

Adoption

Cap 212.

ADOPTION REGULATIONS, 1986

Arrangement of Regulations

SECTION

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SCHEDULE



Adoption

Cap 212.

ADOPTION REGULATIONS, 1986

1986/11.
1987/161.

Authority: These regulations were made on 27th January, 1986 by the Minister under section 39(1) of the *Adoption Act*.

Commencement: 1st December, 1987.

1. These Regulations may be cited as the *Adoption Regulations, 1986*. Short title.

2. (1) In these regulations "Board" means the Child Care Board as established by the *Child Care Board Act*. Definition and Forms. Cap. 381.

(2) The Forms to be used for the purpose of these regulations are set out in the *Schedule*. Schedule.

3. The Board may establish committees for the purpose of considering or advising the Board on any matter concerned with adoptions. Committees of the Board.

4. A person who is desirous of adopting a minor must make application to the Board in Form A. Application for adoption of minor.

5. (1) A person who is desirous of applying to the court for an adoption order must make application to such court in Form I. Application to the court for adoption order.

(2) An applicant under paragraph (1) must cause a medical certificate in Form B to be submitted to the court. L.N. 81 of 1956.

(3) Where a joint application is submitted, the applicant who is unrelated to the minor must cause a medical certificate in Form B to be submitted to the court; but where one applicant is the natural parent of the minor no medical report is required.

6. (1) Subject to paragraph (2), no negotiations or arrangements for the adoption of a minor shall be entered into or made by the Board unless Conditions on negotiations or arrangements for adoption.

(a) a person having the lawful care or custody of a minor has requested the Board to enter into or make arrangements for the adoption of that minor; and

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(b) the parents or guardians of the minor have been furnished with a memorandum as set out in Form C and the parents or guardians have signed and delivered to the Board a certificate as set out in Form D.

(2) Notwithstanding paragraph (1), the Board may enter into negotiations and make arrangements for the adoption of a minor if

(a) the person desirous of adopting a minor, either by himself or jointly with his spouse, is a parent of the minor and has been furnished with a memorandum as set out in Form C and has signed and delivered to the Board the certificate as set out in Form D;

(b) the parents or guardians of the minor are unknown and cannot, after reasonable enquiry has been made, be found;

(c) the minor has no parents or guardians; or

(d) the court has in accordance with section 15(1) of the Act dispensed with the consent of the parents or guardians of the minor.

Request
for arrange-
ments for
adoption.

7. (1) Notwithstanding regulation 6, a person resident in Barbados having care and custody of a minor

(a) whom he brought into Barbados under an order issued in another jurisdiction entrusting him with care and custody; or

(b) whom the Board is satisfied was, at the date of the application under this regulation, resident in Barbados and was cared, maintained and educated by such person for a period of 3 years prior to the application,

may make application to the Board in Form E requesting the Board to make arrangements for the adoption of such a minor by the applicant alone or jointly with his spouse.

(2) The Board may on receipt of an application under paragraph (1) proceed to make arrangements for the adoption of a minor to whom paragraph (1) (a) or (1) (b) applies.

Information
on minor
to proposed
adopter.

8. (1) The Board shall, at the time a minor is placed for adoption, provide the person who has applied to adopt the minor with written information concerning the minor's background, parentage and his physical, mental and emotional development when this is known.

(2) The Board shall render, in writing, to a person to whom paragraph (1) applies such other information and advice as it deems appropriate having regard to the particular circumstances of each minor.

9. (1) Subject to this regulation, the Board shall in making arrangements for the adoption of a minor cause enquiries and reports to be made in respect of the matters set out in Form F.

Enquiries and reports relating to arrangements for adoption.

(2) A report for the purposes of paragraph (1) must be in Form G and must be completed and signed by a registered medical practitioner, and where any question cannot be answered by the practitioner, by reason of lack of information or otherwise he must so indicate thereon.

(3) The Board shall not, in making arrangements for the adoption of a minor who is in the care and custody of a person other than the person desirous of adopting the minor, either by himself or jointly with his spouse, place such a minor in the care and custody of such person unless

- (a) the person desirous of adopting the minor has fulfilled the requirements of these regulations;
- (b) the undertaking as set out in Form H has been signed by
 - (i) the parents or guardians, or
 - (ii) the person having care and custody of the minor where the parents or guardians are unknown and cannot after reasonable enquiry has been made or there are no parents or guardians;

and delivered to the Board;

- (c) the person desirous of adopting the minor has been assessed by the Board or in the case where the person desirous of adopting the minor is resident outside of Barbados that person has been assessed by an approved child care agency or institution in his place of residence;
- (d) the Board has caused any premises at which the person desirous of adopting the minor intends that minor to reside permanently to be inspected; and
- (e) the Board has considered any report submitted pursuant to regulation 9.

Visiting of
minor etc.
after
placement.

10. (1) Where the Board has placed a minor in the care and custody of an applicant under these regulations the Board shall

- (a) cause a child care officer to visit such minor at least once in every month for the duration of the probationary period of 6 months after the placement;
- (b) make adequate arrangements for the supervision of the minor which shall continue until such time as the notice of the appointment of a *guardian ad litem* is given; and
- (c) cause the parents or guardians of the minor to be visited or contacted periodically.

(2) A child care officer who visits a minor pursuant to this regulation

- (a) may require the person who is given care and custody of the minor not to be present at any place at which he intends to interview the minor; and
- (b) shall submit a written report to the Board at the end of each such visit.

Records of
the Board.

11. The Board must ensure that its records and other documents relating to the Act or these regulations are not accessible to unauthorised persons.

Confiden-
tiality.

12. The members of the Board, the members of any committee of the Board and any person employed by the Board in any capacity shall maintain and aid in the maintenance of the confidentiality in respect of all matters relating to the Act and these regulations and shall not, except with the written consent of the Minister, communicate any such matter to any person unless such communication is for the purpose of giving effect to any provision of the Act or these regulations.

Offences.

13. (1) A person who contravenes any provision of an undertaking given in accordance with regulation 9 is guilty of an offence and shall be liable on summary conviction to a fine of \$500 or imprisonment for a term of 3 months.

(2) A person who contravenes regulation 12 is guilty of an offence and shall be liable on summary conviction to a fine of \$500 or imprisonment for a term of 3 months.

SCHEDULE

(Regulation 2(2))

ADOPTION REGULATIONS, 1986

(Regulation 4)

FORM A

APPLICATION FOR ADOPTION

Surname: Address:

Telephone Number:

Marital Status of Applicant(s):

Married Single Divorced Widow(er)

Date and place of marriage and maiden name is applicable:.....

Details of Applicant(s):

MALE FEMALE

First Name

Other Names

Birth Date

Age.....

Nationality

Occupation

Place of Work

Income:

Per Week

Per Month

Other

Religion.....

Type of Housing: Rented..... Owner Occupied Other

How many bedrooms does your home have?

Previous addresses during

- last 5 years: (1)
-
- (2)
-
- (3)
-
- (4)
-
- (5)
-

Utilities:

Electricity: Yes/No Water: Yes/No Toilet: Indoor/
 Outdoor

Medical History:

Name of Family Doctor:

Address:

.....

Have you or any member of your family ever been treated for:-

Yes	No
-----	----

- Tuberculosis
- Diabetes
- Epilepsy
- Hypertension
- Any Mental Illness

Members of the Household:

	Full Name	D.O.B.	Relationship to applicant	Occupation/School
1
2
3
4
5
6
7

Children of Applicants outside of Household:

	Full Name	D.O.B.	Sex	Place of abode
1
2
3
4

Name three persons who have known you for at least five (5) years who have agreed to act as referees.

N.B. Relatives should not be used.

	Name	Address	Telephone No.
1
2
3

Have you or any member of your household ever been convicted of any offence?

Yes No

If yes, give details:
.....
.....

Has fostering or adoption been discussed with family members?

Yes No

Are all family members in agreement with you to foster or adopt?

Yes No

TO BE ANSWERED BY FOSTERING APPLICANTS ONLY

Would you and your family accept a handicapped child? Yes No

Would child or children have a room? Yes No

Would child or children: share a room? Yes No

share a bed? Yes No

Tick which is applicable:

Is your home situated near any of the following:

- (a) Day Care Centre
- (b) Nursery School
- (c) Primary School
- (d) Secondary School

TO BE ANSWERED BY ADOPTIVE APPLICANTS ONLY

Child:

Type of child preferred by applicant(s):
.....

Age of child preferred:

Sex of child preferred:

Other special qualities:

For those who have a child in their home they wish to adopt:

Full name of child:.....

Child's date of birth:.....

How was the child placed in your care?

I/We understand that the *Adoption Act*, Cap. 212 and the regulations made thereunder authorise the Child Care Board to make or cause to be made such enquiries, obtain or cause to be obtained such reports and carry out such interviews as shall be necessary or shall be prescribed for the purpose of making arrangements for the adoption of minors and for the consideration of the court.

I/We understand that this application may not be considered if on examination of the above information, the applicant fails to meet the Board's required standard.

I/We hereby declare that to the best of my/our knowledge the information which has been provided in this form is true.

Applicant's Signature: (1).....
(2).....

Date of Application:

FOR OFFICE USE ONLY

Application received:

Application assigned to:

Application: Approved/Rejected/Withdrawn

Date:

Signed:
Child Care Officer

SCHEDULE

(Regulation 2 (2))

ADOPTION REGULATIONS, 1986

FORM B

(Regulation 5(2) and (3))

MEDICAL CERTIFICATE AS TO THE HEALTH
OF APPLICANT

I examined

on 19, and hereby certify
that he/she is physically, mentally and emotionally suitable to adopt a child.

Signature

Qualifications

Address

Date

SCHEDULE

(Regulation 2 (2))

ADOPTION REGULATIONS, 1986

FORM C

*(Regulation 6(1) (b))*EXPLANATORY MEMORANDUM REGARDING THE
ADOPTION OF MINORS

This memorandum must be given to the natural parents, guardian, any person liable by any order or agreement to contribute to the maintenance of, or any person granted custody of a minor who is about to be adopted.

What Adoption Means

1. Adoption orders are made in the High Court by a Judge. It is a legal procedure by which all your rights and duties as a parent or guardian will be transferred to the adopters who will become the lawful parents of the minor. This means that you will have no further rights to see the minor or to have the minor returned to you.

Your Consent to the Adoption

2. Before the Court can make an adoption order, it has to be satisfied that you consent of your own free will to the order being made. Consent cannot be given before the minor is six (6) weeks old. You will be asked to sign a form of consent which will be presented in Court as evidence of your consent. The mother of the minor *must* sign her consent in the presence of a Justice of the Peace. You are not allowed to sign a blank consent form. The proposed adopters *must* either be named on the consent form or referred to by number, if they do not wish their identity revealed to you. If they are referred to by number you can ask what sort of people they are and you may choose, if you want, the religious persuasions in which the minor is to be brought up.

3. The Court cannot make an adoption order, without your consent unless you have abandoned, neglected or persistently ill-treated or seriously ill-treated the minor, or persistently failed to discharge your parental duties, or neglected or refused to contribute to the maintenance of the minor, or cannot be found, or is incapable of giving consent (for instance by reason of serious mental illness) or is unreasonably withholding consent. If one of these applies to you the Court can dispense with your consent, and will make an adoption order.

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4. You will be given notice of the hearing of the application to adopt and will have the opportunity of making your views known to the Court if you so wish. Where the proposed adopters are referred to by a number on the consent form, arrangements will be made for you to attend Court at a different time.

5. The Court will appoint a person called the *guardian ad litem* who will need to see you before the Court makes the adoption order to make sure that you understand what the effect will be. The *guardian ad litem* has a duty to ensure that an adoption order will be in the best interest of the minor and the Court must give first consideration to this.

6. If you sign the consent form and then, before the adoption order is made, you wish to withdraw your consent, and want the minor back you will have to apply to the Court for leave to remove the minor from the care of the would-be adopters. However, you must show good cause for your decision not to allow the adoption.

7. You are not allowed to receive or give any payment or reward in connection with the adoption. This is an offence punishable by law.

8. The Child Care Board cannot arrange for the minor to be sent abroad for adoption without a licence from the Chief Justice and here again the licence cannot be granted without your consent except for one of the same sort of reasons as are given in paragraph 3.

9. If you have taken out an insurance policy against funeral expenses for the minor, other than one under the *Friendly Societies Act*, Cap. 379, the insurers will be able to tell you whether, after the adoption order is made the policy can be transferred to the adopters should they wish to continue it. If such insurance was taken out under the said Act, the rights and liabilities under the policy will after an adoption order has been made be transferred to the adopters.

10. If the minor is entitled to any property rights, the Child Care Board is to be informed of these rights in order for the minor to benefit from such entitlements.

SCHEDULE

(Regulation 2 (2))

ADOPTION REGULATIONS, 1986

FORM D

(Regulation 6(1)(b))

CERTIFICATE OF RECEIPT OF MEMORANDUM

To: The Chairman, Child Care Board

I hereby certify that I received from you a memorandum headed "Explanatory Memorandum Regarding the Adoption of Minors" from which I have detached this certificate of acknowledgement; and I further certify that I have read the memorandum and the memorandum has been fully explained to me. I understand and agree to the contents of the memorandum and I am able to explain the memorandum in my own words.

Signature

Address

.....

.....

Date

Witness

Designation

Address

.....

.....

Date

Certificate of Receipt of Memorandum (Form D) to be delivered to the Child Care Board.

Signed

SCHEDULE

(Regulation 2 (2))

ADOPTION REGULATIONS, 1986

FORM E

(Regulation 7(1))

APPLICATION REQUESTING THE CHILD CARE BOARD TO MAKE
ARRANGEMENTS FOR THE ADOPTION OF A MINOR

To: The Chairman, Child Care Board

I/We the undersigned resident/residents of Barbados hereby make application requesting the Child Care Board to make arrangements with a view to the adoption of a male/female minor, aged approximately now residing at.....
.....

I/We hereby declare that the particulars given below are true to the best of my/our knowledge and belief

1. Names
2. Address where now resident
3. Nationality
4. Country of domicile
5. Religion
6. Names and addresses of two persons personally known to me/us able to vouch for my/our character(s).

Signed:
.....

SCHEDULE

(Regulation 2(2))

ADOPTION REGULATIONS, 1986

FORM F

(Regulation 9(1))

PARTICULARS TO BE ASCERTAINED

PART I

Particulars relating to the minor

- 1. Name
- 2. Date and place of birth
- 3. If baptized, date and place of baptism and denomination.....
.....
- 4. If not baptized, religious persuasion of the minor's father and mother
.....
.....
- 5. Have the parents any wishes regarding the minor's religious upbringing? If so, what are they?
.....
- 6. Name, address and age of the minor's father and mother. If either is dead, date of death.....
.....
- 7. If parents are married, whether there have been any matrimonial proceedings (separation, divorce or annulment) and if so whether any orders in respect of the minor have been made
.....
.....
- 8. If either the father or mother has any other children, the age and sex of each minor.....
.....

- 9. Whether there is any history of tuberculosis, epilepsy, mental illness or other disease in either the father's or mother's family
-
- 10. Why adoption is being sought for the minor and whether adoption has previously been sought for him
-
- 11. Having regard to his age and understanding, what are the wishes and feelings of the minor about being adopted
-
-
- 12. Whether the mother agrees to the minor being adopted, and, if not, her reasons for not agreeing
-
- 13. Whether the father agrees to the minor being adopted, and, if not, his reasons for not agreeing
-
- 14. Whether the natural father (if known) has any objection to the minor being adopted and whether he intends to apply for custody of the minor
-
-
-
- 15. The names and addresses of the minor's guardians, how and by whom they were appointed, and whether they agree to the minor being adopted, and, if not, their reasons for not agreeing.....
-
-
- 16. Whether the minor has any right to or interest in any property
-
-
- 17. Whether an insurance policy for the payment on the death of the minor of money for funeral expenses has been effected
-
-

PART II

Particulars relating to the proposed adopters

- 1. Names
-
- 2. Addresses
-
-
- 3. Dates of Birth
-
- 4. Religious persuasion
- 5. Occupation
- 6. Where the proposed adopters do not have their home (or one of them does not have his/her home) in Barbados, address if different from above
-
-
- 7. If the proposed adopters intend to apply for a licence, whether they intend to adopt the minor in law or in fact in the country in which they are domiciled.....
-
- 8. If there are 2 proposed adopters, the date and place of the proposed adopters' marriage, and whether either proposed adopter has previously been married and, if so whether that marriage was dissolved or annulled, the grounds for the divorce or annulment and whether there are any commitments in respect of a former spouse and/or children of a previous marriage
-
- 9. If there is only 1 proposed adopter, whether that person is married, and, if so, why the spouse does not join in the application. Is the spouse:
 - (a) unable to be found;
 - (b) separated and living apart and the separation likely to be permanent; or
 - (c) by reason of ill-health, physical or mental, incapable of joining in the application?
-
-

10. Particulars of all members of the proposed adopters household and their relationship (if any) to the proposed adopters

.....
.....

11. The accommodation in the proposed adopters' home and the condition of the home

12. The means of the proposed adopters

13. The names and addresses of 2 persons selected by the proposed adopters to whom reference can be made as to character

.....
.....

SCHEDULE

(Regulation 2(2))

ADOPTION REGULATIONS, 1986

FORM G

(Regulation 9(2))

MEDICAL REPORT AS TO HEALTH OF MINOR

Minor's name Date of birth

Sex weight height

A. General Condition

- Skin
- Eyes (including vision)
- Ears (including hearing)
- Nose and throat
- Speech
- Cardio-vascular system
- Respiratory system
- Alimentary system
- Genito-urinary system (including examination of urine for albumen and sugar)
- Skeletal and articular system (including examination for congenital dislocation of hip)
- Nervous system (including fits)
- Lymphatic system
- Is the minor physically normal having regard to his age?
- Any other comments

B. Are there any items in the minor's history or examination which suggest that she/he may be mentally abnormal having regard to his age?

C. Particulars of any illnesses from which the minor has suffered.

D. If known:

Weight at birth (if minor is under one year of age) Details of birth, including result of mother's serological tests for syphilis.

Particulars, with dates, vaccination or immunization against:

- Tuberculosis
- Smallpox
- Diphtheria
- Whooping cough
- Poliomyelitis
- Tetanus (active)
- Measles
- Any other disease

- E. (1) Result of serological test for syphilis on the child's blood or the mother's blood carried out six (6) weeks or later after the child's birth. (Either test (a) or test (b) may be carried out when the child is at least six (6) weeks old.
- (a) Result of a suitable serological test of the child's blood for syphilis (please specify test).
 - (b) Result of a suitable serological test of the mother's blood for syphilis.

F. I examined the child on the day of

19

Signature

Qualifications

.....

Address

.....

SCHEDULE

(Regulation 2(2))

ADOPTION REGULATIONS, 1986

FORM H

(Regulation 9(3)(b))

FORM OF UNDERTAKING TO BE FURNISHED TO THE CHILD CARE BOARD WHERE A MINOR NOT IN THE CARE AND POSSESSION OF THE PERSON DESIROUS OF ADOPTING THE MINOR IS PLACED BY THE CHILD CARE BOARD IN THE CARE AND POSSESSION OF SUCH PERSON

To: The Chairman, Child Care Board

WHEREAS I/We the undersigned being the *(parents) (guardians) (person having the care and possession of a (male) (female)) minor named

.....

of the age of (years) (months) or thereabouts, hereinafter called the minor (have requested you) (have been informed that a request has been made to you) to make arrangements with a view to the minor being adopted in accordance with the provisions of the *Adoption Act*, Cap. 212 as amended and the regulations made thereunder.

AND WHEREAS I have been informed that in pursuance of making such arrangements you have found a person resident in Barbados who is desirous of adopting the minor and is in your opinion a suitable person to be entrusted with the care and possession of the minor during the probationary period required by the said Act.

NOW THEREFORE I hereby consent to you placing the minor in the care and possession of such person for such probationary period and I hereby undertake that during such times as the minor is required by the said Act as amended, to remain in the care and possession of such person for such probationary period I shall not, except with your permission of such person, hold or seek to hold communication with the minor or attempt to convey to

him/her any information as to his/her actual parentage or attempt to remove the minor from the care and possession of such person or to interfere with the control, education or management of the minor.

Signature

Address

.....

Date

*** Delete where inapplicable**

N.B. A breach on your part of this undertaking may render you liable to conviction for an offence.

FORM I

(Regulation 5)

Application for an adoption order

BARBADOS.

In the Supreme Court

19, No.

IN THE MATTER OF A.B.⁽¹⁾

.....an infant

and

IN THE MATTER of the Adoption Act,
Cap. 212

Let..... of within

eight days after the service of this application, inclusive of the day on which the application is lodged cause an appearance to be entered for him [her] to this application which is issued

upon the application of
for an order:-

1. That the applicant be authorised to
adopt the said
2. That the costs of this application be provided for.

Dated theday of 19

This application was taken out by

..... of, ²⁾ [attorney-at-law

for the above named]

Notes:

- (1) Enter the name(s) and surname which the infant is to bear after the adoption.
- (2) Delete if no attorney-at-law is acting for the applicant.