

LEGAL NOTICE NO. 110

REPUBLIC OF TRINIDAD AND TOBAGO

THE ADOPTION OF CHILDREN ACT, 2000

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 40 OF THE
ADOPTION OF CHILDREN ACT

THE ADOPTION OF CHILDREN REGULATIONS, 2015

1. These Regulations may be cited as the Adoption of Children Citation
Regulations, 2015.

2. In these Regulations—

Interpretation

“the Act” means the Adoption of Children Act, 2000;

“Adoption Committee” means a committee of the Board
established under section 7A of the Children’s Authority Act; Chap. 46:10

“Adoption Unit” means the unit referred to in section 11 of the
Children’s Authority Act;

“applicant” means a person who has submitted an application to
the Authority in accordance with subregulation(3)(1);

“member of the household” in relation to an applicant, means a
person who habitually resides in the same dwelling house
as the applicant.

3. (1) A person who wishes to adopt a child shall make an Application
application to the Authority in the form approved by the Authority.

(2) An application under subregulation (1) shall be accompanied
by—

(a) photo identification;

(b) the names and contact information of three referees;

(c) a police certificate of character issued within six months
before the application in respect of the applicant and each
member of the household over eighteen;

(d) a medical certificate of fitness, as set out in the form
approved by the Authority, as to the physical and mental
health of the applicant. Where the applicant is the natural
father or mother of the child, that person shall not be
required to submit a certificate of fitness unless so requested
by the Authority; and

(e) any other information as considered necessary by the Authority.

List of
suitable
persons

4. (1) Upon receipt of an application under regulation 3(1), the Authority shall conduct an investigation if necessary to determine whether an applicant should be placed on a list of suitable persons.

(2) The Authority may remove a person from the list of suitable persons where that person is found to be no longer suitable.

Assessment of
applicant

5. (1) Where an investigation is conducted in pursuance of subregulation 4(1), the Authority may—

- (a) verify the applicant's information;
- (b) conduct interviews, as necessary, to assess the suitability of the applicant;
- (c) conduct a background check on—
 - (i) the applicant;
 - (ii) any other member of the household of the applicant;
 - (iii) persons in visiting relationships; and
 - (iv) other visitors to the home of the applicant, as the Authority sees fit;
- (d) inspect the home of the applicant;
- (e) where applicable, verify the criminal records of—
 - (i) the applicant;
 - (ii) any other member of the household of the applicant;
 - (iii) persons in visiting relationships; and
 - (iv) other visitors to the home of the applicant, as the Authority sees fit; and
- (f) carry out any other investigations that the Authority considers necessary.

(2) A person authorised by the Authority shall—

- (a) conduct the investigation under subregulation 4(1);
- (b) prepare a written assessment report of the applicant's suitability and the suitability of the home of the applicant; and
- (c) submit an assessment report to the Adoption Unit.

Reports on the
welfare of the
child

6. (1) The Authority shall, before placing a child with a suitable person, make enquiries and obtain such reports on matters generally pertaining to the welfare of the child.

(2) The Authority shall obtain a report on the health of the child, as set out in the form approved by the Authority, which shall be signed by a duly qualified medical practitioner.

(3) The Authority shall cause a suitability report to be prepared with respect to an application for an Adoption Order.

(4) A suitability report under subregulation (3) shall contain an assessment of—

- (a) the suitability of the applicant referred to under regulation 4(1); and
- (b) the capacity of such applicant to care adequately for that child.

7. (1) When a possible match of a suitable person is identified, the Adoption Unit shall conduct such investigations and submit all relevant reports, together with its recommendation, to the Adoption Committee. Approval of placement of the child

(2) Where an application for adoption is submitted to the Adoption Committee, it shall examine—

- (a) the application submitted to it;
- (b) the assessment reports and any other relevant reports;
- (c) any background checks conducted under regulation 5; and
- (d) any other relevant information relating to the application for adoption.

(3) Where the Adoption Committee is satisfied that the placement pursuant to an application for adoption would be in the best interest of the child, the Adoption Committee shall approve the placement with the prospective adopter.

8. Where a child has been placed in the care of an adopter, the adopter shall be required to notify the Authority immediately in the Authority circumstances where— Duty to notify the Authority

- (a) the child in his care has—
 - (i) died;
 - (ii) become seriously ill; or
 - (iii) been involved in a serious accident;
- (b) an incident occurs at his home or elsewhere which involves the police;
- (c) an incident occurs which causes such harm to the child in his care as to cause concern for the welfare of the child; or
- (d) the child in his care is missing.

Supervisory
visits

9. A representative of the Authority or a person recognised by the Authority to be competent to conduct requisite supervisory visits shall—

(a) visit the child—

(i) at least once during the first month and thereafter at least once every two months during the probationary period referred to in section 12(1) of the Act;

(ii) during the interim order made pursuant to section 19 of the Act; and

(iii) as directed by the Court; and

(b) submit a report of such visits and any other related matter to the Authority.

Memorandum

10. (1) The Authority shall furnish the parent or guardian of the child with a memorandum in the form set out as Form A in the 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 Authority, a certificate in the form set out as Form B in the Schedule to the effect that he has read and understood the memorandum.

(2) The memorandum referred to in subregulation (1) shall be kept in a record maintained by the Authority.

Declaration of
parent or
guardian

11. A declaration under section 15(7) of the Act shall be in the form set out as Form C in the Schedule.

SCHEDULE

FORM A

THE ADOPTION OF CHILDREN ACT, 2000

MEMORANDUM TO BE FURNISHED BY THE AUTHORITY TO THE PARENT
OR GUARDIAN PROPOSING TO PLACE CHILD AT DISPOSITION OF THE
AUTHORITY

If an adoption order is made in respect of your child, all your rights and responsibilities with regard to the child will be transferred permanently to the adopter and all your rights and responsibilities as a parent will end.

Where a person applies to the Authority to have a child placed for adoption and the Authority accepts that application, the Authority must apply to the Court for an order declaring that child to be freed for adoption.

No application to free a child for adoption shall be made unless—

- (a) it is made with the consent of the parents or guardian of the child; or
- (b) the Authority is applying for dispensation of the consent of the parents or guardian of the child, and the child is in the care of the Authority.

The Court may dispense with the need to obtain the consent of the parents or guardian where the parent or guardian—

- (a) has abandoned, neglected or deserted the child;
- (b) cannot be found or is incapable of giving consent;
- (c) is withholding his consent unreasonably;
- (d) has persistently failed to carry out his parental responsibility for the child, without reasonable cause;
- (e) has persistently or seriously ill-treated the child;
- (f) has persistently neglected or refused to contribute to the support of the child, even though he is responsible for contributing to the support of the child;
- (g) is a person whose consent ought, in the opinion of the Court, to be dispensed with; and
- (h) there is already an order freeing the child for adoption.

It may be necessary for you to appear before the Court in private to indicate whether you agree to the adoption.

FORM B

CERTIFICATE OF RECEIPT OF MEMORANDUM TO BE FURNISHED TO THE
AUTHORITY BY THE PARENT OR GUARDIAN PROPOSING TO PLACE
CHILD AT DISPOSITION OF THE AUTHORITY

To: The Children’s Authority of Trinidad and Tobago

I, _____ hereby certify that I have received from the
Children’s Authority a Memorandum, Form A, headed “Adoption of Children Act, 2000”
from which I have detached this form of acknowledgment and that I have also read the
Memorandum and understand it.

SIGNED AND DELIVERED)
by the written named)
)
.....)
)
of)
)
.....)
as and for his respective act and)
deed in the presence of:)

FORM C

OPTIONAL DECLARATION BY A PARENT OR GUARDIAN

THE ADOPTION OF CHILDREN ACT, 2000

I,
Name of Declarant

of
Address of Declarant

do hereby declare that I am the *mother/father/guardian
of.....
Name of child

who was born on
Date of birth of child

to
Name of birth mother/father

at
Place of birth of child

I hereby state that I prefer not to be involved in future questions concerning the adoption of
.....
Name of child

I make this declaration of my own free will
at
Place where declaration is made

on
Date of declaration

.....
Signature of Declarant

.....
Signature of Witness

* To be completed individually by the parents, where applicable.

Dated this 22nd day of May, 2015.

C. DE COTEAU
*Minister of Gender, Youth
and Child Development*