

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257

*Incorporating all amendments up to 1 October 2009*

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**ACT 257**  
**ADOPTION ACT 1952**  
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An Act to provide for the adoption of children.

[25 June 1953, L.N.319/1953]

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/1.Short title and application

### **1. Short title and application**

**(1)** This Act may be cited as the Adoption Act 1952.

**(2)** This Act shall apply to Peninsular Malaysia only.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/2.Interpretation

### **2. Interpretation**

In this Act, unless the context otherwise requires--

#### **"adopted child"**

means a child who has been authorized by the Court to be adopted or readopted;

#### **"Adopted Children Register"**

means the Adopted Children Register established under subsection 25(1) and includes related registers kept and maintained in computer, on microfilm or in any other form of electronic and retrievable device;

**"adopter"**

means a person authorized by an adoption order to adopt a child;

**"applicant"**

means a person who is proposing to adopt, or who has adopted a child, whether in pursuance of an adoption order or otherwise, and, in the case of an application by two spouses, includes either of them;

**"Certificate of Birth"**

means a Certificate of Birth issued under this Act;

**"child"**

means an unmarried person under the age of twenty-one and includes a female under that age who has been divorced;

**"Court"**

means any Court having jurisdiction to make adoption orders under this Act;

**"Director General of Social Welfare"**

means the Director General of Social Welfare, Malaysia;

**"father"**

in relation to an illegitimate child means the natural father;

**"guardian"**

in relation to a child, means any person or body of persons other than its natural parents, who has custody of the child;

**"Peninsular Malaysia"**

has the meaning assigned to it in section 3 of the Interpretation Acts 1948 and 1967 [Act 388];

**"Registrar General"**

means the person appointed to be Registrar General of Births and Deaths, Malaysia, in accordance with subsection 3(1) of the Births and Deaths Registration Act 1957 [Act 299];

**"relative"**

means a brother, sister, grandparent, uncle or aunt, whether by consanguinity or affinity, and in the case of an illegitimate child, a person who would be so related if the child were legitimate and his father;

**"spouse"**

means in relation to a woman her husband, in relation to a man of Chinese race his principal wife, and in relation to any other man his wife.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/3.Power to make adoption orders

**3. Power to make adoption orders**

**(1)** Upon an application made in the prescribed manner by any person desirous of being authorized to adopt a child, the Court may, subject to this Act, make an adoption order, authorizing the applicant to adopt that child.

**(2)** Where an application for an adoption order is made by two spouses jointly, the Court may make the order authorizing the two spouses jointly to adopt, but except as provided, no adoption order shall be made authorizing more than one person to adopt a child.

**(3)** An adoption order may be made authorizing the adoption of a child by the mother or father of the child, either alone or jointly with her or his spouse.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/4.Restrictions on making of adoption orders

#### **4. Restrictions on making of adoption orders**

**(1)** An adoption order shall not be made unless the applicant or, in the case of a joint application, one of the applicants--

- (a) has attained the age of twenty-five and is at least twenty-one years older than the child in respect of whom the application is made unless the Court is satisfied that there are special circumstances for the making of an order;
- (b) has attained the age of twenty-one and is a relative of the child; or
- (c) is the mother or father of the child.

**(2)** An adoption order shall not be made in any case where the sole applicant is a male and the child in respect of whom the application is made is a female unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an order.

**(3)** An adoption order shall not be made in favour of any applicant who is not ordinarily resident in Peninsular Malaysia or in respect of any child who is not so resident.

**(4)** An adoption order shall not be made in respect of any child unless--

- (a) the child has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order; and
- (b) the applicant has at least three months before the date of the order by a written notification informed an officer of the Social Welfare Department of the State in which he is for the time being resident of his intention to apply for an adoption order in respect of the child.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/5.Consents to adoptions

#### **5. Consents to adoptions**

**(1)** Except as provided in this section, an adoption order shall not be made except with the consent of every person or body of persons who is a parent or guardian of the child in respect of whom the application is made or who is liable to contribute to the support of the child and an adoption order shall not be made upon the application of one of two spouses without the consent of the other of them:

Provided that the Court may dispense with any consent required by this section if satisfied--

- (a) in the case of a parent or guardian of the child, that he has abandoned, neglected or persistently ill-treated the child;
- (b) in the case of a person liable to contribute to the support of the child, that he has persistently neglected or refused so to contribute;
- (c) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld; or
- (d) in any case, that in accordance with any written law relating to the adoption of children for the time being in force in any country any competent authority has given permission or granted a

licence authorizing the care and possession of the child to be transferred to the applicant.

**(2)** The Court may dispense with the consent of the spouse of an applicant for an adoption order if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

**(3)** The consent of any person to the making of an adoption order in pursuance of an application (not being the consent of the child) may be given (either unconditionally or subject to conditions with respect to the religion in which the child is to be brought up) without knowing the identity of the applicant for the order; and where consent so given by any person is subsequently withdrawn on the ground only that the identity of the applicant is unknown that consent shall be deemed for the purposes of this section to be unnecessarily withheld.

**(4)** While an application for an adoption is pending in any Court, any parent or guardian of the child who has signified his consent to the making of an adoption order in pursuance of the application shall not except with the leave of the Court remove the child from the care and possession of the applicant; and in considering whether to grant or to refuse such leave the Court shall have regard to the welfare of the child.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/6.Matters with respect to which Court to be satisfied

## **6. Matters with respect to which Court to be satisfied**

The Court before making an adoption order shall be satisfied--

- (a) that every person whose consent is necessary under this Act, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;
- (b) that the order if made will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child, having regard to the age and understanding of the child;
- (c) that neither the applicant nor the parent or guardian has received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant or the parent or the guardian any payment or other reward in consideration of the adoption except such as the Court may sanction; and
- (d) that there has been a substantial change in the circumstances, if it appears that the applicant has made a previous application under this Act in respect of the same child.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/7.Terms and conditions of order

## **7. Terms and conditions of order**

The Court in making an adoption order may impose such terms and conditions as the Court may think fit and in particular may require the adopter by bond or otherwise to make for the adopted child such provision, if any, as in the opinion of the Court is just and expedient.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257,,/8.Provision as to existing de facto adoptions

### **8. Provision as to existing de facto adoptions**

Where at the date of the commencement of this Act any child is in the custody of, and is being brought up, maintained and educated by any person or by two spouses jointly as his, her or their own child under any *de facto* adoption, and has for a period of not less than two years before such commencement been in such custody, and has been so brought up, maintained and educated, the Court may, upon the application of such person or spouses and notwithstanding that the applicant is a male and the child a female, make an adoption order authorizing him, her or them to adopt the child without requiring the consent of any parent or guardian of the child to be obtained, upon being satisfied that in all circumstances of the case it is just and equitable and for the welfare of the child that no such consent should be required and that an adoption order should be made.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257,,/9.Effect of adoption order

### **9. Effect of adoption order**

**(1)** Upon an adoption order being made, all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as though the adopted child was a child born to the adopter in lawful wedlock:

Provided that, in any case where two spouses are the adopters, such spouses shall in respect of the matters provided in this subsection and for the purpose of the jurisdiction of any Court to make orders as to the custody and maintenance of and right of access to children stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child would have stood to a lawful father and mother, respectively.

**(2)** Where, at any time after the making of an adoption order, the adopter or the adopted child or any other person dies intestate in respect of any movable or immovable property, that property shall devolve in all respects as if the adopted child were the child of the adopter born in lawful wedlock and were not the child of any other person.

**(3)** In any disposition of movable or immovable property made, whether by instrument *inter vivos* or by will (including codicil), after the date of an adoption order--

- (a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted child;
- (b) any reference (whether express or implied) to the child or children of the adopted child's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted child; and
- (c) any reference (whether express or implied) to a person related to the adopted child in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

**(4)** Where an adopted child or the spouse or issue of an adopted child takes any interest in any movable or

immovable property under any disposition, whether by instrument *inter vivos* or by will (including codicil), or under any intestacy, or where an adopter takes any interest in any movable or immovable property under any disposition as provided in this section by an adopted child or by the spouse or issue of an adopted child, or under the intestacy of an adopted child or of the spouse or issue of an adopted child, any estate or other duty which becomes leviable in respect of it shall be payable at the same rate as if the adopted child had been a child of the adopter born in lawful wedlock.

**(5)** Notwithstanding anything in this section, trustees or personal representatives may convey or distribute any movable or immovable property to or among the persons entitled to it without having ascertained that no adoption order has been made under which any person is or may be entitled to any interest in it, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

**(6)** Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of this section in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made after that date.

**(7)** For the purposes of any written law relating to marriage for the time being in force in Malaysia or any part of it, an adopter and the child whom he has been authorized to adopt under an adoption order and all children and adopted children of the adopter shall be deemed to be within the prohibited degree of consanguinity; and this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorized by a subsequent adoption order to adopt the same child.

**(8)** For the purposes of any written law for the time being in force in Malaysia or any part of it relating to compensation to families for loss occasioned by the death of a person caused by actionable wrong, a person shall be deemed to be the parent or child of the person deceased notwithstanding that he was only related to him in consequence of adoption; and accordingly in deducing any relationship which under such legislation is included within the meaning of the expressions "parent" and "child" an adopted child shall be treated as being the child of the adopter born in lawful wedlock and not the child of any other person.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/10.Jurisdiction

## **10. Jurisdiction**

**(1)** The Court having jurisdiction to make adoption orders under this Act shall be the High Court or at the option of the applicant any Sessions Court notwithstanding the Subordinate Courts Act 1948 [Act 92].

**(2)** All proceedings of the Court shall be held *in camera* and all documents filed in the Court shall be confidential and shall be so kept by the Registrar.

**(3)** If the Sessions Court Judge is of the opinion that in the circumstances of the case any application should be dealt with by the High Court, he may refuse to make an order and shall transfer such application to the High Court.

**(4)** The Sessions Court Judge may if he thinks fit submit any question of law, practice or procedure in connection with any application for the decision of a Judge of the High Court and if he does so he shall decide such question in conformity with such decision.

**(5)** An appeal shall lie to the Federal Court from any decision of a Judge under this section.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257,,/11.Procedure

### **11. Procedure**

- (1)** An application for an adoption order shall be presented in duplicate to the Court on the prescribed form accompanied by any documents required by the form to be appended.
- (2)** Any written consent required to be appended to the application shall be in the prescribed form but need not be in duplicate.
- (3)** Except in a case where the applicant has made a previous application to a Court, or the Court requires the attendance of the applicant, the attendance in person of the applicant shall not be necessary for the purpose of lodging the application and documents.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257,,/12.Appointment of guardian ad litem: persons to be respondents and service

### **12. Appointment of guardian ad litem: persons to be respondents and service**

- (1)** Whenever an application for an adoption order is made to the Court, the Court shall appoint a guardian *ad litem* of the child in respect of whom the application is made, and upon such appointment the duplicate of the form mentioned in subsection 11(1) shall be delivered to the guardian *ad litem*.
- (2)** The following persons or bodies shall be made respondents, namely, the child in respect of whom the application is made, the guardian *ad litem* of the child, every person who is a parent or guardian of the child or who is liable to contribute to the support of the child, and, where the applicant has a spouse who is not also an applicant, the spouse of the applicant:

Provided that no person whose consent has been dispensed with in accordance with section 5 shall be made a respondent.

- (3)** As soon as the guardian *ad litem* has been appointed, the Court shall fix a time for the hearing of the application, and shall issue a notice in the prescribed form addressed to the respondents and shall cause such notice to be served on each of them:

Provided that where the child is in the actual custody of any person, such notice need not be served on the child, but may require such person to produce the child to the Court.

- (4)** Any notice under this Act shall be served upon any respondent to whom it is addressed either by delivering a copy to him personally, or, with leave of the Court, by sending a copy by registered post to his last known or usual place of residence, whether such place of residence is in Malaysia or elsewhere.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257,,/13.Duties of guardian ad litem

### **13. Duties of guardian ad litem**

- (1)** It shall be the duty of the guardian *ad litem* to investigate as fully as possible all the circumstances of the child and the applicant, and all other matters relevant to the proposed adoption, in order to safeguard the interests of the child before the Court, and, in particular, it shall be his duty to include in his investigation the following questions:

- (a)** whether the statements in the form of application required by subsection 11(1) are true and



- (b) complete, particularly as regards the date of birth and the identity of the child;
- (b) whether any payment or other reward in consideration of the adoption has been received or agreed upon, and whether it is consistent with the welfare of the child;
- (c) whether the means and status of the applicant are such as to enable him to maintain and bring up the child suitably, and what right to or interest in property the child has;
- (d) what insurance, if any, has been effected on the life of the child;
- (e) whether it is desirable for the welfare of the child that the Court should be asked to make an interim order or, in making an adoption order, to impose any particular terms or conditions or to require the adopter to make any particular provision for the child.

(2) The guardian *ad litem* shall regard all information obtained by him in the course of his investigation as confidential, and shall not divulge any part of it to any other person except so far as may be necessary for the proper execution of his duty.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/14.Attendance before the Court of parties: power to dispense

#### **14. Attendance before the Court of parties: power to dispense**

(1) Subject to this section, an adoption order or an interim order shall not be made except after the personal attendance before the Court of the applicant and all the respondents, notwithstanding, in the case of any of the respondents, that written consent has been obtained.

(2) The Court may--

- (a) in the case of the child, if satisfied by a report from the guardian *ad litem* that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the Court;
- (b) in the case of any other respondent, if satisfied that the respondent cannot be found or is incapable of giving consent; or
- (c) for any other reason which the Court may deem sufficient,

dispense with the attendance of any respondent.

(3) In any case where the Court dispenses with the personal attendance of a respondent, the written consent of that respondent, verified by a declaration purporting to be made before and signed by a Magistrate or Commissioner for Oaths shall be *prima facie* evidence of such consent.

(4) In the case of a joint application for an adoption order or an interim order the Court may, if it thinks fit, dispense with the personal attendance of one of the two spouses if his or her application is verified by a declaration purporting to be made before and signed by a Magistrate or Commissioner for Oaths.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/15.Power to examine parties separately

#### **15. Power to examine parties separately**

Subject to this Act, the Court may direct that the applicant or any respondent shall attend and be heard and examined separately and apart from the other parties to the application:

Provided that no such direction shall be given unless the Court is satisfied that the giving of the direction is desirable in the interests of the child.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/16.Notice of adjourned hearing

#### **16. Notice of adjourned hearing**

On any adjournment of the hearing the Court shall issue to and cause to be served upon any respondent who is not present and whose attendance has not been dispensed with a notice of the time and place to which the hearing is adjourned.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/17.Power to make interim orders

#### **17. Power to make interim orders**

(1) Upon any application for an adoption order, the Court may postpone the determination of the application and may make an interim order (which shall not be deemed to be an adoption order within the meaning of this Act) giving the custody of the child to the applicant for a period not less than six months and not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the Court may think fit.

(2) An interim order may include such terms as regards the exercise of supervision by the guardian *ad litem* or otherwise as the Court may think fit and shall be served on the guardian *ad litem* and on the Director General of Social Welfare, unless he or any officer of the Social Welfare Department has been appointed guardian *ad litem*.

(3) All such consents as are required to an adoption order shall be necessary to any interim order, but subject to a like power on the part of the Court to dispense with any such consent.

(4) In assessing the period of probation to be given as in subsection (1), the Court shall give due consideration to any period that the child may have already spent in the custody of the applicants as a result of a *de facto* adoption or otherwise.

(5) During the probationary period the guardian *ad litem* of any child in respect of whom an interim order has been made may at any time apply to a Court for an order to remove a child from a detrimental environment.

(6) An interim order shall not be made in any case where the making of an adoption order would be unlawful under this Act.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/18.Adoption order in respect of child previously adopted

#### **18. Adoption order in respect of child previously adopted**

(1) An adoption order or an interim order may be made in respect of a child who has already been the subject of an adoption order under this Act.

(2) In relation to an application for an adoption order in respect of a child who has previously been adopted, the adopter or adopters under the previous or last previous adoption order shall be deemed to be the parent or parents of the child for all the purposes of this Act.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/19.Procedure for determination of application

### **19. Procedure for determination of application**

Where the determination of an application has been postponed and an interim order has been made, the applicant shall at least two months before the expiration of the interim order, apply to the Court to proceed with the determination of the application, and the Court shall fix a time for the further hearing of the application and shall issue a notice in the prescribed form addressed to the respondents and shall cause the same to be served upon them:

Provided that where the child is in the actual custody of the applicant, the notice need not be served on the child.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/20.Power to rem ove child from unsatisfactory environment

### **20. Power to rem ove child from unsatisfactory environment**

If the Court refuses to grant either an interim order or an adoption order on the grounds that the adoptive home is unsuitable, the Court may, if it considers it to be in the interests of the child so to do, make an immediate order committing the child to the care of the Director General of Social Welfare.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/21.Costs

### **21. Costs**

On the making of an interim order or on the determination of the application, the Court may make such order as to costs as it may think just, and in particular may order the applicant to pay the out-of-pocket expenses incurred by the guardian *ad litem* or incurred in attending the Court by any other of the respondents, or such part of the order as the Court thinks proper.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/22.Appeal

### **22. Appeal**

An appeal shall lie to the Federal Court or to the High Court from any refusal of the High Court or a Sessions Court, as the case may be, to make an interim order or an adoption order.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/23.Preparation of interim and adoption orders

### **23. Preparation of interim and adoption orders**

**(1)** An interim order and an adoption order shall be in the prescribed forms.

**(2)** No copy of any such order shall be given to or served upon any person other than the applicant, the Director General of Social Welfare and the Registrar General except by the direction of the Court.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/24.Transmission of order to Registrar General

## 24. Transmission of order to Registrar General

(1) Upon the making of an adoption order the Registrar of the Court shall, within seven days from the date of the order, send a certified copy of the order to the Registrar General and shall also, subject to the payment by the adopter of the prescribed fee deliver or send a certified copy of the order to the adopter.

(2) A certified copy of the order, if sent by post, shall be sent by registered post.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/25.Adopted Children Register

## 25. Adopted Children Register

(1) The Registrar General shall establish and maintain a register to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made by adoption orders, but no other entries.

(2) Every adoption order shall contain a direction to the Registrar General--

- (a) to make in the Adopted Children Register an entry recording the adoption in the form set out in the First Schedule and, subject to subsection (3), shall specify the particulars to be entered under the headings in columns 2 to 6 of the Schedule; and
- (b) to issue in respect of the adopted child a Certificate of Birth under this Act.

(3) For the purposes of paragraph (2)(a)--

- (a) where the precise date of the child's birth is not proved to the satisfaction of the Court, the Court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth;
- (b) where the name or surname which the child is to bear after the adoption differs from his original name or surname the new name or surname shall be specified in the order instead of the original; and
- (c) where the country of the birth of the child is not proved to the satisfaction of the Court, the particulars of that country may, notwithstanding subsection 25(2), be omitted from the order and from the entry in the Adopted Children Register.

(4) Where upon any application for an adoption order in respect of a child (not being a child who has previously been the subject of an adoption order) there is proved to the satisfaction of the Court the identity of the child with a child to which an entry in the Registers of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Registers of Births to be marked with the word "adopted".

(5) Where an adoption order is made in respect of a child who has previously been the subject of an adoption order, the order shall contain a direction to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word "readopted".

(6) Where an adoption order is quashed, or an appeal against an adoption order allowed, the Court which made the order shall give directions to the Registrar General to cancel any marking of an entry in the Registers of Births and any entry in the Adopted Children Register which was effected in pursuance of the order.

(7) *(Deleted by Act A1098).*

(8) A copy of any entry in the Registers of Births or the Adopted Children Register the marking of which is cancelled under this section shall be deemed to be an accurate copy if, and only if, both the marking and the

cancellation are omitted.

**(9)** The Court by which an adoption order has been made may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained in it; and where an adoption order is so amended the Registrar of the Court shall cause the amendment to be communicated to the Registrar General and any necessary correction of, or addition to, the Adopted Children Register shall be made accordingly.

**(10)** *(Deleted by Act A1098).*

**(11)** *(Deleted by Act A1098).*

**(12)** The Registrar General shall, in addition to the Adopted Children Register, keep such other registers, indexes and books and make such entries as may be necessary to record and make traceable the connection between any entry in the Register of Births which has been marked "Adopted" pursuant to this Act and any corresponding entry in the Adopted Children Register, but such registers, indexes and books shall not be open to public inspection or search, nor, except under an order of the Court, shall the said Registrar General furnish any person with any information contained in or with any copy or extract from any such registers, indexes or books.

**(13)** The Registrar of the Court shall cause every adoption order to be communicated in the prescribed manner to the Registrar General and on receipt of such communication the Registrar General shall cause compliance to be made with the directions contained in the order both in regard to marking any entry in the Register of Births with the word "adopted" or "readopted" and in regard to making the appropriate entry in the Adopted Children Register.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,.,/25a.Certificate of Birth

### **25a. Certificate of Birth**

**(1)** In respect of the Certificate of Birth referred to in paragraph 25(2)(b), every adoption order shall contain a direction--

- (a) to the Registrar General that the word "adopted", "adopter" or "adoptive" or any word to like effect shall not appear in the Certificate; and
- (b) to the natural or adoptive parent or parents, to surrender to the Registrar General the Certificate of Birth of the child issued under the Births and Deaths Registration Act 1957.

**(2)** Upon receipt of an adoption order, the Registrar General shall, subject to due compliance with paragraph (1)(b) and the payment by the adopter of the prescribed fee, issue a Certificate of Birth in respect of the child in the form in the Second Schedule.

**(3)** Where a certified copy of an entry in the Adopted Children Register had been issued in respect of a child adopted under this Act, the Registrar General shall issue a Certificate of Birth in respect of the child--

- (a) upon application being made by the adoptive parent or either of the adoptive parents, or in the event of the adoptive parent or both adoptive parents being dead, by the adopted child, for a Certificate of Birth; and
- (b) upon payment of the prescribed fee.

**(4)** Upon receipt of the Certificate of Birth under subsection(3), the adoptive parent or either of the adoptive parents, or in the event of the adoptive parent or both adoptive parents being dead, the adopted child, shall

cause the certified copy of an entry in the Adopted Children Register issued in respect of the adopted child to be surrendered to the Registrar General for cancellation.

**(5)** The Certificate of Birth issued under this Act pursuant to an adoption order shall replace the Certificate of Birth of the child issued under the Births and Deaths Registration Act 1957, and shall for all purposes be known as the Certificate of Birth of the child.

**(6)** Notwithstanding anything to the contrary in any written law, the Certificate of Birth under this Act, if given under the hand of the Registrar General or any person authorized by him, shall be received without further or other proof as evidence of the facts and particulars relating to the birth of the child in respect of whom the Certificate of Birth was issued.

**(7)** If the Certificate of Birth issued under this Act is lost, damaged or defaced, the adoptive parent or either of the adoptive parents, or in the case of the adoptive parent or both adoptive parents being dead, the adopted child, may apply to the Registrar General or any person authorized by him for a copy of the Certificate of Birth which, when issued, shall be marked with the word "Replacement".

**(8)** The Registrar General shall establish and maintain a register to be called the Register of Birth Certificates in which shall be made such entries pertaining to the issuance of a Certificate of Birth under this Act in respect of an adopted child.

**(9)** Any person may apply in the prescribed form to have a search made of the Register of Birth Certificates upon payment of the prescribed fee and to have the result of the search certified in the prescribed form.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/26.Restriction on advertisements

## **26. Restriction on advertisements**

**(1)** It shall not be lawful for any advertisement to be published indicating that--

- (a) the parent or guardian of a child is desirous of causing the child to be adopted;
- (b) a person is desirous of adopting a child; or
- (c) any person or body, other than the Director General of Social Welfare, is willing to make arrangements for the adoption of a child.

**(2)** Any person who causes to be published, or knowingly publishes, an advertisement in contravention of this section shall be guilty of an offence against this Act and shall be punishable with imprisonment for six months or a fine of two hundred and fifty ringgit or with both.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/27.Power of Director General of Social Welfare to delegate

## **27. Power of Director General of Social Welfare to delegate**

The Director General of Social Welfare shall have power to delegate his powers and duties under this Act to any person authorized by him in writing in that behalf.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/28.Rules

## **28. Rules**

Rules in regard to any matter, form or fee to be prescribed under this Act and directing the manner in which applications to the Court and appeals are to be made and dealing generally with all matters of procedure and incidental matters arising out of this Act and for carrying this Act into effect shall be made by the Rules Committee.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/29.Meaning of "child" in any written law relating to the distribution of intestate estates

### **29. Meaning of "child" in any written law relating to the distribution of intestate estates**

Notwithstanding the provisions of any written law relating to the distribution of intestate estates for the time being in force in any part of Malaysia to the contrary the expression "child" shall in any such written law include an adopted child.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/30.Repeal

### **30. Repeal**

The Adoption of Children Ordinance of the Straits Settlements [S.S. No. 18 of 1939] is repealed:

Provided that all registers and books maintained and kept under the said Ordinance shall be transferred to the Registrar-General and a certified copy of any entry in the Adopted Children Register established and maintained under the said Ordinance shall, if purporting to be given under the hand of the Registrar-General, be received in evidence as if it were a certified copy of an entry given under the provisions of this Act.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/31.Act not to apply to Muslims

### **31. Act not to apply to Muslims**

This Act shall not apply to any person who professes the religion of Islam either so as to permit the adoption of any child by such a person or so as to permit the adoption by any person of a child who according to the law of the religion of Islam is a Muslim.

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/First Schedule

### **First Schedule**

[ Subsection25(2)]

FORM OF ENTRY TO BE MADE IN ADOPTED CHILDREN REGISTER

1 No. of entry	2 Date and country of birth of child	3 Name and surname of child	4 Sex of child	5 Name and surname, address and occupation of adopter or adopter	6 Date of adoption order and description of Court by which made	7 Date of entry	Signature of officer deputed by Registrar-General to attest the entry
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Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257,,/Second Schedule

### Second Schedule

[ Subsection25a(2)]

JPN		
GOVERNMENT OF MALAYSIA		
BIRTH CERTIFICATE		
Registration Area		Registration Centre
CHILD		
Name		
Date and Time of Birth		Sex
Place of Birth		Citizenship Status
FATHER		
Name		
Identity Card Number	Age	Type of and Other Document No.
Status of Residence		Religion
MOTHER		
Name		
Identity Card Number	Age	Type of and Other Document No.
Status of Residence		Religion
Place of Residence		
Register No.: Date of Registration: Register of Birth Certificates No.: Reference No.: Serial No.:		It is certified that the above information is correct .....

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952  
ACT 257,,/LIST OF AMENDMENTS

### LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. 35/1953	Adoption (Amendment) Ordinance 1953	25-06-1953
Ord. 18/1956	Adoption (Amendment) Ordinance 1956	05-07-1956
L.N.75/1958	Notification under s. 3 of the Titles of Office Ordinance 1949	27-02-1958



Act 91	Courts of Judicature Act 1964	16-03-1964
P.U.(A)266/1972	Notification under s. 3 of the Titles of Office Ordinance 1949	01-09-1972
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U.(A)306/1982	Revision of Laws (Rectification of Adoption Act 1952) Order 1982	24-12-1981
Act A671	Subordinate Courts (Amendment) Act 1987	22-05-1987
Act A996	Interpretation (Amendment) Act 1997	24-07-1997
Act A1098	Adoption (Amendment) Act 2001	02-05-2001

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/LIST OF BILLS

#### LIST OF BILLS

Legislative Supplement	Citation
BA 671	SUBORDINATE COURTS (AMENDMENT) BILL 1987 (D.R. 2/1987)
BA 996	INTERPRETATION (AMENDMENT) BILL 1997 (D.R. 18/1997)
BA 1098	ADOPTION (AMENDMENT) BILL 2000 (D.R. 36/2000)

Unannotated Statutes of Malaysia - Principal Acts/ADOPTION ACT 1952 Act 257/ADOPTION ACT 1952 ACT 257,,/LIST OF SUBSIDIARY LEGISLATION

#### LIST OF SUBSIDIARY LEGISLATION

Legislative Supplement	Citation	In force from
LN 262/1953	ADOPTION RULES 1953	25-06-1953
LN 416/1955	ADOPTION RULES 1955	15-09-1955
LN 531/1954	ADOPTION (SEARCH FEES) RULES 1954	---
PUA 43/1988	ADOPTION (SEARCH FEES) (AMENDMENT) RULES 1988	---
PUA 255/1988	ADOPTION (AMENDMENT) RULES 1988	12-08-1988
PUA 256/1988	ADOPTION (AMENDMENT) (No. 2) RULES 1988	---