

LAWS OF GUYANA

ADOPTION OF CHILDREN ACT

CHAPTER 46:04

Act
18 of 2009
Amended by
10 of 2011

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 78 ...	1/2012

**Index
of
Subsidiary Legislation**

	Page
Adoption of Children Rules (R. 3/1957)	44
Adoption of Children Regulations (Reg. 20/1957)	66

**Note
on
Repeal**

This Act repeals the Adoption of Children Act.

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CHAPTER 46:04
ADOPTION OF CHILDREN ACT
ARRANGEMENT OF SECTIONS

SECTION

PART I
PRELIMINARY

1. Short title.
2. Interpretation.

PART II
CONSTITUTION AND ADMINISTRATION

3. Establishment of Adoption Board.
4. Application to the Agency.
5. Duties of Board.
6. Making arrangements for the adoption of children.
7. Appointment of agency as guardian *ad litem*.
8. Delivery of child to adopter.
9. Notice to be served on adopter if custody and care refused.
10. Provisions relating to temporary care and custody of the child.
11. Appeals by persons desirous of adopting a child.
12. Release of inmate of certain schools for purposes of adoption.

PART III
MAKING OF ADOPTION ORDERS

13. Power to grant adoption order.
14. Adoption by parents and spouse.
15. Joint application.
16. Who may be adopted.
17. Who may adopt.
18. Restrictions on making adoption orders.
19. Consent to adoption.
20. Court may dispense with consent.
21. Evidence of consent.

SECTION

22. Child not to be removed under certain circumstances.
23. Functions of Court as to matters to be satisfied prior to making final adoption order.
24. Interim order for custody.
25. Adoption order in respect of previously adopted children.
26. Jurisdiction and procedure.

**PART IV
EFFECTS OF ADOPTION ORDERS**

27. Rights and duties of adopters.
28. Adoption order by person married to natural parent.
29. Name of adopted child.
30. Application of laws of consanguinity.
31. Industrial Insurance, etc.
32. Intestacies and wills
33. Special provision as to adopted persons under wills and intestacies.
34. Provisions to existing *de facto* adoptions.
35. Confidentiality of adopt.

**PART V
REGISTRATION OF ADOPTIONS**

36. Adopted Children Register
37. Registration of adoption.
38. Amendment, rescission of orders and rectification of Register.
39. Restrictions upon advertisements
40. Revocation of adoption order.
41. Rights of child to know natural.
42. Retrospectively of adoption order.

**PART VI
MISCELLANEOUS**

43. Vested rights prior to adoption.
44. Offences.
45. Serving of Notice.
46. Appeals.
47. Rules and regulations.

SECTION

48. Power of the child and Protection Agency

**PART
REPEAL**

49. Repeal of Adoption of Children Act.

50. Savings.

SCHEDULE – Form of entry.

CHAPTER 46:04

ADOPTION OF CHILDREN ACT

18 of 2009

An Act to provide for the reform of laws for the adoption of children and related matters.

[No commencement date]

**PART I
PRELIMINARY**

Short title. 1. This Act may be cited as the Adoption of Children Act.

Interpretation. 2. In this Act–

“adopter” means a person who is proposing to adopt or who has adopted a child, whether in pursuance of an adoption order or otherwise;

“adoption order” means an order vesting parental rights and responsibilities relating to a child who is adopted, on the application by the adopter pursuant to this Act, by a Court and includes an order made under section 9 of the repealed Adoption of Children Act;

c. 46:07

“Agency” means the Childcare and Protection Agency established under section 3 of the Childcare and Protection Agency Act;

“child” except where used to express a relationship, means a person who has attained the age of eighteen years but does not include a person who is or has never been married;

“common law union” means the cohabitation for a continuous period of five years by a single man and a single woman;

“Court” means the High Court;

“father” in relation to a child born out of wedlock, means –

- (i) the man who has signed the birth register as father or who has been adjudged to be the father of the child by a Court of competent jurisdiction; or
- (ii) if there is no such man, the man who has treated the child as his and has been, in the opinion of the Court, making reasonable financial provision towards the maintenance of the child before he exercises or seeks to exercise in respect of that child any rights or functions of a father, and the expression “parent”, in so far as it relates to the father of the child, shall be construed accordingly;

c. 46:01

“guardian” in relation to a child means a person appointed by deed or will in accordance with any law including the Infancy Act, or by a Court of competent jurisdiction,

to be the guardian of the child;

“interim order” means an order that is made, by either the Adoption Board or the Court, temporarily or until the hearing and determination of the matter;

“Minister” under this Act means the Minister who has responsibility for matters related to Welfare of children;

“relative” in relation to a child means a grandparent, brother, sister, uncle, or aunt or cousin whether of the full blood, the half-blood or by affinity, and includes instances where an adoption order has been made in respect of any other person under this Act, and any person who would be a relative of the child in any of the aforesaid relationships if the adopted person were the natural child of the adopter;

“spouse” includes a single man and a single woman living together in a common law union for at least five years.

(2) In making a decision about the adoption of a child, a decision maker is to have regard to the following principles –

- (a) that the best interests of the child, both in childhood and in later life, shall be of paramount consideration;
- (b) that if the child is able to form his or her own views on a matter concerning the child’s adoption, the child shall be given an opportunity to express those views freely and those views are to be given due weight in the circumstances; and
- (c) that the child’s given name or names, identity, language and cultural and

religious ties should, as far as possible, be identified and preserved.

(3) In determining the best interests of the child, the decision maker shall have regard to the following –

- (a) any wishes expressed by the child;
- (b) the child's age, gender, maturity, level of understanding, background and family relationships and any other characteristics of the child that the decision maker thinks are relevant
- (c) the child's physical, emotional and educational needs, including the child's sense of personal, family and cultural identity;
- (d) any disability that the child has;
- (e) any wishes expressed by either or both of the parents of the child;
- (f) the relationship the child has with the child's parents and siblings (if any) and any other persons (including relatives) in relation to whom the decision maker considers the issue of adoption to be relevant;
- (g) the attitude of each adopter to the child and to the responsibilities of parenthood;
- (h) the nature of the relationship of the child with each adopter;
- (i) the suitability and capacity of each

adopter, or any other person, to provide for the needs of the child, including the emotional and intellectual needs of the child;

- (j) the need to protect the child from physical and psychological harm caused, or that may be caused, by being subjected or exposed to abuse, ill-treatment, violence or other behaviour, or being present while a third party is subjected or exposed to abuse, ill-treatment, violence or other behaviour;
- (k) the alternatives to the making of an adoption order, including residence and guardianship orders, and the likely effect on the child in both the short and longer term of changes in the child's circumstances caused by an adoption, so that adoption is determined among all alternative forms of care to best meet the needs of the child.

PART II CONSTITUTION AND ADMINISTRATION OF THE ADOPTION BOARD

Establishment
of Adoption
Board.
[10 of 2011]

3. (1) (a) For the purposes of this Act there shall be constituted a Board to be called the Adoption Board (hereinafter in this Act referred to as as "the Board") which shall consist of a Chairperson, a Deputy chairperson five other persons;

(b) The members of the Board shall include an attorney-at-law, a retired social worker who served in a senior capacity, and five other members, who shall have skills, training or experience in child development, sociology, social work or psychology.

(2) The Minister shall appoint all members of the board.

(3) Except for the Chairperson and the Deputy Chairperson who shall hold office for four years, a member of the Board shall hold office for three years from the date of appointment of the member, but shall be eligible for re-appointment once only.

(4) Where a vacancy occurs in the office of a member, whether by reason of death, resignation or other cause, the vacancy shall be filled by a person appointed by the Minister and the person so appointed shall hold office for the unexpired portion of the term of office of that person's predecessor and may be eligible for re-appointment to a subsequent Board.

(5) Where a member of the Board is unable to perform the functions of office of the member by reason of absence, illness or other cause which affects the functioning of the Board, the Minister may appoint a person to be a member of the Board, to act temporarily or permanently in the place of the member who is unable to discharge the functions of that office.

(6) At a meeting of the Board, three members including the chairperson or Deputy Chairperson shall form a quorum.

(7) The Board may from time to time co-opt technical personnel to provide advice to the Board.

(8) The Board shall regulate its procedure in accordance with regulations set out in the Adoption of Children Regulations.

(9) The Minister shall appoint a person who has knowledge and training in matters related to children's welfare to be Secretary and this person shall be an ex-officio member of the Board.

(10) The Board may appear and be represented at any stage of the proceedings in a Court by the agency or by any person generally or specially authorised by the Board.

(11) The life of the Board in existence at the commencement of this Act shall continue to the expiration of its term.

Application to
the Agency.
[10 of 2011

4. A person desirous of adopting a child shall first make an application to the Agency in the manner prescribed by the regulations made pursuant to this Act

Duties of
Board.

5. It shall be the duty of the Board—

- (a) to receive applications from parents, guardians and adopters in respect of the adoption of children;
- (b) to make such investigations concerning the adoption of a child for the consideration of the court;
- (c) to act as guardian *ad litem*, of any child in respect of whom an adoption order is sought under this Act.

(2) Notwithstanding subsection (1), a child who is the subject of the application may be separately represented.

(3) Notwithstanding anything under this act, the policy and decisions of the Board and matters not covered by this Act shall be, in accordance with section 4 of the Childcare and Protection Agency Act, under the general supervision and control of the Agency.

c. 46:07

Making
recoomenda-
tions for the
adoption of
children.

6. (1) The Board shall make recommendations to the Agency and the Agency shall make arrangements where necessary for the adoption of a child.

(2) A person shall not make or give to another person a payment or reward for or in consideration of—

- (a) the adoption by that person of a child;
- (b) the grant by that other person of any agreement or consent required in connection with the adoption of a child;
- (c) the transfer by that other person of the actual custody of a child with a view to the adoption of the child; or
- (d) the making by that other person of any arrangement for the adoption of a child.

(3) A person who makes or gives, or agrees or offers to make or give, a payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain such a payment or reward, commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for a period of one year and the Court may order a child in respect of whom the offence was committed to be removed to a place of safety, having regard to the best interests of the child.

Appointment

7. (1) The agency shall receive an application for

of agency as
guardian *ad*
litem.
[10 of 2011]

adoption and shall give its consent in writing if it deems to be desirable to act as guardian *ad litem*, and shall be guided in its decision by considering the best interests of the child.

(2) The Agency shall in particular investigate the matter and submit a report on the investigation to the Board and to the Court where necessary.

(3) The investigation shall determine the suitability of any applicant and take other considerations as the Board may be required to take into account in accordance with the prescribed regulations.

Delivery of
child to
adopter.
[10 of 2011]

8. (1) Where the Board is satisfied that the adopter may be entrusted with the care and possession of the child the Board shall so recommend to the Agency and the Agency may recommend to the Court that the child be placed in the custody and care of the adopter where the child is not already residing with the adopter.

(2) The Board shall not recommend to the Agency that a child be placed in the custody and care of the adopter if the board is satisfied –

- (a) that the adoption of the child by that person would not be in the best interests of the child; or
- (b) that the adopter being –
 - (i) a Guyanese resident outside Guyana
 - (ii) a former Guyanese national who has acquired, by registration or other voluntary and formal act (including marriage) the citizenship of another country; or
 - (iii) a non-Guyanese, has not

furnished the Board with requisite documentation as referred to in section 13(2)

(3) The Agency shall appoint one or more licensed social workers whose names shall on appointment be gazetted and whose duty shall be to keep children under close supervision in accordance with regulations made under this Act.

Notice to be served on adopter if custody and care is refused.

9. Where the Board for any reason decides that the child should not be placed in the custody and care of the adopter, the Board shall so indicate to the Agency and the Agency shall give notice in writing to the adopter of the Board's recommendations.

Provisions relating to temporary care and custody of a child.
[10 of 2011]

10. (1) Subject to subsection (3) where arrangements are made by the Agency for the adoption of a child, an adoption order in respect of the child shall not be made by the Court until the expiration of a period of three months from the date upon which the child is delivered into the custody and care of the adopter pursuant to the arrangements.

(2) If at any time during the period mentioned in subsection (1) –

- (a) the adopter gives notice in writing to the Agency of the adopter's intention not to adopt the child; or
- (b) the Board has reason to withdraw its recommendation made under section 8 (1) for any reason provided in section 8 (2), the following steps shall be taken –
 - (i) the Board shall indicate that recommendation to the

- Agency;
- (ii) the Agency shall make a decision as to the care and custody of the child;
 - (iii) in making its decisions, the Agency shall abide by the recommendations of the Board unless there are reasonable grounds not to do so;
 - (iv) where the decision taken is to abide by the recommendation, the Agency shall give notice in writing to the adopter of that decision; and
 - (v) where notice is so given, the adopter shall, within seven or less days of the date on which the notice was given as determined by the Agency, cause the child to be returned to the Agency.

(3) The Court may dispense with the period required for custody and care under section 10 (1) for good and sufficient reason.

(4) In considering good and sufficient reason the Court shall be satisfied that sufficient opportunities have been given to observe the child with the applicant, or, in the case of a joint application both applicants together in the home environment.

(5) If, at the expiration of the said period of three months a notice pursuant to subsection (2) has not been given, the adopter shall within three months from the date upon which that period so expired –

- (i) apply to the Court for an adoption order in respect of the

child;

- (ii) give notice in writing to the Agency of the adopter's intention not to apply for such an adoption order.

(6) Where the notice in subsection (5) (ii) is given or where an application for an adoption order in respect of the child is refused by the Court, the adopter shall within seven days of the date on which the notice is given or the date upon which the application is so refused, as the case may be, cause the child to be returned to the Agency.

(7) a person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year, and the court by which the offender is convicted shall order the child in respect of whom the offence is committed to be returned to the Agency.

Appeals by persons desirous of adopting a child.
[10 of 2011]

11. (1) Where an adopter receives notice pursuant to section 9 or section 10 (2) the adopter may appeal from the decision of the Agency to a Judge in Chambers.

(2) A decision of a Judge in Chambers may be appealed as provided in section 46.

Release of inmate of certain schools for purposes of adoption.
c. 10:03

12. (1) Where the child in respect of whom an adoption order is sought is an inmate of a correctional training school or of an institution named by the court under the Juvenile Offenders Act, the manager of the correctional training institution or the manager of the institution so named by the Court may, notwithstanding anything contained in section 23 of the Training Schools Act, or in section 18 of the Juvenile Offenders Act, as the case may be, sanction of the conditional release of the child from the school/institution for the purpose of the adoption process.

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PART III
MAKING OF ADOPTION ORDERS

Power to make adoption orders.

13. (1) Subject to section 10, the Court may upon an application made in the prescribed manner by—

- (a) a Guyanese national resident in Guyana;
- (b) a Guyanese national resident outside Guyana;
- (c) a former Guyanese national who has acquired by registration or other voluntary and formal act (including marriage) the citizenship of another country; or
- (d) a non-Guyanese;

make an adoption order authorising the applicant to adopt a child.

(2) Where the applicant is not domiciled in Guyana, the applicant shall, in addition to any other prescribed requirements, furnish the Agency with sufficient evidence, from an agency or body as may be prescribed, attesting to the suitability of the applicant to be entrusted with the care of a child.

- (3) (a) The evidence referred to in subsection (2) shall be in the form of a report.
- (b) The report shall provide detailed information on –
 - (i) the applicant's suitability and eligibility to adopt;
 - (ii) the applicant's background,

family and medical history and social environment;

- (iii) the applicant's ability to undertake an inter-country adoption; and
- (iv) the applicant's ability to provide suitable accommodation for the child.

(4) The registration of the Adoption Agency or body shall be confirmed by –

- (a) an authorised officer of the Guyanese diplomatic mission or Consulate or a Notary Public in the country or state, as the case may be, in which the applicant is resident;
- (b) such person, authority or agency as may be prescribed.

Adoption by parents and spouse.

14. An adoption order may be made authorising the adoption of a child by a parent of the child, either alone or jointly with the spouse of that parent where the spouse is not the natural parent of the child.

Joint application.

15. (1) An adoption order may be made on the application of two spouses authorising them jointly to adopt a child.

(2) An adoption order shall not be made on the application of one of two spouses, except with the consent of the other spouse in accordance with section 21 unless the Court is satisfied that –

- (a) the other spouse cannot be found;
- (b) the other spouse is incapable of giving

consent; or

- (c) the spouses have separated and are living apart, and the separation is likely to be permanent.

Who may be adopted.

16. Subject to the provisions of this act a person may adopt a child who –

- (a) is under the age of eighteen years;
- (b) has never been married; and
- (c) resides in Guyana.

Who may adopt.

17. (1) An adoption order shall be made in respect of a child unless the applicant has attained the age of eighteen years and is not older than sixty-five years and the age difference between the applicant and child is not more than fifty years or less than seventeen years.

(2) Subsection (1) shall not apply where an applicant is the mother or the father of the child.

(3) An adoption order shall not be made in respect of a child unless the applicant or in the case of a joint application, one of the applicants is at least eighteen years older than the child.

(4) The Court may dispense with age requirement in cases where the adoption formalises an existing relationship by a stepparent, a relative or under other special circumstances.

Restriction on making adoption orders.

18. (1) Except as provided by sections 14 and 15, an adoption order shall not be made authorising more than one person to adopt a child.

(2) An adoption order shall not be made in

respect of a child who is female in favour of a sole applicant, who is male, not being the father or guardian of the child, unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) An adoption order shall not be made in relation to a child of or over the age of twelve years unless with the child's consent; except that, where the Court is satisfied that the child is incapable of giving his or her consent to the making of the order it may dispense with that consent.

(4) A child twelve years of age or older shall be presumed to be of sufficient age and maturity to form a view as to whether or not the Court should make an order authorising his or her adoption.

(5) Notwithstanding the provisions of subsection (3), the Court shall not make an adoption order save in exceptional circumstances, in the case of a child who is below the age of twelve years, but who the Court considers to be of sufficient degree of maturity to form a view and who, after being counselled and duly informed of the effects of the adoption order and the effects of his or her consent to the adoption withholds his or her consent.

(6) Consent may be withdrawn at any time before an adoption order is made.

Consent to adoption.

19. Subject to section 20, an adoption order shall not be made, except with the consent of –

- (a) the parents of the child;
- (b) the man, if any, who is or has been married to the mother of the child if such child was born during the marriage or within three hundred days after the termination of the

marriage or a decree of judicial separation.

- (c) the father of a child born out of wedlock;
- (d) the guardian of the child if expressly authorised by a Court of competent jurisdiction to so consent;
- (e) every person who is liable by virtue of an order or agreement to maintain the child.

(2) the fact that a parent is under the age of eighteen does not affect competency to execute consent, but the parent must have had the advice of an attorney-at-law who is not representing the adopter, the Agency or the Board.

(3) The Minister shall provide facilities for a parent under the age of eighteen to obtain counselling and independent legal advice as required in subsection (2).

20. (1) The Court may dispense with the consent of a person required by section 19 if it is satisfied –

- (a) in the case of a parent or guardian of a child or the man, who is or has been married to the mother of the child if the child was born during the marriage or within three hundred days after the termination of the marriage or a decree of judicial separation, that the parent, guardian or man–
 - (i) cannot be found or is incapable of giving consent;
 - (ii) is withholding consent

Court may dispense with consent.
[10 of 2011]

- unreasonably;
 - (iii) has persistently failed without reasonable cause to discharge the parental duties in relation to the child;
 - (iv) has abandoned, neglected or persistently ill-treated the child; or
 - (v) has exposed the child to unnecessary risks;
- (b) in the case of a person liable by virtue of an order of Court or agreement to maintain the child, that the person has persistently neglected or refused to do contribute.

(2) In these instances the Court may request that a social worker make all relevant enquiries and report to the Court on findings in this respect and an appropriate advertisement may be ordered by the Court.

(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 such as religious persuasion in which the child is to be brought up, without knowing the identity of the applicant for the order; and where the consent is so given by any person is subsequently withdrawn on the ground only that the person does not know the identity of the applicant, the person's consent shall be deemed for the purposes of this section to be unreasonably withheld.

Evidence of consent.

21. (1) Where a person whose consent to the making of an adoption order is required by section 19 (1) does not attend the Court for the purpose of giving consent, then, subject to subsection (3), a document signifying that person's consent to the making of such an order –

- (a) if the adopter is named in the document; or
- (b) where the identity of the adopter is not known to the consenting party,

be admissible as evidence of that consent, whether the document is executed before or after the application to the Agency.

(2) A document referred to in subsection (1) shall be attested by a Justice of the Peace, Notary Public or Commissioner of Oaths to Affidavits.

(3) The document shall be admissible without further proof of the signature of the person by whom it is executed; and for the purposes of this subsection, a document purporting to be attested shall be deemed so attested, and to be executed and attested on the date and at the place specified therein, unless the contrary is proved.

(4) A document signifying the consent of a mother is ineffective for the purposes of section 19 (1) unless –

- (a) executed at least six weeks after the child's birth; and
- (b) the document is attested on that date by a Notary Public or Commissioner of Oaths to Affidavits.

Child not to be removed under certain circumstances.

22. (1) While an application for an adoption order in respect of the child is pending in any Court, a person whose consent is required under section 19, who has signified consent to the making of an adoption order in pursuance of an application is not entitled, except with the leave of the Court, to remove the child from the care and possession of the applicant.

(2) Where an adopter applies to the Agency to adopt a child who for the preceding five years has had his or her home with the adopter, no person is entitled, against the will of the adopter, to remove the child from the adopter's care and possession, except with the leave of the Court.

(3) In considering whether to grant or refuse leave, the Court shall have regard to the best interests of the child.

(4) A person who had custody and care of the child may apply to the Court for an order for the return of the child to person's care.

(5) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for a period of one year.

Functions of Court as to matters to be satisfied prior to making final adoption order.

23. The Court before making an adoption order shall be satisfied that –

- (a) every person whose consent is necessary under this Act and whose consent is not dispensed with, in accordance with section 20, fully understands the nature and effect of an adoption order;
- (b) a consenting parent understands that an adoption order will permanently deprive him of parental rights in relation to the child concerned;
- (c) a child understands that he shall be permanently deprived of his biological parents;
- (d) the religious denomination of the adopter and the child has considered;

- (e) an adopter has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the adopter, any payment or other reward in consideration of the adoption except such as the Court may sanction.

Interim order
for custody.

24. (1) An interim order shall not be made where the making of an adoption order would be unlawful by virtue of section 18(2) or (3).

- (2) (a) The Court may, upon an application for an adoption order, postpone the determination of the application and make an interim order giving custody of the child to the applicant for a period not exceeding two years by way of a probationary period upon the terms and conditions for the maintenance, education, supervision and welfare of the child and otherwise as the Court thinks fit.
- (b) Where the probationary period specified in an order under paragraph (a) is less than two years, the Court may by a further order extend the period to a duration not exceeding two years in all.
- (c) The Court may in this case dispense with the consent as is required for an adoption order.

Adoption order
in respect of
previously
adopted

25. (1) An adoption order may be made in respect of a child who has already been the subject of an adoption order and, upon an application for the further order, the adopter under the adoption order last made shall be considered to be

children. the parent of the child for the purposes of this Act.

(2) In the case of a child previously adopted, legal consequences of the former adoption order shall, on the making of the later adoption order, determine.

Jurisdiction and procedure.
[10 of 2011]

26. (1) An application for an adoption order may be made to a Judge in Chambers.

(2) For the purposes of an application for an adoption order, the Agency shall act as guardian *ad litem* of the child at the hearing of the application with the duty of safeguarding the interests of the child before the Court.

PART IV EFFECTS OF ADOPTION ORDERS

Rights and duties of adopters.

27. (1) An adoption order –

- (a) extinguishes the legal rights of the parent, guardian, or person in whose custody the adopted child has been and relieves that person from legal obligations and duties in respect of the child;
- (b) imposes upon the adopter, legal obligations and duties as if the adopter were the natural parent of the child from the date of the adoption order.

(2) Subject to section 29, a child who is the subject of an adoption order shall be treated in law –

- (a) where the adopters are married or live together in a common law union, as if that child had been born as a

natural child of the marriage or of the common law union, before or after the marriage was formalized or after the commencement of the common law union; and

- (b) where the adoption order is made in favour of the spouse of the child's natural parent, as if that child –
 - (i) had been born as a natural child of the union between the adopter and the natural parent to whom the adopter is married or living together in a common law union, where the child was in fact born before or after the marriage was formalized or after the commencement of the common law union; and
 - (ii) were not the child of any person other than the adopter and that the natural parent; and
- (c) in any other case, as if that child –
 - (i) had been born as a natural child of the adopter; and
 - (ii) were not the child of any person other than the adopter.

(3) 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 of 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 were a born child to the adopter, and in respect of the same matters and in respect of the liability of a child to maintain its parents the adopted child shall stand to the adopter exclusively in the position of a child born to the adopter.

Provided that in any case where two spouses are the adopters, such spouses shall in respect of the matters aforesaid 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 natural 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 natural father and mother respectively.

Adoption order
by person
married to
natural parent.

28. Where an adoption order is made in favour of a person who is married to a natural parent of the child who is the subject of the order, its making shall not operate to extinguish the parental responsibilities and parental rights which immediately before the making of the order were vested in the natural parent to whom the adopter is married.

Name of
adopted child.

29. (1) An adopted child may, unless otherwise ordered by the Court, use the surname of the adopter.

(2) Where an adopter is the spouse of a natural parent of the child, the child shall use such surname as the Court orders.

(3) In determining the surname an adopted child shall use, the Court shall consider the view of the child where the child is sufficient age and maturity and wishes to express a view on the matter and in the course of this determination regard shall be had for the right of the child to preserve the child's identity.

Application of

30. (1) For the purposes of the law relating to marriage

laws of
consanguinity.

or common law union, an adopter and the adopted child shall be deemed to be within the prohibited degrees of consanguinity and the provisions of this section shall continue to have effect notwithstanding that a person other than the adopter is authorised by a subsequent order to adopt the same child.

(2) The laws of consanguinity shall continue to apply in relation to an adopted child and his natural parents.

Industrial
Insurance, etc.
c. 36:04

31. (1) For the purposes of the Friendly Societies Act or any other Act which provides for money to be paid for funeral expenses and which restrict the persons to whom money may be paid on the death of a child under the age of ten years, an adopter shall be deemed to be the parent of the child who is authorised to receive the money.

(2) Where before the making of an adoption order in respect of a child, an insurance policy has been effected by the natural parent of the child, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter and the adopter shall, for the purposes of the said enactment, be treated as the person who took out the policy.

c. 27:08
c. 36:01

(3) A child adopted under this Act shall, upon the death of the adopter, be deemed for the purposes of the Dependents Pension Act and National Insurance and Social Security Act, to be the lawful child of the deceased adopter.

(4) Where an adoption order is made in respect of a child born out of wedlock, then, subject to this section, any affiliation order with respect to the child, and any agreement whereby the father of the child has undertaken to make payments specially for the benefit of the child, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order or agreement at the date of the adoption order.

(5) Where an adoption order is made in respect of a child committed to the care of a fit person or institution by an order in force under the Juvenile Offenders Act, the last mentioned order shall cease to have effect.

c. 10:03

Intestacies and wills

32. (1) Where, at any time after the making of an adoption order—

- (a) the adopter;
- (b) the adopted person; or
- (c) any other person, dies intestate in respect of movable or immovable property, that property shall devolve in all respects as if the adopted person were the biological child of the adopter and were not the biological child of any other person.

(2) In any disposition of movable or immovable property made, whether by instrument *inter vivos* or by will (including a codicil), after the date of an adoption order, a reference (whether express or implied) to —

- (a) the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person.
- (b) the child or children of the adopted person'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 person; and
- (c) a person related to the adopted

person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to the adopted person in that degree if the adopted person were the biological child of the adopter born in lawful wedlock and were not the biological child of any other person.

Special provisions as to adopted persons under wills and intestacies. c. 12:01 [10 of 2011]

33. (1) For the purposes of the application of the Deceased Persons Estates' Administration Act, to the devolution of any property in accordance with section 20(1) and (2) of that Act, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person being the child or adopted child or the adopter or (in the case of a joint adoption) of either of the adopters –

- (a) where he or she was adopted by two spouses jointly and that other person is the child or adopted child of both of them, as brother or sister of the whole blood;
- (b) in any other case, as brother or sister of the half-blood.

(2) (a) Notwithstanding anything in section 20(1) and (2) of the Deceased Persons Estates' Administration Act –

- (i) trustees or personal representatives may convey or distribute any movable or immovable property to or among the persons entitled thereto after ascertaining that an adoption order has been made by virtue of which a

person is or may be entitled to an interest therein;

- (ii) a trustee or personal representative shall not be liable to such a person of whose claims the trustee or personal representative has not had notice at the time of the conveyance or distribution.

- (b) Nothing in this subsection shall prejudice the right of such a person to follow the property, or a property representing it, into the hands of a person, other than a *bona fide* purchaser for value without notice, who may have received it.

(3) 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 section 20(1) and (2) of the Deceased Persons Estates' Administration Act in relation to the devolution of 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.

Provision to existing *de facto* adoptions.

34. Where at the commencement of this Act, a child is in the custody of, and being brought up, maintained and educated by a person as the person's own child under a *de facto* adoption, and has for a period of not less than two years been in such custody, and been so brought up, maintained and educated, the Court may, upon an application of that person, and notwithstanding the provisions of section 19 make an adoption order authorising that person to adopt the child without requiring the consent of any parent or guardian of the child to be obtained, upon being satisfied after inquiry by the Board that in all the circumstances of the case it is just and equitable and in the best interests of the child that no

such consent should be required and that an adoption order should be made.

Confidentiality
of adoption.

35. (1) The adoption order, the application, the documents filed and the record of proceedings in relation to the application shall be kept by the Court in a sealed packet, and papers in the custody of the Agency relating to the adopted child shall be kept in a sealed packet, and neither shall be opened except upon the direction of the Court.

(2) The adoption order, the application, the documents filed and the record of proceedings in relation to the application shall not be made public or disclosed except upon the direction of a Court.

PART V REGISTRATION OF ADOPTIONS

Adopted
Children
Register.

36. (1) The Registrar General of Births and Deaths shall establish and maintain at the general register office a register to be called the Adopted Children Register the contents of which shall be confidential as may be directed to be made therein by adoption orders, but no other entries.

(2) Where, upon an application for an adoption order, there is proved to the satisfaction of the Court –

- (a) the date of birth of the child; and
- (b) the identity of the child to which an entry in the Register of Births relates, an adoption order shall contain a direction to the Registrar General of Births and Deaths to mark the entry in the Register of Births with the word “Adopted”, and to include in the entry in the adoption register recording the adoption the date stated

in the order of the adopted child's birth.

(3) Subject to subsection 4(a) a person may not have the Adopted Children Register or an entry in it searched or obtain a certified extract from it except with the permission of the Court.

(4) (a) The Registrar General of Births and Deaths shall refer to the Adopted Children Register for the purpose of preparing a birth certificate requested by an adopted child or an adopter and the birth certificate shall be in the name given to the adopted child by the adoption order and shall not be distinguishable from any other birth certificate issued.

(b) the Registrar General of Births and Deaths shall make and keep an index of the Adopted Children Register and a person having permission pursuant to subsection (3) may have a certified copy of an entry in the Adopted Children Register subject to payment of the fees prescribed by regulations.

(5) A certified copy of an entry in the Adopted Children Register, sealed or stamped with the seal of the Registrar General of Births and Deaths, shall, without further or other proof of the entry, be sufficient proof of the contents therein.

Registration of
adoption.

Schedule.

37. (1) An adoption order shall contain a direction to the Registrar General of Births and Deaths to make in the Adopted Children Register an entry in the form set out in the Schedule and shall specify the particulars to be entered under the headings in columns (3) to (7) (inclusive) of the Schedule.

(2) For the purposes of compliance with the requirements of subsection (1) –

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

(3) Where an adoption order is made by a Court in respect of a child who has previously been the subject of an adoption order made by such a Court under this Act, the order shall contain a direction to the Registrar General of Births and Deaths to cause the previous entry in the Adopted Children Register to be marked with the word "Re-adopted".

(4) Where an adoption order is made, the Registrar of the Supreme Court shall cause the order to be served in the

prescribed manner, on the Registrar General of Births and Deaths, and upon receipt of the order the Registrar General of Births and Deaths shall comply with the directions contained in the order both in regard to marking any entry in the Register of Births with the word "Adopted" or "Re-adopted", and in regard to making the appropriate entry in the Adopted Children Register, as the case may be.

(5) This section applies to "adoption orders" made under the repealed Adoption of Children Act.

12 of 1955

Amendment
rescission of
orders and
rectification of
Register.
[10 of 2011]

38. (1) The Court by which an adoption order has been made may, on an application of the adopter or an adopted person, amend an adoption order by the correction of an error in the particulars named therein, and where an adoption order is so amended, the Registrar of the Supreme Court shall cause the amendment to be served in accordance with regulations on the Registrar General of Births and Deaths who shall amend the entry in the Adopted Children Register accordingly.

(2) A copy or extract of an entry from an Adopted Children Register shall not reproduce a note or marking related to an amendment made to that entry.

(3) Where an adoption order is quashed on appeal or rescinded, the Court shall give directions to the Registrar General of Births and Deaths to cancel any making of any entry in the Register of Births and any entry in the Adopted Children Register which was effected in pursuance of the order.

(4) A copy or extract of an entry from the Adopted Children Register shall not reproduce a note or marking related to cancellations made to that entry.

(5) This section applies to "adoption orders" made under the repealed Adoption of Children Act.

Restrictions

39. (1) A person other than the Agency shall not

upon advertise-
ments. publish an advertisement indicating –

- (a) that the parent or guardian of a child desires to cause the child to be adopted;
- (b) that a person desires to adopt a child; or
- (c) that any person (not being the Agency) is willing to make arrangements for the adoption of a child.

(2) A person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for six months.

Revocation of
adoption order.

40. (1) Where an adoption order is made otherwise than by an order made subsequent to an appeal, a Court may revoke the adoption order if unequivocal proof has been provided that the adoption was obtained on the basis of fraud.

(2) The Court may revoke an adoption order where it is in the best interests of the child to so do and with due consideration being given to the views of the child, where the adoptive parents –

- (a) evade the fulfilment of their parental duties;
- (b) neglect, fail or refuse to perform parental duties and responsibilities;
- (c) abuse their parental rights;

- (d) treat the adopted child with cruelty;
- (e) are satisfactorily proved to be chronic alcohol or drug addicts;
- (f) have been proven, by their conduct, to have acted in a manner that is seriously detrimental to the child; or
- (g) for any other serious cause that the Court may think justifies the making of such an order.

(3) An order revoking an adoption order pursuant to the provisions of subsections (1) and (2) above shall have the consequences of –

- (a) terminating the legal relationship between the child and the adoptive parents;
- (b) restoring the legal relationship with the child and the child's natural parents, should this be considered as being in the best interests of the child having taken into consideration the child's view on the matter.

(4) An order revoking an adoption shall also state the name the child shall use subsequent to such revocation, give directions on the birth certificate to be used by the child in the circumstances, and deal with any other matter that the Court considers just and necessary.

Rights of child to know natural parents.

41. An adopted child may request to know his or her natural parents, and an adoptive parent shall take action to encourage an encounter or relationship between the adopted child and the natural parent or parents.

Retrospective

42. An adoption order shall only be given

effect of adoption order. retrospective effect in cases where there has been substantial administrative delay in processing the adoption application.

PART VI MISCELLANEOUS

Vested rights prior to adoption. **43.** Where the property was vested in an adopted child prior to the adopted child's adoption that property shall not be affected by the adoption.

Offences. **44.** Proceedings for an offence under this Act shall be taken by the Agency.

Serving of notices. **45.** A notice under this Act shall be served by prepaid registered post.

Appeals. **46.** Appeals of orders of Court made under this Act shall lie to the Court of Appeal.

Rules and regulations. **47.** (1) Rules in regard to a matter to be prescribed under this Act and dealing generally with all matters of procedure and incidental matters arising out of this Act or for carrying this Act in effect shall be made by the Minister.

(2) The Minister may make regulations subject to the negative resolution of the National Assembly –

(a) for regulating the conduct of negotiations entered into, by or on behalf of the Agency with persons having the care and possession of children who are desirous of causing children to be adopted, and in particular for securing –

(i) that, where the parent or guardian of a child places the

- child at the disposition of the Agency with a view to the child being adopted, the Agency shall furnish the parent or guardian with a memorandum in ordinary language explaining the making of an adoption order, the effect, in relation to his or her rights as a parent or guardian, of the child, and calling attention to this Act and of any rules made hereunder relating to the consent of a parent or guardian to the making of an order; and
- (ii) that, before so placing the child at the disposition of the Agency, the parent or guardian shall sign a document in the prescribed form verifying that the parent guardian read and understood the said memorandum or has had the contents of the memorandum read to him or her and the parent or guardian has likewise understood the contents;
- (b) for requiring that the case of every child proposed to be delivered by or on behalf of the Agency into the care and possession of an adopter shall be considered by a committee (to be called a "case committee") comprised of not less than three members of the Agency;
- (c) for prescribing, in the case of every such child as aforesaid, the inquiries

which must be obtained by the Agency and Board in relation to the child and the adopter for the purpose of ensuring, so far as may be, the suitability of the child and the adopter respectively, and, in particular, for requiring that a report on the health of the child and prospective adopter signed by a duly qualified medical practitioner must be obtained by the Board;

- (d) for securing that no such child shall be delivered into the care and possession of an adopter by or on behalf of the Agency until the adopter has been interviewed by the case committee or by some person on their behalf, until a representative of the committee has inspected any premises in Guyana in which the adopter intends that the child should reside permanently, and until the committee has considered the prescribed reports;
- (e) for making provision for the care and supervision of children who have been placed by their parents or guardians at the disposition of the Agency; and
- (f) generally for carrying out the purposes of this Act.

(3) In any regulation under this section, the Minister may prescribe for an offence a penalty not exceeding a fine of two hundred thousand dollars and imprisonment for six months.

Powers of the
Childcare and
Protection
Agency.

48. Every administrative authority exercising any function under this Act shall be under the supervision and control of the Childcare and Protection Agency established by section 3 of the Childcare and Protection Agency Act.

PART VII
REPEAL

49. Omitted.

Savings.
12 of 1955

50. The Adoption of Children Rules made under the repealed Adoption of Children Act, still continue in and may be amended or revoked by this Act as if they were made under this Act.

s. 37

SCHEDULE

FORM OF ENTRY

No. of entry	(1)	
Date of Entry	(2)	
Name of adopted child	(3)	
Sex of adopted child	(4)	
Name and surname address and occupation of adopter or adopters	(5)	
Date and country of birth of child	(6)	
Date of adoption order and description of Court by which made	(7)	
Signature of officer deputy Registrar General to attest the entry	(8)	

SUBSIDIARY LEGISLATION

R. 3/1957

ADOPTION OF CHILDREN RULES

made under section 16 (2)

Citation.

1. These Rules may be cited as the Adoption of Children Rules.

Interpretation.

2. In these Rules—

"applicant" means the person or persons making an application for an adoption order under the Act;

"Board" means the Adoption Board constituted under section 3 of the Act;

"court" has the same meaning as in section 2 of the Act ;

"Form" means Form in the Schedule;

"the Registrar" means the registrar of the Supreme Court.

Commence-
ment of
proceedings.

3. (1) Every application for an adoption order shall be made either on originating summons to the High Court or by summons to a court of summary jurisdiction for the place where either the applicant or the child resides at the date of the application, and shall be intituled in the matter of the Infant and in the matter of the Act and there shall be presented to the court a written statement in duplicate according to Form A, accompanied by a statement of particulars according to Form B and written consents

according to Form D.

(2) Except in a case where the applicant has made a previous application to a court in respect of the same child, or the court specially requires the attendance of the applicant, the attendance in person of the applicant shall not be necessary for the purpose of lodging the aforesaid statement and documents.

(3) The Board shall lodge in the court on every application for an adoption order the certificate of the parent or guardian of the child referred to in regulation 4 of the Adoption of Children Regulations, and a statement with respect to the identity of the child in Form C.

Previous
application.

4. If it appears to the court that the applicant has made a previous application under the Act in respect of the same child, the court shall not entertain the application unless satisfied that the previous application was made to a court of summary jurisdiction and that there has been a substantial change in the circumstances.

Procedure
upon
application.

5. (1) Upon an application being made to the court the court shall appoint the Board to be guardian *ad litem* of the child in respect of whom the application is made.

(2) The following persons shall be made respondents, namely, the child in respect of whom the application is made, every person or body who is a parent or guardian of the child or has the actual custody of the child or 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.

(3) The court shall fix a time for the hearing of the application and shall issue a notice according to Form E addressed to the respondents and shall direct the applicant or, if the applicant so desires, the Board to cause such notice

to be served on each of them:

Provided that where the child is in 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 these Rules shall be served upon any respondent to whom it is addressed either by delivering a copy to him personally or by leaving a copy with some person for him at his last known or usual place of abode, or by sending a copy by registered post to him at his last known or usual place of abode, whether such place of abode is in Guyana or elsewhere:

Provided that where the respondent is a body the copy shall be sent to the registered office of that body, or if there is no registered office, to the place where the body transacts or carries on its business.

Hearing in camera.

6. Every application under the Act shall be made, heard and determined *in camera*.

Attendance of parties, written consents and dispensation.

7. (1) Subject to this rule, an adoption order or an interim order shall not be made except after the personal attendance before the court of the applicant and the parent or guardian of the child; notwithstanding in the case of the parent or guardian, that written consent has been obtained or that the court is asked to dispense with consent.

(2) The court may waive the requirement under paragraph (1) —

- (a) in the case of the child, if satisfied by a report from the Board 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 person, if satisfied that he cannot be found or is incapable of giving consent or that in view of any other special circumstances it is right that this requirement should be waived.

(3) In any case where the court dispenses with the personal attendance of any person the written consent of that person verified by a declaration purporting to be made before and signed by a justice of the peace or commissioner of 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 spouse if his or her application be verified by a declaration made before and signed by a justice of the peace or commissioner of oaths.

Separate
hearing of
parties.

8. Subject to this rule and rules 7(4) and 12(3)(b), 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 —

- (a) the court is satisfied that the giving of the direction is desirable and will not prejudice the determination of any question involved; and
- (b) the consent of the applicant or respondent to whom it is proposed that the direction shall be given and all other parties to the application is first obtained.

Notice on
adjournment.

9. On any adjournment of the hearing, the court may issue to any respondent not in attendance a notice of the time and place to which the hearing is adjourned and may direct the applicant or if the applicant so desires the Board to cause it to be served.

Refusal to
make an order.

10. If owing to special circumstances an application appears to a court of summary jurisdiction to be more fit to be dealt with by the High Court, such court may, on the grounds expressly, refuse to make an order.

Adoption or
interim order.

11. (1) An adoption order or an interim order shall be drawn up in Form F or Form G, as the case may require.

(2) No copy or duplicate of such order shall be given to or served upon any person other than the applicant and the Registrar or clerk of court of summary jurisdiction as the case may be, except by special direction of the court.

(3) An interim order shall include such provision for the maintenance and education of the child and such terms as regards the exercise of supervision by the Board or otherwise as the court may think fit.

Proceedings
after interim
order.

12. (1) 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 order apply to the court which made the interim order to proceed with the determination of the application and it shall thereupon be lawful for the court to fix a time for the further hearing of the application and to issue a notice in Form H, addressed to the respondents and to direct the applicant or if the applicant so desires the Board to cause such notice to be served on each of them:

Provided that where the child is in the actual custody of

[Subsidiary]

Adoption of Children Rules

the applicant the notice need not be served on the child.

(2) Subject to this rule, where the applicant so applies, an adoption order shall not be made unless the applicant, the child and a representative of the Board have attended the further hearing.

(3) (a) The court may waive the requirement under paragraph (2) in the case of the child if satisfied by a report from the Board that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the court.

(b) In the case of a joint application the court may, if it thinks fit, dispense with the personal attendance of one spouse, 'if his or her application be verified by a declaration purporting to be made before and signed by a justice of the peace.

Costs.

13. On the making of an interim order or on the determination of the application the court may make such an 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 thereof as the court thinks proper, and such costs or expenses shall be recoverable summarily as a civil debt.

Proceedings
after adoption
order.

14. (1) Upon the making of an adoption order, the Registrar or the clerk of the court as the case may be shall within seven days from the date thereof send a duplicate or a certified copy of the order to the Registrar General and shall also, subject to the payment by the applicant of any fee required by law, deliver or send a duplicate or certified copy

to the applicant.

(2) The duplicate or certified copy, if sent by post, shall be sent by registered post.

Rules
applicable.

15. Subject to the foregoing rules, the Rules of the High Court shall apply in respect of all proceedings under the Act in the High Court and the Summary Jurisdiction Acts and Rules shall apply in respect of all proceedings under the Act in a court of summary jurisdiction as if the application were a complaint and the respondent were defendants and the notice under rule 5 were a summons.

APPEALS

Statement of
reasons.

16. The Board shall, if so required by any person entitled under the Act to appeal (hereinafter called an "appellant") deliver to him and file in its proceedings a statement of the reasons for its decision or order under section 7 of the Act.

Procedure on
appeal.

17. An appellant who desires to appeal against a decision of the Board shall, within fourteen days after the receipt by him of the notification of the Board's decision, file with the Registrar a notice in writing to that effect in Form I (hereinafter called a notice of appeal) stating therein the grounds of his appeal, and his address for service, and stating also the names and addresses of the persons intended to be served (in these Rules called "the respondents"). The appellant shall also leave with the Registrar as many copies for service as there are respondents.

Notice of
appeal.

18. In every notice of appeal, the persons referred to in rule 5(2) (except the appellant) shall be named as respondents and shall be served with a copy of the said notice.

[Subsidiary]

Adoption of Children Rules

Filing of notice
of appeal.

19. On the filing of a notice of appeal, the Registrar shall—

- (a) enter the appeal in the books of the court and fix a day for hearing of the appeal by a judge in Chambers, and
- (b) serve on the appellant and on each of the respondents a notice in Form J hereto by delivering at or posting the same to them at the address contained in the request.

Transmission
of Board's
decision and
other relevant
documents to
Registrar.
Reg.20/1957
below

20. At the time of serving the notice of appeal, or as soon thereafter as possible, the Registrar shall request the Board to furnish him with despatch the reasons for the Board's decision and to transmit at the same time to the Registrar all the relevant reports and correspondence, and the answers to the enquiries on the matters set out in the Second Schedule to the Adoption of Children Regulations, and other information on which the Board based its decision, or copies thereof and an appellant, should he desire to do so, may obtain copies of the same from the Registrar on payment of the fees prescribed by the Rules of the High Court for office copies of documents in the Registry.

SCHEDULE

r. 3(1)

FORM A
APPLICATION FOR AN ADOPTION ORDER IN
RESPECT OF A CHILD NAMED
KNOWN TO THE ADOPTION BOARD AS CASE
No.....

I (or We), the undersigned
resident at
hereby state:

c. 46:04

1. I am (or We are) desirous of being authorised under
the Adoption of Children act to adopt
a child of the sex, resident at
in Guyana, hereinafter called "the child."

*2 The child was on the date of coming into force of
the said Act in my (or our) custody and was being brought
up, maintained and educated by me (or us) as my (or our)
child under a *de facto* adoption and had been in my (or our)
custody before that date, to wit, from and after the day of
, 20 .

3. The child has been in my (or our) care and has been
brought up, maintained and educated by me (or us) since

4. We are married to each other;
(or I am unmarried)
(or I am married to
whose written consent to the making of the order
is appended hereto).

5. I am (or We are) domiciled in Guyana.

* Delete except in case of *de facto* adoption.

[Subsidiary]

Adoption of Children Rules

6. I (or We) have not received or agreed to receive, and no person has made or given or agreed to make or give to me (or us), any payment or other reward in consideration of the adoption (except as follows):

7. I (or We) have made no previous application under the said Act in respect of the child to any court other than the application made to the

Court at _____ on the _____ day of _____ 20____, which was dealt with as follows, viz:

8. The particulars furnished in this application and in the attached form are true and complete and I am a (or we are) fit and proper person(s) to maintain and bring up the child suitably.

In witness whereof I (or We) have signed this statement on the day of _____ 20____

.....
.....
.....

Signature of Applicant(s)
(giving full forenames).

*Delete except in the case of *de facto* adoption.

r. 3(1)

**FORM B
PARTICULARS TO BE FURNISHED WITH
APPLICATION FOR ADOPTION ORDER**

Name in full
Address
Occupation.....
Date of Birth.....Age last Birthday
Relationship (if any) to the child

These particulars are to be furnished by both male and female applicant, if the application is being made by two spouses.

r. 3(3)

FORM C
STATEMENT TO BE LODGED IN COURT BY THE
BOARD ON EVERY APPLICATION FOR AN ADOPTION
ORDER

Statement by the Adoption Board of the identity of the child now named _____ known to the Adoption Board as Case No. _____
 To the _____ Court:

1. I, _____, being a member of the Adoption Board hereby certify that the child above-named Adoption Board Case No. _____ is the child formerly known as _____

2. The father of the child is _____ now resident at _____, whose written consent to the making of an adoption order is appended hereto; and the mother of the child is _____ now resident at _____, whose written consent to the making of the adoption order is appended hereto.

3. The child was born on the _____ day of _____ 20____, and is identical with the child to whom the attached certified copy of an entry in the Register of Births relates.

4. The child is a Commonwealth citizen and has never been married.

[Subsidiary]

Adoption of Children Rules

*5. The guardian(s) of the child is (or are)
,of
whose written consent(s) to the making of an adoption order
is (or are) appended hereto.

*6. The child is in the actual custody of
,of
whose written consent to the making of an adoption order is
appended hereto.

*7.
, of
is (or are) liable to contribute to the support of the child and
his (or their) written consent(s) to the making of an adoption
order is (or are) appended hereto.

.....
(Signature of Member of Adoption Board)

Dated

* Delete whichever is not applicable

r. 3(1)

FORM D
CONSENT OF PARENT OR GUARDIAN OF CHILD

Consent to an Adoption Order in respect of a child
formerly named
and known to the Adoption Board as Case No

An application toCourt
being made for an order authorising the adoption, under the
Adoption of Children Act of the said child.

c. 46:04

I (We) the undersigned

* Delete whichever is not applicable.

of _____, being—

- *(a) the father of the child
- (b) the mother of the child
- (c) a guardian of the child
- (d) a person (acting on behalf of a body) having the actual custody of the child
- (e) a person (acting on behalf of a body) being liable to contribute to the support of the child
- (f) the spouse of the applicant,

hereby state(s) that I (we) understand the nature and effect of the adoption order for which application is made (and that in particular I (we) understand that the effect of the order will be permanently to deprive me (us) of my (our) parental rights) and I (we) hereby consent to the making of an adoption order in favour of the applicant.

In witness whereof I (we) have signed this consent on the day of _____, 20

.....
(Signature)

.....
(Address)

.....
(Description)

.....
(Signature)

* Delete all but one of these descriptions, except in the case of father and mother consenting jointly.

[Subsidiary]

Adoption of Children Rules

.....
(Address)

.....
(Description)

Signed in the presence of:

r. 5 (3)

FORM E

NOTICE OF AN APPLICATION FOR AN ADOPTION ORDER OF A CHILD NAMED (a) (FORMERLY (b) ,) KNOWN TO THE ADOPTION BOARD AS CASE No.....

In the.....Court.
To.....
of.....
and.....
of....., etc.

TAKE NOTICE:

c. 46:04

(1) That an application has been made by (c).....for an order under the Adoption of Children Act authorising him to adopt the said child, being a child of the..... sex aged..... years, resident at.....

(2) That the said application will be heard before the..... Court sitting aton the..... day of 20..... at the hour of in the.....noon and that you are severally required to attend before the Court (and in the case of to produce the said child before the Court)

Dated the day of, 20.....

.....	}	(as the case may be)
Registrar		
Magistrate		

NOTES :-

- (a) Insert name or names by which the child is to be known.
- (b) Delete where there is no change of name. Where there is change of name insert former name, including surname.
- (c) Where the application is made by two spouses jointly the form should be modified.

r. 11(1)

FORM F

**ADOPTION ORDER IN RESPECT OF A CHILD NAMED
(a) (FORMERLY (b))**

Before the Court sitting atthe day of, 20.....

Application has been made by (hereinafter called the male applicant) a person not under the age of 25 years, by occupation..... resident at, in Guyana and domiciled in Guyana (and by, his wife (hereinafter called the female applicant) being the mother of the child or a person not under the age of 25 years) that he (or she) is (they are) desirous of being authorised under the Adoption of Children Act to adopt (c)....., a child of the sex, age..... years, resident

[Subsidiary]

Adoption of Children Rules

at..... in Guyana, a Commonwealth citizen who has never been married, the child of (and of his wife) (herein called the child):

And the male (and female) applicant(s) being respectively not less than 21 years older than the child;

(And the male (and female) applicant(s) and the child being within the prohibited degree of consanguinity.

(And the male applicant being the putative father of the child) (And the female applicant being the mother of the child);

And all the consents required by the Act having been obtained or dispensed with;

It is adjudged that the statements made in the application are true;

(And the following payment or reward is sanctioned, namely:

And it is ordered that the applicant(s) be authorised to adopt the child;

(And as regards costs it is ordered that);

(d) And it is directed that the Registrar general shall make an entry recording this adoption in the Adoption Children Register in accordance with the particulars set out in the Schedule hereto (and shall enter the date of birth of the child in column 6 of the said register..... day of..... 20.....).

(e) And it having been proved to the satisfaction of the Court that the child was born on the date last mentioned and is identical with, to whom an entry numbered.....and made on the

..... day of 20.... , in the Register of Births for the Registrar's district of relates, it is further directed that the Registrar General, in addition to making in the Adopted Children Register the entry of the date of birth directed above, shall cause the aforesaid entry in the Register of Births to be marked with the word "Adopted".

Dated theday of..... 20....

THE SCHEDULE TO FORM F

Date of birth of child (Insert if the date of birth has been established to the satisfaction of the Court but not otherwise) and country of birth of child	Forename and Surname of adopted child	Sex of adopted child	Forename and Surname, address and occupation of adopter or adopters	Date of adoption order and description of Court by which made.

NOTES

- (a) Insert name or names, including surname, by which the child is to be known.
- (b) Delete where there is no change of name. Where there is change of name, insert former name including surname.
- (c) Insert forename or forenames by which the child is to be known. The surname should

[Subsidiary]

Adoption of Children Rules

not be stated here.

- (d) Delete () unless the date of birth has been established to the satisfaction of the Court whether by an entry in the Register of Births or otherwise.
- (e) Where no entry relating to the child is found in the Register of Births this paragraph should be deleted.

An adoption order, or copy sent to the Registrar General is required to be drawn up on paper of foolscap folio size, thirteen inches by eight inches, and to have a margin, to be left blank, not less than one inch wide on the left side of the face of the order, and a similar margin on the right side of the reverse if any.

r. 11 (1)

FORM G
INTERIM ORDER IN RESPECT OF A CHILD NAMED (a)
FORMERLY (b))

Before the.....Court sitting at....., the..... day of.....,20.....

Application has been made by (hereinafter called the male applicant) a person not under the age of 25 years, by occupation resident at, in Guyana and domiciled in Guyana (and byhis wife) (hereinafter called the female applicant) being the mother of the child or a person not under the age of 25 years) that he (or she) is (or they are) desirous of being authorised under the Adoption of Children Act to adopt (c), a child of the.....sex, aged years, resident at, in

Guyana, a Commonwealth citizen who has never been married, the child of (and of,..... his wife) (herein called the child):

And the male (and female) applicant(s) being (respectively) not less than 21 years older than the child;

And the male (and female) applicant(s) and the child being within the prohibited degrees of consanguinity;

(And the male applicant being the putative father of the child);

(And the female applicant being the mother of the child);

And all the consents required by the Act having been obtained or dispensed with;

It is adjudged that the statements made in the application are true;

And the determination of the application is postponed and it is ordered that the custody of the child be given to the applicant(s) for a period not exceeding two years, viz., until the..... day of.....,20...., by way of a probationary period upon the following terms, namely,

(And as regards costs it is ordered that for a determination of the application.

(And as regards costs it is ordered that

Dated the day of....., 20....

.....	}	(as the case may be)
Registrar		
Magistrate		

NOTES :-

- (a) Insert the name or names, including surname, by which the child is to be known.
- (b) Delete where there is no change of name. Where there is change of name, insert former name including surname.
- (c) Insert forename or forenames by which the child is to be known. The surname should not be stated here.

r. 12 (1)

FORM H

**NOTICE OF FURTHER HEARING OF AN APPLICATION
FOR AN ADOPTION ORDER IN RESPECT OF A CHILD
NAMED (a) (FORMERLY (b))**

Before the.....Court Sitting
at.....,the day of
....., 20.....

To
of
and
of
, etc.

TAKE NOTICE:

- (a) That an application was made by (c).....for an order under the Adoption of Children Act authorising him to adopt the said child, being a child of thesex,..... then aged years.

c. 46:04

- (b) That the determination of the said application was postponed and an interim order was made by the Court sitting at..... on theday of, 20....
- (c) That the said application will be further heard before the..... Court sitting aton theday of.....20.... and that it is open to you to attend before the Court.

Dated the.....day of, 20....

.....
Magistrate

.....
Registrar }
Magistrate } (as the
case
may
be)

NOTES :—

- (a) Insert name or names, including surname by which the child is to be known.
- (b) Delete where there is no change of name. Where there is change of name, insert former name, including surname.
- (c) Where the application was made by two spouses jointly the form should be modified.

r. 17

**FORM I
NOTICE OF APPEAL**

**IN THE MATTER OF THE APPEAL OF (AN ADOPTER OR
PARENT OR GUARDIAN AS THE CASE MAY BE)
AGAINST A DECISION OF THE ADOPTION BOARD
AND
IN THE MATTER OF THE ADOPTION OF CHILDREN
ACT**

I, being aggrieved at the decision of the Board dated the.....day of 20..., that the adoption of....., a male/female child by would not be in the best interest of the child, do hereby appeal against such decision on the following grounds:

(Here set out reasons for appeal) I request you to enter my appeal for hearing. The name and address of the respondent are:

My address for service is

Dated this day of.....,20.....

(Signed).....
Appellant

To:
(Name and address of Respondent)

r. 19(b)

FORM J

IN THE MATTER OF THE APPEAL OF (AN ADOPTER OR PARENT OR GUARDIAN AS THE CASE MAY BE) AGAINST A DECISION OF THE ADOPTION BOARD AND IN THE MATTER OF THE ADOPTION OF CHILDREN ACT,

TAKE NOTICE that the appeal in this matter from the decision of the Adoption Board dated theday of20....., will be heard by a Judge in Chambers on the day of..... 20.....,at the hour of.....in the forenoon, and that if you do not attend at the time and place abovementioned, such order will be made as the Judge thinks fit.

Dated this..... day of....., 20.....

Registrar.

Reg. 20/1957

ADOPTION OF CHILDREN REGULATIONS

made under section 32

Citation.

1. These Regulations may be cited as the Adoption of Children. Regulations.

Interpretation.

2. In these Regulations—

“the Board” means the Adoption Board constituted under

[Subsidiary]

Adoption of Children Regulations

section 3 of the Act;

“case committee” means the committee referred to in section 32(1) (b) of the Act;

“medical practitioner” means a person registered to practise medicine and surgery under the Medical Service Act.

c. 134
1953 Ed.

Application to
the Board.

3. Every person desirous of adopting a child shall first make application to the Board according to Form A in the First Schedule and submit with such application the certificate of a medical practitioner according to Form B in the said Schedule as to the physical and mental health of such person.

Explanatory
memorandum.
Certificate of
agreement to
be signed by
parent or
guardian.

4. The Board shall furnish the parent or guardian of the child with a memorandum according to Form C in the First Schedule and shall not proceed further with any negotiations or arrangements for the adoption of the child unless the parent or guardian has signed and delivered to the Board a certificate (which the Board shall retain) according to Form D in the said Schedule to the effect that he has read and understood the memorandum and agrees to the terms of the last paragraph thereof.

Board to make
enquiries and to
obtain reports.

5. The Board shall make enquiries and obtain reports on the matters set out in the Second Schedule hereto and generally on all to obtain matters appertaining to the welfare of the child, and the report on the health of the child shall be signed by a medical practitioner. The case shall be considered by a case committee appointed by the Board for the purpose and consisting of not less than three members of the Board.

Delivery of
child to
adopter.

6. No child shall be delivered by the Board into the care and possession of an adopter until —

(a) the adopter has been interviewed, and

any premises in Guyana in which the adopter intends that the child should reside permanently have been inspected, by the case committee or by some person on their behalf;

- (b) the case committee have considered the reports required by regulation 5.

Visits by Board's representative.

7. At least once during the first month, and thereafter at least once in every two months, of the probationary period of six months prescribed by section 6 of the Act, or, where an interim order has been made under section 14 of the Act, of the period of such order a representative of the Board shall visit the child and also visit or otherwise make contact with the parents or guardian of the child and shall report upon the case and the result of such visits and contact to the case committee. If the case committee so recommend the Board shall immediately remove the child from the care and possession of the adopter.

FIRST SCHEDULE

FORM A

THE ADOPTION OF CHILDREN ACT
APPLICATION TO BOARD

reg. 3

I (or We) the undersigned desire to make application to the Adoption Board in respect of a

*Male

or child, approximately aged

Female

or the child named

now residing at

I (or We) hereby undertake that the particulars given below are true to the best of my (our) knowledge and belief.

- 1. Name(s)
- 2. Address(es)
- 3. Country of domicile
- 4. Date(s) of birth
- 5. Religion
- 6. Names and addresses of two responsible persons able to vouch the character of the adopter(s)
.....
.....
.....

* Delete words which do not apply.

reg. 3

FORM B
THE ADOPTION OF CHILDREN ACT
MEDICAL PARTICULARS

(To be completed by a duly qualified medical practitioner)

- 1. Name
- 2. Address.....
- 3. Is there evidence of infectious disease liable to be contracted by the child?
.....
- 4. Does applicant suffer from fits?

.....

5. In your opinion is the condition of the applicant's physical or mental health such that he/she should be able to undertake the responsibility and perform the duties of a parent in the event of an adoption order being granted.....

Signed.....

Qualification.....

Address.....

Date

(To be completed in respect of wife when application is made in the name of two spouses)

1. Name

2. Address.....

3. If there evidence of infectious disease liable to be contracted by the child ?.....

4. Is there evidence of neurosis or allied illness?.....

5. Does applicant suffer from fits?

6. In your opinion is the condition of the applicant's physical or mental health such that he/she should be able to undertake the responsibility and perform the duties of a parent in the event of an

[Subsidiary]

Adoption of Children Regulations

adoption order being granted
?.....

Signed

Qualification

Address

Date

reg. 4

FORM C
THE ADOPTION OF CHILDREN ACT
EXPLANATORY MEMORANDUM

(To be furnished by the Board to a parent or guardian proposing to place a child at the disposition of the Board with a view to the child being adopted)

1. If the court makes an adoption order in respect of your child all your rights and duties with regard to the child will be transferred permanently to the adopters and in law the child will no longer be yours.

2. If you have taken out an insurance policy against funeral expenses for the child, the insurers will be able to advise you whether, after the adoption order is granted, policy can be transferred to the adopters should they wish to continue it.:

3. The Court cannot make an adoption order without the consent of each parent or guardian of the child unless the parent or guardian has abandoned, neglected or persistently ill-treated the child or cannot be found or is incapable of giving consent (for instance, by reason of being insane or is unreasonably withholding consent. Therefore unless one of these things applies to you the court cannot make an order

without your consent.

If the natural father of an illegitimate child contributes towards the child's maintenance under an affiliation order or a voluntary agreement the court will, as a rule, require his consent also.

4. Your consent can be given in writing; but if you are the child's mother your consent must be given in the presence of a Justice of the Peace and cannot be given until the child is six week old. You cannot consent to the child being adopted by any person who may apply, and it is no good signing a blank form; the names of definite applicants must have been inserted in the form, unless they do not want you to know who they are, in which case—

- (a) the form will refer to them by a number,
- (b) you cannot withdraw your consent because you do not know their identity (though you can ask what sort of people they are), and
- (c) if you want, you may choose the religious persuasion in which the child is to be brought up.

5. The court will send you a notice of the application and after that, if you have given your consent, but change your mind and want to get the child back, you will have to apply to the court for leave to remove the child from the care of the would-be adopters.

6. You are not allowed to receive or pay any money for the adoption unless the court agrees. This does not apply to a weekly payment for the maintenance of your child before

the child goes to the adopters.

7. The Board cannot arrange for your child to be sent abroad for adoption without a licence from a magistrate of the Georgetown Magisterial District, and here again a licence cannot be granted without your consent except for one of the same sort of reasons as are given in paragraph 3.

8. If you reclaim the child at any time during the period of probation fixed by the court you will be liable to refund to the adopter through the Board the expenses incurred by the adopter in maintaining and educating the child.

reg. 4

FORM D
THE ADOPTION OF CHILDREN ACT CERTIFICATE

(Certificate of receipt of memorandum to be furnished to Board by parent or guardian to place child at disposition of Board)

To: The Adoption Board.

I hereby certify that I received from the Adoption Board a memorandum, headed "EXPLANATORY MEMORANDUM" from which I have detached this certificate of acknowledgement: and I further certify that I have read the memorandum and understand it and agree to the terms of the last paragraph thereof.

Signature

Address

Signature

Address.....

Date

SECOND SCHEDULE

PART I

PARTICULARS RELATING TO THE CHILD

1. Name

2. Address

3. (a) Date of birth

(b) Weight at birth (State if premature)
.....

(c) Present weight

(d) Was the mother's confinement normal
or instrumental

4. Is the child a Commonwealth citizen?

5. If baptised, state place of baptism, and
denomination

6. Full name, address and age of child's
parents.....

.....

If dead, state date of death.....

7. Parents' religion(s)

8. Has either parent have any other

[Subsidiary]

Adoption of Children Regulations

children?.....

If so state age and sex of each.....

9. Is there any history of insanity, tuberculosis, or other disease in the family of either parent?.....

10. Why is the child offered for adoption?

.....
.....

11. Has the child any right or interest in property?.....

If so give full particulars

12. Has any insurance been effected on the life of the child

13. If the mother is alive—

(a) is she married? If so, to whom?
.....

(b) does she consent to the adoption?.....

14. If the father is alive-

(a) is he married? If so, to whom?
.....

(b) if not, is he otherwise liable to contribute to the child's maintenance?
.....

If so, give particulars. (If the parents are separated, state whether there is a separation order in force).....
.....

(c) does he consent to the adoption?.....

15. If the child has guardians, state:

(a) their names and addresses:.....

(b) how and by whom they are appointed

(c) whether they consent to adoption.....

16. (a) Are any persons liable to contribute to the support of the child?

(b) If so, do they agree to adoption?

17. If the answer to question 13(b), 14(c), 15(c) or 16(b) is in the negative the reason should be stated.

18. Was the child:—

(a) entirely breast fed ?

(b) partially breast fed; or

(c) entirely bottle fed?

19. (a) When did the child begin to walk?.....

(b) When did the child begin to talk?.....

PART II
MEDICAL CERTIFICATE (THE MEDICAL REPORT
MUST BE SIGNED BY A DULY QUALIFIED MEDICAL
PRACTITIONER)

1. State of nutrition of the child, (good, fair, poor).....

2. Are there any evidences of syphilis or other venereal diseases?

State laboratory tests applied and their results

3. Is there any evidence of tuberculosis?.....

4. Has the child had fits? If so, state nature.....

5. Is there, or has there been any affection of the skin?

6. Is there, or has there been any affection of the eyes?

Is the sight normal?

7. Has the child any discharge from the ears, or any serious ear trouble, and can it hear well?

8. Are the nose and throat in healthy condition?.....

9. Is there any evidence of disease of heart or

lungs?.....

10. Has the child normal control of bowels and bladder for its age?

11. Is the child now suffering from any infectious or contagious disease?

12. Has the child had malaria, typhoid fever, measles, chicken-pox, whooping cough, diphtheria, or mumps?

13. Has the child been vaccinated?

14. Is the child's mental and physical development normal for its age?

15. Has the child any signs of active or healed rickets?

16. Are behaviour, speech, and articulation normal for its age

17. If the child has been neglected, or improperly fed, do you consider its constitution such that good nursing and proper care, would make it suitable for adoption?

18. Give particulars of any condition, not mentioned above, about which you consider an adopter should be informed.

