

Adoption

What is Adoption?

When a child is legally adopted the adopter becomes to all intents and purposes the child's parent, and the natural parents are permanently deprived of their parental rights.

An adopted child is treated by the law as if she/he were the natural child of the adopter. For example, she/he has full rights to inherit property on the death of the adopter, and marriage between an adopter and the person she/he adopts is prohibited.



Who can be adopted?

A person under 18 years old who has never been married and lives in Guyana.

Who can Adopt?

You can apply to adopt a child if:

- (1) you are domiciled (i.e. have your permanent home) and live in Guyana;
- (2) you are a Guyanese national resident outside of Guyana;
- (3) you are a former Guyanese national who has acquired the citizenship of any country other than Guyana; or
- (4) you are 25 years old and are at least 21 years older than the child, or are 18 years old and a relative of the child, or are the mother or father of the child.

N.B.

1. A mother or father of a child may adopt a child either alone or jointly with her/his spouse. Spouse includes a single man and single woman living together in a common law union at least

seven years prior to the adoption. “Father” includes a man who has acknowledged a child to be his own and has previously contributed to the child’s maintenance.

2. If you are married you and your husband/wife should apply jointly. If only one of you applies the other must consent.
3. If you are male you will only be allowed to adopt a female child to whom you are not related in very exceptional circumstances.

Parents’ Consent

The court may dispense with the consent of a parent if:-

- (a) the parent has abandoned, neglected or constantly ill-treated the child;
- (b) a person obligated to maintain a child by a court order refuses or neglected to do so for a long time;
- (c) where the person required to consent cannot be found or is incapable of consenting or unreasonably withholds her/his consent.

Adopters’ Consent

If your spouse cannot be found, is incapable of giving consent or is permanently separated from you, such consent may be waived by the court.

When Can An Adoption Order Be Made?

An adoption order cannot be made unless:

- (1) the child has been continuously in your care and possession for at least 6 (six) months immediately before the date the order is made; and
- (2) you apply to the Court for an adoption order within 3 (three) months from the expiration of that period of care and possession.
- (3) where the adopter is a Guyanese national resident outside of Guyana or a former Guyanese national who has acquired the citizenship of any country other than Guyana the period is 1 (one) month.

How to Apply For An Adoption Order

1. Application to the Adoption Board

The first step is to apply to the Adoption Board on the specified application and medical forms. You will then be invited to the Board's office for an interview. You must take the child's birth certificate with you to the interview. Other documents may be required, such as your marriage certificate if you are married or your decree absolute if you are divorced.

2. Consent of the child's parents

The Board will interview the child's parents, explain to them the effect of an adoption order and ask them to give their consents to the adoption in writing on the specified forms. If the whereabouts of the child's parents are unknown the Board will advertise for them in the newspapers.

3. Appointment of the Board as guardian ad litem

Where the parents' consents have been obtained or it has been decided to ask the court to do without one or both of them the Board will write and advise you to file your application for an adoption order in the High Court. It is advisable to have the application papers prepared by a lawyer. A copy of the papers should be served on the Board. The Court will appoint the Board guardian ad litem of the child (i.e. the guardian of the child for the purposes of the adoption proceedings).

4. The Board decides whether to recommend adoption

A representative of the Board will visit you in your home and talk with you and the child. A report will then be written and presented to a meeting of the Board. You and the child will be invited to this meeting. The Board will decide whether to recommend adoption and will inform the Court of its decision. In coming to its decision the Board must consider what will be in the best interests of the child.

5. a. If the Board decides not to recommend adoption you can appeal to a judge of the High Court within 14 (fourteen) days after being

told of the decision.

b. If the Board recommends adoption you will be sent a notice telling you when you, the lawyer and the child should attend Court. The application will be heard in private, in the judge's chambers. The Secretary of the Board will confirm that the Board approves of the adoption and if the judge is satisfied that everything is in order she/he will make the adoption order.

6. The adoptive certificate

Either you or your lawyer should deliver a certified copy of the adoption order to the Registrar General and request that the details be entered in the Adopted Children Register. A short while later you should be able to buy a certified copy of the entry called an "adoptive certificate" from the Office of the Registrar General (above the GPO Building). This serves the same purpose as a birth certificate.

It Is Illegal

- (1) to advertise either that you have a child for adoption or that you want to adopt a child;
- (2) without the permission of the Court to pay someone to adopt your child, to give or receive payment for giving up your child for adoption.

In the case of an adoption by a Guyanese national resident outside of Guyana, a report from the Social Services agency in that country is required to be sent to the Adoption Board. This report is compiled after the authorities visit and interview the prospective adopters. There is also provision for the Guyana Consulate in the country to issue a Certificate to the effect that the applicant is a fit and proper person.

Adoption Proceedings should not be submitted for valid immigration procedures.