



# Dutch Civil Code

## Book 1 Law of Persons and Family Law

### Title 1.12 Adoption

#### Article 1:227 Grounds for adoption

- **1.** The adoption of a child is effected by a decision of the District Court upon a joint request of two persons or upon a request of one person alone. A joint request cannot be filed by two persons who, pursuant to Article 1:41, are not allowed to enter into a marriage with each other.
- **2.** A joint request by two persons may be filed only if these persons have lived together for at least three consecutive years immediately preceding the filing of the request. A request of an adopter who is the spouse, registered partner or other life companion of the parent of the child to be adopted, may be filed only if this adopter has lived together with that parent for at least three consecutive years immediately preceding the filing of the request. The requirement referred to in the second sentence does not apply if the child is or will be born from the personal relationship between the adopter and that parent.
- **3.** A request for the adoption of a child may be awarded only if the adoption is manifestly in the best interests of the child and it has been ascertained that the to be adopted child, at the moment on which the request was filed and in the reasonably foreseeable future, may expect nothing of his parent or parents to the point of parenthood, whereas all requirements of Article 1:228 are met.
- **4.** A request for the adoption of a child shall be awarded if the child is or will be born from the personal relationship between its parent and the adopter and the child has been procreated by and as a result of an artificial insemination of semen of a seed-donor in accordance with Article 1, under point (c), of the Act on Information of Donors for Artificial Insemination, which has been confirmed by a submitted declaration of a foundation as meant in that Act, unless the adoption is manifestly not in the best interests of the child or the requirements of Article 1:228 are not met.
- **5.** Where the forenames of the child to be adopted are unknown, the court shall determine in its adoption order the child's forenames after hearing the adopter or adopters and the child if it is twelve years or older.
- **6.** In matters of adoption, a parent who has not yet reached the age of legal majority has full legal capacity to act in legal proceedings.

#### Article 1:228 Requirements for the adoption of a child

- **1.** The requirements for the adoption of a child are:
  - a.** that the child on the day on which the first request for its adoption was filed, was still a minor and that it, if it is twelve years or older on the day on which the request was filed, did not object against the granting of the request at its hearing in court; the same applies if the court has revealed that a minor child that on the day on which the request was filed had not yet reached the age of twelve years, but is considered to be able to make a reasonable evaluation of its interests in the matter, has objections against the granting of the request;
  - b.** that the child is not a grandchild of an adopter;
  - c.** that the adopter or each of the adopters is at least eighteen years older than the child;

- d.** that neither of the parents raises objections against the request;
  - e.** that the mother of the child, if she is still a minor, at least has reached the age of sixteen years on the day on which the request was filed;
  - f.** that the adopter or adopters of the child have cared for and raised that child for at least one year; if the spouse, registered partner or other life companion of the parent or adoptive parent will adopt the child and they have jointly cared for and raised that child for at least one year, then this one-year period starts to run, where it concerns the spouse, registered partner or other life companion, as from the moment on which they actually have jointly cared for and raised the child;
  - g.** that the parent or parents do not or no longer have authority over the child; if, however, the spouse, registered partner or other life companion of the parent will adopt the child, then it is required that this parent alone or jointly with the aforementioned spouse, registered partner or other life companion has authority over the child.
- **2.** Objections raised by one of the child's parents as referred to in paragraph 1 under point (d) may be ignored:
    - a.** if the child and its parents have not or hardly ever lived together as a family, or
    - b.** if the parent has made abuse of his authority over the child or has grossly neglected his duties to care for and raise the child, or
    - c.** if the parent has been irrevocably sentenced for committing a criminal offence against the child as described in Titles XIII to XV and XVIII to XX of the Second Book of the Penal Code.
  - **3.** The requirement referred to in paragraph 1, under point (f), shall not apply if the child is born during a period in which its mother maintains a close personal relationship with a life companion of the same sex.

#### **Article 1:229 Legal effects of adoption: legal familial relationship**

- **1.** An adoption produces legal familial relationships between the adopted child and the adoptive parent and his blood relatives or the adoptive parents and their blood relatives.
- **2.** Simultaneously, the legal familial relationships between the adopted child, its original parents and their blood relatives cease to exist.
- **3.** Contrary to paragraph 2, legal familial relationships continue to exist between the adopted child and its parent and his blood relatives when the child is adopted by that parent's spouse, registered partner or other life companion.
- **4.** If the child at the time of the adoption maintains personal contact with a parent with regard to whom his legal familial relationship ceases to exist, then the court may order that the child and this parent remain entitled to associate with each other by virtue of a right of parental access. Article 1:377a paragraph 2 and 3, 1:377e and 1:377g apply accordingly.

#### **Article 1:230 Moment on which an adoption takes effect**

- **1.** The adoption takes effect from the day on which the adoption order has become final and binding.
- **2.** If the child is born from a close personal relationship between its parent and the adoptive parent and the adoption has been requested before the child was born, then the adoption has retroactive effect to the day of birth; when the adoption has been requested within six months after the day of birth, then the adoption has retroactive effect to the day on which the request was filed at court. The provisions of the first sentence shall not apply if, prior to the adoption, already legal familial relationships existed between the child and another parent, which relationships would be broken by the adoption. In the situation meant in the first sentence the adoption may be decreed also if the adopter has died after the filing of the request.
- **3.** The adoption remains in full effect if, afterwards, it becomes clear that the court has wrongly

assumed that the requirements of Article 1:228 were met.

**Article 1:231 Revocation of the adoption**

- **1.** The adoption may be revoked by a court order taken upon the request of the adopted child.
- **2.** Such a request of the adopted child may be awarded only if a revocation is manifestly in the best interests of the adopted child and the District Court is convinced that a revocation is reasonable, whereas the request is filed not earlier than two years and not later than five years after the day on which the adoptive child has reached the age of legal majority.

**Article 1:232 Legal effects of a revocation of an adoption**

- **1.** A revocation of the adoption has the effect that all legal familial relationships between the adopted child and his children on the one hand and the adoptive parent or adoptive parents and his or their blood relatives on the other hand cease to exist.
- **2.** All legal familial relationships that had ceased to exist as a result of the adoption, shall rise again as a result of the revocation.
- **3.** Article 1:230 applies accordingly to the revocation of an adoption.

[prior Title]

[next Title]