

BILL No. 8 of 2011

Friday 6th May, 2011

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

6th May, 2011.

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

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL NO. 8 OF 2011

ADOPTION OF CHILDREN (AMENDMENT) BILL 2011

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 3 of the Principal Act.
3. Amendment of section 4 of the Principal Act.

4. Amendment of section 7 of the Principal Act.
5. Amendment of section 8 of the Principal Act.
6. Amendment of section 10 of the Principal Act.
7. Amendment of section 11 of the Principal Act.
8. Amendment of section 20 of the Principal Act.
9. Amendment of section 26 of the Principal Act.
10. Amendment of section 33 of the Principal Act.
11. Amendment of section 38 of the Principal Act.
12. Amendment of section 47 of the Principal Act.

A BILL
Intituled

AN ACT to amend the Adoption of Children Act 2009.

A.D. 2011

Enacted by the Parliament of Guyana:-

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| Short title.
No. 18 of 2009 | 1. This Act, which amends the Adoption of Children Act 2009, may be cited as the Adoption of Children (Amendment) Act 2011. |
| Amendment of section 3 of the Principal Act. | 2. Section 3 (8) of the Principal Act is amended by substituting for the word "rules" the word "regulations" and for the word "Rules" the word "Regulations". |
| Amendment of section 4 of the Principal Act. | 3. Section 4 of the Principal Act is amended by substituting for the word "rules" the word "regulations". |
| Amendment of section 7 of the Principal Act. | 4. Section 7 (3) of the Principal Act is amended by inserting before the word "other" the word "take" and by substituting for the words "Adoption of Children Rules under the repealed Adoption of Children Act" the words "prescribed regulations." |
| Amendment of section 8 of the Principal Act. | 5. Section 8 (3) of the Principal Act is amended by inserting after the word "workers" the words "whose names shall on appointment be gazetted and". |
| Amendment of section 10 of the Principal Act. | 6. Section 10 (2) of the Principal Act is amended by substituting therefor the following subsection –

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

(a) the adopter gives notice in writing to the Agency of the adopter’s intention not to adopt the child; or

(b) the Board has reason to withdraw its recommendation made under section 8 (1) for any reason provided in section 8(2), the following steps shall be taken –

(i) the Board shall indicate that recommendation to the Agency; |

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

Amendment of section 11 of the Principal Act.

7. Section 11(1) of the Principal Act is amended by substituting for word “Board” the word “Agency”.

Amendment of section 20 of the Principal Act.

8. Section 20 (1) of the Principal Act is amended as follows –

- (a) by substituting for the opening part of paragraph (a) the following as the opening part -

“(a) in the case of a parent or guardian of a child or the man, who is or has been married to the mother of the child if the child was born during the marriage or within three hundred days after the termination of the marriage or a decree of judicial separation, that the parent, guardian or man -”;

- (b) by substituting in paragraph (b) for the words “contribute to the maintenance of” the word “maintain”.

Amendment of section 26 of the Principal Act.

9. Section 26(2) of the Principal Act is amended by substituting for the word “Board” the word “Agency”.

Amendment of section 33 of the Principal Act.

10. Section 33 (3) of the Principal Act is amended by inserting immediately after the words “section 20 (1) and (2)” the words “of the Deceased Persons Estates’ Administration Act”.

Amendment of section 38 of the Principal Act.

- 11. Section 38 (4) of the Principal Act is amended by inserting immediately after the word "shall" the word "not".

Amendment of section 47 of the Principal Act.

- 12. Section 47 (2) of the Principal Act is amended by substituting for the word "Board" the word "Agency" in paragraphs (d) and (e).

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Adoption of Children Act 2009.

Clauses 2 and 4 seek to amend sections 3 (8) and 7 (3) of the Act respectively to enable the Board to regulate its procedure in accordance with prescribed regulations.

Clause 3 seeks to amend section 4 of the Act to allow for an application to be made in accordance with the prescribed regulations.

Clause 5 seeks to amend section 8 (3) of the Act to require the gazetting of social workers on their appointment.

Clause 6 seeks to amend section 10 (2) of the Act to reflect that control shall vest in the Adoption Agency and not the Board.

Clause 7 seeks to amend section 11 (1) of the Act to reflect that it is the decision of the Agency that should be subject to appeal.

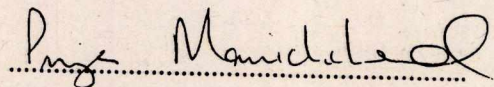
Clause 8 seeks to amend section 20 (1) (a) of the Act to state correctly that the Court may dispense with the consent of the man if any, who was married to the mother of the child when the child was born. Clause 8 also amends section 20 (1) (b) to state that the Court may now dispense with the consent of a person who has failed to maintain the child.

Clause 9 seeks to amend section 26 (2) of the Act to clarify that it is the Agency not the Adoption Board which shall act as guardian *ad litem* for the child at the hearing of the application for adoption before the Court.

Clause 10 seeks to amend section 33 (3) of the Act to clarify that the Act being referred to in that subsection is the Deceased Persons Estates' Administration Act.

Clause 11 seeks to amend section 38 (4) of the Act to show that it should not be a requirement that the copy or extract from the Adopted Children Register reproduce a note or marking related to cancellation made to that entry.

Clause 12 seeks to amend section 47 (2) (d) and (e) of the Act to reflect that it will be the Agency and not the Board which will carry out the functions specified therein.



Minister of Human Services and Social Security