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THE OFFICIAL GAZETTE 14TH MAY, 2025
LEGAL SUPPLEMENT — B

GUYANA No. 3 of 2025

REGULATIONS

Made Under

THE ADOPTION OF CHILDREN ACT

(Cap. 46:04)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 47(2) OF THE ADOPTION OF CHILDREN ACT, I MAKE THE FOLLOWING REGULATIONS:-

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PART I
PRELIMINARY

Citation.

1. These Regulations may be cited as the Adoption of Children (Intercountry Adoptions) Regulations 2025.

Interpretation.

2. In these Regulations -

"accredited body" means the Board or the Agency, as the case may be;

"adoption certificate" means a certificate issued in accordance with Article 23 of the Convention;

Cap. 46:07

"Agency" means the Childcare and Protection Agency established under section 3 of the Childcare and Protection Agency Act;

"Board" means the Adoption Board as constituted under section 3 of the Act;

"Bureau" means the Permanent Bureau of the Hague Conference on Private International Law;

"married couple" includes a couple in a common law union;

"the receiving State" has the same meaning ascribed to it in Article 2 of the Convention;

"the State of origin" has the same meaning ascribed to it in Article 2 of the Convention.

PART II

THE CENTRAL AUTHORITY

Functions of Central Authority.

3. The Central Authority shall be responsible for performing all the functions of a central authority for Guyana under the Convention including -

(a) cooperating with the central authorities of other Convention countries on matters relating to the administration and implementation of the Convention;

(b) ensuring that appropriate measures are taken to ensure compliance with the Convention;

(c) providing the central authorities of other Convention countries with information concerning -

(i) accredited bodies and bodies whose accreditation have been suspended or revoked;

(ii) the laws of Guyana which are relevant to implementing the Convention; and

(iii) any other matters which are necessary for and relevant to implementing the Convention.

Accreditation.

4. (1) An accredited body may, to the extent authorised by the Central Authority in writing -

(a) perform the functions set out under Article 9 of the Convention; and

(b) provide adoption services in connection with a Convention adoption under the Act.

(2) In relation to the Convention, the Central Authority shall supervise the operations of an accredited body to ensure compliance with the Act and the Convention.

Suspension and revocation of accreditation or authorisation.

5. The Central Authority may suspend or revoke the accreditation or authorisation of an accredited body if -

(a) the accredited body has breached one or more conditions of the accreditation or authorisation; or

(b) the accredited body has failed to comply with the provisions of the Act, any subsidiary legislation made pursuant to the Act or the Convention.

PART III

PROCEDURE WHERE GUYANA IS THE RECEIVING STATE

Application for assessment.

6. (1) A married couple or a single person who seeks to adopt a child who is habitually resident in another Convention country shall apply to the Central Authority or an accredited body for an assessment of eligibility and suitability.

(2) An application under subregulation (1) shall be made in writing and shall include such information as the Central Authority or accredited body may require.

Eligibility of adoptive parents.

7. The Central Authority or an accredited body shall consider a person eligible to adopt if he or she has satisfied the age requirements set out in section 17 of the Act.

Suitability of adoptive parents.

8. (1) The Central Authority or an accredited body shall assess the suitability of a prospective adoptive parent to adopt by conducting -

(a) a home study;

(b) a criminal background check; and

(c) any other background check that the Central Authority or

accredited body considers relevant to the assessment.

(2) In conducting an assessment under subregulation (1), the Central Authority or accredited body shall also have regard to -

(a) the physical, mental and emotional stability of the prospective adoptive parent;

(b) the financial capabilities of the prospective adoptive parent; and

(c) whether the prospective adoptive parent has a life-threatening medical condition.

Determination of eligibility and suitability.

9. (1) If, upon conducting the assessment, the Central Authority or accredited body is satisfied that the prospective adoptive parent is eligible and suitable to adopt, the Central Authority or accredited body shall -

Form 1. Schedule.

(a) prepare a report on that person in accordance with the requirements of Article 15 of the Convention;

(b) prepare a certificate in the form set out as Form 1 in the Schedule which confirms that the prospective adoptive parent is eligible and suitable to adopt in accordance with these Regulations and the Act;

(c) transmit the report and the certificate to the central authority of the State of origin; and

(d) notify the prospective adoptive parent of the decision in writing.

(2) If, upon conducting the assessment, the Central Authority or accredited body is satisfied that the prospective adoptive parent is not suitable to adopt, the Central Authority or accredited body shall notify the prospective adoptive parent of the decision and the reasons for the decision in writing.

Procedure on receipt of Article 16 information.

10. (1) Where the Central Authority or accredited body receives from the central authority of the State of origin, the information required under Article 16 of the Convention relating to the prospective adoptive child, the Central Authority or accredited body shall -

(a) review the information received;

(b) transmit the information to the prospective adoptive parent; and

(c) confirm, in writing, that the prospective adoptive parent -

(i) has received such counselling as may be necessary; and

(ii) wishes to proceed with the adoption.

(2) Upon confirming the matters listed under subregulation (1) (c), the Central Authority shall notify the central authority of the State of origin that -

(a) the prospective adoptive parent wishes to proceed with the adoption;

(b) the prospective adoptive parent received such counselling as may be necessary;

(c) it is prepared to agree with the central authority of the State of origin that the adoption may proceed; and

(d) it has confirmed that the prospective adoptive child will be authorised to enter and reside permanently in Guyana.

(3) Where the central authorities of both the receiving State and the State of origin enter into a written agreement that the adoption may proceed the prospective adoptive parent shall, on the referral of the central authority in the State of origin, apply for an adoption order in accordance with the laws and procedures of the State of origin.

(4) Where, upon finalisation of the adoption, the Central Authority

receives an adoption certificate issued in the State of origin, the Central Authority shall transmit the adoption certificate to the adoptive parents.

(5) The adoption shall be recognised and effective, for the purposes of the laws of Guyana, on and from the day the adoption certificate becomes effective and Part IV of the Act shall apply in respect of the adoption order issued in the State of origin as if it was issued in Guyana.

PART IV
PROCEDURE WHERE GUYANA IS THE STATE OF ORIGIN

Approval of adoption by Central Authority.

11. (1) The Central Authority or an accredited body may approve the placement of the child for adoption by the prospective adoptive parents where -

(a) a married couple or a person habitually resident in another Convention country seeks to adopt a child who is habitually resident in Guyana;

(b) the Central Authority receives a report from the central authority of the receiving State which has been prepared on that married couple or person in accordance with the requirements of Article 15 of the Convention;

(c) the Central Authority or an accredited body, having considered all the circumstances of the case has determined that -

(i) the child is eligible to be adopted in accordance with regulation 13;

(ii) adoption is in the best interests of the child;

(iii) there are no suitable options for placement of the child within Guyana;

(iv) there are no suitable options for placement of the child with a relative; and

(v) the adoption of the child by a married couple or a person habitually resident in another Convention country is in the best interests of the child; and

(d) the Central Authority has ensured that the persons, institutions and authorities whose consent is necessary for the adoption-

(i) have been counselled as may be necessary and duly informed of the effects of their consent;

Form 2. Schedule.

(ii) have consented to the adoption in the form set out as Form 2 in the Schedule.

(2) For the purposes of subregulation (1) (d), consent shall be informed and obtained freely without threats or inducements.

Eligibility of adoptive children.

12. The Central Authority or an accredited body shall consider a child eligible to be adopted if the child meets the requirements set out in section 16 of the Act.

Preparation of Article 16 report.

13. Where the Central Authority has approved the placement of a child for adoption under regulation 11, the Central Authority shall prepare a report in accordance with the requirements of Article 16 of the Convention which shall set out -

(a) information pertaining to the prospective adoptive child's -

(i) identity;

(ii) suitability for adoption;

(iii) background;

(iv) social environment;

(v) family history;

(vi) medical history;

(vii) any special needs of the child; and

(b) the reasons for the approval.

Transmission of Article 16 report.

14. The Central Authority or an accredited body shall transmit the report referred to in regulation 13 to the central authority of the receiving State together with -

(a) a written notification that it is prepared to agree that the adoption may proceed provided that the central authority of the receiving State confirms that -

(i) the prospective adoptive parent wishes to proceed with the adoption;

(ii) the prospective adoptive parent received such counselling as may be necessary;

(iii) it is prepared to agree with the Central Authority that the adoption may proceed; and

(iv) the prospective adoptive child will be authorised to enter and reside permanently in the receiving State; and

(b) the consent form required under regulation 11 (d).

Entry into Article 17 agreement.

15. Where the central authorities of both the receiving State and the State of origin enter into a written agreement that the adoption may proceed, the prospective adoptive parent shall, on the referral of the Central Authority, apply for an adoption order in accordance with the Act.

Issuance of adoption certificate.

16. (1) Where an adoption order is made in respect of a Convention adoption by a Court in Guyana pursuant to the Act, the Court shall transmit a copy of that order to the Central Authority.

(2) Upon receipt of an adoption order under subregulation (1), the Central Authority shall issue a certificate of conformity in the form set out as

Schedule.
Form 3.

Form 3 in the Schedule certifying that the adoption order has been made in accordance with the Convention.

(3) The Central Authority shall transmit the certificate of conformity to the adoptive parents and issue a copy of the certificate of conformity to the central authority of the receiving State.

PART V
MISCELLANEOUS

Evidential value of adoption certificate.

17. An adoption certificate or a certificate of conformity, as the case may be, is evidence, for the purposes of the laws of Guyana, that the adoption to which the respective certificate relates -

(a) was agreed to by the central authorities of the countries mentioned in the certificate; and

(b) was carried out in accordance with the Convention and the laws of the countries mentioned in the certificate.

Records.

18. The Central Authority shall keep and maintain a record of all information collected in respect of intercountry adoptions, in particular information pertaining to –

(a) the origin of the child;

(b) the identity of the child's biological parents; and

(c) the child's medical history.

SCHEDULE

FORM 1

CERTIFICATE OF ELIGIBILITY AND APPROVAL

(Regulation 9)

To the Central Authority of [the State of origin] Re [name of applicant]

In accordance with Article 5 of the Convention, I hereby certify on behalf of the Central Authority of Guyana that. [name of applicant]
has been counselled as necessary, is eligible to adopt and has been assessed and approved as suitable to adopt a child from .....[State of origin] by
.....[the Central Authority of Guyana or an accredited body for the purposes of the Convention].

The attached report has been prepared in accordance with Article 15 of the Convention for presentation to the competent authority in .....
[State of origin].

This certificate of eligibility and approval and the report under Article 15 of the Convention are provided on the condition that a Convention adoption or Convention adoption order will not be made until the agreement under Article 17(c) of the Convention has been made.

I confirm on behalf of the Central Authority that, following the agreement under Article 17(c) of the Convention, the child will be authorised to enter and reside permanently in Guyana.

Signed

[On behalf of the Central Authority of Guyana]

FORM 2

CONSENT FORM

(Regulation 11)

STATEMENT OF CONSENT

Read the following statements carefully before completing them. Sign below only when you fully understand each statement. You have the right to receive any counselling or information which you may want to have about the effects of your consent. You have the right, if you so desire, to receive a copy of this document.

You should not have received any payment or compensation of any kind made or offered for the purpose of obtaining your consent to the adoption of the child.

I, the undersigned:

Family name: .....

First name(s): .....

Date of birth: day .... month .... year ...

Habitual residence: .....

mother [] father [] legal representative [] of the child:

Family name: .....

First name(s): .....

Sex: male [] female []

Date of birth: day .... month .... year ....

Place of birth: .....

Habitual residence: .....

declare as follows:

1 - I freely consent, without threat or coercion, to the adoption of this child.

2 - I understand that my child may be adopted by spouses or a person residing abroad.

3 - I understand that the adoption of this child will create a permanent parent- child relationship with the adoptive parent(s).

4 - I give my consent for the purpose of an adoption that terminates the pre- existing legal parent-child relationship between the child and his or her mother and father.

5 - I have been informed that I may withdraw my consent until and that after that date my consent will be irrevocable.

I declare that I have fully understood the above statements.

Signed .....

Date .....

II DECLARATION OF WITNESS(ES) (where required)

.....

.....

.....

.....

.....

III CERTIFICATION OF THE AUTHORITY AUTHORIZED TO ATTEST THE CONSENT

Name: .....

Title: .....

I hereby certify that the person (and the witness(es)) named or identified above appeared before me this date and signed this document in my presence.

Signed .....

Date .....

FORM 3

CERTIFICATE OF CONFORMITY

(Regulation 16)

1. The Central Authority as the competent authority for Guyana being the country in which the Convention adoption order was made hereby certifies, in accordance with Article 23(1) of the Convention, that the child:

(a) name: [name on birth certificate]
[also known as/now known as]
sex: .....
date and place of birth: .....
habitual residence at the time of adoption: .....
State of Origin: .....

(b) was adopted on .....
by order made by [court in Guyana]

(c) by the following person(s):

(i) surname and first name(s): .....
sex: .....
date and place of birth: .....
habitual residence at the time of the adoption: .....
occupation at the time of the adoption: .....

(ii) surname and first name(s): .....
sex: .....

date and place of birth: .....

habitual residence at the time of the adoption: .....

occupation at the time of the adoption: .....

2. The competent authority for Guyana in pursuance of Article 23(1) of the Convention hereby certifies that the adoption was made in accordance with the Convention and that the agreement under Article 17(c) was given by:

(a) Name and address of the Central Authority in the State of Origin:

.....

.....

Date of the agreement: .....

(b) Name and address of the Central Authority of the receiving State:

.....

.....

Date of the agreement: .....

Signed .....

Date .....

Made on this day 14th of May, 2025.

Vindhya V. Persaud

.....

Hon. Dr. Vindhya Persaud, M.P.

Minister of Human Services

and Social Security