

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

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The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 20 of 1997

ADOPTION OF CHILDREN (AMENDMENT) BILL 1997

ARRANGEMENTS OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 6 of the Principal Act.
4. Amendment of section 9 of the Principal Act.
5. Amendment of section 10 of the Principal Act.

- 6. Repeal and re-enactment of section 28 of the Principal Act.
- 7. Amendment of section 29 of the Principal Act.

A BILL
Intituled

AN ACT to amend the Adoption of Children Act.

A.D. 1997 Enacted by the Parliament of Guyana:-

Short
title.

1. This Act, which amends the Adoption of Children Act, may be cited as the Adoption of Children (Amendment) Act 1997.

Cap. 46:04

Amendment
of section
2 of the
Principal
Act.

2. Section 2 of the Principal Act is hereby amended in the following respects -

(a) by the substitution for the definition of the word "father" of the following -
"father" in relation to a child born out of wedlock, means -

(1) the man who has been adjudged to be the father of the child by a court of competent jurisdiction; or

(11) 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;

(b) by the substitution for the word "illegitimate" wherever it occurs of the words "born out of wedlock".

3. Section 6 of the Principal Act is hereby amended by the insertion immediately after subsection (3) of the following subsection as ~~subsections (3A) and (3B)~~ subsection (3A) -

Amendment
of section
6 of the
Principal
Act.

"(3A) Notwithstanding the provisions of subsections (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 ^areference to one monthⁿ.

Amendment
of section
9 of the
Principal
Act.

4. Section 9 of the Principal Act is hereby amended in the following respects -

- (a) in subsection (1), by the substitution for the words "a person domiciled in Guyana" of the words "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";
- (b) by the insertion immediately after subsection (3) of the following subsection:

"(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."

5. Section 10 of the Principal Act is hereby amended - Amendment of section 10 of the Principal Act.

(a) by the substitution for subsection (5) of the following -

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

(b) by the insertion immediately after subsection (6) of the following subsection as subsection (7) -

"(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."

Repeal
and re-
enactment
of section
28 of the
Principal
Act.

6. Section 28 of the Principal Act is hereby repealed and the following section is substituted there -
for -

"Sending
children
abroad
for
adoption.

28. (1) It shall not be lawful for any person, in connection with arrangements made for the adoption of a child, to permit, or to cause or procure, the care and possession 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 four hundred 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."

7. Section 29(1) of the Principal Act is amended by the substitution for the words "Commonwealth citizen" of the word "person".

Amendment
of section
29 of the
Principal
Act.

EXPLANATORY MEMORANDUM

This Bill seeks to introduce principally four changes. First, in respect of a child born out of wedlock, as the law now stands, only the natural father of an illegitimate child is recognised by law. The amendment seeks to extend the definition of "father" to take into account the realities of certain families with children born out of wedlock. Second, the Bill seeks to make it possible for citizens of Guyana resident abroad and former Guyanese nationals who have acquired foreign citizenship to adopt Guyanese children living in Guyana. Third, the amendment proposes to make it possible for common law spouses to adopt children. Fourth, the Bill proposes to allow children to be transferred for purposes of adoption to persons resident abroad whether or not these persons are guardians or relatives and whether or not they are Commonwealth citizens.

H. B. Jeffrey,
Minister of Labour, Housing
Human Services and Social Security.