

**REPORT OF THE SPECIAL SELECT COMMITTEE OF  
THE NATIONAL ASSEMBLY ON THE  
STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**

**Publication**

1. The Status of Children Bill 2009, (Bill No. 5 of 2009) which seeks to repeal and re-enact the provisions of the Children Born Out of Wedlock (Removal of Discrimination) Act 1983; to provide for presumptions of parentage and parentage testing procedures; to effect reform of the law generally and for related purposes was published on 27<sup>th</sup> January, 2009.

**Introduction and First Reading**

2. The Bill was introduced in the National Assembly and read for the first time on 29<sup>th</sup> January, 2009.

**Establishment of Special Select Committee**

3. At a meeting held on the 29<sup>th</sup> January 2009 the Committee of Selection established a Special Select Committee to consider the Protection of Children Bill, Bill No. 3 of 2009.

## **Committal to Special Select Committee**

4. On the 29<sup>th</sup> January, 2009, following its first reading the Bill was committed by the National Assembly for consideration by the Special Select Committee which was established to consider the Protection of Children Bill -Bill No. 3 of 2009.

## **Members of the Special Select Committee**

5. At a meeting held on the **29th January, 2009** the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Protection of Children Bill 2009 – Bill No. 3 of 2009.

## **Members of the People’s Progressive Party/Civic (PPP/C) (6)**

The Hon. Dr. Frank C.S. Anthony, M.P

The Hon. Priya D. Manickchand, M.P.

The Hon. Dr. Desrey Fox, M.P.

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan. M.P.

Rev. Kwame Gilbert, M.P.

## **Members of the People's National Congress Reform – 1 Guyana**

### **(PNC/R-IG) (3)**

Mrs. Clarissa S. Riehl, M.P.

Mrs. Volda A Lawrence, M.P.

Mr. Mervyn Williams, M.P.

### **Member of the Alliance For Change (AFC)(1)**

Mrs. Latchmin Punalall, M.P.

## **First Meeting of the Committee – Election of Chairman**

6. At the first meeting of the Special Select Committee established to consider the Protection of Children Bill - Bill No. 3 of 2009, held on **Monday, 9th February, 2009**, the Committee elected the Hon. Priya D. Manickchand, M.P., Minister of Human Services and Social Security as Chairperson of the Special Select Committee.

## **Statutory Meeting**

At the second meeting held on **4th March, 2009**, the Committee agreed to meet once per week on Wednesdays at 3.00 p.m., with a minimum of four hours deliberations .

## **Procedure**

8. The Committee decided to consider first the Protection of Children Bill- Bill No. 3 of 2009 then the Status of Children Bill - Bill No. 5 of 2009 followed by the Adoption of Children Bill- Bill No. 6 of 2009.

## **Other Meetings of the Committee**

9. At its meeting held on Wednesday, 25<sup>th</sup> March, 2009, the Committee commenced and concluded the consideration of the Status of Children Bill – Bill No. 5 of 2009.

## **Consideration of Bill**

10. The Committee considered the Short Title, Clauses and Preamble of the Bill.

11. The following Clauses were amended:- 5,10,13,15, and 22.

12. The following Clauses were unaltered :-

1,2,3,4,6,7,8,9,11,12,14,16,17,18,19,20,21,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,  
40,41,42,43,44,45,46,47,48,49,50,51,52,53.

13. The details of the amendments made to the Bill by the Committee are attached at Appendix I.

## **Report of the Special Select Committee**

14. At its meeting held on **Wednesday, 22<sup>nd</sup> April 2009**, the Special Select Committee on the Protection Of Children Bill agreed that this Report on its consideration of the Bill should be presented to the National Assembly.

15. The Report is accordingly hereby submitted.

## **Minutes**

16. The Minutes of Proceedings of the Committee are at Appendix II.

## **Verbatim Records**

17. Verbatim Records of the proceedings of the Committee have been prepared and are available at the Parliament Office.



Hon. Priya D. Manickchand, M.P.,  
Minister of Human Services and Social Security,  
Chairperson  
Committees Division

Parliament Office  
Public Buildings  
Brickdam,  
Georgetown.

.....April, 2009.

# Appendix 1

Clause by Clause consideration of the Status of Children Bill 2009 - Bill No. 5 of 2009

<b>PART I – PRELIMINARY</b>	
Clause 1	Clause 1 was unaltered
Clause 2	Clause 2 was unaltered
Clause 3	Clause 3 was unaltered
<b>PART II – STATUS OF CHILDREN AND CONSTRUCTION OF INSTRUMENTS</b>	
Clause 4	Clause 4 was unaltered
Clause 5	Clause 5
Clause 5 (2) – Marginal Notes “No. of 2007”	Clause 5(2) – the Marginal Notes were deleted.
Clause 6	Clause 6 was unaltered
Clause 7	Clause 7 was unaltered
Clause 8	Clause 8 was unaltered
Clause 9	Clause 9 was unaltered
<b>PART III – ESTABLISHMENT OF PARENTAGE</b>	
Clause 10	Clause 10
Clause 10(b)	Clause 10(b)
(ii) decree of nullity; or	(ii) decree nullity; or
(iii) divorce where the decree absolute of divorce was granted, within three hundred days, or a longer period as the Court may allow, before the birth of the child;	(iii) divorce where the decree absolute of divorce was granted, within three hundred <b>and eight</b> days, or a longer period as the Court may allow, before the birth of the child;

Clause 11	Clause 11 was unaltered
Clause 12	Clause 12 was unaltered
Clause 13 Clause 13 – Marginal Notes Presumption of paternity arising from registration of birth.	Clause 13 Clause 13 – Marginal Notes Presumption of <b>parentage</b> arising from registration of birth
Clause 14	Clause 14 was unaltered
Clause 15 Clauses 15(6) Where a woman is impregnated with the embryo that is the result of a fertilisation procedure using ovum and sperm obtained from other persons under any agreement of surrogacy, that woman is presumed not to be the mother of the child born as a result of pregnancy under these circumstances.	Clause 15 Clause 15(6) Where a woman is impregnated with the embryo that is the result of a fertilisation procedure using ovum and sperm obtained from other persons under <b>an</b> agreement of surrogacy, that woman is presumed not to be the mother of the child born as a result of pregnancy under these circumstances.
Clause 16	Clause 16 was unaltered
Clause 17	Clause 17 was unaltered
Clause 18	Clause 18 was unaltered
Clause 19	Clause 19 was unaltered
Clause 20	Clause 20 was unaltered
Clause 21	Clause 21 was unaltered

Clause 22	Clause 22
Clause 22(4)	Clause 22(4)
Where circumstances exists that give rise under this Part to conflicting rebuttable presumptions of fatherhood and a Court finds on a balance of probabilities that a man is the father of the child, the Court may make a declaration to that effect	Where circumstances <b>exist</b> that give rise under this Part to conflicting rebuttable presumptions of fatherhood and a Court finds on a balance of probabilities that a man is the father of the child. the Court may make a declaration to that effect
Clause 23	Clause 23 was unaltered
Clause 24	Clause 24 was unaltered
Clause 25	Clause 25 was unaltered
Clause 26	Clause 26 was unaltered
Clause 27	Clause 27 was unaltered
Clause 28	Clause 28 was unaltered
Clause 29	Clause 29 was unaltered
Clause 30	Clause 30 was unaltered
Clause 31	Clause 31 was unaltered
Clause 32	Clause 32 was unaltered
Clause 33	Clause 33 was unaltered
Clause 34	Clause 34 was unaltered
Clause 35	Clause 35 was unaltered
Clause 36	Clause 36 was unaltered
Clause 37	Clause 37 was unaltered
Clause 38	Clause 38 was unaltered
Clause 39	Clause 39 was unaltered



Clause 40	Clause 40 was unaltered
Clause 41	Clause 41 was unaltered
Clause 42	Clause 42 was unaltered
Clause 43	Clause 43 was unaltered
Clause 44	Clause 44 was unaltered
<b>PART IV - MISCELLANEOUS</b>	
Clause 45	Clause 45 was unaltered
Clause 46	Clause 46 was unaltered
Clause 47	Clause 47 was unaltered
Clause 48	Clause 48 was unaltered
<b>PART V – TRANSITIONAL, REPEAL, SAVINGS</b>	
Clause 49	Clause 49 was unaltered
Clause 50	Clause 50 was unaltered
Clause 51	Clause 51 was unaltered
Clause 52	Clause 52 was unaltered
Clause 53	Clause 53 was unaltered

# APPENDIX II

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)**

**MINUTE OF THE  
5<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:**

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009**

**HELD AT 3:05 P.M  
ON WEDNESDAY, 25<sup>TH</sup> MARCH, 2009  
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDING  
BRICKDAM, GEORGETOWN**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRPERSON PPP/C (1)**

Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009

(Elected by the Committee on 9<sup>th</sup> February, 2009)

The Hon. Priya D. Manickchand, M.P.  
Minister of Human Services and Social Security

**Other Members**

**From the People's Progressive Party/ Civic (PPP/C) (5)**

The Hon. Dr. Frank C.S. Anthony, M.P.  
Minister of Culture, Youth and Sport.

The Hon. Dr. Desrey Fox, M.P. (Excused)

Mrs. Shirely V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

**From the People's National Congress Reform 1 Guyana (PNCR 1G) (3)**

Mrs. Clarrisa S. Riehl, M.P. (Excused)

Mrs. Volda A. Lawrence, M.P.

Mr. Mervyn Williams, M.P.

(Excused)

**From the Alliance For Change (AFC) (1)**

**Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)**

Mrs. Latchmin Punalall, M.P.

(Excused up to 29<sup>th</sup> March)

**Officers**

Ms. Sherene Warren

- Clerk of Committee

Ms. Savitah Samwaroo

- Assistant Clerk of Committee

**Also in Attendance**

Ms. Dhanwanti Sukhdeo

- Attorney-at-law (Representative of the  
Guyana Association of Women Lawyers)

Ms. Abina Solomon

- Senior Parliamentary Counsel

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the meeting to order at 3:05 p.m.

**ITEM 2: ANNOUNCEMENTS**

**2.1 Excuses**

- 2.1.1 The following Members had asked to be excused from the meeting:-

- (i) Mrs. Clarissa S. Riehl, M.P;
- (ii) Mr. Mervyn Williams, M.P; and
- (iii) Mrs. Latchmin Punalall, M.P.

**ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the Meeting:-

- (i) Notice to attend the 5<sup>th</sup> Meeting dated 19<sup>th</sup> March, 2009 to be held on Wednesday, 25<sup>th</sup> March, 2009;and
- (ii) Minutes of the 4<sup>th</sup> Meeting held on the 18<sup>th</sup> March, 2009.

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 4<sup>TH</sup> MEETING HELD ON THE 18<sup>TH</sup> MARCH, 2009**

4.1 Minutes of the 4<sup>th</sup> Meeting held on the 18<sup>th</sup> March, 2009 was deferred to the next meeting of the Committee.

**ITEM 5: TO COMMENCE CONSIDERATION OF STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009.**

**5.1 Opening Remarks**

5.1.1 In her opening remarks, the Chairperson informed Members that the Bill sought to repeal and re-enact the provision of Children Born Out of Wedlock (Removal of Discrimination) Act 1983. In brief, she related that the Bill would allow all children to enjoy the same rights regardless of their status(how they were brought into the world).

5.1.2 The Committee proceeded to consider the Bill, Clause by Clause.

5.1.3 The following Clauses were accepted as presented:-  
1,2,3,4,6,7,8,9,11,14,16,17,18,19,20,21,23,24,25,26,27,,28,29,30,31,32, 33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52, and53.

5.1.4 The following Clauses were accepted as amended:-  
5,10,12,13,15, and 22.

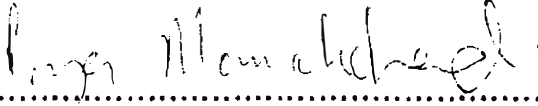
5.1.5 Amendments made to the Bill have been appended to the Minutes.

5.1.6 The Committee also agreed to review Clause 10(b)(iii) and Clause 15(2)(b) at its next meeting.

**Adjournment**

At 4:00 p.m., the meeting was adjourned to Wednesday, 1<sup>st</sup> April, 2009.

Confirmed this ~~1st~~<sup>1st</sup> day of April, 2009

  
.....  
**The Hon. Priya D. Manickhand, M.P.**  
**Minis'ter of Human Services and Social Security**  
**Chairperson**

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)**

**MINUTES OF THE  
6<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:**

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009**

**HELD AT 3.00 P.M  
ON WEDNESDAY, 1<sup>ST</sup> APRIL, 2009  
IN THE COMMITTEE ROOM NO.2, PUBLIC BUILDINGS, BRICKDAM,  
GEORGETOWN**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRPERSON PPP/C (1)**

(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)

(Elected by the Committee on 9<sup>th</sup> February, 2009)

The Hon. Priya D. Manickchand, M.P.  
Minister of Human Services and Social Security

**Other Members**

**From the People's Progressive Party/Civic (PPP/C) (5)**

(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P.  
Minister of Culture, Youth and Sport.

The Hon. Dr. Desrey Fox, M.P.  
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

**From the People's National Congress Reform 1 Guyana (PNCR 1G) (3)**

(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)

Mrs. Clarissa S. Riehl, M.P.

Mrs. Volda A. Lawrence, M. P.

Mr. Mervyn Williams, M.P.

(Excused)

**From the Alliance For Change (AFC) (1)**  
**(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)**

Mrs. Latchmin Punalall, M.P

**Officers**

Ms Sherene Warren  
Ms Tanzadell Bentinck

Clerk of Committee  
Assistant Clerk of Committee

**Also in Attendance**

Mr. Charles Fung-A-Fat

Deputy Chief Parliamentary Counsel

Ms. Emily Dodson  
Ms. Dhanwanti Sukhdeo

} Attorneys at law (Representatives of the Guyana  
} Association of Women Lawyers)

**ITEM 1: CALL TO ORDER**

1.1 The Chairperson called the meeting to order at 3.00 p.m.

**ITEM 2: ANNOUNCEMENTS**

2.1 **Excuses**

2.1.1 Mr. Mervyn Williams, M.P., was excused from the Meeting.

**ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the Meeting:-

- (i) Notice to attend the 6<sup>th</sup> Meeting dated 27<sup>th</sup> March, 2009;
- (ii) Minutes of the 4<sup>th</sup> and 5<sup>th</sup> meetings held on the 18<sup>th</sup> and the 25<sup>th</sup> March, 2009, respectively.

3.2 **Opening Remarks**

3.2.1 In her opening remarks, the Chairperson expressed condolences on behalf of the Committee, to all of Guyana, on the death of Mrs. Janet Jagan, who passed away on the 28<sup>th</sup> March, 2009.



- 3.2.2 The Committee then observed a minute of silence for Mrs. Jagan's passing.

**ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 4<sup>TH</sup> MEETING HELD ON THE 18<sup>TH</sup> MARCH, 2009**

**Correction**

**4.1 Page 5, matrix**

- 4.1.1 The Committee noted that Clause 52, subsection (2), paragraph (e) was not deferred but was **accepted as presented**.

- 4.1.2 The Minutes were then confirmed, as corrected on a Motion moved and seconded by Mr. Mohamed F. Khan and Rev. Kwame Gilbert, respectively.

**ITEM 5: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 5<sup>TH</sup> MEETING HELD ON THE 25<sup>TH</sup> MARCH, 2009**

**Corrections**

**5.1 Page 3, paragraph 5.1.6**

- 5.1.1 Clause 15, subsection (2), paragraph (b) was not committed to be reviewed but was **accepted as presented**.

- 5.2 There being no further corrections, the Minutes were confirmed, on a motion moved and seconded by Rev. Kwame Gilbert and Mr. Mohamed F. Khan, respectively.

**ITEM 6: TO CONSIDER THE DEFERRED CLAUSES OF THE PROTECTION OF CHILDREN BILL AND STATUS OF CHILDREN BILL 2009.**

**6.1 Protection of Children Bill**

- 6.1.1 Clause 6, Paragraphs (a) to (d) which were deferred for merging of the paragraphs were accepted as presented.**

- 6.1.1.1 **Paragraph (i)** which was deferred pending consideration on what “living situation” should include was **accepted as presented**.
- 6.1.2 Clause 25: Subsection (1)**
- 6.1.2.1 Substitution of the word “shall have” for the word “has” in line 2.
- 6.1.2.2 Paragraph (a) was then **accepted as presented**
- 6.1.3 Clause 30: Paragraph (2)**
- 6.1.3.1 Insertion of the words “or during any other part of the proceedings” at the end of line 2.
- 6.1.4 Clause 34: Paragraph (a)**
- 6.1.4.1 Substitution of the words “perform any act” for the words “serve a notice” before the word “under”.
- 6.1.4.2 Clause 34 was then **accepted as amended**
- 6.1.5 Clause 37:**
- 6.1.5.1 The following amendments were made:
- (i) Insertion of a new paragraph (d) to read, as follows:
- “where the disclosure is necessary for the performance of the duties of the Director or the Social Worker acting in the best interest of the child”.
- (ii) Renumber paragraph (d) as (e)
- 6.1.5.2 Clause 37 was then **accepted as amended**.
- 6.1.6 Clause 50:**
- Subsection (1), paragraph (a)**
- 6.1.6.1 Deletion of the words “including a narcotic” after the word “drugs” in line 1.
- Subsection (1), Paragraph (d)**
- 6.1.6.2 Substitution of the words “any other” for the word “another” at the beginning of the line.

### **Subsection (3)**

- 6.1.6.3. The following amendments were made:
- (i) Substitution of the word “four’ for the word “two”,
  - (ii) Substitution of the words “together with” for the words “or to” before the word “dollars”, and
  - (iii) Substitution of the words “not less than six months” for the words “one year” in the last line.

**6.1.7 Clause 50 was then accepted as amended.**

**6.1.8 Clause 52 was accepted as presented.**

**6.1.9 Clause 57**

6.1.9.1 Substitution of the word “five” for the word “three” in line 2.

6.1.9.2 Clause 57 was then **accepted as amended.**

## **6.2 STATUS OF CHILDREN B'LL**

**6.2.1 Clause 10: Paragraph (b) (iii)**

6.2.2 The words “three hundred and eight days” as amended in the matrix of the 5<sup>th</sup> Meeting were accepted as “three hundred days”.

6.2.3 Clause 10 was then **accepted as amended**

## **ITEM 7: TO COMMENCE CONSIDERATION OF THE ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009.**

7.1 The Committee proceeded to consider the Bill Clause by Clause.

7.1.1 The following Clauses were accepted as presented:-

1, 4, 6, 7, 9, 11, 12, 13,14, 15, 16, 18, 19, 20, 21, 22,23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39,42, 43, 45, 46.

7.1.2 The following Clauses were amended:

2, 3, 5, 8, 10, 17, 26, 40, 41, 44, 47, 48, 49, 50.

7.1.3 Amendments made to the Bill have been appended to the Minutes.

**ITEM 8: ANY OTHER BUSINESS**

**8.1 Closing Remarks**

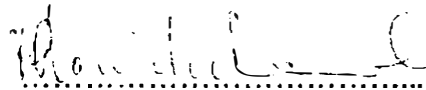
8.1.1 The Chairperson informed Members that the Committee had concluded the consideration of the three Bills and as such was anticipating submitting the reports to the National Assembly within another two weeks.

8.1.2 The Clerk of the Committee was requested to circulate the Draft Reports to Members for consideration at the Meeting on the 8<sup>th</sup> April, 2009.

**Adjournment**

At 7.00 p.m., the meeting was adjourned to 3:00 pm on Wednesday, 8<sup>th</sup> April, 2009.

*Confirmed this .....<sup>22nd</sup>.....day of April, 2009*



*The Hon. Priya D. Manickchand, M.P.  
Minister of Human Services and Social Security  
Chairperson*

**Matrix reflecting changes/ amendments to Clauses of the Bill from Clauses 1 to 40 (Parts 1 to V ) at the 5<sup>th</sup> Meeting of the Committee held on the 9<sup>th</sup> March, 2009.**

Clauses of Present Bill	Amendments to Clauses – New Clauses/Remarks
A.D. 2009	A.D. 2008
<b>PART 11- STATUS OF CHILDREN AND CONSTRUCTION OF INSTRUMENTS</b>	
Clause 5 (2) – Marginal Notes “No. of 2007”	Clause 5(2) – the Marginal Notes were deleted.  Clause 5 was then <b>accepted as amended.</b>
<b>PART 111 – ESTABLISHMENT OF PARENTAGE</b>	
Clause 10(b) (ii) decree of nullity; or	Clause 10(b) (ii) decree nullity; or
Clause 10(b)  (iii) divorce where the decree absolute of divorce was granted, within three hundred days, or a longer period as the Court may allow, before the birth of the child;	Clause 10(b)  (iii) divorce where the decree absolute of divorce was granted, within three hundred <b>and eight</b> days, or a longer period as the Court may allow, before the birth of the child;  Clause 10 was then <b>accepted as amended.</b>
Clause 12  A man is presumed to be the father of a child where he was cohabiting with the mother of the child in a relationship of some permanence at any time during the period beginning not earlier than three hundred days and ending not less than one hundred and forty days before the birth of the child.	Clause 12  A man is presumed to be the father of a child where he was cohabiting with the mother of the child in a relationship of some permanence at any time during the period beginning not earlier than three hundred <b>and eight</b> day and ending not less than one hundred and forty days before the birth of the child.  Clause 12 was then <b>accepted as amended.</b>

<p>Clause 13 – Marginal Notes</p> <p>Presumption of paternity arising from registration of birth.</p> <p>Clauses 15(6)</p> <p>Where a woman is impregnated with the embryo that is the result of a fertilisation procedure using ovum and sperm obtained from other persons under any agreement of surrogacy, that woman is presumed not to be the mother of the child born as a result of pregnancy under these circumstances.</p>	<p>Clause 13 – Marginal Notes</p> <p>Presumption of <b>parentage</b> arising from registration of birth</p> <p>Clause 13 was then <b>accepted as amended.</b></p> <p>Clause 15(6)</p> <p>Where a woman is impregnated with the embryo that is the result of a fertilisation procedure using ovum and sperm obtained from other persons under <b>an</b> agreement of surrogacy, that woman is presumed not to be the mother of the child born as a result of pregnancy under these circumstances.</p> <p>Clause 15 was then <b>accepted as amended.</b></p>
<p>Clause 22(4)</p> <p>Where circumstances exists that give rise under this Part to conflicting rebuttable presumptions of fatherhood and a Court finds on a balance of probabilities that a man is the father of the child, the Court may make a declaration to that effect</p>	<p>Clause 22(4)</p> <p>Where circumstances <b>exist</b> that give rise under this Part to conflicting rebuttable presumptions of fatherhood and a Court finds on a balance of probabilities that a man is the father of the child, the Court may make a declaration to that effect</p> <p>Clause 22 was then <b>accepted as amended.</b></p>

**Matrix reflecting changes/amendments to Clauses of the Adoption  
of Children Bill from  
Clauses 1 -50 (pages 5 – 23) at the 6<sup>th</sup> Meeting held on the 1st  
April, 2009**

<b>Clauses of Present Bill</b>	<b>Amendments to Clauses – New Clause/Remarks</b>
<p><b>Clause 2</b></p> <p>“agency” means the childcare and protection agency established under section 3 of the Childcare and protection Agency Act;</p> <p><b>Subsection (2)</b></p> <p><b>Paragraph (b)</b></p> <p>That adoption is to be regarded as a service for the child, not for adults wishing to acquire the care of the child.</p> <p><b>Paragraph ( c)</b></p> <p>That no adult has a right to adopt the child</p> <p><b>Subsection (3)</b></p> <p>In determining the best interests of the child, the decision maker is to have regard to the following -</p>	<p><b>Clause 2</b></p> <p>“agency” means the Childcare and Protection Agency established under section 3 of the Childcare and Protection Agency Act;</p> <p><b>Subsection (2)</b></p> <p><b>Paragraph (b) was deleted</b></p> <p><b>Paragraph ( c) was deleted</b></p> <p>Paragraphs (d) and (e) were re-numbered as (b) and (c)</p> <p><b>Subsection (3)</b></p> <p>In determining the best interests of the child, the decision maker <b>shall</b> have regard to the following -</p> <p><b>Clause 2 was then accepted as amended.</b></p>

<p><b>Clause 3</b></p> <p><b>Subsection (1), paragraph (b)</b></p> <p>The members of the Board shall include an attorney-at-law, a retired social worker who served in a senior capacity, and the five other members who shall have skills, training in experience in child development, sociology, social work or psychology.</p> <p><b>Subsection (7)</b></p> <p>The Board shall have a secretariat that shall provide services for the carrying out of the functions of the Board.</p>	<p><b>Clause 3</b></p> <p><b>Subsection (1), paragraph (b)</b></p> <p>The members of the Board shall include an attorney-at-law, a retired social worker who served in a senior capacity, <b>and five</b> other members who shall have skills, training in experience in child development, sociology, social work or psychology.</p> <p><b>Subsection (7) was deleted.</b></p> <p><b>Clause 3</b> was then <b>accepted as amended.</b></p>
<p><b>Clause 5</b></p> <p>Subsection (1)</p> <p>Paragraph (b)</p> <p>to make investigations concerning the adoption of child for consideration of the Court;</p> <p>paragraph (c)</p> <p>To act as guardian <i>ad litem</i> of a child in respect of whom an adoption order is sought under this Act;</p> <p><b>Subsection (2)</b></p> <p>Notwithstanding subsection (1), a child who is the subject of the application may be separately presented.</p>	<p><b>Clause 5</b></p> <p>Subsection (1)</p> <p>Paragraph (b)</p> <p>To make investigations concerning the adoption of <b>a child</b> for consideration of the Court;</p> <p>paragraph (c)</p> <p>To act as guardian <i>ad litem</i> of <b>the</b> child in respect of whom an adoption order is sought under this Act;</p> <p><b>Subsection (2)</b></p> <p>Notwithstanding subsection (1), a child who is the subject of the application may be separately presented.</p>



<p><b>Subsection (3)</b></p> <p>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 Child Care and Protection Agency Act under the general provision and control of the Agency.</p>	<p><b>Subsection (3)</b></p> <p>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 Child Care and Protection Agency Act, under the general provision and control of the Agency.</p> <p><b>Clause 5 was then accepted as amended.</b></p>
<p><b>Clause 8</b></p> <p><b>Subsection (2), paragraph (iii)</b></p> <p>a non- Guyanese has not furnished the Board with requisite documentation as referred to in section (13) (2)</p>	<p><b>Clause 8</b></p> <p><b>Subsection (2), paragraph (iii)</b></p> <p>a non- Guyanese, has not furnished the Board with requisite documentation as referred to in section (13) (2)</p> <p><b>Clause 7 was then accepted as amended</b></p>
<p><b>Clause 10</b></p> <p><b>Subsection (2), paragraph (ii)</b></p> <p>if the Board has reason to withdraw its recommendation made under section 8 (1), the Board may so indicate to the agency and the Agency shall give notice in writing to the adopter of the Agency's intention not to allow the child to remain in the care and possession of the adopter. and where 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 Agency.</p>	<p><b>Clause 10</b></p> <p><b>Subsection (2), paragraph (ii)</b></p> <p>if the Board has reason to withdraw its recommendation made under section 8 (1), the Board may so indicate to the agency and the Agency shall give notice in writing to the adopter of the Agency's intention not to allow the child to remain in the care and possession of the adopter. and where 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 Agency <b>or earlier, if determined to be necessary by the Agency.</b></p>

<p><b>\Subsection (7)</b></p> <p>A person, who contravenes subsection (2) by failing to return a child to the Agency commits an offence and is liable on summary conviction to a fine of two hundred and fifty 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.</p>	<p><b>Subsection (7)</b></p> <p>A person, who contravenes <b>any provision of this section</b> commits an offence and is liable on summary conviction to a fine of two hundred and fifty 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.</p> <p><b>Clause 10</b> was then accepted as amended.</p>
<p><b>Clause 17</b></p> <p><b>Subsection (1)</b></p> <p>An adoption order shall not 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 forty years or less than eighteen years.</p>	<p><b>Clause 17</b></p> <p><b>Subsection (1)</b></p> <p>An adoption order shall not 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 <b>fifty</b> years or less than <b>seventeen</b> years.</p> <p><b>Clause 17</b> was then accepted as amended</p>
<p><b>Clause 26</b></p> <p><b>Subsection (1)</b></p> <p>An application for an adoption order may be made by Originating Summons to a Judge in Chambers.</p>	<p><b>Clause 26</b></p> <p><b>Subsection (1)</b></p> <p>An application for an adoption order may be <b>made</b> to a Judge in Chambers.</p> <p><b>Clause 26</b> was then accepted as amended</p>

<p><b>Clause 40</b></p> <p><b>Subsection (2)</b></p>     <p><b>Subsection (3), Paragraph (b)</b></p> <p>Restoring the legal relationship with the child and his/her natural parents, should this be considered as being in the best interest of the child and should it also accord with the opinion of the child.</p>	<p><b>Clause 40</b></p> <p><b>Subsection (2)</b></p> <p>Insertion of new paragraph (b) to read:</p> <p><b>Neglect, fail and /or refuse to perform parental duties and responsibilities.</b></p> <p>Renumber paragraphs (b) to (f) as paragraphs (c) to (g)</p> <p><b>Subsection (3), Paragraph (b)</b></p> <p>Restoring the legal relationship with the child and his/her natural parents, should this be considered as being in the best interest of the child, <b>having taken into consideration, the child's view on the matter.</b></p> <p><b>Clause 40</b> was then <b>accepted as amended</b></p>
<p><b>Clause 41</b></p> <p>An adopted child may request to know his or her natural parents, and an adoptive parent shall take any action to encourage an encounter or relationship between the adopted child and the natural parent or parents.</p>	<p><b>Clause 41</b></p> <p>An adopted child may request to know his or her natural parents, and an adoptive parent shall <b>take</b> action to encourage an encounter or relationship between the adopted child and the natural parent or parents.</p> <p><b>Clause 41</b> was then <b>accepted as amended</b></p>

<p><b>Clause 44</b></p> <p>Proceedings for an offence under this Act shall be taken by the Board.</p>	<p><b>Clause 44</b></p> <p>Proceedings for an offence under this Act shall be taken by the <b>Agency</b>.</p> <p><b>Clause 44</b> was then <b>accepted as amended</b></p>
<p><b>Clause 47</b></p> <p>Subsection (2)</p> <p>The Minister may make regulations subject to the negative resolution of the national assembly-</p> <p><b>Subsection (3)</b></p> <p>In any regulation under this section, the Minister may prescribe for an offence a penalty not exceeding a fine of one hundred thousand dollars and imprisonment for six months.</p> <p><b>Clause 48</b></p>	<p><b>Clause 47</b></p> <p>Subsection (2)</p> <p>The Minister may make regulations subject to the negative resolution of the <b>National Assembly</b>-</p> <p><b>Subsection (3)</b></p> <p>In any regulation under this section, the Minister may prescribe for an offence a penalty not exceeding a fine of <b>two</b> hundred thousand dollars and imprisonment for six months.</p> <p><b>Clause 47</b> was then <b>accepted as amended</b></p> <p><b>Clause 48</b></p> <p>Insertion of a new Clause 48 to read as follows:</p> <p>Marginal Notes-</p> <p><b>Powers of the Childcare and Protection Agency</b></p>



**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)**

**MINUTES OF THE  
7<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE:**

- (1) PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**
- (2) STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**
- (3) ADOPTION OF CHILDREN BILL 2009 – BILL NO. 6 OF 2009**

**HELD AT 3.15 P.M  
ON WEDNESDAY, 22<sup>ND</sup> APRIL, 2009  
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRPERSON PPP/C (1)**

(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)

(Elected by the Committee on 9<sup>th</sup> February, 2009)

The Hon. Priya D. Manickchand, M.P.  
Minister of Human Services and Social Security

**Other Members**

**From the People's Progressive Party/Civic (PPP/C) (5)**

(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P. (Absent)  
Minister of Culture, Youth and Sport.

The Hon. Dr. Desrey Fox, M.P. (Excused)  
Minister in the Ministry of Education

Mrs. Shirley V. Edwards, M.P.

Mr. Mohamed F. Khan, M.P.

Rev. Kwame Gilbert, M.P.

**From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)**

(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)

Mrs. Clarissa S. Riehl, M.P. (Excused)

Mrs. Velda A. Lawrence, M. P.

Mr. Mervyn Williams, M.P.

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 29<sup>th</sup> January, 2009)**

Mrs. Latchmin Punalall, M.P

**Officers**

Ms Sherene Warren

Clerk of Committee

Ms Tanzadell Bentinck

Assistant Clerk of Committee

**Also in Attendance**

Mr. Charles Fung-A-Fat

Deputy Chief Parliamentary Counsel

Ms. Emily Dodson

} Attorneys at law (Representatives of the Guyana

Ms. Dhanwanti Sukhdeo

} Association of Women Lawyers)

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the meeting to order at 3.15 p.m.

**ITEM 2: ANNOUNCEMENTS**

2.1 **Excuses**

- 2.1.1 The following Members had asked to be excused from the Meeting.

(i) Mrs. Desrey Fox, M.P., and

(ii) Mrs. Clarissa S. Riehl, M.P

**ITEM 3: CIRCULATION OF DOCUMENTS**

3. The following documents were circulated prior to the Meeting:-

- (i) Notice to attend the 7<sup>th</sup> Meeting dated 20<sup>th</sup> April, 2009;
- (ii) Minutes of the 6<sup>th</sup> meeting held on the 1<sup>st</sup> April, 2009; and
- (iii) Draft Reports of the following Bills:-
  - (i) Protection of Children Bill 2009 – Bill No. 3 of 2009
  - (ii) Status of Children Bill 2009 – Bill No. 5 of 2009.

### **3.2 Opening remarks**

- 3.2.1 The Chairperson apologized for the postponement of the two previous scheduled meetings which she explained, were due to circumstances beyond her control.

## **ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 6<sup>TH</sup> MEETING HELD ON THE 1<sup>ST</sup> APRIL, 2009**

### **Correction**

- 4.1 The Chairperson informed Members that in keeping with their decision at the previous meeting to make all the Bills gender neutral, the following paragraphs were inadvertently omitted and requested that it be reflected/inserted into the 6<sup>th</sup> Minutes, held on the 1<sup>st</sup> April, 2009.
  - 4.1.1 **Page 6, paragraph 7.1.4**
    - 4.1.1.2 “In order to make the Bill gender neutral, the Committee agreed to substitute the words “the child” or “: child” for the words “his” or to use “he/she” or “his/her” wherever appropriate”.
  - 4.1.2 **Page 6, Paragraph 7.1.5**
    - 4.1.2.1 The CPC was asked to note.
  - 4.1.3 Thereafter the Minutes were confirmed as corrected, on a Motion moved and seconded by Mrs. Latchumin Punalall, M.P., and Mr. Mohamed F. Khan, M.P., respectively.



**ITEM 5: TO CONSIDER THE DRAFT REPORT OF THE PROTECTION OF CHILDREN BILL 2009 – BILL NO. 3 OF 2009**

The Committee proceeded to consider the report page by page.

**5.1 Page 3 – Other Meetings of the Committee**

5.1.1 Substitution of “22<sup>nd</sup> April” for “8<sup>th</sup> April” in the *last line*.

**5.1.2 Page 5 - Report of the Special Select Committee**

5.1.3 Substitution of “22<sup>nd</sup> April” for “8<sup>th</sup> April” in *line 1*.

5.1.4 There being no further corrections, the report was adopted by Rev. Kwame Gilbert, M.P., and Mrs. Volda Lawrence, M.P., respectively.

**ITEM 6: TO CONSIDER THE DRAFT REPORT OF THE STATUS OF CHILDREN BILL 2009 – BILL NO. 5 OF 2009**

**6.1** The Committee proceeded to consider the report page by page.

**Corrections**

**6.1.1 Page 1 – Establishment of Special Select Committee**

- (i) Substitution of the word “Protection” for the word “Status” in *line 2*.
- (ii) Substitution of “3” for “5” in *line 2*.

**6.1.2 Page 2 – Committal to Select Committee**

6.1.2.1 Substitution of the word “Protection” for the word “Status” and “3” for “5” in the *last line*.

**6.1.2.2 Paragraph 2 - Members of the Special Select Committee**

- (i) Substitution of the word “Protection” for the word “Status” in *line 2*.
- (ii) Substitution of “3” for “5” in *line 3*.

**6.1.3 Page 3 – First Meeting of the Committee – Election of Chairperson**

- (i) Substitution of the word “Protection” for the word “Status” in *line 1*.
- (ii) Substitution of “3” for “5” in *line 2*.

**6.1.4 Page 5 – Report of the Special Select Committee**

6.1.4.1 Substitution of “22<sup>nd</sup> April” for “8<sup>th</sup> April” in *line 1*.

6.1.5 There being no further corrections, the report was moved and adopted by Ms. Shirley Edwards, M.P., and Mrs. Volda Lawrence, M.P., respectively.

6.1.6 Thereafter, the Chairperson requested the Clerk of the Committee to prepare the report of the Adoption Bill No. 6 of 2009 and have it circulated to Members before the next Sitting of the National Assembly.

**ITEM 7: ANY OTHER BUSINESS**

**7.1 Draft Report – Adoption of Children Bill – Bill No. 6 of 2009**

7.1.1 The Clerk of the Committee, in response to an enquiry, informed the Committee that the Draft Report of the Adoption of Children Bill would be circulated to Members by Friday 24<sup>th</sup> April, 2009.

7.1.1.2 The Committee then agreed to meet on Thursday, 30<sup>th</sup> April, 2009 during the suspension of the Sitting of the National Assembly to consider the Adoption of Children Report.

7.1.2 The Chairperson requested the Chief Parliamentary Counsel to liaise with the Clerk of the Committee to ensure that the amendments made to the Bill were correctly reflected in the changes made as identified in the reports before their submission to the National Assembly.

7.1.3 In closing, the Chairperson informed Members that the Sexual Offences Legislation was coming on-stream along with the 2 remaining children Bills.

7.1.4 She then reminded Members that they could contact the Committees Division, specifically the Clerk of the Committee or herself for any further queries/clarifications.

### **Adjournment**

At 4.00 p.m., the Committee was adjourned to meet during the suspension of the Sitting of the National Assembly on Thursday, 30<sup>th</sup> April, 2009.

*Unconfirmed*