

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF  
THE NINTH PARLIAMENT OF GUYANA (2006-2011)**

**REPORT OF THE  
SPECIAL SELECT COMMITTEE OF  
THE NATIONAL ASSEMBLY**

**ON**

**THE CUSTODY, CONTACT, GUARDIANSHIP  
AND MAINTENANCE BILL**

**- BILL NO. 29 of 2009.**

**PRESENTED TO THE NATIONAL ASSEMBLY**

**BY**

**THE CHAIRPERSON OF THE COMMITTEE**

**10<sup>TH</sup> MARCH, 2011**

**REPORT OF THE SPECIAL SELECT COMMITTEE OF  
THE NATIONAL ASSEMBLY ON THE  
CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
– BILL NO. 29 OF 2009.**

**Publication**

1. AN ACT to provide for the granting of custody, contact, guardianship and maintenance rights with respect to children and for connected purposes. This Bill was published on 25<sup>th</sup> June, 2009.

**Introduction and First Reading**

2. The Bill was introduced in the National Assembly and read a first time on 25<sup>th</sup> June, 2009.

**Committal to Select Committee**

3. Following its first reading the Bill was committed by the National Assembly for consideration by a Special Select Committee.

**Members of the Special Select Committee**

4. At a meeting held on 9<sup>th</sup> July, 2009 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Custody, Contact, Guardianship and Maintenance Bill – Bill No. 29 of 2009 and the Childcare and Development Services Bill 2009 – Bill No. 31. of 2009.

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

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

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

Mrs. Indranie Chandarpal, M.P., Chief Whip

Mrs. Shirley V. Edwards, M.P

Mr. Norman Whittaker, M.P

Rev. Kwame Gilbert, M.P

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

Mrs. Clarissa S. Riehl, M.P.,  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P

Mr. Mervyn Williams, M.P.

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

Mrs. Lachmin Budhan- Punalall, M.P

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

5. At its first meeting held on 4<sup>th</sup> August, 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.

### **Other Meetings of the Committee**

6. The Committee met on ten other occasions as follows:

Tuesday, 20<sup>th</sup> October, 2009

Tuesday, 27<sup>th</sup> October, 2009

Tuesday, 3<sup>rd</sup> November, 2009

Tuesday, 17<sup>th</sup> November, 2009

Tuesday, 24<sup>th</sup> November, 2009

Tuesday, 20<sup>th</sup> April, 2010

Wednesday, 14<sup>th</sup> July, 2010

Tuesday, 18<sup>th</sup> January, 2011

Tuesday, 8<sup>th</sup> February, 2011

Tuesday, 1<sup>st</sup> March, 2011

### **Consideration of the Bill**

7. The Committee commenced consideration of the Bill on 27<sup>th</sup> October, 2009.
8. The following Clauses were accepted as presented:  
1, 6, 7, 9, 11, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 40, 41, 42, 43, 45, 48, 68, 69,70 and 71
9. The following Clauses were amended:  
2, 3, 4, 5, 8, 10, 12, 13, 14, 17, 25, 33, 38, 44, 46, 47, Clause 49 was deleted, 50, 51, 52, 53, 54, 55, 56, 57, 58 59, 60, 61, 62,63,64,65, 66, 67, 72, Clause 73 was deleted, 74,75,76,77,78,79,80,81,82,83,84,85,86,87,88, and 89.
10. The details of the amendments made to the Bill by the Committee are attached at **Appendix 1.**

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

11. At its meeting held on 1<sup>st</sup> March, 2011, the Special Select Committee on the Custody, Contact, Guardianship and Maintenance Bill – Bill No. 29 of 2009 agreed that this Report, on its consideration of the Bill, should be presented to the National Assembly.
12. The Report is accordingly hereby submitted.

## **Minutes**

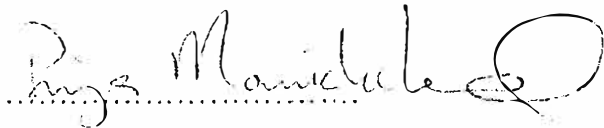
13. The Minutes of Proceedings of the Committee are at **Appendix 2**.

## **Attendance Record**

14. The Attendance Record of the Committee is at **Appendix 3**.

## **Verbatim Records**

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

A handwritten signature in cursive script, reading "Priya D. Manickchand", written over a horizontal dotted line.

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

*Committees Division  
Parliament Office  
Public Buildings  
Brickdam, Stabroek  
Georgetown*

3<sup>rd</sup> March, 2011

# APPENDIX I

**SPECIAL SELECT COMMITTEE ON THE CUSTODY, CONTACT, GUARDIANSHIP  
AND MAINTENANCE BILL**

– **BILL NO. 29 OF 2009.**

**Amendments approved by the Committee**

CLAUSES OF PRESENT BILL	AMENDMENTS
<b>CLAUSE 1</b>	Unaltered
<p><b>CLAUSE 2</b></p> <p>"Minister" means the Minister to whom responsibility for human services and social security is assigned;</p> <p>"Maintenance assessment" means assessment under section 49;</p> <p>Insertion of definition of "a person with special needs"</p>	<p>"Minister" means the Minister <i>who has responsibility for matters related to the welfare of children;</i></p> <p>Deleted</p> <p>"Person with special needs" means <i>a person who is physically or mentally disabled to such an extent that the person is unable to perform ordinary day to day life activities including the capacity to make personal decision;</i></p>
<p><b>CLAUSE 3</b></p> <p><b>Subsection (1)</b></p> <p><b>Subsection (2)</b> A parent, in order to fulfil his parental responsibilities in relation to a child, has the right-</p> <p><b>Paragraph (a)</b> to have the child living with him or otherwise to regulate the child's residence;</p> <p><b>Paragraph (b)</b></p> <p><b>Paragraph (c)</b> if the child is not living with him, to maintain personal relations and direct contact with the child on a regular basis.</p>	<p>Unaltered</p> <p>A parent, in order to fulfil <i>the</i> parental responsibilities in relation to a child, has the right-</p> <p>to have the child living with <i>the parent</i> or otherwise to regulate the child's residence;</p> <p>Unaltered</p> <p>if the child is not living with <i>the parent</i>, to maintain personal relations and direct contact with the child on a regular basis.</p>

<p><b>Subsections (3) and (4)</b></p> <p><b>Subsection (5)</b></p> <p>The rights mentioned in subsection (2) are in this Act referred to as “parental rights” and a parent, or a person acting on his behalf, shall have the right to institute or to defend, any proceedings in respect of those rights.</p> <p><b>Subsections (6) to (8)</b></p>	<p>Unaltered</p> <p>The rights mentioned in subsection (2) are in this Act referred to as “parental rights” and a parent, or a person acting on <i>the parent’s</i> behalf, shall have the right to institute or to defend, any proceedings in respect of those rights.</p> <p>Unaltered</p>
<p><b>CLAUSE 4</b></p> <p><b>Subsection (1)</b></p> <p><b>Subsection (2)</b></p> <p>A person who has parental responsibilities and parental rights in relation to a child shall not give up those responsibilities or rights to anyone else but may temporarily arrange for some or all of them to be fulfilled or exercised on <i>his</i> behalf by a person who already has parental responsibilities or parental rights in relation to the child concerned or by any other person.</p> <p><b>Subsection (3)</b></p>	<p>Unaltered</p> <p>A person who has parental responsibilities and parental rights in relation to a child shall not give up those responsibilities or rights to anyone else but may temporarily arrange for some or all of them to be fulfilled or exercised on <i>the person’s</i> behalf by a person who already has parental responsibilities or parental rights in relation to the child concerned or by any other person.</p> <p>Unaltered</p>
<p><b>CLAUSE 5</b></p> <p><b>Subsection (1)</b></p> <p>In any petition for divorce, judicial separation or declaration of nullity of marriage, the Court shall consider the information regarding the arrangements, which have or are to be made for the upbringing of the child and determine whether to exercise with respect to the child the powers conferred by <i>section 75</i>.</p> <p><b>Subsection (2) and (3)</b></p>	<p>In any petition for divorce, judicial separation or declaration of nullity of marriage, the Court shall consider the information regarding the arrangements, which have or are to be made for the upbringing of the child and determine whether to exercise with respect to the child the powers conferred by <i>section 74</i>.</p> <p>Unaltered</p>



CLAUSE 6	Unaltered
CLAUSE 7	Unaltered
<p>CLAUSE 8</p> <p>Subsections (1) and (2)</p> <p>Subsection (3)</p> <p>Subject to any arrangements to be made between the parents or as directed by an order of Court, a parent who has a child residing with him, has the responsibilities and rights of a parent in respect of the child and shall exercise those parental responsibilities and rights in the best interests of the child.</p> <p>Subsection (4)</p> <p>Where the parents of a child live separate and apart and the child lives with one of them with the express or implied consent or acquiescence of the other, the right of the other parent to have the child reside with him, but not the entitlement to access or contact, is suspended until an order of the Court otherwise provides or the parents otherwise agree.</p> <p>Subsections (5) and (6)</p>	<p>Unaltered</p> <p>Subject to any arrangements to be made between the parents or as directed by an order of Court, a parent who has a child residing with <i>the parent</i>, has the responsibilities and rights of a parent in respect of the child and shall exercise those parental responsibilities and rights in the best interests of the child.</p> <p>Where the parents of a child live separate and apart and the child lives with one of them with the express or implied consent or acquiescence of the other, the right of the other parent to have the child reside with <i>that parent</i>, but not the entitlement to access or contact, is suspended until an order of the Court otherwise provides or the parents otherwise agree.</p> <p>Unaltered</p>
CLAUSE 9	Unaltered

<p><b>CLAUSE 10</b></p> <p><b>Subsections (1)</b></p> <p><b>Subsection (2)</b></p> <p><b>Paragraph (a)</b></p> <p><b>Paragraph (b)</b></p> <p>the length of time the child has lived in the place where he is habitually resident;</p> <p><b>Paragraph (c)</b></p> <p>the ability and willingness of each person seeking custody of the child to provide him with guidance, education, and the necessities of life, and to meet any special needs the child may have;</p> <p><b>Paragraphs (d) to (i)</b></p> <p><b>Subsection (3)</b></p> <p>The past conduct of a person is not relevant to the determination of an application under this Part unless the conduct is relevant to the ability of the person to act as parent of the child.</p>	<p>Unaltered</p> <p>Unaltered</p> <p>the length of time the child has lived in the place where <i>the child</i> is habitually resident;</p> <p>the ability and willingness of each person seeking custody of the child to provide <i>the child</i> with guidance, education, and the necessities of life, and to meet any special needs the child may have;</p> <p>Unaltered</p> <p>The past conduct of a person is not relevant to the determination of an application under this Part unless the conduct <i>may not be</i> relevant to the ability of the person to act as parent of the child.</p>
<p><b>CLAUSE 11</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 12</b></p> <p><b>Subsection (1)</b></p>	<p>Unaltered</p>

<p><b>Subsection (2)</b></p> <p>Subsection (1) applies only to a person who is at least eighteen years of age and who is no more than forty years older than the child.</p> <p><b>Subsection (3)</b></p>	<p><i>Save and except for</i>, subsection (1) applies only to a person who is at least eighteen years of age and who is no more than <i>fifty</i> years older than the child.</p> <p>Unaltered</p>
<p><b>CLAUSE 13</b></p> <p><b>Subsection (1)</b></p> <p>In instances where an application filed under this Part has not been listed for hearing within two weeks of the filing, the Registrar of the Court shall list the application for hearing by the Court and give notice to the parties of the date and time when and the Court where the application will be heard.</p> <p><b>Subsections (2) and (3)</b></p>	<p>In instances where an application filed under this Part has not been listed for hearing within two weeks of <i>it becoming right for hearing</i>, the Registrar of the Court shall list the application for hearing by the Court and give notice to the parties of the date and time when and the Court where the application will be heard.</p> <p>Unaltered</p>
<p><b>CLAUSE 14</b></p> <p><b>Subsection (1)</b></p> <p>Upon an application under this Part the Court may make any custody order it thinks fit, with relevant ancillary orders as outlined in section 78 as to the residence of the child and contact with the child.</p> <p><b>Subsection (2)</b></p> <p><b>Paragraph (a)</b> a residence order has been made with respect to a child pursuant to section 78; and</p> <p><b>Paragraph (b)</b></p>	<p>Unaltered</p> <p>Upon an application under this Part the Court may make any custody order it thinks fit, with relevant ancillary orders as outlined in <i>section 77 (2)</i> as to the residence of the child and contact with the child.</p> <p>a residence order has been made with respect to a child pursuant to <i>section 77</i>; and</p> <p>Unaltered</p>
<p><b>CLAUSE 15</b></p>	<p>Unaltered</p>

<b>CLAUSE 16</b>	Unaltered
<b>CLAUSE 17</b>  <b>Subsection (1)</b>  The person appointed under section 16 (1) shall file his report with the Registrar of the Court.  <b>Subsection (2)</b>	   The person appointed under section 16 (1) shall file <i>a</i> report with the Registrar of the Court.  Unaltered
<b>CLAUSE 18</b>	Unaltered
<b>CLAUSE 19</b>	Unaltered
<b>CLAUSE 20</b>	Unaltered
<b>CLAUSE 21</b>	Unaltered
<b>CLAUSE 22</b>	Unaltered
<b>CLAUSE 23</b>	Unaltered
<b>CLAUSE 24</b>	Unaltered
<b>CLAUSE 25</b>  <b>Subsection (1)</b>  <b>Paragraph (a)</b>  <b>Paragraph (b)</b>  authorise the applicant or someone on his behalf take charge of the child, for the purpose of giving effect to the rights of the applicant.  <b>Subsections (2) to (4)</b>  <b>Subsection (5)</b>	   Unaltered   authorise the applicant or someone on <i>behalf of the applicant</i> to take charge of the child, for the purpose of giving effect to the rights of the applicant.  Unaltered

<p>A police officer or social worker directed by the order under subsection (2) shall do all things he is reasonably able to do to locate, take charge of and deliver the child in accordance with the order.</p> <p><b>Subsections (6)</b></p> <p>For the purpose of locating and taking charge of a child in accordance with an order under subsection (2), a police officer may enter and search a place where he has reasonable and probable grounds for believing that the child may be with such assistance and such force as are reasonable in the circumstances.</p> <p><b>Subsections (7) to (9)</b></p>	<p>A police officer or social worker directed by the order under subsection (2) shall do all things <i>the police officer or social officer</i> is reasonably able to do to locate, take charge of and deliver the child in accordance with the order.</p> <p>For the purpose of locating and taking charge of a child in accordance with an order under subsection (2), a police officer may enter and search a place where <i>the police officer</i> has reasonable and probable grounds for believing that the child may be with such assistance and such force as are reasonable in the circumstances.</p> <p>Unaltered</p>
<p><b>CLAUSE 26</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 27</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 28</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 29</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 30</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 31</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 32</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 33</b></p> <p><b>Subsections (1) to (3)</b></p> <p><b>Subsection (4)(a)</b>  Once an appointment of a guardian takes effect under section 31, then, unless the terms of the appointment provide for earlier termination, it shall terminate only by virtue of -</p> <p>(a) the child attaining the age of eighteen years unless the child has special needs;</p>	<p>Unaltered</p> <p>Once an appointment of a guardian takes effect under section 31, then, unless the terms of the appointment provide for earlier termination, it shall terminate only by virtue of -</p> <p>(a) the child attaining the age of eighteen years unless the child has special needs</p>

<p><b>Paragraphs (b) and (c)</b></p> <p><b>Paragraph (d)</b></p> <p>the termination of the appointment by an order of Court.</p>	<p><i>and is a child under Section (2) ;</i></p> <p>Unaltered</p> <p>the termination of the appointment by an order of Court <i>upon an application by the Childcare and Protection Agency or a next friend of the child.</i></p>
<p><b>CLAUSE 34</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 35</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 36</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 37</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 38</b></p> <p><b>Subsection (1)(a)</b></p> <p>A person acting as the guardian of a child's property-</p> <p>(a) shall be required to act as a reasonable and prudent person would act were it on his own behalf; and</p> <p><b>Paragraph (b)</b></p> <p><b>Subsection (2)</b></p>	<p>A person acting as the guardian of a child's property-</p> <p>(a) shall be required to act as a reasonable and prudent person would act were it on <i>the person's</i> own behalf; and</p> <p>Unaltered</p> <p>Unaltered</p>
<p><b>CLAUSE 39</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 40</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 41</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 42</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 43</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 44</b></p>	

<p><b>Subsection(1)</b></p> <p>Subject to section 37, where property is held by a guardian, trustee, administrator, or executor, in trust for a child (whether the trust is express or implied, or constructive), the guardian, trustee, administrator, or executor, may at his sole discretion pay to the child's parent or guardian (if any) or otherwise apply for or towards the child's maintenance, education or benefit the income of that property or part thereof, whether there is or is not another fund applicable to the same purpose, or anyone bound by law to provide for the child's maintenance or education.</p> <p><b>Subsection (2)</b></p> <p>The guardian, trustee, administrator or executor shall invest any income from the property and any resulting income from time to time in securities and in financial institutions in respect of which he or she is by settlement (if any) or by law authorised to invest such income for the benefit of the child or a person who ultimately becomes entitled to the property from which it arises but so that the guardian, trustee, administrator or executor may at any time, if that person thinks fit, invest that income or any part thereof, as if it arose in that current year.</p> <p><b>Subsection (3)</b></p>	<p>Subject to section 37, where property is held by a guardian, trustee, administrator, or executor, in trust for a child (whether the trust is express or implied, or constructive), the guardian, trustee, administrator, or executor, may at <b><i>the sole discretion of that person</i></b> pay to the child's parent or guardian (if any) or otherwise apply for or towards the child's maintenance, education or benefit the income of that property or part thereof, whether there is or is not another fund applicable to the same purpose, or anyone bound by law to provide for the child's maintenance or education.</p> <p>The guardian, trustee, administrator or executor shall invest any income from the property and any resulting income from time to time in securities and in financial institutions in respect of which <b><i>that person</i></b> is by settlement (if any) or by law authorised to invest such income for the benefit of the child or a person who ultimately becomes entitled to the property from which it arises but so that the guardian, trustee, administrator or executor may at any time, if that person thinks fit, <b><i>apply</i></b> that income or any part thereof, as if it arose in that current year.</p> <p>Unaltered</p>
<p><b>CLAUSE 45</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 46</b> <b>Subsections (1) and (2)</b></p> <p><b>Subsection (3)</b> Guardianship of property terminates when the child for whom the guardian was appointed, attains the age of eighteen years except where the child has special needs, <b>and</b> an application</p>	<p>Unaltered</p> <p>Guardianship of property terminates when the child for whom the guardian was appointed, attains the age of eighteen years except where the child has special needs.</p>

<p>may be made to the Court for a determination of whether the guardianship should continue or be terminated and another person appointed as guardian of the child's property.</p> <p><b>Subsection (4)</b> An appointment under subsection (1) subsists until the child attains the age of eighteen or unless the child has special needs or is terminated by the appointer or revoked by the Court.</p>	<p><i>Where a child has special needs and has attained the age of eighteen years, an application may be made to the Court for a determination of whether the guardianship shall continue or be terminated and another person appointed as guardian of the child's property.</i></p>
<p><b>CLAUSE 47</b></p> <p><b>Subsection (1)(a)</b> For the purposes of this Act a person has an obligation to the extent of the person's capabilities to maintain – his own child;</p> <p><b>Paragraph (b)</b> each child of his spouse, where such child– (i) was born prior to the marriage; and (ii) resides with them as part of the family;</p> <p><b>Paragraphs (c) to (d)</b></p> <p><b>Paragraph (e)</b> each child of any children he has, in the event of the parents of those children failing to do so.</p> <p><b>Subsection (2)</b></p>	<p>For the purposes of this Act a person has an obligation to the extent of the person's capabilities to maintain – (a) <i>the person's</i> own child;</p> <p>each child of <i>the person's</i> spouse, where such child– (i) was born prior to the marriage; and (ii) resides with them as <i>a member</i> of the family;</p> <p>Unaltered</p> <p>each child of any children <i>the person's</i> has, in the event of the parents of those children failing to do so.</p> <p>Unaltered</p>
<p><b>CLAUSE 48</b></p>	<p>Unaltered</p>



<p>CLAUSE 49</p>	<p><b>Deleted and the following Clauses renumbered accordingly</b></p>
<p>CLAUSE 50</p> <p><b>Subsection (1)(a)</b></p> <p><b>Paragraph (b)</b> make an order requiring a settlement to be made for the benefit of the child, and to the satisfaction of the</p> <p><b>Paragraph (c)</b> make an order requiring the person liable to maintain the child -</p> <ul style="list-style-type: none"> <li>(i) to transfer to the applicant, for the benefit of the child; or</li> <li>(ii) to transfer to the child, property to which that person is entitled either in possession or reversion) as may be specified in the order;</li> </ul> <p>(d) make an order requiring the person liable to maintain the child -</p> <ul style="list-style-type: none"> <li>(i) to make to the applicant for the benefit of the child; or</li> <li>(ii) to make to the child,</li> </ul> <p>such lump sum or periodical payments, for such term, as may be specified in the order.</p> <p><b>Subsection (2) to (4)</b></p> <p><b>Subsection (5)</b> The Court shall make a maintenance order for such sum as it deems fit after assessing the evidence adduced before it</p> <p><b>Subsection (6)</b></p>	<p>Renumbered as Clause 49</p> <p>Unaltered</p> <p>make an order requiring a settlement to be made for the benefit of the child, and to the satisfaction of the <i>Court</i> -</p> <p>make an order requiring the person liable to maintain the child -</p> <ul style="list-style-type: none"> <li>(i) to transfer to the applicant, for the benefit of the child; or</li> <li>(ii) to transfer to the child, <i>property to which that person is entitled either in possession or reversion) as may be specified in the order;</i></li> </ul> <p>(d) make an order requiring the person liable to maintain the child -</p> <ul style="list-style-type: none"> <li>(i) to make to the applicant for the benefit of the child; or</li> <li>(ii) to make to the child, <i>such lump sum or periodical payments, for such term, as may be specified in the order.</i></li> </ul> <p>Unaltered</p> <p>The Court shall make a <i>maintenance</i> order for such sum as it deems fit after assessing the evidence adduced before it.</p> <p>Unaltered</p>
<p>CLAUSE 51</p>	<p>Renumbered as Clause 50</p>

<p><b>Subsection (1)</b></p> <p>In deciding whether to exercise its power under section 50, and if so in what manner, the Court shall have regard to all the circumstances including-</p> <p><b>Subsection (2)</b></p> <p>In deciding whether to exercise its powers under this section and section 50 against a person who is liable to maintain the child by reason of section 47 (1) (b), (c), (d) or (e) only, and if so in what manner, the court shall in addition, have regard to-</p> <p><b>Paragraph (a)</b></p> <p><b>Paragraph (b)</b> whether the person did so knowing that the child was not his; and</p> <p><b>Paragraph (c)</b></p> <p><b>Subsection (3)</b></p> <p><b>Subsection (4)</b></p> <p>Where the parentage of a child is in issue, the Court shall determine the issue of parentage before making an order under section 50.</p> <p><b>Subsection (5)</b></p> <p>The Court in deciding whether to exercise its functions under section 53 may also have regard to the financial resources or obligation of any other person in whose favour it proposes to make the order.</p>	<p>In deciding whether to exercise its power under <b>sections 49 and 50</b>, and if so in what manner, the Court shall have regard to all the circumstances including-</p> <p>In deciding whether to exercise its powers under this section and <b>section 49</b> against a person who is liable to maintain the child by reason of section 47 (1) (b), (c), (d) or (e) only, and if so in what manner, the court shall in addition, have regard to-</p> <p>Unaltered</p> <p>whether the person did so knowing that the child was not <i>the child of that person</i>; and</p> <p>Unaltered</p> <p>Unaltered</p> <p>Where the parentage of a child is in issue, the Court shall determine the issue of parentage before making an order under <b>section 49</b>.</p> <p>The Court in deciding whether to exercise its functions under <b>section 52</b> may also have regard to the financial resources or obligation of any other person in whose favour it proposes to make the order.</p>
<p><b>CLAUSE 52</b></p>	<p>Renumbered as Clause 51 and Unaltered</p>
<p><b>CLAUSE 53</b></p>	<p>Renumbered as Clause 52 and Unaltered</p>
<p><b>CLAUSE 54</b></p>	<p>Renumbered as Clause 53</p>

<p><b>Subsection (1)</b></p> <p><b>Subsection (2)</b></p> <p><b>Paragraph (a)</b></p> <p><b>Paragraph (b)</b></p> <p>A maintenance order under subsection (1) may be extended if the Court is satisfied that –</p> <p style="padding-left: 40px;">the child in question is unable by reason of illness, or special needs to provide for himself with reasonable needs; or</p> <p><b>Paragraph (c)</b></p> <p><b>Subsection (3) and (4)</b></p>	<p>Unaltered</p> <p>Unaltered</p> <p>A maintenance order under subsection (1) may be extended if the Court is satisfied that –</p> <p style="padding-left: 40px;">the child in question is unable by reason of illness, or special needs to provide for <i>the child's reasonable needs</i>; or</p> <p>Unaltered</p> <p>Unaltered</p>
<p><b>CLAUSE 55</b></p> <p><b>Subsection (1)</b></p> <p>Where a maintenance order ceases to have effect on the date on which he reaches the age of eighteen years or at any time after that date as specified in the order, either before or on the date on which the child reaches the age specified in the order, the child may apply to the Court for extension of the order.</p> <p><b>Subsections (2) and (3)</b></p>	<p>Renumbered as Clause 54</p> <p><b>Subsection (1)</b></p> <p>Where a maintenance order ceases to have effect on the date on which <i>the child</i> reaches the age of eighteen years or at any time after that date as specified in the order, either before or on the date on which the child reaches the age specified in the order, the child <i>or in a case where the child has special needs the parent or guardian</i> may apply to the Court for extension of the order.</p> <p>Unaltered</p>
<p><b>CLAUSE 56</b></p> <p><b>Subsection (1)</b></p> <p><b>Subsection (2)</b></p> <p>An application under this section may be made only on the grounds that, by reason of the</p>	<p>Renumbered as Clause 55</p> <p>Unaltered</p> <p>An application under this section may be made only on the grounds that, by reason of the</p>

<p>change of circumstances since the making of the last order under section 50, the amount of maintenance payable would be different or should not be paid if it were to be made by reference to the circumstances of the case as at the date of the application.</p>	<p>change of circumstances since the making of the last order under <i>section 49</i>, the amount of maintenance payable would be different or should not be paid if it were to be made by reference to the circumstances of the case as at the date of the application.</p>
<p><b>CLAUSE 57</b></p> <p><b>Subsection (1)</b> In exercising its power under section 5d to vary or discharge a maintenance order the Court shall have regard to all the circumstances of the case, including a change in any of the matters to which the Court was required to have regard when making the order.</p> <p><b>Subsection (2)</b> The power of the Court under section 56 to vary a maintenance order shall include a power to suspend any provision of the order temporarily and to revive any provision so suspended.</p> <p><b>Subsection (3)</b> Where, on an application under section 56 for the variation of a maintenance order, the Court varies the payments required to be made under that order, the Court may provide that the payments so varied shall be made from such date as the Court may specify, not being earlier than the date of the making of the application.</p> <p><b>Subsections (4) and (5)</b></p> <p><b>Subsection (6)</b> Subject to subsection (4), an application under section 56 may be made upon the application of-</p>	<p>Renumbered as Clause 56</p> <p>In exercising its power under <i>section 55</i> to vary or discharge a maintenance order the Court shall have regard to all the circumstances of the case, including a change in any of the matters to which the Court was required to have regard when making the order.</p> <p><b>Subsection (2)</b> The power of the Court under <i>section 55</i> to vary a maintenance order shall include a power to suspend any provision of the order temporarily and to revive any provision so suspended.</p> <p><b>Subsection (3)</b> Where, on an application under <i>section 55</i> for the variation of a maintenance order, the Court varies the payments required to be made under that order, the Court may provide that the payments so varied shall be made from such date as the Court may specify, not being earlier than the date of the making of the application.</p> <p>Unaltered</p> <p>Subject to subsection (4), an application under <i>section 55</i> may be made upon the application of-</p>

<p><b>Paragraphs (a) to (c)</b></p>	<p>Unaltered</p>
<p><b>CLAUSE 58</b></p> <p><b>Subsections (1) to (3)</b></p> <p><b>Subsection (4)(a)</b>  A deduction from earnings order-  (a) shall be expressed to be directed to a person (the employer) who has the liable person in his employment;</p> <p><b>Paragraph (b)</b></p> <p><b>Subsection (5)</b></p> <p><b>Subsection (6)(a)</b>  The court shall direct the Registrar or Clerk to serve a copy of any deduction from earnings order, which it makes under this section on-  (a) the person who appears to the Court to have the liable person in question in his employment; and</p> <p><b>Paragraph (b)</b></p> <p><b>Subsection (7) (a)</b></p> <p><b>Paragraph (b)</b></p> <p>(b) a copy of the order has been served on the liable person's employer,  it shall be the duty of that employer to comply with the order but the employer shall not be under any liability for non-compliance before the end of the period of thirty days beginning with the date on which the copy of the order was served on him .</p> <p><b>Subsection (8)</b></p>	<p>Renumbered as Clause 57</p> <p>Unaltered</p> <p>A deduction from earnings order-  (a) shall be expressed to be directed to a person (the employer) who has the liable person in <i>the person's</i> employment;</p> <p>Unaltered</p> <p>Unaltered</p> <p>The <i>Court</i> shall direct the Registrar or Clerk to serve a copy of any deduction from earnings order, which it makes under this section on-  (a) the person who appears to the Court to have the liable person in question in <i>the person's</i> employment; and</p> <p>Unaltered</p> <p>Unaltered</p> <p>(b) a copy of the order has been served on the liable person's employer,  it shall be the duty of that employer to comply with the order but the employer shall not be under any liability for non-compliance before the end of the period of thirty days beginning with the date on which the copy of the order was served on <i>the employer</i> .</p>

<p>In this section and in section 60-  “earnings” includes wages and salaries and other emoluments;</p> <p>“employer” includes the State and any person liable to pay the wages or salary, and the word “employment” shall be construed accordingly.</p>	<p>In this section and in <i>section 59-</i>  “earnings” includes wages and salaries and other emoluments;</p> <p>“employer” includes the State and any person liable to pay the wages or salary, and the word “employment” shall be construed accordingly.</p>
<p><b>CLAUSE 59</b></p> <p><b>Subsection (1)</b></p> <p><b>Subsection (2)</b></p> <p><b>Paragraph (a)</b></p> <p><b>Paragraph (b)</b>  The regulations may, in particular, provide –</p> <p>for allowing the person who deducts and pays any maintenance under an order to deduct from the liable person’s earnings a prescribed sum towards his administrative costs which shall be computed as one-third of five percent of the amount ordered to be paid;</p> <p><b>Paragraph (c)</b></p> <p>for requiring a person on whom a copy of an order is served to notify the Registrar or Clerk in the prescribed manner and within a prescribed period if that person does not have the liable person in his employment or if the liable person ceases to be in his employment;</p> <p><b>Paragraph (d)</b></p>	<p>Renumbered as Clause 58</p> <p>Unaltered</p> <p>Unaltered</p> <p>The regulations may, in particular, provide –</p> <p>for allowing the person who deducts and pays any maintenance under an order to deduct from the liable person’s earnings a prescribed sum towards his administrative costs which shall be computed as <i>one percent</i> of the amount ordered to be paid;</p> <p>for requiring a person on whom a copy of an order is served to notify the Registrar or Clerk in the prescribed manner and within a prescribed period if that person does not have the liable person <i>in the person’s</i> employment or if the liable person ceases to be in <i>the person’s</i> employment;</p> <p>Unaltered</p>

<p><b>Paragraph (e)</b></p> <p>for a deduction from earnings order to lapse when the employer concerned ceases to have the liable person in his employment;</p> <p><b>Paragraph (f)</b></p> <p><b>Subsections (3)</b></p> <p>The regulations may include provisions that while a deduction from earnings order is in force the liable person shall from time to time notify the Registrar and Clerk, in the prescribed manner and within a prescribed period, of each occasion on which he leaves any employment or becomes employed, or reemployed, and shall include in this notification a statement of his earnings and expected earnings from the employment concerned and of other matters as may be prescribed.</p> <p><b>Paragraphs (4) and (5)</b></p>	<p>for a deduction from earnings order to lapse when the employer concerned ceases to have the liable person in <i>the person's</i> employment;</p> <p>Unaltered</p> <p>The regulations may include provisions that while a deduction from earnings order is in force the liable person shall from time to time notify the Registrar and Clerk, in the prescribed manner and within a prescribed period, of each occasion on which <i>the liable person</i> leaves any employment or becomes employed, or reemployed, and shall include in this notification a statement of <i>the liable person's</i> earnings and expected earnings from the employment concerned and of other matters as may be prescribed.</p> <p>Unaltered</p>
<p><b>CLAUSE 60</b></p> <p><b>Subsection (1), paragraph (a)</b></p> <p>This section applies where —  a liable person <b>by virtue</b> fails to make one or more payments; and</p> <p><b>Paragraph (b)</b></p> <p><b>Subsections (2) to (4)</b></p> <p><b>Subsection (5)(a)</b></p> <p>A person including a bailiff may, in exercising his power under subsection (1) against the liable person's goods, seize —  (a) any goods except —  (i) such tools,</p>	<p>Renumbered as Clause 59</p> <p>This section applies where —  a liable person fails to make one or more payments; and</p> <p>Unaltered</p> <p>Unaltered</p> <p>A person including a bailiff may, in exercising <i>the person's</i> power under subsection (1) against the liable person's goods, seize —  (a) any goods except —  (i) such tools,</p>

books, vehicles and other items of equipment as are necessary for the liable person for use personally by him in his employment, business or vocation;

(ii) Unaltered

**Paragraph (b)**

**Subsection (6)**

For the purposes of subsection (5), the liable person's domestic needs shall be taken to include those of any member of the liable person's family with whom he resides.

**Subsection (7)**

**Subsection (8)**

A person sustaining special damage by reason of an irregularity in levying a distress under this section may recover full satisfaction for the damage and no more by proceedings *otherwise than in trespass* against the person who levied the distress.

books, vehicles and other items of equipment as are necessary for the liable person for use personally by *the liable person* in *the liable person's* employment, business or vocation;

(ii) Unaltered

Unaltered

For the purposes of subsection (5), the liable person's domestic needs shall be taken to include those of any member of the liable person's family with whom *the liable person* resides.

Unaltered

A person sustaining special damage by reason of an irregularity in levying a distress under this section may recover full satisfaction for the damage and no more by proceedings against the person who levied the distress.

Insertion of new Subsection (9)

*If upon the return of a warrant it shall appear that no sufficient distress can be had, a magistrate may issue a warrant to bring the defaulting party before the magistrate, unless such sums and costs are sooner paid, and if the defaulting party neglects or refuses without reasonable cause to make payment of the sum so due together with costs, the*



<p><b>Subsection (9)</b></p>	<p><i>magistrate may commit the defaulting party to prison for any period not exceeding three months unless the sum and costs, together with the costs of commitment, be sooner paid.</i></p> <p>Renumbered as Subsection 10 and unaltered</p>
<p><b>CLAUSE 61</b></p> <p><b>Subsection (1)</b></p> <p><b>Subsection (2)</b></p> <p>Where the liable person is committed to prison under this section, the committal shall not operate to discharge the liability of the person to pay the sum in respect of which he person is so committed, but at any subsequent hearing relating to the enforcement, variation, suspension or discharge of the order, the Court may, if in its opinion the circumstances so warrant, remit the whole or a part of the amount due under the order.</p>	<p>Renumbered as Clause 60</p> <p>Unaltered</p> <p>Where the liable person is committed to prison under this section, the committal shall not operate to discharge the liability of the person to pay the sum in respect of which <i>the liable person</i> is so committed, but at any subsequent hearing relating to the enforcement, variation, suspension or discharge of the order, the Court may, if in its opinion the circumstances so warrant, remit the whole or a part of the amount due under the order.</p>
<p><b>CLAUSE 62</b></p>	<p>Renumbered as Clause 61 and Unaltered</p>
<p><b>CLAUSE 63</b></p> <p><b>Subsections (1)</b></p> <p><b>Subsection (2)</b></p> <p>The existence of a maintenance agreement shall not prevent a party to the agreement, or another person, from applying for an assessment or order with respect to a child for whose benefit periodical payments are to be made or secured under the agreement.</p> <p><b>Subsection (3)</b></p> <p>Where an agreement contains a provision,</p>	<p>Renumbered as Clause 62</p> <p>Unaltered</p> <p>The existence of a maintenance agreement shall not prevent a party to the agreement, or another person, from applying for <i>a maintenance</i> order with respect to a child for whose benefit periodical payments are to be made or secured under the agreement.</p> <p>Where an agreement contains a provision,</p>

which purports to restrict the right of a person to apply for a maintenance assessment or order, that provision shall be void.	which purports to restrict the right of a person to apply for a <i>maintenance order</i> , that provision shall be void.
<b>Subsection (4)</b>	Unaltered
<b>CLAUSE 64</b>	Renumbered as Clause 63 and Unaltered
<b>CLAUSE 65</b>	Renumbered as Clause 64 and Unaltered
<b>CLAUSE 66</b>	Renumbered as Clause 65
<b>Subsections (1) and (2)</b>	Unaltered
<b>Subsection (3)</b> A person who is in receipt of maintenance for a child and is proved to be misapplying the said sum commits an offence and shall be liable on summary conviction to a fine of twenty thousand dollars.	A person who is in receipt of maintenance for a child and is proved to be misapplying the said sum commits an offence and shall be liable on summary conviction to a fine of <i>fifty thousand dollars</i> .
<b>CLAUSE 67</b>	Renumbered as Clause 66
<b>Subsections (1) to (3)</b>	Unaltered
<b>Insertion of a subsection (4)</b>	<i>An appeal under this section shall not operate as a stay of the order appealed against.</i>
<b>Insertion of new CLAUSE 67</b>	<i>Notwithstanding anything in this Act, an application for maintenance may be brought either in the High Court or a magistrate's court by an applicant.</i>
<b>CLAUSE 68</b>	Unaltered
<b>CLAUSE 69</b>	Unaltered
<b>CLAUSE 70</b>	Unaltered
<b>CLAUSE 71</b>	Unaltered

<p><b>CLAUSE 72</b></p> <p>Subject to section 57 (4) a minor who is a parent may make an application under this Act by a guardian <i>ad litem</i>, next friend or the Public Trustee.</p>	<p>Subject to <i>section 56 (4)</i> a minor <i>under the age of seventeen years</i> who is a parent may make an application under this Act by a guardian <i>ad litem</i>, next friend or the Public Trustee.</p>
<p><b>CLAUSE 73</b></p>	<p>Delete Clause 73</p>
<p><b>CLAUSE 74</b></p>	<p>Renumbered as Clause 73 and unaltered.</p>
<p><b>CLAUSE 75</b></p>	<p>Renumbered as Clause 74 and unaltered.</p>
<p><b>CLAUSE 76</b></p>	<p>Renumbered as Clause 75 and unaltered.</p>
<p><b>CLAUSE 77</b></p>	<p>Renumbered as Clause 76 and unaltered.</p>
<p><b>CLAUSE 78</b></p> <p><b>Subsection (1)</b></p> <p><b>Subsection (2)</b></p> <p><b>Paragraphs (a) and (b)</b></p> <p><b>Paragraph (c)</b></p> <p>(i) imposing upon a person, (provided that person is at least eighteen years and no more than forty years older than the child or is a parent of the child) responsibilities; and</p> <p>(ii) Unaltered</p> <p><b>Paragraph (d) to (i)</b></p> <p><b>Subsection (3)</b></p> <p><b>Paragraphs (a) and (c)</b></p> <p>Insertion of new <b>Paragraph (d)</b></p>	<p>Renumbered as Clause 77</p> <p>Unaltered</p> <p>Unaltered</p> <p>(i) imposing upon a person, (provided that person is at least eighteen years and no more than <i>fifty years older</i> than the child or is a parent of the child) responsibilities; and</p> <p>(ii) Unaltered</p> <p>Unaltered</p> <p>Unaltered</p> <p><i>that although no such application has been</i></p>

<p><b>Subsection (4)</b></p> <p><b>Subsection (5)</b></p> <p>Subject to section 3, in considering whether or not to make an order under subsection (1) and what order to make, the Court-</p> <p><b>Paragraph (a)</b></p> <p><b>Paragraph (b)</b> taking account of the child's age and maturity, shall so far as practicable-</p> <p>(i) give the child an opportunity to indicate whether he or she wishes to express their views</p> <p>(ii) if the child does so wish, give the child an opportunity to express their; and</p> <p>(iii) Unaltered</p> <p><b>Subsection (6)</b></p> <p><b>Subsection (7)</b></p> <p>Nothing in paragraph (b) of subsection (5) requires a child to be legally represented, if he does not wish to be, in proceedings in the course of which the Court implements that paragraph.</p> <p><b>Subsections (8) and (9)</b></p>	<p><i>made, the Court even if it declines to make any other order considers it should make such an order.</i></p> <p>Unaltered</p> <p>Subject to <b>subsection 6</b>, in considering whether or not to make an order under subsection (1) and what order to make, the Court-</p> <p>Unaltered</p> <p>taking account of the child's age and maturity, shall so far as practicable-</p> <p>(i) give the child an opportunity to indicate whether <i>the child</i> wishes to express <i>the child's</i> views;</p> <p>(ii) if the child does so wish, give the child an opportunity to express <i>the child's</i> views; and</p> <p>(iii) Unaltered</p> <p>Unaltered</p> <p>Nothing in paragraph (b) of subsection (5) requires a child to be legally represented, if <i>the child</i> does not wish to be, in proceedings in the course of which the Court implements that paragraph.</p> <p>Unaltered</p>
<p><b>CLAUSE 79</b></p>	<p>Renumbered as Clause 78 and unaltered.</p>
<p><b>CLAUSE 80</b></p>	<p>Renumbered as Clause 79 and unaltered.</p>
<p><b>CLAUSE 81</b></p>	<p>Renumbered as Clause 80 and unaltered.</p>
<p><b>CLAUSE 82</b></p>	<p>Renumbered as Clause 81 and unaltered.</p>

<p><b>Subsections (1) to (3)</b> <b>Subsection (4)</b></p> <p>Where in any Court proceedings under this Act against a person (in this section referred to as “the respondent”), for maintenance he successfully rebuts a presumption of paternity based on any of the circumstances referred to in section 51 and under the laws dealing with the status of the children, and-</p> <p><b>Paragraph (a) and (b)</b></p> <p><b>Subsection (5)</b></p> <p>A Court having jurisdiction under this Act in respect of custody may decline to exercise its jurisdiction where it is of the opinion that it is more appropriate for jurisdiction to be exercised by another Court.</p>	<p>Unaltered</p> <p>Where in any Court proceedings under this Act against a person (in this section referred to as “the respondent”), for maintenance he successfully rebuts a presumption of paternity based on any of the circumstances referred to in <i>section 50</i> and under the laws dealing with the status of the children, and-</p> <p>Unaltered</p> <p>A Court having jurisdiction under this Act in respect of custody <i>or contact</i> may decline to exercise its jurisdiction where it is of the opinion that it is more appropriate for jurisdiction to be exercised by another Court.</p>
<p><b>CLAUSE 83</b></p>	<p>Renumbered as Clause 82 and unaltered.</p>
<p><b>CLAUSE 84</b></p>	<p>Renumbered as Clause 83 and unaltered.</p>
<p><b>CLAUSE 85</b></p>	<p>Renumbered as Clause 84 and unaltered.</p>
<p><b>CLAUSE 86</b></p>	<p>Renumbered as Clause 85 and unaltered.</p>
<p><b>CLAUSE 87</b></p>	<p>Renumbered as Clause 86 and unaltered.</p>
<p><b>CLAUSE 88</b></p>	<p>Renumbered as Clause 87 and unaltered.</p>
<p><b>CLAUSE 89</b></p>	<p>Renumbered as Clause 88 and unaltered.</p>

# APPENDIX II

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

MINUTES OF THE  
1<sup>ST</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
(1) THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL – BILL No29 of 2009.  
(2) THE CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 BILL No 31 OF 2009 HELD ON  
TUESDAY 4<sup>TH</sup> AUGUST, 2009 IN THE SPEAKER'S CHAMBERS,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker  
(As Presiding Officer for the election of the Chairman)

**From the People's Progressive Party/ Civic (PPP/C) (6)**  
(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

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

Mrs. Indranic Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P. (Absent)

Mr. Norman Whittaker, M.P. (Absent)

Rev. Kwame Gilbert, M.P. (Absent)

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**  
(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly (Absent)

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Absent)

**From the Alliance For Change (AFC) (1)**  
(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P. (Absent)

## Officers

Ms. Debra H. Cadogan  
Mr. Nickalai Pryce

- Head of Committees Division (Ag)  
- Assistant Clerk of Committees

### **ITEM 1: CALL TO ORDER**

- 1.1 The Speaker as Presiding Officer for the election of a Chairman for the Committee called the meeting to order at 4.05 p.m.

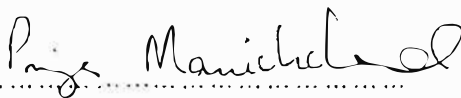
### **ITEM 2: ELECTION OF CHAIRMAN OF THE SPECIAL SELECT COMMITTEES ON THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL – BILL No. 29 OF 2009 AND THE CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 – BILL No. 31 OF 2009.**

- 2.1 The Speaker called for nominations of a Chairman for the Committee.
- 2.1.1 Mrs. Indranie Chandarpal, M.P. proposed and the Hon. Frank C.S. Anthony, M.P seconded the nomination of the Hon. Priya Manickchand, M.P.
- 2.1.2 There being no other nomination, the Speaker declared the Hon. Priya Manickchand, M.P as Chairman of the Committee.

### **ADJOURNMENT**

At 4.06 p.m. the meeting was adjourned *sine die*.

Confirmed this <sup>20<sup>th</sup></sup>..... day of October, 2009

  
.....  
The Hon. Priya D. Manickchand, M.P.  
Minister 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  
2<sup>ND</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL –  
BILL NO. 29 OF 2009.  
HELD ON TUESDAY 20<sup>TH</sup> OCTOBER, 2009 IN COMMITTEES ROOM NO. 1,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**  
**(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)**

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

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**  
**(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)**

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P.

**From the Alliance For Change (AFC) (1)**  
**(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)**

Mrs. Latchmin Budhan- Punalall, M.P.

## Officers

Ms. Sonia Maxwell - Clerk of Committees  
Ms. Darlene Marshall - Assistant Clerk of Committees

## In Attendance

Mr. K.R. Saji Kumar, H.S. - Legal Expert  
Ms. Abina Solomon - Senior Parliamentary Counsel  
Ms. Ananda Dhurjon - Parliamentary Counsel

### **ITEM 1: CALL TO ORDER**

1.1 The Chairperson called the Meeting to order at 3:10 p.m.

### **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents were circulated prior to the meeting:

- (i) Notice of the 2<sup>nd</sup> Meeting dated 16<sup>th</sup> October, 2009; and
- (ii) Minutes of the 1<sup>st</sup> Meeting held on 4<sup>th</sup> August, 2009.

### **ITEM 3: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 1<sup>ST</sup> MEETING HELD ON 4<sup>TH</sup> AUGUST, 2009**

3:1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Indranie Chandarpal, M.P., and Mr. Norman Whittaker, M.P. respectively.

### **ITEM 4: MATTERS ARISING**

4:1 There were no matters arising from the Minutes.

### **ITEM 5: TO DETERMINE THE METHODOLOGY, TIME AND DATE OF THE COMMITTEE'S PROCEEDINGS**

#### **5.1 Methodology, Date and Time**

5.1.1 The Committee agreed to meet on the following dates to conclude consideration of the Bill:

- Tuesday, 27<sup>th</sup> October, 2009 at 3.00 p.m. to consider Parts 1,2,3,4 and 5.
- Tuesday, 3<sup>rd</sup> November, 2009 at 3.00 p.m. to conclude Part 6.
- Tuesday, 10<sup>th</sup> November, 2009 at 3.00 p.m. to consider and adopt the Draft Report of the Committee.

5.1.2 The Chairperson advised Members to peruse Parts 1, 2, 3, 4 & 5 of the Bill, to facilitate consideration of the Clauses at the next Meeting.

5.1.3 The Committee decided to invite the Guyana Association of Women's Lawyers to attend its Meetings, to provide if necessary, any clarifications.

**5.2 Child Care and Development Services Bill No. 31 of 2009**

5.2.1 The Committee agreed that it would commence consideration of the above Bill after concluding consideration of the Custody, Contact, Guardianship and Maintenance Bill - Bill No. 29 of 2009.

**ITEM 6: ANY OTHER BUSINESS**

**6.1 Issues for Consideration**

6.1.1 The Chairperson indicated to the Committee that she was receptive to considering issues which Members felt were not addressed in the Custody, Contact, Guardianship and Maintenance Bill.

**ADJOURNMENT**

At 3.45 p.m. the meeting was adjourned to Tuesday 27<sup>th</sup>, October 2009.

*Confirmed this ..... day of October, 2009*



*The Hon. Priya D. Manickchand, M.P.  
Minister 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  
3<sup>RD</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL – BILL  
NO. 29 OF 2009.  
HELD ON TUESDAY 27<sup>TH</sup> OCTOBER, 2009 IN COMMITTEES ROOM NO. 1,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P. Chief Whip (Excused)

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Excused)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall. M.P.

## Officers

Ms. Sonia Maxwell - Clerk of Committees  
Ms. Darlene Marshall - Assistant Clerk of Committees

## In Attendance

Ms. Sandra Kurtizions - G.A.W.L Representative  
Mrs. Gem Sanford- Johnson - G.A.W.L Representative

### **ITEM 1: CALL TO ORDER**

1.1 The Chairperson called the Meeting to order at 3:15 p.m.

### **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents were circulated prior to the Meeting:

- (i) Notice of the 3<sup>rd</sup> Meeting dated 22<sup>nd</sup> October, 2009; and
- (ii) Minutes of the 2<sup>nd</sup> Meeting held on 20<sup>th</sup> October, 2009.

### **ITEM 3: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 2<sup>ND</sup> MEETING HELD ON 20<sup>TH</sup> OCTOBER, 2009**

3:1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Latchmin Budhan- Punalall, M.P. and Mrs. Shirley V. Edwards, M.P. respectively.

### **ITEM 4: MATTERS ARISING**

4:1 The Chairperson reminded the Committee of the decision to have Members of the Guyana Association of Women's Lawyers to attend its meetings to provide guidance where necessary. She acknowledged the representatives and welcomed them to the Meeting.

### **ITEM 5: CONSIDERATION OF THE BILL (PARTS 1, 2, 3 & 4)**

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

## **PART 1 – PRELIMINARY**

### **5.2 CLAUSE 1**

5.2.1 Clause 1 was *accepted as presented*.

### **5.3 CLAUSE 2**

5.3.1 The Committee *agreed* to *accept* the above Clause in principle, and requested the G.A.W.L representatives to provide definitions for “*access*” and “*contact*” for consideration at its next meeting.

5.3.2 The Committee also requested the representatives to examine previous legislation which dealt with children, with a view to ascertain whether the definition of “Minister” should not state one who has responsibility for matters related to welfare of children.

## **PART II – OFFENCES**

### **5.4 CLAUSES 3 to 6 were *accepted as presented*.**

5.4.1 At this point, the Committee agreed that the Attorney General’s Chamber should seek to make the Bill gender neutral.

## **PART III – CUSTODY AND ACCESS**

### **5.5 CLAUSES 7 to 9 were *accepted as presented*.**

### **5.6 CLAUSE 10**

5.6.1 Subsections 1 and (2) were *accepted as presented*.

### **5.6.2 Subsection (3):**

5.6.2.1 The Committee agreed to revisit the above subsection.

### **5.7 CLAUSE 11 was *accepted as presented*.**

### **5.8 CLAUSE 12**

5.8.1 Subsection (1) was *accepted as presented*.

5.8.2 **Subsection (2)** was amended as follows:

- Insertion of the words “*Save and except for,*” before the word “*Subsection*” in line 1.
- Substitution of the word “*fifty*” for the word “*forty*” after the word “*than*” in line 2.

Thereafter, the subsection was *accepted* as *amended*.

5.9 **CLAUSE 13**

5.9.1 **Subsection (1)** was amended as follows:

- Substitution of the words “*it becoming right for hearing*” for the words “*the filing*” in line 2.

Thereafter, the subsection was *accepted* as *amended*.

5.9.2 **Subsection (2) & (3)** were *accepted* as *presented*.

5.10 **CLAUSES 14 to 28** were *accepted* as *presented*.

5.8 **CLAUSE 29**

5.8.1 The Committee agreed to defer consideration of the above clause to the next Meeting.

#### **PART IV – GUARDIANSHIP**

5.9 **CLAUSES 30 to 32** were *accepted* as *presented*.

5.10 **CLAUSE 33**

5.10.1 **Subsections (1) to (3)** were *accepted* as *presented*.

5.10.2 **Subsection (4)** was amended as follows:

5.10.2.1 **Paragraph (a)**

- Substitution of the words “*he/she*” for the words “*the child*” in the above paragraph.
- Insertion of the words “*and is a child under Section 2*” after the word “*needs*” in paragraph (a).

5.10.2.2 **Paragraphs (b) and (c)** were *accepted* as *presented*

**5.10.2.3 Paragraph (d):**

- Insertion of the words before the full stop “*upon an application by the Childcare and Protection Agency or a next friend of the child.*”

5.10.3 Thereafter, the **subsection** was *accepted as amended*.

**PART V – GUARDIAN OF PROPERTY**

**5.11 CLAUSES 34 to 45** were *accepted as presented*.

**5.12 CLAUSE 46**

5.12.1 **Subsections (1) and (2)** were *accepted as presented*.

5.12.2 **Subsection (3)** was amended as follows:

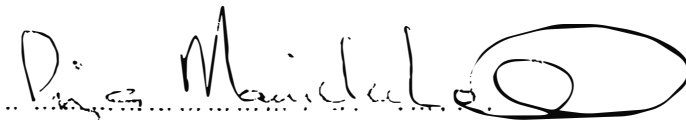
- Deletion of the “,” after the word “*appointed*” in line 2.
- Insertion of a “,” after the word “*years*” in line 2.
- Deletion of the “,” and the word “*and*” after the word “*needs*” in line 3.
- Substitution of the word “*or*” for the word “*and*” in the penultimate line.

5.12.3 Thereafter, the **subsection** was accepted as amended.

**ADJOURNMENT**

At 3.45 p.m. the meeting was adjourned to Tuesday 3<sup>rd</sup> November, 2009.

Confirmed this <sup>3<sup>rd</sup></sup>..... day of November, 2009



The Hon. Priya D. Manickchand, M.P.  
Minister 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  
4<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
– BILL NO. 29 OF 2009.**

**HELD AT 3.30 P.M ON TUESDAY 3<sup>RD</sup>, NOVEMBER, 2009 IN COMMITTEES ROOM NO. 1,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P. (Excused)

Rev. Kwame Gilbert, M.P.

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P.

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

## Officers

Ms. Sonia Maxwell - Clerk of Committees  
Ms. Darlene Marshall - Assistant Clerk of Committees

## In Attendance

Ms. Sandra Kurtizious - G.A.W.L Representative  
Mrs. Gem Sanford- Johnson - G.A.W.L Representative

### **ITEM 1: CALL TO ORDER**

1.1 The Chairperson called the Meeting to order at 3.30 p.m.

### **ITEM 2: ANNOUNCEMENTS**

#### **2.1 Apology**

2.1.1 The Chairperson apologised profoundly to the Committee for arriving late, and indicated to Members that she was engaged in a meeting with the Head of the Presidential Secretariat and could not be excused earlier.

#### **2.2 Excuses**

2.2.1 The Chairperson informed Members that Mr. Norman Whittaker, M.P. has asked to be excused from the Meeting.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

2.1 The following documents were circulated prior to the Meeting:

- (i) Notice of the 4<sup>th</sup> Meeting dated 30<sup>th</sup> October, 2009; and
- (ii) Minutes of the 3<sup>rd</sup> Meeting held on 27<sup>th</sup> October, 2009.

### **ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 3<sup>RD</sup> MEETING HELD ON 27<sup>TH</sup> OCTOBER, 2009**

4:1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Shirley V. Edwards, M.P, and Mrs. Latchmin Budhan- Punalall, M.P., respectively.

**ITEM 5: MATTERS ARISING**

**CLAUSE 2**

**5.1 Page 3, Paragraph 5.3.1**

5.1.1 The Committee noted the advice from G.A.W.L representatives on the interpretation of the words “*accept*” and “*contact*”, and agreed that the word “*contact*” should be used instead of *order*.

5.1.2 Thereafter, the Clause was *accepted* as *amended*.

**5.2 Page 3, Paragraph 5.3.2**

5.2.1 The G.A.W.L representatives upon examination of the previous legislation which dealt with children posited that the definition of “*Minister*” referred to a person who has responsibility for matters related to the welfare of children.

5.2.2 Thereafter, the Committee *agreed* that the definition should be *amended* accordingly.

**ITEM 6: CONTINUATION OF THE CONSIDERATION OF THE BILL (PARTS 1, 2, 3 & 4)**

6.1 The Committee continued consideration of the Bill Clause by Clause.

**PART VI – MAINTENANCE**

**CLAUSE 47**

**6.2 Subsection (1)**

6.2.1 The Committee accepted the above Clause in principle, with a proposal for the substitution the word “*liability*” for the word “*obligation*” in line 1. However, the Committee requested the G.A.W.L representatives to consider the proposal and advise Members at the next meeting.

6.2.2 **Paragraphs (b) to (e)** were *accepted* as *presented*.

6.2.3 **Subsection (2)** was *accepted* as *presented*.

**6.3 CLAUSES 48 and 49** were *accepted* as *presented*.

**CLAUSE 50**

**6.4 Subsection (1)**

6.4.1 **Paragraph (a)** was *accepted* as *presented*.

**6.5 Paragraph (b), (c) and (d)**

6.5.1 The G.A.W.L representatives were requested to examine the above paragraph with a view to determining the omission, and to provide the Committee with same.

6.5.2 The Committee also requested the G.A.W.L representatives and the Attorney General's Chambers to collaborate with a view to preparing a proposed amendment to the above paragraphs for consideration by Members.

6.5.3 Thereafter, the Committee agreed to defer consideration of the above Clause to the next Meeting.

6.5.4 **Subsections (2) to (4)** were *accepted* as *presented*.

6.5.5 **Subsection (5)** was amended as follows:

- Substitution of the word "*maintenance*" for the word "*maintence*" in line 1.

6.5.6 Thereafter, the subsection was *accepted* as *amended*.

6.5.7 **Subsection (6)** was *accepted* as *presented*.

#### **CLAUSE 51**

**6.6 Subsection (1)**

6.6.2 The Committee proposed the following amendments to the section:

- Substitution of the word "*sections*" for the word "*section*" in line 1, and
- Insertion of "*49 and*" before "*50*" in line 2.

6.6.3 The Committee requested the G.A.W.L representatives to consider the proposed amendment and advised the Committee accordingly.

6.6.4 **Paragraphs (a) to (f)** were *accepted* as *presented*.

6.6.5 **Subsections (2) to (5)** were *accepted* as presented.

**6.7 CLAUSES 52 and 53** were *accepted* as *presented*.

#### **CLAUSE 54**

6.8.1 **Subsection (1)** was *accepted* as *presented*.

6.8.2 **Subsection (2), paragraph (b)** was amended as follows:

- Insertion of “/herself” after the word “herself”
- Deletion of the words “with reasonable needs” before the word “or” in the last.

6.8.3 Thereafter, the paragraph was *accepted as amended*.

6.8.4 **Subsection (3)** was *accepted as amended*.

**6.9 CLAUSES 55 to 58** were *accepted as presented*.

#### **CLAUSES 59**

**6.10 Subsection (2), paragraph (b)**

6.10.1 The Committee agreed to *accept* the above Clause in principle, subject to clarifications from the G.A.W.L representatives as to whether there was a statutory provision regarding deductions for administrative costs.

6.10.2 In light of the fact, that some Members expressed the view that the regulation should be made simultaneous to this legislation, the Chairperson posited that she preferred to engage in consultation with employers regarding deductions from earnings of employees before such regulation was drafted.

#### **CLAUSE 60**

**6.11 Subsection (1), paragraph (a)**

6.11.1 The Committee decided that the words “*by virtue*” were superfluous and requested that the G.A.W.L representatives review the paragraph and provide a proposed amendment at the next meeting.

6.11.2. **Subsection (2)** was *accepted as presented*.

6.11.3 **Subsection (3)**

6.11.3.1 The Committee requested the G.A.W.L representatives to revisit the above subsection.

**6.12 CLAUSES 61 and 62** were *accepted as presented*.

#### **CLAUSE 63**

**6.13 Subsections (1) and (2)** were *accepted as presented*.

6.13.1 **Subsection (3)** was **amended** as follows:

- Insertion of the word “*maintenance*” before the word “*order*” in line 2.

6.13.2 Thereafter, the subsection was *accepted as amended*.

#### **CLAUSE 64**

6.14.1 **Subsections (1) to (6)** were *accepted as presented*.

6.14.2 **Subsection (7):**

6.14.2.1 The Committee requested the G.A.W.L representatives to revisit the above subsection.

6.14.3 Subsection (8) was *accepted as presented*.

**6.15** **CLAUSE 65** was *accepted as presented*.

#### **CLAUSE 66**

6.16 **Subsections (1) and (2)** were *accepted as presented*.

6.16.1 **Subsection (3)** was **amended** as follows:

- Substitution of the word “*fifty thousand dollars*” for the word “*twenty thousand dollars*” in the last line.

6.16.2 Thereafter, the subsection was *accepted as amended*.

#### **CLAUSE 67**

6.17 **Subsections (1) to (3)** were *accepted as presented*.

6.17.1 Insertion of the following as subsection (4):

- “*An appeal under this section shall not operate as a stay of the order appealed against*”.

6.17.2 Thereafter, the Clause was *accepted as amended*.

**6.18** **CLAUSES 68 to 71** were *accepted as presented*.

#### **CLAUSE 72**

**6.19** The following amendment was made:

- Insertion of the words “*under the age of seventeen years*” after the word “*minor*” in line 1.

**CLAUSE 73**

6.20 A discussion ensued over *what age a child should be allowed to withdraw from parental control*. However, the Committee agreed to defer consideration of the above Clause to allow the G.A.W.L representatives to research the issue for consideration at the next meeting.

6.21 **CLAUSES 74 TO 77** were *accepted as presented*.

**CLAUSE 78**

6.22 **Subsection (1)** was *accepted as presented*.

6.22.2 **Subsection (2), paragraph (c) (i)** was amended as follows:

- Substitution of the word *“fifty”* for the word *“forty”* in line 2.

6.22.3 Thereafter, the subsection was *accepted as amended*.

6.23 **CLAUSES 79 TO 89** were *accepted as presented*.

**ITEM 7: ANY OTHER BUSINESS**

**7.1 Schedule of Meetings**

7.2 The Committee agreed to meet on the following scheduled dates to conclude its work:

- 17<sup>th</sup> November, 2009 to consider the deferred Clauses, and
- 24<sup>th</sup> November, 2009 to consider and adopt the Committee’s Report.

**ADJOURNMENT**

At 5.55 p.m. the meeting was adjourned to 3.00 p.m. Tuesday 17<sup>th</sup>, November 2009.

*Confirmed this ..... day of November, 2009*



.....  
*The Hon. Priya D. Manickchand, M.P.*  
*Minister 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  
5<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
– BILL NO. 29 OF 2009.**

**HELD AT 3.15 P.M ON TUESDAY 17<sup>TH</sup>, NOVEMBER, 2009 IN COMMITTEES ROOM NO. 1,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Excused)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.



## Officers

Ms. Sonia Maxwell - Clerk of Committees  
Ms. Darlene Marshall - Assistant Clerk of Committees

## In Attendance

Ms. Sandra Kurtizious - G.A.W.L Representative  
Mrs. Gem Sanford- Johnson - G.A.W.L Representative

### **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 Chairperson informed Members that Mr. Mervyn Williams, M.P., had asked to be excused from the Meeting.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the Meeting:

- (i) Notice of the 5<sup>th</sup> Meeting dated 13<sup>th</sup> November, 2009; and
- (ii) Minutes of the 4<sup>th</sup> Meeting held on 3<sup>rd</sup> November, 2009.

### **ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 4<sup>TH</sup> MEETING HELD ON 3<sup>RD</sup> NOVEMBER, 2009**

#### Corrections

#### **4.1 Page 4, paragraph 6.6.3**

4.1.1 Substitution of the word "advise" for the word "advised" after the word "and" in the last line.

#### **4.2 Page 4, paragraph 6.8.2**

4.2.1 Insertion of the word "himself" for the word "herself" after the "word" in the first bullet.

- 4.3 Thereafter, the Minutes were confirmed, as corrected, on a motion moved and seconded by Mrs. Latchmin Budhan- Punalall M.P., and Mrs. Shirley V. Edwards, M.P, respectively.

**ITEM 5: MATTERS ARISING**

**Page 4, paragraph 6.5 – Clause 50 (1)**

**5.1 Paragraph (c), subparagraph (ii)**

- 5.1.1 Reposition the words “*property to which that person is entitled (either in possession or reversion) as may be specified in the order*” below the subparagraph.

**Paragraph (d)**

- 5.1.2 Reposition the words “*such lump sum or periodical payments, for such term, as may be specified in the order*” to a short line position under subparagraph (ii).

**ITEM 6: COMMENCEMENT OF CONSIDERATION OF THE SCHEDULE OF DEFERRED CLAUSES**

- 6.1 The committee proceeded to consider the deferred Clauses.

**6.2 CLAUSE 10**

**Subsection (3)**

- 6.2.1 Substitution of the words “*may not be*” for the words “*is not*” in the penultimate line.

- 6.2.2 Thereafter, **subsection (3)** was *accepted as amended*.

- 6.3 CLAUSE 29** was *accepted as presented*.

**6.4 CLAUSE 47**

**Subsection (1)**

- The G.A.W.L representatives after consideration of the above mentioned Subsection advised the Committee the word “*obligation*” should be retained.

- **Paragraphs (b), subparagraph (ii):**

Substitution of the words “*a member*” for the word “*part*”

6.4.1 Thereafter, the Clause was *accepted* as *amended*.

## 6.5 **CLAUSE 50**

### **Paragraph (b)**

- Insertion of the word “*Court*” at the end of the paragraph.

6.5.1 Thereafter, the Committee agreed to *accept* the Clause as *amended*.

## 6.6 **CLAUSE 51**

6.6.1 The Committee agreed that the proposed amendment should be accepted. Thereafter the Clause was *accepted* as *amended*.

## 6.7 **CLAUSE 54**

6.7.1 **Subsection (4)** was *accepted* as *presented*.

## 6.8 **CLAUSE 59**

### **Subsection (2), paragraph (b)**

6.8.1 Deletion of the words “*third of five*” before the word “*percent*” in the penultimate line.

6.8.2 Thereafter, the Clause was *accepted* as *amended*.

## 6.9 **CLAUSE 60**

### **Subsection (1), paragraph (a)**

6.9.1 Deletion of the words “*by virtue*” after the word “*person*” in line 1.

6.9.2 Thereafter, the Clause was *accepted* as *amended*.

6.9.3 **Subsection (3)** was *accepted* as *presented*.

**6.10 CLAUSE 64**

6.10.1 Subsection (7) was *accepted as presented*.

**6.11 CLAUSE 73**

6.11.1 The Committee agreed that the above Clause should be deleted. Thereafter, the preceding Clauses should be renumbered.

**6.12 Business of the next Meeting**

6.12.1 The Committee agreed to consider and adopt the Committee's Report at the next meeting.


6.12.2 The Chairperson requested that the Attorney General's Chamber and representatives from G.A.W.L collaborate with a view to:

- (i) ensuring that the language of the Bill was gender neutral; and
- (ii) ensuring that a child's right to be heard is included within the bill, especially in the sections that deals with Custody, Contact and Guardianship and if it is not included to present the Committee with proposals at the next meeting.

**ADJOURNMENT**

At 5.10 p.m. the meeting was adjourned to 3.00 p.m. Tuesday 24<sup>th</sup>, November 2009.

Confirmed this .....<sup>20<sup>th</sup></sup>..... day of November, 2009



The Hon. Priya D. Manickchand, M.P.  
Minister 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  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
- BILL NO. 29 OF 2009.**

**HELD AT 4.10 P.M ON TUESDAY, 24<sup>TH</sup> NOVEMBER , 2009 IN COMMITTEES ROOM NO. 1,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRPERSON (1)**

**(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)**

**(Elected by the Committee on 4<sup>th</sup> August, 2009)**

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**  
**(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)**

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

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P. (Excused)

Rev. Kwame Gilbert, M.P.

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**  
**(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)**

Mrs. Clarissa S. Riehl, M.P. (Excused)  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P.

**From the Alliance For Change (AFC) (1)**  
**(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)**

Mrs. Latchmin Budhan- Punalall, M.P.

## Officers

Ms. Sonia Maxwell  
Ms. Darlene Marshall

Clerk of Committees  
Assistant Clerk of Committees

## In Attendance

Ms. Sandra Kurtizious  
Mrs. Gem Sanford- Johnson

G.A.W.L Representative  
G.A.W.L Representative

### **ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the Meeting to order at 4.10 p.m.

### **ITEM 2: ANNOUNCEMENTS**

#### **2.1 Issues for Consideration**

- 2.1.1 The Chairperson informed Members that Mr. Scott Doucet, a Consultant from Canada was in the process of drafting regulations for the previous legislation which dealt with the welfare of children along with the Child Care and Development Services and the Custody, Contact and Maintenance Bills.
- 2.1.2 She further stated that the Consultant had highlighted some issues in the Custody, Contact and Maintenance Bills which needed to be addressed and had provided proposals as to the way forward.
- 2.1.3 The Consultant tendered a document highlighting the issues for consideration by the Committee.

#### **2.2 Excuses**

- 2.1.1 The Chairperson informed Members that Mr. Norman Whittaker, M.P., had asked to be excused from the Meeting.

#### **2.3 Discussion on the Issues relating to the Custody, Contact and Maintenance Bill.**

- 2.3.1 Mr. Doucet presented a synopsis of the following issues for consideration by Members:

Jurisdiction;  
Maintenance Assessments;  
Welfare Reports;  
Rules of Court;

- Committal to Prison; and  
Definitions.

2.3.2 The Committee agreed to consider the document submitted by the Consultant in conjunction with the Bill with a view to discussing the issues highlighted at the next meeting.

2.3.3 The Committee also agreed that the Attorney General's Chamber and the G.A.W.L representatives collectively would consider the submissions provided by Mr. Doucet along with the Bill, with the aim of proposing amendments to the relevant Clauses.

#### **2.4 Issues of jurisdiction**

2.4.1 Representatives of GAWL indicated that there was a jurisdictional issue relating to Clause 84. The representatives proposed that a subsection (2) could be inserted to address the issue.

2.4.2 The Chairperson advised the representatives that the Committee would consider the jurisdictional issues at the next meeting.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the Meeting:

- (i) Notice of the 6<sup>th</sup> Meeting dated 20<sup>th</sup> November, 2009; and
- (ii) Minutes of the 5<sup>th</sup> Meeting held on 17<sup>th</sup> November, 2009.

### **ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 5<sup>TH</sup> MEETING HELD ON 17<sup>TH</sup> NOVEMBER, 2009.**

4.1 The confirmation of Minutes was deferred to the next meeting of the Committee.

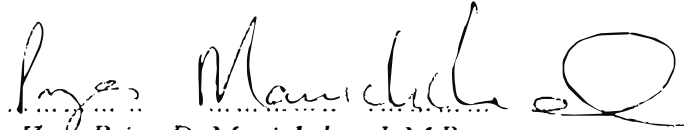
### **ITEM 5: CONSIDERATION OF THE DRAFT REPORT**

5.1 The Committee agreed to defer consideration of the Draft Report until the issues raised by the Consultant were being clarified.

**ADJOURNMENT**

At 4.10 p.m. the meeting was adjourned to 3.30 p.m. Tuesday 1<sup>st</sup>, December 2009.

Confirmed this <sup>16</sup>20<sup>th</sup> day of March, 2010.



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



**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2010)**

**MINUTES OF THE  
7<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
– BILL NO. 29 OF 2009.**

**HELD AT 3.15 P.M ON TUESDAY, 20<sup>TH</sup> APRIL, 2010, IN COMMITTEE ROOM NO. 1,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

**From the People's National Congress Reform- I Guyana (PNC-IG) (3)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Excused)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.



## Officers

Ms. Jocette Bacchus  
Ms. Darlene Marshall

Clerk of Committees  
Assistant Clerk of Committees

### In Attendance

Mr. Charles J. Fung-a-Fatt                      Deputy Chief Parliamentary Counsel.

#### **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 Chairperson informed Members that the Hon. Dr. Frank Anthony indicated that he would be late.

#### **ITEM 3:        CIRCULATION OF DOCUMENTS**

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

- (i)        Notice of the 7<sup>th</sup> Meeting dated 15<sup>th</sup> April, 2010; and
- (ii)       Minutes of the 5<sup>th</sup> and 6<sup>th</sup> Meetings held on the 17<sup>th</sup> and 24<sup>th</sup> of November, 2009

- 3.2        The following document was circulated at the Meeting

- (i)        Document titled *Matrix on the Amendments approved by the Committee*

#### **ITEM 4:        CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 5<sup>TH</sup> MEETING HELD ON 17<sup>TH</sup> NOVEMBER, 2009**

- 4.1**        The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Indranie Chandarpal, M.P., and Rev. Kwame Gilbert, M.P., respectively.

**ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 5<sup>TH</sup> MEETING HELD ON 17<sup>TH</sup> NOVEMBER, 2009**

- 4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Shirley V. Edwards, M.P., and Mr. Norman Whittaker, M.P., respectively.

**ITEM 5: MATTERS ARISING**

- 5.1 There were no matters arising from the Minutes.

**ITEM 6: CONSIDERATION OF MR. DOUCET'S SUBMISSIONS IN CONJUNCTION WITH THE BILL.**

- 6.1 The Committee asked Deputy Chief Parliamentary Counsel to advise the Committee on the amendments proposed by Mr. Doucet which were accepted by his office.

- 6.1.1 The Deputy Chief Parliamentary Counsel informed the Committee that after consideration of the Document presented by Mr. Doucet he proposed the following amendment:

**Clause 50, subsection (8)**

Deletion of the words "*otherwise than in trespass*" after the words "*proceedings*" in line 3.

- 6.2. The Committee referred to the Document prepared by Mr. Doucet and asked the Deputy Chief Parliamentary Counsel if after his review of this document no proposals were drafted with respect to the problems and proposals outlined by Mr. Doucet.
- 6.2.1 The Deputy Chief Parliamentary Counsel informed the Committee that after his review of the document no amendments were made.
- 6.3 The Committee instructed the Deputy Chief Parliamentary Counsel to amend the Bill to state that matters relating to Maintenance be restricted to the Magistrates court unless other related matters by the same parties are being addressed in the High Court only then shall it be also addressed in the High Court.
- 6.3.1 The Deputy Chief Parliamentary was also instructed to remove all reference to Maintenance Assessments from the Bill.

- 6.4 The Committee instructed the Deputy Chief Parliamentary Counsel to research the problems identified with Clause 61, subsection (1) and to provide a written response informing the Committee of his decision on the matter.
- 6.5 The Deputy Chief Parliamentary Deputy Chief Parliamentary Counsel was also instructed to include a definition for “mother” in the Bill, as the Bill refers to the definition in another Bill which in non existent, he was also requested to include a definition for “special needs”.
- 6.6 The Committee also requested a written response from the Deputy Chief Parliamentary Counsel addressing of Mr. Doucet’s submissions regarding Committal to Prison and all others not previously addressed by him.

## ADJOURNMENT

At 4.16 p.m. the meeting was adjourned *sine die*.

Confirmed this ... 18<sup>th</sup> ... day of January, 2011

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



**ITEM 5: MATTERS ARISING**

**5.1 Page 6, item 7.2 Making the Bill gender neutral**

- 5.1.1 The Chairperson inquired from the Deputy Chief Parliamentary Counsel whether the language of the Bill had changed to gender neutral language.
- 5.1.2 In response, the Committee was informed that this was not done since the duties of the previous Counsel, who was attached to the Committee, had recently been assigned to him. He further stated that he would have the information available for the next meeting.

**ITEM 6: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 6<sup>TH</sup> MEETING HELD ON 24<sup>TH</sup> NOVEMBER, 2009**

**6.1 Page 3, paragraph 2.3.2**

- 6.1.1 Substitution of the word “*next*” for the word “*nest*” in line 3.

- 6.2 The Minutes were confirmed, as corrected, on a motion moved and seconded by Mrs. Indranie Chandarpal, M.P., and Mrs. Shirley V. Edwards, M.P., respectively.

**ITEM 7: MATTERS ARISING**

**7.1 Page 3, paragraph 2.3.2 Mr. Doucet’s Submissions**

- 7.1.1 The Chairperson informed the Committee that Mr. Doucet had submitted proposed amendments which were forwarded to the Clerk of the Committee to be copied and circulated to Members.

**ITEM 8: COMMENCEMENT OF CONSIDERATION OF MR. DOUCET’S SUBMISSIONS IN CONJUNCTION WITH THE BILL.**

- 8.1 The Committee commenced consideration of the proposed amendments highlighted by Mr. Doucet in the new document circulated to Members.
- 8.1.1 The Committee requested that the Deputy Chief Parliamentary Counsel review the amendments proposed by Mr. Doucet with the view of informing Members which amendments should be adopted.



## ADJOURNMENT

At 5.10 p.m. the meeting was adjourned to 4 .00 p.m. Thursday 29<sup>th</sup>, November 2010.

*Confirmed this ..... day of July, 2010*

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

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2010)**

**MINUTES OF THE  
8<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
– BILL NO. 29 OF 2009.**

**HELD AT 3.15 P.M ON WEDNESDAY, 14<sup>TH</sup> JULY, 2010,  
IN COMMITTEE ROOM NO. 1, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P. Chief Whip (Excused)

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P. (Excused)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Excused)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

## **Officers**

Ms. Jocette Bacchus  
Ms. Darlene Marshall

Clerk of Committees  
Assistant Clerk of Committees

## **In Attendance**

Mr. Charles J. Fung-a-Fatt

Deputy Chief Parliamentary Counsel.

### **ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the Meeting to order at 3.16 p.m.

### **ITEM 2: ANNOUNCEMENTS**

#### **2.1 Excuses**

- 2.1.1 The Chairperson informed the Committee that the following Members had asked to be excused from the meeting:

Mrs. Indranie Chandarpal, M.P;  
Rev. Kwame Gilbert, M.P; and  
Mr. Mervyn Williams, M.P.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

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

- (i) Notice of the 8<sup>th</sup> Meeting dated 9<sup>th</sup> July, 2010;
- (ii) Minutes of the 7<sup>th</sup> Meeting held on 20<sup>th</sup> April; and
- (iii) Verbatim Record of Proceedings of the 4<sup>th</sup> Meeting of the Committee held on Tuesday 3<sup>rd</sup> November, 2009.

- 3.2 The following documents were circulated at the Meeting:

- (i) Verbatim Record of Proceedings of the 7<sup>th</sup> Meeting of the Committee held on Tuesday 7<sup>th</sup> April, 2010;
- (ii) Copy of letter dated 12<sup>th</sup> July, 2010 from the Deputy Chief Parliamentary Counsel re: Proposed Amendment to the Bill.



**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE  
9<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
– BILL NO. 29 OF 2009.  
HELD AT 3.15 P.M ON TUESDAY, 18<sup>TH</sup> JANUARY, 2011,  
IN COMMITTEE ROOM NO. 1, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Excused)

Mr. Mervyn Williams, M.P. (Excused)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P. (Excused)

## **Officers**

Ms. Jocette Bacchus  
Ms. Darlene Marshall

Clerk of Committees  
Assistant Clerk of Committees

## **In Attendance**

Mr. Charles J. Fung-a-Fatt                      Deputy Chief Parliamentary Counsel.

### **ITEM 1:        CALL TO ORDER**

- 1.1        The Chairperson called the Meeting to order at 3.16 p.m.

### **ITEM 2:        ANNOUNCEMENTS**

#### **2.1        Excuses**

- 2.1.1      The Chairperson informed the Committee that the following Members had asked to be excused from the meeting:

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

### **ITEM 3:        CIRCULATION OF DOCUMENTS**

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

- (i)        Notice of the 9<sup>th</sup> Meeting dated 13<sup>th</sup> January, 2011; and
- (ii)       Minutes of the 8<sup>th</sup> Meeting held on 14<sup>th</sup> July, 2010.

- 3.2        The following documents were circulated at the meeting:

- (i)        Verbatim Record of Proceedings of the 4<sup>th</sup> meeting of the Committee held on Tuesday 3<sup>rd</sup> November, 2009.

### **ITEM 4:        CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 8<sup>TH</sup> MEETING HELD ON 14<sup>TH</sup> JULY, 2010.**

#### **4.1        Page 4, Paragraph 6.5**

- 4.1.1      Deletion of the repeated words “**Deputy Chief Parliamentary Counsel**” in the first line of the paragraph.

- 4.2 The Minutes were confirmed on a motion moved and seconded by Mrs. Shirley V. Edwards, M.P., and Mrs. Clarissa Rhiel, M.P., respectively.

**ITEM 5: MATTERS ARISING**

- 5.1 There were no matters arising from the Minutes.

**ITEM 6: CONSIDERATION OF PROPOSALS MADE BY THE DEPUTY CHIEF PARLIAMENTARY COUNSEL.**

- 6.1 The Committee proceeded to consider recommendations by the Deputy Chief Parliamentary Counsel.

- 6.2 The Committee agreed that maintenance be restricted to the Magistrate's Court except where other related matters by the same parties are being addressed in the High Court. The DCPC was requested to amend the Bill as such.

- 6.3 The Committee agreed to remove all references to '*maintenance assessments*' from the Bill.

**6.4 Clause 6**

- 6.4.1 No change known

- 6.4.2 Thereafter, the Clause was *accepted* as *amended*.

**6.5 Clause 44, Subsection (2)**

- 6.5.1 Substitution of the word "*apply*" for the word "*invest*" in line 6.

- 6.5.2 Thereafter, the Clause was *accepted* as *amended*.

**6.6 Clause 46, Subsection (4)**

- 6.6.1 Insertion of new subsection to read:

*"Where a child has special needs and has attained the age of eighteen years, an application may be made to the Court for a determination of whether the guardianship shall continue or be terminated and another person appointed as guardian of the child's property."*

- 6.6.2 Thereafter, the Clause was *accepted* as *amended*.

- 6.7 **Clause 49** was deleted and the subsequent Clauses were renumbered.

**6.8 The New Clause 54, Subsection (1)**

6.8.1 Insertion of the words *“or in a case where the child has special needs a parent or Guardian”* after the word *“child”* in line 4.

6.8.2 Thereafter, the Clause was *accepted as amended*.

**6.9 The New Clause 60, Subsection (2)**

6.9.1 Substitution of the words *“the liable person”* for the word *“he”* in line 3.

6.9.2 Thereafter, the Clause was *accepted as amended*.

**6.10 The New Clause 77**

6.10.1 Insertion of a new paragraph (d) which reads:  
*“maintenance.”*

6.10.1 Thereafter, the Clause was *accepted as amended*.

**6.11 The New Clause 78, Subsection (2)**

6.11.1 Substitution of the words *“fifty years”* for the words *“forty years”*.

6.11.2 Thereafter, the Clause was *accepted as amended*.

**6.12 The new Clause 81, Subsection (4)**

6.12.1 Insertion of the word *“positive”* before the word *“finding”* in line 1 of paragraph (b).

6.12.2 Thereafter, the Clause was *accepted as amended*.

**6.13 The new Clause 84, Subsection (2)**

6.13.1 Insertion of the words *“of the Custody Act”* after the words *“Section 81 (5)”* in line 5.

**6.14 Business of the next Meeting**

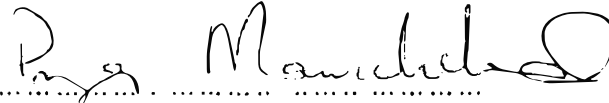
6.12.1 The Committee agreed to consider and adopt the Committee’s Report at the next meeting.

6.12.2 The Chairperson requested that the Deputy Chief Parliamentary Counsel and Committee Secretariat to collaborate with a view to ensuring all the changes were reflected in the Bill and the Matrix.

**ADJOURNMENT**

At 4.16 p.m. the meeting was adjourned to 8<sup>th</sup> February, 2011

*Confirmed this ..... day of February, 2011*

A handwritten signature in black ink, appearing to read 'Priya Manickchand', written over a dotted line.

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

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006-2011)**

**MINUTES OF THE  
10<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL  
– BILL NO. 29 OF 2009.**

**HELD AT 3.00 P.M. ON TUESDAY, 8TH FEBRUARY, 2011,  
IN COMMITTEE ROOM NO. 1, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P., Chief Whip (Excused)

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P. (Absent)

Rev. Kwame Gilbert, M.P.

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P.,  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Absent)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

## Officers

Ms. Jocette Bacchus  
Ms. Darlene Marshall

Clerk of Committees  
Assistant Clerk of Committees

### **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 The Chairperson informed the Committee that the following Members had asked to be excused from the meeting:

Dr. Frank Anthony, M.P,

Mrs. Indranie Chandarpal, M.P;

### **ITEM 3: CIRCULATION OF DOCUMENTS**

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

- (i) Notice of the 10<sup>th</sup> Meeting dated 4<sup>th</sup>February, 2011;

### **ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 10<sup>TH</sup> MEETING HELD ON 18<sup>TH</sup> JANUARY, 2010**

- 4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Rev. Kwame Gilbert, M.P and Mrs. Shirley Edwards, M.P, respectively.

### **ITEM 5: MATTERS ARISING**

- 5.1 There were no matters arising form the Minutes.

### **ITEM 6: CONSIDERATION AND AOPTION OF THE COMMITTEE'S REPORT**

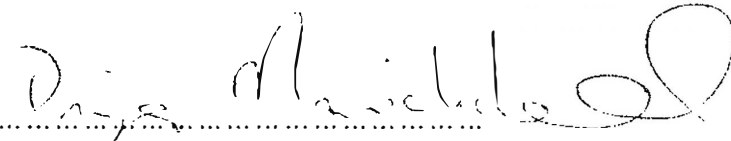
- 6.1 The Committee deferred the adoption of the report owing to the absence of the Deputy Chief Parliamentary Counsel.

- 6.2 The Committee subsequently expressed displeasure in the DCPC's sudden absence from the meeting and requested the Clerk to write the Attorney General's Chamber to express its frustration in the attitude of the DCPC.

## ADJOURNMENT

At 3.15 p.m. the meeting was adjourned *sine die*.

*Confirmed this ..... day of March, 2011*

A handwritten signature in black ink, appearing to read 'Priya D. Manickchand', written over a horizontal dotted line.

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



**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006-2011)**

**MINUTES OF THE  
11<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON THE  
CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL 2009  
– BILL NO. 29 OF 2009.  
HELD AT 3.15 P.M. ON TUESDAY, 1<sup>ST</sup> MARCH, 2011,  
IN COMMITTEE ROOM NO. 2, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

(Elected by the Committee on 4<sup>th</sup> August, 2009)

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

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

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

Mrs. Indranie Chandarpal, M.P., Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P. (Absent)

Rev. Kwame Gilbert, M.P.

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Clarissa S. Riehl, M.P., (Excused)  
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Absent)

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

(Nominated by the Committee of Selection on 9<sup>th</sup> July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

## **Officers**

Ms. Jocette Bacchus  
Ms. Tracy Armstrong

Clerk of Committees  
Assistant Clerk of Committees

### **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 Chairperson informed the Committee that Mrs. Clarissa Riehl M.P., had asked to be excused from the meeting.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the Meeting:
- (i) Notice of the 11<sup>th</sup> Meeting held on 1<sup>st</sup> March , 2011; and
  - (ii) Minutes of 10<sup>th</sup> Meeting held on 8<sup>th</sup> February, 2011.

### **ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 10<sup>TH</sup> MEETING HELD ON THE 8<sup>TH</sup> FEBRUARY, 2011**

- 4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Rev. Kwame Gilbert, M.P. and Mrs. Shirley Edwards, M.P., respectively.

### **ITEM 5: MATTERS ARISING**

- 5.1 The DCPC apologized for his absence at the previous meeting held on the 8<sup>th</sup> February, 2011.
- 5.2 The Committee accepted the DCPC's apology.

### **ITEM 6: CONSIDERATION AND ADOPTION OF THE COMMITTEE'S REPORT**

- 6.1 The Committee commenced page by page consideration of the Report and made several changes which are reflected in the Report.

- 6.1.2 The Committee agreed that after the amendments were made to the Report it should be laid in the National Assembly.

#### **ITEM 7: REGULATIONS**

- 7.1 The Chairperson inquired about the procedure for making regulations under the Bill.
- 7.1.2 The DCPC, in his response, referred to Clause 86 of the Bill and noted that the Bill has to be assented to by the President and published in the Official Gazette before it becomes law. The regulations could be brought after the date of publication.

#### **CONCLUSION**

The meeting was concluded at 3.40 p.m

*(Unconfirmed)*

# APPENDIX III

**SPECIAL SELECT COMMITTEE ON THE:**  
**THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL – BILL NO.29 OF 2009**

NAME	Oct.		Nov.			April	July	Jan.	Feb.	March
	20 <sup>th</sup>	27 <sup>th</sup>	3 <sup>rd</sup>	17 <sup>th</sup>	24 <sup>th</sup>	20 <sup>th</sup>	14 <sup>th</sup>	18 <sup>th</sup>	8 <sup>th</sup>	1 <sup>st</sup>
The. Hon. Priya D. Manickchand, M.P.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.
The Hon. Dr. Frank C.S. Anthony, M.P.	Ex.	Ex.	Pr.	Pr.	Pr.	Pr.	Pr.	Ex.	Pr.	Abs.
Mrs. Indranie Chandarpal, M.P. Chief Whip	Pr.	Ex.	Pr.	Pr.	Pr.	Pr.	Ex.	Pr.	Ex.	Pr.
Mrs. Shirley V. Edwards, M.P.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.
Mr. Norman Whittaker, M.P.	Pr.	Pr.	Ex.	Pr.	Ex.	Pr.	Pr.	Pr.	Abs.	Abs.
Rev. Kwame Gilbert, M.P.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Ex.	Pr.	Pr.	Pr.
Mrs. Clarissa Riehl, M.P.	Pr.	Pr.	Pr.	Pr.	Ex.	Pr.	Pr.	Pr.	Pr.	Ex.
Mrs. Volda A. Lawrence, M.P.	Abs.	Abs.	Abs.	Abs.	Abs.	Abs.	Abs.	Ex.	Abs.	Abs.
Mr. Mervyn Williams, M.P.	Pr.	Ex.	Pr.	Ex.	Pr.	Ex.	Ex.	Ex.	Abs.	Abs.
Mrs. Latchmin Punalall, M.P.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Ex.	Pr.	Pr.

Committees Division  
Parliament Office  
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