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CHAPTER 46:04

ADOPTION OF CHILDREN ACT

12 of 1955

An Act to make provision for the adoption of children.

[3RD AUGUST, 1957]

Shorttitle.

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

Interpretation.
[O. 4/1974
23 of 1997]

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” has the meaning assigned to it by section 9;

“child” means a person under the age of eighteen years who has never been married;

“court” means any court having jurisdiction to make adoption orders under this Act;

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

- (i) the man 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 acknowledged the child to be his; and has contributed to the child’s maintenance before he exercises or seeks to exercise in respect of that child any rights or functions conferred on the father of a child by any provision of this Act,

and the expression “parent”, in so far as it refers to the father of such child, shall be construed accordingly;

“guardian” in relation to a child means a person appointed by deed or will in accordance with the Infancy Act, or by a court of competent jurisdiction, to be his guardian; c. 46:01

“interim order” means an order under section 14;

“prescribed” in Part II means prescribed by rules under section 16, and except in Part II, means prescribed by regulations made by the Minister;

“relative” means a grandparent, brother, sister, uncle or aunt whether of the full blood, the half-blood or by affinity, and includes—

- (a) where the adoption order has been made in respect of the child or any other person under this Act, any person who would be a relative of the child within the meaning of this

definition if the adopted person were the child of the adopter born in lawful wedlock;

(b) where the child is born out of wedlock the father of the child and any person who would be a relative of the child within the meaning of this definition if the infant were the legitimate child of his mother and father.

PART I

CONSTITUTION AND ADMINISTRATION

Establishment
of Adoption
Board.

3. (1) For the purposes of this Act there shall be constituted a Board to be called the Adoption Board (hereinafter referred to as “the Board”) which shall consist of not more than six persons to be appointed by the Minister.

(2) A member shall hold office for two years from the date of his appointment, but he shall be eligible for re-appointment.

(3) The Chairman and the Deputy Chairman of the Board shall be appointed by the Minister.

(4) At any meeting of the Board three members, including the presiding member, shall form a quorum.

(5) The Board shall have the power to regulate its procedure.

(6) The Board may appoint a fit and proper person to be Secretary to the Board and may determine the duties to be performed by such Secretary.

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

4. (1) It shall not be lawful for any person other than the Board to make arrangements of the adoption of a child.

Restriction on making arrangements for the adoption of children. [6 of 1997]

(2) If any person takes part in arranging an adoption or in the management or control of a body of persons other than the Board which exists wholly or in part for the purpose of making arrangements for the adoption of children he shall be liable on summary conviction to a fine of ninety-seven thousand five hundred dollars and to imprisonment for six months.

(3) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of a child if he, not being the parent or guardian of the child, enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the child by any other person, whether the adoption is effected, in pursuance of an adoption order or otherwise, or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor, or if he causes another so to do.

5. It shall be the duty of the Board—

Duties of 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 children for the consideration of the court as may be prescribed;

(c) to act as guardian *ad litem*, of any child in respect of whom an adoption order is sought.

6. (1) Where arrangements are made by the Board for the adoption of a child, an application to the court for an adoption order in respect of the child shall not be made by the adopter until the expiration of a period of six months from the date upon which the child is delivered into the care and possession of the adopter pursuant to the arrangements and at any time during that period—

Provisions relating to arrangements by Board. [6 of 1997 23 of 1997]

(a) the adopter may give notice in writing to the Board of his intention not to adopt the child; or

(b) the Board may cause notice in writing to be given to the adopter of its intention not to allow the child to remain in the care and possession of the adopter,

and where a notice is so given, the adopter shall, within seven days of the date on which the notice was given, cause the child to be returned to the Board, and the Board shall receive the child accordingly.

(2) The Board shall appoint one or more persons whose duty shall be to keep the child under close supervision during the said period of six months in accordance with regulations made under this Act.

(3) If, at the expiration of the said period of six months, no notice has been given as aforesaid, the adopter shall within three months from the date upon which that period so expired apply to the court for an adoption order in respect of the child or shall give notice in writing to the Board of his intention not to apply for such an order, and, where notice is so 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 was given or of the date upon which the application is so refused, as the case may be, cause the child to be returned to the Board, and the Board shall receive the child accordingly.

(4) Notwithstanding the provisions of subsection (1), (2) and (3), where the adopter is a Guyanese national resident outside Guyana, the references in subsections (1), (2) and (3) to six months shall be read and construed as if each were a reference to one month.

(5) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of forty-eight thousand seven hundred and fifty dollars and to imprisonment for six months, and the court by which the offender is convicted may order any child in respect of whom the offence is committed to be returned to his parents or guardians or to the Board.

Appeals by
persons
desirous of
adopting
children.

7. Where any person has made representations to the Board with a view to the adoption of a child, and the Board is of the opinion that the adoption of the child by such person would not be in the best interests

of the child, the Board shall notify such person accordingly, and such person may appeal from the decision of the Board to a Judge of the High Court in a summary way.

8. 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 school or the manager of the institution so named by the court may, with the consent of the Minister, and 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 the unconditional release of the child from the school for the purposes of adoption.

Release of inmate of certain schools for purposes of adoption.

c. 10:03

c. 11:06

PART II

ADOPTION ORDERS

Making of Adoption Orders

9. (1) Subject to this Act, the court may, upon an application made in the prescribed manner by a person domiciled in Guyana, a Guyanese national resident outside Guyana or a former Guyanese national who has acquired by registration or other voluntary and formal act (including marriage) the citizenship of any country other than Guyana, make an order (in this Act referred to as an adoption order) authorising the application to adopt a child.

Power to make adoption orders.
[23 of 1997]

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

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

(4) Where the applicant is not domiciled in Guyana, he shall, in addition to any other prescribed requirements, furnish the court with a certificate from the Guyanese diplomatic mission or consulate in the

country in which he is resident, or such other office or person as may be prescribed, stating that the applicant is a suitable person to be entrusted with the child concerned.

(5) For the purposes of this section, the word “spouse” includes a single man and a single woman living together in a common law union for at least seven consecutive years immediately preceding an application for adoption.

Restriction on making adoption orders. [O. 4/1974 23 of 1997]

10. (1) 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—

- (a) has attained the age of twenty-five years and is at least twenty-one years older than the child; or
- (b) has attained the age of eighteen and is a relative of the child; or
- (c) is the mother or father of the child.

(2) An adoption order shall not be made in respect of a child who is a female in favour of a sole applicant who is a male, unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) Except as provided by section 9(2), an adoption order shall not be made authorising more than one person to adopt an infant.

(4) Subject to section 11, the adoption order shall not be made—

- (a) in any case, except with the consent of every person or body who is a parent or guardian of the child or who is liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (b) on the application of one of two spouses, except with the consent of the other spouse.

(5) An adoption order shall not be made unless the child resides in Guyana.

(6) An adoption order shall not be made in respect of a child unless—

(a) the child has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order; and

(b) the applicant has, at least three months before the date of the order, notified the Board of his intention to apply for an adoption order in respect of the child.

(7) Notwithstanding the provisions of subsection (6), where the adopter is a Guyanese national resident outside Guyana or a former Guyanese national who has acquired by registration, naturalisation or other voluntary act (including marriage) the citizenship of any country other than Guyana, the reference in that subsection to three months shall be read and construed as a reference to one month.

11. (1) The court may dispense with any consent required by section 10(4)(a) if it is satisfied—

Consent to adoption.

(a) in the case of a parent or guardian of the child, that he has abandoned, neglected or persistently ill-treated the child;

(b) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the child, that he has persistently neglected or refused so to contribute;

(c) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld.

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

(3) The consent of any person to the making of an adoption order in pursuance of an application (not being the consent of the child) may be given (either conditionally or subject to conditions with respect to the religious persuasion in which the child is to be brought up) without

knowing the identity of the applicant for the order; and where consent so given by any person is subsequently withdrawn on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

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

Evidence of consent of parent or guardian.

12. (1) Where any person whose consent to the making of an adoption order is required by section 10(4)(a) does not attend in the proceedings for the purpose of giving it, then, subject to subsection (3) of this section, a document signifying his consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings.

(2) Where any such document is attested by a justice of the peace (or, if executed outside of Guyana, by a person of any such class as may be prescribed), the document shall be admissible as aforesaid 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 as aforesaid shall be deemed to be so attested, and to be executed and attested on the date and at the place specified therein, unless the contrary is proved.

(3) A document signifying the consent of the mother of a child shall not be admissible under this section unless—

(a) the child is at least six weeks old on the date of the execution of the document; and

(b) the document is attested on that date by a justice of the peace or, as the case may be, by a person of a class prescribed for the purposes of subsection (2).

13. (1) The court before making an adoption order shall be satisfied—

Functions of court as to adoption orders.

(a) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

(b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the religious denomination of the parties and to the wishes of the child, having regard to the age and understanding of the child,

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

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

14. (1) Subject to this section, the court may, upon any 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 such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court may think fit.

Interim orders.

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

(3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of section 10 (6).

(4) An interim order shall not be deemed to be an adoption order within the meaning of this Act.

Adoption order in respect of infants previously adopted.

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

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

Jurisdiction and procedure.

16. (1) An application for an adoption order may be made to the High Court or, at the option of the applicant, to any court of summary jurisdiction within the jurisdiction of which either the applicant or the child resides at the date of the application for the adoption order.

(2) Rules in regard to any matter to be prescribed under this Part and dealing generally with all matters of procedure and incidental matters arising out of this Part and for carrying this Part into effect shall be made in like manner as rules may be made under and for the purposes of the High Court Act.

c. 3:02

(3) Such rules may provide for applications for adoption orders being heard and determined otherwise than in open court, and where the application is made to a court of summary jurisdiction, for the hearing and determination of the application in a juvenile court within the meaning of section 4 of the Juvenile Offenders Act.

c. 10:03

(4) For the purpose of any application for an adoption order, the Board shall act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court.

Effects of Adoption Orders

17. (1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent 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 was a child born to the adopter in lawful wedlock, 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 in lawful wedlock:

Rights and duties of parents and capacity to marry.

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 lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child would have stood to a lawful father and mother respectively.

(2) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same child.

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Industrial
insurance, etc.
c. 36:04

18. (1) For the purposes of the Friendly Societies Act which enable societies to insure 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 whom he is authorised to adopt under an adoption order.

(2) Where, before the making of an adoption order in respect of a child, any such insurance 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 enactments, be treated as the person who took out the policy.

Benefits under
Widows and
Orphans
Pension Act.
c. 27:08

(3) Any child adopted under this Act shall, upon the death of the adopter, be deemed for the purposes of the Widows and Orphans Pension Act, to be the lawful child of the deceased adopter.

Affiliation
orders.

19. (1) Where an adoption order is made in respect of a child who is 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.

(2) Where a child to whom any such order or agreement as aforesaid relates is adopted by his mother, and the mother is a single woman, the order or agreement shall not cease to have effect by virtue of the foregoing subsection upon the making of the adoption order, but shall cease to have effect if she subsequently marries.

c. 10:03

(3) 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.

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

Intestacies and wills.

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

(a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;

(b) any reference (whether express or implied) to 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) any reference (whether express or implied) to 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 him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

21. (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), and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters—

Special provisions as to adopted persons under wills and intestacies.
c. 12:01

(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) Notwithstanding any rule of law, a disposition made by will or codicil executed before the date of an adoption order shall not be treated for the purposes of section 20(1) and (2) as made after that date by reason only that the will or codicil is confirmed by a codicil executed after that date.

(3) Notwithstanding anything in section 20(1) and (2), trustees or personal representatives may convey or distribute any movable or immovable property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(4) 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) 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.

Provisions as to existing *de facto* adoptions.

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

Registration of Adoption Orders

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

Adopted
Children
Register.

(2) A certified copy of any entry in the Adopted Children Register if purporting to be signed by the Registrar General shall, without any further or other proof of entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date or the country of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country in all respects as if the copy were a certified copy of any entry in the Register of Births.

(3) The Registrar General shall cause an index of the Adopted Children Register to be made and kept in his office, and every person shall be entitled to search such index and to have a certified copy of any entry in the Adopted Children Register in all respects upon, and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Registration of Births and Deaths Act, or any other Act, in respect of searches in indexes relating to births and deaths kept in the office of the Registrar General, and in respect of the supply from such office of certified copies of entries in the Registers of Births and Deaths.

c. 44:01

(4) The Registrar General shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein as may be necessary, to record and make traceable the connection between any entry in the register of births which has been marked "adopted" pursuant to this Act and any corresponding entry in the Adopted Children Register, but the registers and books kept under this subsection shall not be nor shall any index thereof be open to public inspection or search, nor, except under an order of a court of competent jurisdiction, shall the Registrar General furnish any person with any information contained in or with any copy or extract from any such registers or books.

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c. 44:01 (5) Regulations made by the Registrar General under the Registration of Births and Deaths Act may make provision as to the duties to be performed by superintendent registrars and registrars of births and deaths in the execution of this Act.

Registration of adoptions.
Schedule. **24.** (1) Every adoption order shall contain a direction to the Registrar General 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 that 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 his birth and the date so determined shall be specified in the order as the date of his birth;

(b) where the names or surnames which the infant is to bear after the adoption differs from his original name or surname the new name or surname shall be specified in the order instead of the original;

and where the country of birth of the child is not proved to the satisfaction of the court, the particulars of that country may, notwithstanding anything in that subsection, be omitted from the order and from the entry in the Adopted Children Register.

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

(4) 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 to cause the previous entry in the Adopted Children Register to be marked with the word “Re-adopted”.

(5) Where an adoption order is made by a court, the prescribed officer of the court shall cause the order to be communicated in the prescribed manner to the Registrar General, and upon receipt of such communication the Registrar General shall cause compliance to be made with the directions contained in the order both in regard to marking any entry in the Registers of Births with the word “Adopted” and in regard to making the appropriate entry in the Adopted Children Register.

25. (1) The court by which an adoption order has been made under this Act may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars named therein, and where an adoption order is so amended, the prescribed officer of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar General; and any necessary correction of or addition to the Adopted Children Register shall be made accordingly.

Amendment of orders and satisfaction of Registers.

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

(3) A copy or extract of an entry in any register being an entry the marking of which is cancelled under this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

PART III

MISCELLANEOUS AND GENERAL

Prohibition of certain payments. [6 of 1997]

26. (1) It shall not be lawful for any adopter or for any parent or guardian except with the sanction of the court to receive any payment or other reward in consideration of the adoption of any child under this Act or for any person to make or give or agree to make or give to any adopter or to any parent or guardian any such payment or reward.

(2) Any person who contravenes any of the provisions of subsection (1) shall be liable on summary conviction to a fine of ninety-seven thousand five hundred dollars and to imprisonment for six months.

Restrictions upon advertisements.

27. (1) It shall not be lawful for any advertisement to be published indicating—

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

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

Sending children abroad for adoption. [23 of 1997]

28. (1) It shall not be lawful for any person, in connection with any arrangements made for the adoption of a child, to permit, or to cause or procure, the care and custody of such a child to be transferred to a person resident abroad, whether or not that person is the guardian or relative of the child, unless a licence has been granted in respect of the child under section 29.

(2) Any person who contravenes the provisions of subsection (1) shall be liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.

(3) In any proceedings under this section, a report made by a Guyanese consular officer of a deposition made before a Guyanese consular officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in Guyana, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any report or deposition.

29. (1) A licensing authority within the meaning of this section may grant a licence in the prescribed form, and subject to such conditions and restrictions as the licensing authority thinks fit, authorising the care and possession of a child for whose adoption arrangements have been made to be transferred to a person resident abroad.

Licence to
send child
abroad for
adoption.
[23 of 1997]

(2) Subject to this section, no such licence shall be granted unless the licensing authority—

(a) is satisfied that the application is made by or with the consent of every person or body who is a parent or guardian of the child in question, or who has the actual custody of the child, or who is liable to contribute to the support of the child; and

(b) is satisfied by a report of a Guyanese consular officer or any other person who appears to the licensing authority to be trustworthy that the person to whom the care and possession of the child is proposed to be transferred is a suitable person to be entrusted therewith, and that the transfer is likely to be for the welfare of the child, due consideration being for this purpose given to the wishes of the child, having regard to the age and understanding of the child.

(3) The licensing authority may dispense with any consent required by subsection (2)(a) if satisfied that the person whose consent is to be dispensed with has abandoned or deserted the child or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the child, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the licensing authority and in all the circumstances of the case, to be dispensed with.

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(4) Where a licensing authority grants a licence under this section, the authority may authorise the making or receipt by any person of any payments in consideration of the transfer of the care and possession of the child in respect of whom the licence is granted.

(5) The Minister may make rules with respect to the application for and grant of licences under this section.

(6) In any proceedings under this section, a report by a Guyanese consular officer or a deposition made before a Guyanese consular officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in Guyana, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

(7) For the purposes of this section the licensing authorities shall be any magistrate of the Georgetown Magisterial District, and the powers conferred by this section in a licensing authority shall in every case be exercisable by any such magistrate as aforesaid.

Offences.

30. Proceedings for an offence under this Act may be taken by the Board.

Serving of notices.

31. Any notice under this Act may be served by post.

Regulations.
[4 of 1972
6 of 1997]

32. (1) The Minister may make regulations—

(a) for regulating the conduct of negotiations entered into, by or on behalf of the Board 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 proposes to place the child at the disposition of the Board with a view to the child being adopted, he shall be furnished with a memorandum in the prescribed form explaining in ordinary language the effect, in relation to his rights as a parent or guardian, of the making of an adoption order in respect 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 such an order, and

(ii) that, before so placing the child at the disposition of the Board, the parent or guardian shall sign a document in the prescribed form verifying that he has read and understood the said memorandum;

(b) for requiring that the case of every child proposed to be delivered by or on behalf of the Board 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 Board;

(c) for prescribing, in the case of every such child as aforesaid, the inquiries which must be made and the reports which must be obtained by the 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 Board 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 have 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 Board;

(f) for prescribing anything which, save as is required to be prescribed under section 16, is required to be prescribed under this Act;

(g) generally for carrying out the purposes of this Act.

(2) In any regulation under this section, the Minister may prescribe for any offence a penalty not exceeding a fine of twenty-six thousand dollars or imprisonment for six months.

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s. 24(1)

SCHEDULE

FORM OF ENTRY

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