption service. (1101/1992)
- (3) An adoption agency and a provider of inter-country adoption service shall give the Ministry of Social Affairs and Health the requested information and accounts necessary for carrying out the monitoring function of the Ministry.

Section 52 (1101/1992)

The Ministry of Health and Welfare may cancel the license granted under section 50, if the adoption counselling or inter-country adoption service is not provided in accordance with the provisions in force, or if shortcomings or faults are detected in the activity and they have not been remedied within the time limit set by the Ministry.

Section 53

- (1) A person who without a license, by announcing in a newspaper or otherwise publicly, offers a child for adoption or an opportunity to give a child up for adoption and a person, other than a parent or legal custodian of a child, who without a license and with the purpose of adoption places a child in a private home there to be brought up, shall be sentenced for *illegal adoption brokering* to a fine.
- (2) Also a person who is not a service provider and arranges an adopter from Finland for a child living abroad or a child from abroad to be adopted in Finland shall be sentenced for illegal adoption brokering.

Section 54

More detailed provisions on the implementation of this Act shall be issued by Decree.

Chapter 9— **Entry into Force and Transitional Provisions**

Section 55

- (1) This Act shall enter into force on 1 May 1985.
- (2) This Act shall repeal the Adoption Act (32/1979) as well as Chapter 3 of Part II of the Act Relating to Certain Family Relations of International Character (379/1929).

Section 56

- (1) If a court, before 1 January 1980, has given its consent to an adoption, the adoptive relationship shall be governed by the law then in force unless otherwise provided below. If a court has granted an adoption after 1 January 1980, the adoptive relationship shall be governed by this Act.

- (2) An adoptive relationship created before the entry into force of this Act cannot be revoked by judicial decision.
- (3) If a court, before 1 January 1980, has given its consent to an adoption, the court shall, upon petition of the adoptive parent, confirm that the adoptive relationship is governed by the provisions of this Act. Only the provisions of sections 8 and 11, section 29(1) and section 34(4) relating to the child's consent and jurisdiction shall apply to the petition.

Section 57

- (1) If a court, before 1 January 1980, has given its consent to an adoption, the adopted child's right of inheritance and the right to inherit the adopted child shall be governed by the law then in force.
- (2) The provisions of paragraph (1) shall, however, not apply if a court, under section 56(3), has confirmed that the adoptive relationship is governed by the provisions of this Act. If the person to be inherited has died before the decision of the court, the right to such inheritance shall, however, be governed by the former law.

Section 58

Sections 37—46 of this Act shall apply also to an adoption or a revocation of adoption granted before the entry into force of this Act. However, an adoption or a revocation of adoption deemed valid under the law in force prior to the entry into force of this Act shall continue to be valid.

Section 59

Measures necessary for the implementation of this Act may be undertaken before its entry into force.