

**ADOPTION OF CHILDREN ACT**

**CHAPTER 46:03**

**Act**

**31 of 1946**

Amended by

15 of 1948

28 of 1973

17 of 1981

\*67 of 2000

\*See Note on page 2

**Current Authorised Pages**

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**Note on Act No. 67 of 2000**

This Act is purported to be repealed by the Adoption of Children Act, 2000 (Act No. 67 of 2000) but Act No. 67 of 2000 has not yet been proclaimed. This Act therefore is the existing law with respect to the adoption of children and will continue in force until Act No. 67 of 2000 is proclaimed.

**Note on Delegation of Powers**

For Delegation of Powers—*See* LN 10/1957

**Note on Adaptation**

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister’s approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

**CHAPTER 46:03**

**ADOPTION OF CHILDREN ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

1. Short title.
2. Interpretation.
3. Establishment of Adoption Board.
4. Restriction on making arrangements for the adoption of children.
5. Duties of Board.
6. Provisions relating to arrangements made by the Board.
7. Appeals by persons desirous of adopting children.
8. Release of inmate of certified school for purposes of adoption.
9. Regulations.
10. Power to make adoption orders.
11. Restrictions on making adoption orders.
12. Matters with respect to which Court to be satisfied.
13. Power to make interim orders.
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15. Effect of Adoption Order.
16. Power to make subsequent order in respect of child already subject to an order.
17. Jurisdiction and procedure.
18. Restriction on payments.
19. Offences.
20. Provisions as to existing *de facto*.
21. Adopted Children Register.

**SCHEDULE.**



(4) The Minister may appoint any person to act in the place of any member of the Board in case of the absence or inability to act of such member.

(5) The Board shall have power to regulate its procedure.

(6) The Board may appoint a fit and proper person to be Secretary to the Board and may determine the duties to be performed by the Secretary.

(7) The Board may appear and be represented at any stage of the proceedings in a Court by the Secretary or by any person generally or specially authorised by the Board.

**4.** (1) No person other than the Board shall make arrangements for the adoption of a child.

Restriction on making arrangements for the adoption of children.

(2) Any person who takes part in arranging an adoption or in the management or control of a body of persons other than the Board which exists wholly or in part for the purpose of making arrangements for the adoption of children, is liable on summary conviction to a fine of six thousand dollars and to imprisonment for six months.

(3) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of a child if he, not being the parent or guardian of the child, enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the child by any other person, whether the adoption is effected, in pursuance of an adoption order or otherwise, or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor, or if he causes another to do so.

**5.** The Board shall—

Duties of Board.

- (a) receive applications from parents, guardians and adopters in respect of the adoption of children;
- (b) make such investigations concerning the adoption of children for the consideration of the Court as may be prescribed under section 9;
- (c) act as guardian *ad litem* of any child in respect of whom an adoption order is sought.

Provisions relating to arrangements made by the Board.

6. (1) Where arrangements are made by the Board for the adoption of a child, an application to the Court for an adoption order in respect of the child shall not be made by the adopter until the expiration of a period of six months from the date upon which the child is delivered into the care and possession of the adopter pursuant to the arrangements and at any time during that period—

- (a) the adopter may give notice in writing to the Board of his intention not to adopt the child; or
- (b) the Board may cause notice in writing to be given to the adopter of its intention not to allow the child to remain in the care and possession of the adopter,

and where a notice is so given, the adopter shall, within seven days of the date on which the notice was given, cause the child to be returned to the Board, and the Board shall receive the child accordingly.

(2) The Board shall appoint one or more persons whose duty shall be to keep the child under close supervision during the said period of six months in accordance with Regulations made under this Act.

(3) If, at the expiration of the said period of six months, no notice has been given as aforesaid, the adopter shall within three months from the date upon which that period so expired apply to the Court for an adoption order in respect of the child or shall give notice in writing to the Board of his intention not to apply for such an order, and, where notice is so given or where an application for an adoption order in respect of the child is refused by the Court, the adopter shall, within seven days of the date on which the notice was given or of the date upon which the application is so refused, as the case may be, cause the child to be returned to the Board, and the Board shall receive the child accordingly.

(4) Any person who contravenes this section is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months; and the Court by which the offender is convicted may order any child in respect of whom the offence is committed to be returned to his parents or guardian or to the Board.

7. Where any person has made representations to the Board with a view to the adoption of a child, and the Board is of the opinion that the adoption of the child by that person would not be in the best interests of the child, the Board shall notify the person accordingly, and such person may appeal from the decision of the Board to a Judge of the High Court in a summary way.

Appeals by persons desirous of adopting children.

8. Where the child in respect of whom an adoption order is sought is an inmate of a certified school as defined by section 29 of the Children Act, the managers of the school may, with the consent of the Minister, and notwithstanding anything contained in section 56 or section 57 of that Act, sanction the unconditional release of the child from the school for the purposes of the adoption.

Release of inmate of certified school for purposes of adoption. Ch. 46:01.

9. (1) The Minister may make Regulations—

Regulations.

(a) for regulating the conduct of negotiations entered into by or on behalf of the Board with persons having the care and possession of children who are desirous of causing children to be adopted, and in particular for securing—

(i) that, where the parent or guardian of a child proposes to place the child at the disposition of the Board with a view to the child being adopted, he shall be furnished with a memorandum in the prescribed form explaining in ordinary language the effect, in relation to his rights as a parent or guardian, of the making of an adoption order in respect of the child, and calling attention to this Act and of any Rules made hereunder relating to the consent of a parent or guardian to the making of such an order; and

(ii) that, before so placing the child at the disposition of the Board, the parent or guardian shall sign a document in the prescribed form verifying that he has read or had read and understood the said memorandum;

- (b) for requiring that the case of every child proposed to be delivered by or on behalf of the Board into the care and possession of an adopter shall be considered by a committee (to be called a “case committee”) comprised of not less than three members of the Board;
- (c) for prescribing, in the case of every such child as to the inquiries which must be made and the reports which must be obtained by the Board in relation to the child and the adopter for the purpose of ensuring, so far as may be, the suitability of the child and the adopter respectively, and, in particular, for requiring that a report on the health of the child and prospective adopter signed by a duly qualified medical practitioner must be obtained by the Board;
- (d) for securing that no such child shall be delivered into the care and possession of an adopter by or on behalf of the Board until the adopter has been interviewed by the case committee or by some person on their behalf, until a representative of the committee has inspected any premises in Trinidad and Tobago in which the adopter intends that the child should reside permanently, and until the committee have considered the prescribed reports;
- (e) for making provision for the care and supervision of children who have been placed by their parents or guardians at the disposition of the Board;
- (f) generally for carrying out the purposes of this Act.

(2) Any person who contravenes any regulation made under this section is liable on summary conviction for a first offence to a fine of seven hundred and fifty dollars and on any subsequent summary conviction to a fine of one thousand five hundred dollars.

**10.** (1) Upon an application in the prescribed manner by any person desirous of being authorised to adopt a child, the Court may, subject to this Act, make an adoption order authorising the applicant to adopt that child. Power to make adoption orders.

(2) Where an application for an adoption order is made by two spouses jointly, the Court may make the order authorising the two spouses jointly to adopt, but save as aforesaid no adoption order shall be made authorising more than one person to adopt a child.

**11.** (1) An adoption order shall not be made in any case where— Restriction on making adoption orders. [17 of 1981].

- (a) the applicant is under the age of twenty-five years, or
- (b) the applicant is less than twenty-one years older than the child in respect of whom the application is made; but the Court may, if it thinks fit, make an order—
  - (i) notwithstanding that the applicant is less than twenty-five years of age, if the applicant is the mother of the child; or
  - (ii) notwithstanding that the applicant is less than twenty-one years older than the child, if the applicant and the child are within the prohibited degrees of consanguinity, or if the application is made by or on behalf of two spouses jointly and the wife is the mother of the child or the husband is the putative father of the child.

(2) An adoption order shall not be made in any case where the sole applicant is a male unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) Before the Court makes any interim order under section 13, or makes any adoption order without first making such interim order, consents to the adoption order by all persons (if any) whose consents are required in accordance with subsection (3A) of this section shall be filed in the Court.

(3A) The persons whose consents to any such order in respect of any child are required as aforesaid, unless they are dispensed with by the Court under subsection (4A), shall be—

- (a) where there is no adoption order in force in respect of the child the parents or the surviving parent or the guardian or guardians, as the case may be;
- (b) where there is an adoption order in force in respect of the child the adopting parents or parent or the surviving adopting parent.

(4) An adoption order shall not be made upon the application of one of two spouses without the consent of the other of them; but the Court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(4A) The Court may dispense with any consent required by subsection (3A) if it is satisfied—

- (a) in the case of a parent or guardian of the child, that he has abandoned, neglected or persistently ill-treated the child;
- (b) in the case of a person liable by virtue of an order or agreement to contribute to maintenance of the child that he has consistently neglected or refused so to contribute;
- (c) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld;
- (d) in any other case where the Court sees fit.

(5) An adoption order shall not be made in favour of any applicant who is not resident and domiciled in Trinidad and Tobago nor in respect of any child who is not a Commonwealth citizen and so resident.

**12.** The Court before making an adoption order shall be satisfied—

Matters with respect to which Court to be satisfied.

- (a) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent, understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;
- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the religious denomination of the parties and to the wishes of the child, having regard to the age and understanding of the child;
- (c) that the applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the Court may sanction.

**13.** (1) If on application for an adoption order the Court is of the opinion that a further probationary period is desirable it shall have power to make an interim order not exceeding two years.

Power to make interim orders.

(2) All such consents as are required for an adoption order shall be necessary to an interim order but subject to the power of the Court to dispense with any such consents.

**14.** The Court in an adoption order may impose such terms and conditions as the Court may think fit and in particular may require the adopter by bond or otherwise to make for the adopted child such provision (if any) as in the opinion of the Court is just and expedient.

Terms and conditions of order.

Effect of  
Adoption Order.  
[17 of 1981].

**15.** (1) For all purposes, as from the date of the making of an adoption order —

- (a) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and
- (b) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship one to another of all persons whether the adopted child, the adopting parent, the kindred, of the adopting parent, the parent before the adopting order was made, the kindred of the former parent or any other person, shall, for all purposes, be determined in accordance with subsection (1).

(3) Subsections (1) and (2) do not apply for the purpose of the law relating to incest and the prohibited degrees of marriage to remove any persons from a relationship in consanguinity that, but for this section, would have existed.

Power to make  
subsequent  
order in respect  
of child already  
subject to an  
order.

**16.** An adoption order or an interim order may be made in respect of a child who has already been the subject of an adoption order, and, upon any application for such further adoption order, the adopter or adopters under the adoption order last previously made shall, if living, be deemed to be the parent or parents of the child for all the purposes of this Act.

Jurisdiction and  
procedure.

**17.** (1) The Court having jurisdiction to make adoption orders under this Act shall be the High Court or, at the option of the applicant, any Court of summary jurisdiction within the jurisdiction of which either the applicant or the child resides at the date of the application for the adoption order.

Ch. 4:01.

(2) The Rules Committee established by the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make Rules directing the manner in which applications to the Court may be made for regulating appeals under section 8

and for dealing generally with all matters of procedure and incidental matters arising out of this Act. Such Rules may provide for applications for adoption orders being heard and determined otherwise than in open Court, and where the application is made to a Court of Summary Jurisdiction, for the hearing and determination thereof in a Juvenile Court within the meaning of section 87 of the Children Act.

Ch. 46:01.

**18.** It shall not be lawful for any adopter or for any parent or guardian, except with the sanction of the Court to receive any payment or other reward in consideration of the adoption of any child under this Act or for any person to make or give or agree to make or give to any adopter or to any parent or guardian any such payment or reward.

Restriction on payments.

**19.** Any person who causes to be published, or knowingly publishes an advertisement indicating that—

Offences.

- (a) the parent or guardian of a child is desirous of causing the child to be adopted; or
- (b) a person is desirous of adopting a child, or any person (not being the Board) is willing to make arrangements for the adoption of a child,

is liable on summary conviction to a fine of one thousand five hundred dollars.

**20.** Where at the date of the commencement of this Act any child is in the custody of, and being brought up, maintained and educated by any person or two spouses jointly as his, her or their own child under any *de facto* adoption, and has for a period of not less than two years before such commencement been in such custody, and been so brought up, maintained and educated, the Court may, upon the application of such persons or spouses, and notwithstanding that the applicant is male, make an adoption order authorising him, her or them to adopt the child without requiring the consent of any parent or guardian of the child to be obtained, upon being satisfied after inquiry by the Board that in all the circumstances of the case it is just and equitable and for the welfare of the child that no such consent should be required and that an adoption order should be made.

Provisions as to existing *de facto*.

Adopted  
Children  
Register.

**21.** (1) The Registrar General shall establish and maintain at his office a register to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

Schedule.

(2) Every adoption order shall contain a direction to the Registrar General to make in the Adopted Children Register an entry recording the adoption in the form set out in the Schedule.

(3) If upon any application for an adoption order there is proved to the satisfaction of the Court—

(a) the date of the birth of the child; and

(b) the identity of the child with a child to which any entry or entries in the Registers of Births relates,

the adoption order shall contain a further direction to the Registrar General to cause such birth, entry or entries in the Register of Births, to be marked with the word “adopted” and to include in the entry in the adoption register recording the adoption the date stated in the order of the adopted child’s birth in the manner indicated in the Schedule.

Schedule.

(4) The prescribed officer of the Court shall cause every adoption order to be communicated in the prescribed manner to the Registrar General, and upon receipt of such communication the Registrar General shall cause compliance to be made with the directions contained in such order in regard both to marking any entry in the Registers of Births with the word “adopted” and in regard to making the appropriate entry in the Adopted Children Register.

(5) A certified copy of any entry in the Adopted Children Register if purporting to be signed by the Registrar General shall, without any further or other proof of such entry—

(a) where the entry does not contain any record of the date of the birth of the adopted child, be received as evidence of the adoption to which the same relates; and

(b) where the entry contains a record of the date of the birth of the adopted child, shall be received

not only as evidence of the adoption to which the same relates but also as evidence of the date of the birth of the adopted child to which the same relates in all respects as though the same were a certified copy of an entry in the Register of Births.

(6) The Registrar General shall cause an index of the Adopted Children Register to be made and kept in his office, and every person shall be entitled to search such index and to have a certified copy of any entry in the Adopted Children Register in all respects upon, and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration Act, or any other Act, in respect of searches in indexes relating to births and deaths kept in the office of the Registrar General, and in respect of the supply from such office of certified copies of entries in the Registers of Births and Deaths. Ch. 44:01.

(7) The Registrar General shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein as may be necessary, to record and make traceable the connection between any entry in the register of births which has been marked “adopted” pursuant to this Act and any corresponding entry in the Adopted Children Register, but such last-mentioned registers and books shall not be nor shall any index thereof be open to public inspection or search, nor, except under an order of a Court of competent jurisdiction, shall the Registrar General furnish any person with any information contained in or with any copy or extract from any such registers or books.

(8) Regulations made by the Registrar General under the Births and Deaths Registration Act may make provision as to the duties to be performed by Superintendent Registrars and Registrars of Births and Deaths in the execution of this Act. Ch. 44:01.

**SCHEDULE**

Section 21(2).

(1) No. of Entry	(2) Date of Entry	(3) Name of Adopted Child. (Enter name as stated in Adoption Order.)	(4) Sex of Adopted Child. (Enter sex as stated in Adoption Order).	(5) Name and Surname, Address and Occupation of Adopter or Adopters. (Enter name, address and occupation as stated in Adoption Order.)	(6) Date of Birth of Child. (Enter date of Birth (if any) directed by the Adoption Order to be entered, but otherwise no entry.)	(7) Date of Adoption Order and description of Court by which made. (Entry to be made as appearing in the Adoption order.)	(8) Signature of Officer deputed by Registrar General to attest the Entry.

**SUBSIDIARY LEGISLATION**

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**ADOPTION OF CHILDREN REGULATIONS**

ARRANGEMENT OF REGULATIONS

**REGULATION**

1. Citation.
2. Interpretation.
3. Application to adopt a child.
4. Memorandum.
5. Reports.
6. Delivery of child.
7. Visits.

**FIRST SCHEDULE.**

**SECOND SCHEDULE.**

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[Subsidiary]

101/1947.

**ADOPTION OF CHILDREN REGULATIONS***made under section 9*

- Citation.           **1.** These Regulations may be cited as the Adoption of Children Regulations.
- Interpretation.   **2.** In these Regulations—  
“Board” means the Adoption Board constituted under section 3 of the Act;  
“Case Committee” means the committee referred to in section 9 of the Act.
- Application to adopt a child. First Schedule. Forms A and B.   **3.** Every person desirous of adopting a child shall first make application to the Board in the form set out as Form A in the First Schedule and submit with such application the certificate of a member of the Medical Board of Trinidad and Tobago in the form set out as Form B in the said Schedule as to the physical and mental health of such person.
- Memorandum. First Schedule. Forms C and D.   **4.** The Board shall furnish the parent or guardian of the child with a memorandum in the form set out as Form C in the First Schedule and shall not proceed further with any negotiations or arrangements for the adoption of the child unless the parent or guardian has signed and delivered to the Board a certificate (which the Board shall retain) in the form set out as Form D in the said Schedule to the effect that he has read and understood the memorandum and agrees to the terms of the last paragraph thereof.
- Reports. Second Schedule.   **5.** The Board shall make enquiries and obtain reports on the matters set out in the Second Schedule and generally on all matters appertaining to the welfare of the child, and the report on the health of the child shall be signed by a member of the Medical Board of Trinidad and Tobago. The case shall be considered by a case committee appointed by the Board for the purpose and consisting of not less than three members of the Board.

**6.** No child shall be delivered by the Board into the care and possession of an adopter until—

Delivery of child.

- (a) the adopter has been interviewed, and any premises in Trinidad and Tobago in which the adopter intends that the child should reside permanently have been inspected, by the case committee or by some person on their behalf;
- (b) the case committee have considered the reports required by regulation 5.

**7.** At least once during the first month, and thereafter at least once in every two months, of the probationary period of six months prescribed by section 6 of the Act, or, where an interim order has been made under section 13 of the Act, of the period of such order, a representative of the Board shall visit the child and also visit or otherwise make contact with the parents or guardian of the child and shall report upon the case and the result of such visits and contact to the case committee. If the case committee so recommend, the Board shall immediately remove the child from the care and possession of the adopter.

Visits.

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Regulation 3.

FIRST SCHEDULE

FORM A

APPLICATION TO BOARD

I (or We) the undersigned desire to make application to the Adoption Board in respect of a

- \*Male/Female child, approximately aged .....
- or the child named .....
- now residing at .....

I (or We) hereby undertake that the particulars given below are true to the best of my (our) knowledge and belief.

- 1. Name(s) .....
- 2. Address(es) .....
- 3. Country of domicile .....
- 4. Date(s) of birth .....
- 5. Religion .....
- 6. Names and addresses of two responsible persons able to vouch the character of the adopter(s) .....

\*Delete words which do not apply.

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FORM B

Regulation 3.

MEDICAL PARTICULARS

*[To be completed by a duly qualified medical practitioner]*

1. Name .....
2. Address .....
3. Is there evidence of infectious disease liable to be contracted by the child? .....
4. Is there evidence of neurosis or allied illness? .....
5. Does applicant suffer from fits? .....
6. In your opinion is the condition of the applicant's physical or mental health, such that he/she should be able to undertake the responsibility and perform the duties of a parent in the event of an adoption order being granted? .....

Signed .....

Qualification .....

Address .....

Date .....

*[To be completed in respect of wife when application is made in the name of two spouses]*

1. Name .....
2. Address .....
3. Is there evidence of infectious disease liable to be contracted by the child? .....
4. Is there evidence of neurosis or allied illness? .....
5. Does applicant suffer from fits? .....
6. In your opinion is the condition of the applicant's physical or mental health, such that he/she should be able to undertake the responsibility and perform the duties of a parent in the event of an adoption order being granted? .....

Signed .....

Qualification .....

Address .....

Date .....



**SECOND SCHEDULE**

Regulation 5.

**PART I**

**PARTICULARS RELATING TO THE CHILD**

1. Name .....
2. Address .....
3. (a) Date of birth .....
- (b) Weight at birth. (State if premature) .....
- (c) Present weight .....
- (d) Was the mother's confinement normal or instrumental? .....
4. Is the child a citizen of Trinidad and Tobago? .....
5. If baptised, state place of baptism, and denomination .....
6. Full name, address and age of child's parents .....
- .....
- If dead, state date of death .....
7. Parents' religion(s) .....
8. Has either parent any other children? .....
- If so state age and sex of each .....
9. Is there any history of insanity, tuberculosis, or other disease in the family of either parent? .....
10. Why is the child offered for adoption? .....
11. Has the child any right or interest in property? .....
- If so give full particulars .....
12. Has any insurance been effected on the life of the child? .....
13. If the mother is alive—
  - (a) is she married? ..... if so, to whom? .....
  - (b) does she consent to the adoption? .....
14. If the father is alive—
  - (a) is he married? ..... if so, to whom? .....
  - (b) if not, is he otherwise liable to contribute to the child's maintenance? .....



5. Is there, or has there been any affection of the skin? .....
6. Is there, or has there been any affection of the eyes? .....  
Is the sight normal? .....
7. Has the child had any discharge from the ears, or any serious ear trouble,  
and can it hear well? .....
8. Are the nose and throat in healthy condition? .....
9. Is there any evidence of disease of heart or lungs? .....
10. Has the child normal control of bowels and bladder for its age?  
.....
11. Is the child now suffering from any infectious or contagious disease?  
.....
12. Has the child had malaria, typhoid fever, measles, chicken-pox,  
whooping cough, diphtheria, or mumps? .....
13. Has the child been vaccinated? .....
14. Is the child's mental and physical development normal for its age?  
.....
15. Has the child any signs of active or healed rickets? .....
16. Are behaviour, speech, and articulation normal for its age? .....
17. If the child has been neglected, or improperly fed, do you consider its  
constitution such that good nursing and proper care, would make it  
suitable for adoption? .....
18. Give particulars of any condition, not mentioned above, about which  
you consider an adopter should be informed.

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**ADOPTION OF CHILDREN RULES**

## ARRANGEMENT OF RULES

**RULE**

1. Citation.
2. Interpretation.
3. Application for adoption order.
4. Previous application.
5. Hearing of application.
6. Application heard and determined *in camera*.
7. Adoption or interim order.
8. Separate hearing and examination.
9. Adjournment of hearing.
10. Court may refuse to make order.
11. Drawing up of adoption or interim order.
12. Postponement and application to proceed.
13. Costs.
14. Duplicate or certified copy.
15. Rules of Supreme Court and Summary Courts Act.

**APPEALS**

16. Statement of reasons.
17. Notice of appeal.
18. Respondents.
19. Filing of notice of appeal.
20. Board to furnish reasons for decisions, etc.

**SCHEDULE.**  
  

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**ADOPTION OF CHILDREN RULES**

129/1947.

*made under section 17(2)*

1. These Rules may be cited as the Adoption of Children Rules. Citation.
  
2. In these Rules— Interpretation.  
“applicant” means the person or persons making an application for an adoption order under the Act;  
“Board” means the Adoption Board constituted under section 3 of the Act.
  
3. (1) Every application for an adoption order shall be made either on originating Summons to the High Court or by Summons to a Court of Summary Jurisdiction for the place where either the applicant or the child resides at the date of the application, and shall be intituled in the matter of the Infant and in the matter of the Act and there shall be presented to the Court a written statement in duplicate in the form set out as Form A in the Schedule, accompanied by a statement of particulars in the form set out as Form B in the said Schedule and written consents in the form set out as Form D in the said Schedule. Application for adoption order.  
Schedule. Forms A, B and D.  

(2) Except in a case where the applicant has made a previous application to a Court in respect of the same child, or the Court specially requires the attendance of the applicant the attendance in person of the applicant shall not be necessary for the purpose of lodging the aforesaid statement and documents.

(3) The Board shall lodge in the Court on every application for an adoption order the certificate of the parent or guardian of the child referred to in regulation 4 of the Adoption of Children Regulations, and a statement with respect to the identity of the child in the form set out as Form C in the Schedule. Sub. Leg.  
Schedule. Form C.
  
4. If it appears to the Court that the applicant has made a previous application under the Act in respect of the same child, the Court shall not entertain the application unless satisfied that the Previous application.

previous application was made to a Court of Summary Jurisdiction and that there has been a substantial change in the circumstances.

Hearing of application.

**5.** (1) Upon an application being made to the Court, the Court shall appoint the Board to be guardian *ad litem* of the child in respect of whom the application is made.

(2) The following persons shall be made respondents, namely, the child in respect of whom the application is made, every person or body who is a parent or guardian of the child or has the actual custody of the child or is liable to contribute to the support of the child, and where the applicant has a spouse who is not also an applicant, the spouse of the applicant.

Schedule. Form E.

(3) The Court shall fix a time for the hearing of the application and shall issue a notice in the form set out as Form E in the Schedule addressed to the respondents and shall direct the applicant or, if the applicant so desires, the Board to cause such notice to be served on each of them; but where the child is in actual custody of any person such notice need not be served on the child, but may require such person to produce the child to the Court.

(4) Any notice under these Rules shall be served upon any respondent to whom it is addressed either by delivering a copy to him personally or by leaving a copy with some person for him at his last known or usual place of abode or by sending a copy by registered post to him at his last known or usual place of abode, whether such place of abode is in Trinidad and Tobago or elsewhere. However, where the respondent is a body the copy shall be sent to the registered office of that body, or if there is no registered office, to the place where the body transacts or carries on its business.

Application heard and determined *in camera*. Ch. 46:01.

**6.** Notwithstanding the provisions of section 87 of the Children Act in regard to the holding of Juvenile Courts, every application under the Act shall be made heard and determined *in camera*.

Adoption or interim order.

**7.** (1) Subject to this rule, an adoption order or an interim order shall not be made except after the personal attendance before

the Court of the applicant and the parent or guardian of the child; notwithstanding in the case of the parent or guardian, that written consent has been obtained or that the Court is asked to dispense with consent.

(2) The Court may waive the requirement under subrule (1)—

- (a) in the case of the child, if satisfied by a report from the Board that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the Court;
- (b) in the case of any other person, if satisfied that he cannot be found or is incapable of giving consent or that in view of any other special circumstances it is right that this requirement should be waived.

(3) In any case where the Court dispenses with the personal attendance of any person the written consent of that person verified by a declaration purporting to be made before and signed by a Justice of the Peace or Commissioner of Affidavits shall be *prima facie* evidence of such consent.

(4) In the case of a joint application for an adoption order or an interim order, the Court may, if it thinks fit, dispense with the personal attendance of one spouse if his or her application be verified by a declaration purporting to be made before and signed by a Justice of the Peace or Commissioner of Affidavits.

**8.** Subject to this rule and of rules 7(4) and 12(3)(b), the Court may direct that the applicant or any respondent shall attend and be heard and examined separately and apart from the other parties to the application. However, no such direction shall be given unless—

Separate hearing  
and  
examination.

- (a) the Court is satisfied that the giving of the direction is desirable and will not prejudice the determination of any question involved; and
- (b) the consent of the applicant or respondent to whom it is proposed that the direction shall be given and of all other parties to the application is first obtained.

Adjournment of hearing.

**9.** On any adjournment of the hearing, the Court may issue to any respondent not in attendance a notice of the time and place to which the hearing is adjourned and may direct the applicant or if the applicant so desires the Board to cause it to be served.

Court may refuse to make order.

**10.** If owing to special circumstances an application appears to a Court of Summary Jurisdiction to be more fit to be dealt with by the High Court, such Court may, on that ground expressly, refuse to make an order.

Drawing up of adoption or interim order. Schedule. Forms F and G.

**11.** (1) An adoption order or an interim order shall be drawn up in the form set out as Form F or Form G in the Schedule, as the case may require.

(2) No copy or duplicate of such order shall be given to or served upon any person other than the applicant and the Registrar of the Supreme Court or Clerk of a Court of Summary Jurisdiction, as the case may be, except by special direction of the Court.

(3) An interim order shall include such provision for the maintenance and education of the child and such terms as regards the exercise of supervision by the Board or otherwise as the Board may think fit.

Postponement and application to proceed.

**12.** (1) Where the determination of an application has been postponed and an interim order has been made, the applicant shall at least two months before the expiration of the order apply to the Court which made the interim order to proceed with the determination of the application and it shall thereupon be lawful for the Court to fix a time for the further hearing of the application and to issue a notice in the form set out as Form H in the Schedule, addressed to the respondents and to direct the applicant or if the applicant so desires the Board to cause such notice to be served on each of them; but where the child is in the actual custody of the applicant the notice need not be served on the child.

Schedule. Form H.

(2) Subject to this rule, where the applicant so applies, an adoption order shall not be made unless the applicant, the child and a representative of the Board have attended the further hearing.

(3)(a) The Court may waive the requirement under subrule (2) in the case of the child if satisfied by a report from the Board that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the Court.

(b) In the case of a joint application, the Court may, if it thinks fit, dispense with the personal attendance of one spouse, if his or her application be verified by a declaration purporting to be made before and signed by a Justice of the Peace.

**13.** On the making of an interim order or on the determination of the application the Court may make such an order as to costs as it may think just, and in particular may order the applicant to pay the out-of-pocket expenses incurred by the guardian *ad litem* or incurred in attending the Court by any other of the respondents, or such part thereof as the Court thinks proper, and such costs or expenses shall be recoverable summarily as a civil debt. Costs.

**14.** (1) Upon the making of an adoption order, the Registrar of the Supreme Court or the Clerk of the Court, as the case may be, shall within seven days from the date thereof send a duplicate or a certified copy of the order to the Registrar General and shall also, subject to the payment by the applicant of any fee required by law, deliver or send a duplicate or certified copy to the applicant. Duplicate or certified copy.

(2) The duplicate or certified copy, if sent by post, shall be sent by registered post.

**15.** Subject to the foregoing rules, the Rules of the Supreme Court shall apply in respect of all proceedings under the Act in the High Court and the Summary Courts Act shall apply in respect of all proceedings under the Act in a Court of Summary Jurisdiction as if the application were a complaint and the respondent were defendants and the notice under rule 5 were a summons. Rules of Supreme Court and Summary Courts Act. Ch. 4:20.

## APPEALS

**16.** The Board shall, if so required by any person entitled under the Act to appeal (hereinafter called an “appellant”) Statement of reasons.







**FORM D**

Rule 3(1).

**CONSENT OF PARENT OR GUARDIAN OF CHILD**

Consent to an Adoption Order in respect of a child formerly named .....  
and known to the Adoption Board as Case No .....

An application to ..... Court being made for an order  
authorising the adoption, under the Adoption of Children Act of the said child.

I (We) the undersigned ....., of ....., being — Delete all but  
one of these  
descriptions,  
except in the  
case of father  
and mother  
consenting  
jointly.

- (a) the father of the child;
- (b) the mother of the child;
- (c) a guardian of the child;
- (d) a person (acting on behalf of a body) having the actual custody of the child;
- (e) a person (acting on behalf of a body) being liable to contribute to the support of the child;
- (f) the spouse of the applicant,

hereby state that I (we) understand the nature and effect of the Adoption Order for which application is made [and that in particular I (we) understand that the effect of the order will be permanently to deprive me (us) of my (our) parental rights] and I (we) hereby consent to the making of an adoption order in favour of the applicant.

In witness whereof I (we) have signed this consent on the .....  
day of ..... 20 .....

.....  
(Signature)

(Signature) .....

(Address) .....

Signed in the presence of: (Description) .....

(Signature) .....

(Address) .....

(Description) .....

\_\_\_\_\_

Rule 5(3).

FORM E

NOTICE OF AN APPLICATION FOR AN ADOPTION ORDER

See Note (1). Notice of an application for an Adoption Order in respect of a child named (1)
See Note (2). [formerly (2) ], known to the Adoption Board as Case No. ....

In the ..... Court.

To ..... of ..... and ..... of ..... etc.

Take notice:

See Note (3). (1) That an application has been made by (3) ..... for an order under the Adoption of Children Act, authorising him to adopt the said child, being a child of the ..... sex, aged ..... years, resident at .....

(2) That the said application will be heard before the ..... Court sitting ..... at ..... on the ..... day of ....., 20 ..... at the hour of ..... in the ..... noon and that you are severally required to attend before the Court (and in the case of ..... to produce the said child before the Court).

Dated the ..... day of ..... 20 .....

Justice of the Peace (or as the case may be)

Notes—

- (1) Insert name or names by which the child is to be known .....
(2) Delete where there is no change of name. Where there is a change of name insert former names, including surname.
(3) Where the application is made by two spouses jointly the form should be modified.

\_\_\_\_\_



**SCHEDULE TO FORM F**

Name of Adopted Child [See Note (3)]	Sex of Adopted Child	Name and Surname, Address and Occupation of Adopter or Adopters	Date of Birth of Child (Insert if the date of birth has been Established to the satisfaction of the Court but not otherwise)	Date of Adoption Order and Description of Court by which made

Notes—

- (1) Insert name or names, including surname, by which the child is to be known.
- (2) Delete where there is no change of name. Where there is change of name, insert former name including surname.
- (3) Insert given name or names by which the child is to be known. The surname should not be stated here.
- (4) Delete ( ..... ) unless the date of birth has been established to the satisfaction of the Court whether by an entry in the Register of Births or otherwise.
- (5) Where no entry relating to the child is found in the Register of Births this paragraph should be deleted.
- (6) An adoption order, or copy sent to the Registrar General is required to be drawn up on paper of foolscap folio size, thirteen inches by eight inches, and to have a margin, to be left blank, not less than one inch wide on the left side of the face of the order, and a similar margin on the right side of the reverse if any.

\_\_\_\_\_



Rule 12(1).

## FORM H

**NOTICE OF FURTHER HEARING OF AN  
APPLICATION FOR AN ADOPTION ORDER**

Notice of Further Hearing of an Application for an Adoption Order in respect of a child named (1) ..... (formerly .....).

Before the ..... Court sitting at ..... the ..... day of ....., 20 .....

To ..... of ..... and ..... of ....., etc.

Take notice:

- (a) That an application was made by (3) ..... for an order under the Adoption of Children Act, authorising him to adopt the said child, being a child of the ..... sex, then aged ..... years.
- (b) That the determination of the said application was postponed and an interim order was made by the ..... Court sitting at ....., on the ..... day of ..... 20 .....
- (c) That the said application will be further heard before the ..... Court sitting at ....., on the ..... day of ..... 20 ....., and that it is open to you to attend before the Court.

.....  
*Justice of the Peace*  
(or as the case may be)

*Notes—*

- (1) Insert name or names, including surname by which the child is to be known.
- (2) Delete where there is no change of name. Where there is change of name, insert former name, including surname.
- (3) Where the application was made by two spouses jointly the form should be modified.

Dated this ..... day of ....., 20 .....

