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GRENADA

**ACT NO. 20 OF 2010**

I assent,



CARLYLE ARNOLD GLEAN

*20th December, 2010.**Governor-  
General.*

AN ACT to provide for the care and protection of children,  
to make provisions for the adoption of children in  
Grenada and to provide for matters incidental thereto  
and purposes connected therewith.

*[ By Notice ].*

BE IT ENACTED by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Senate and the  
House of Representatives, and by the authority of the same as  
follows—

**PART I**

## PRELIMINARY

Short title and  
commencement.**1.** This Act may be cited as the**CHILD (PROTECTION AND ADOPTION) ACT, 2010**

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and shall come into force on a date to be fixed by the Minister by Notice published in the *Gazette*.

Interpretation.

2. In this Act, unless the context otherwise requires—

“abuse” includes—

- (a) physical abuse;
- (b) sexual abuse;
- (c) verbal abuse;
- (d) emotional abuse referred to in section 25;
- (e) psychological abuse referred to in section 25; and
- (f) financial abuse;

“adopted child” means, a child adopted pursuant to the provisions of this Act or a former Act;

“Adoption list” means, the list established and maintained pursuant to section 112;

“adoptive parent” means, a person who has adopted a child pursuant to section 132, or a former Act;

“alternative action plan” means, any plan—

- (a) that sets out the way in which the needs of the child are proposed to be met having regard to the breakdown in the relationship between the child and his parents; and
- (b) that may include proposals concerning—
  - (i) the allocation of parental responsibility

- or specific aspects of parental responsibility;
- (ii) residential arrangements;
  - (iii) supervision;
  - (iv) contact arrangements;
  - (v) education and training;
  - (vi) medical care; or
  - (vii) the provision of services;

“applicant” means, a person who makes an application pursuant to section 104;

“attorney-at-law” means, a person who has been admitted to practice law in Grenada;

“authority” means the Child (Protection) Authority established under Part II;

“board” means the Child (Protection) Board established under Part II;

“care application” means, an application for a care order made under section 49;

“care order” means, an order made by a Court under the Act and includes a contact order under section 78;

“care plan” means, a plan developed by the Director pursuant to section 70;

“care responsibility” means, the authority of a person to exercise the functions specified in section 42 in relation to a child;

“child” means, a person who is under the age of 18 years;

“child care service” includes—

- (a) a boarding home;
- (b) a group home;
- (c) a foster home;
- (d) a residential home;
- (e) a training centre;
- (f) an assessment centre;
- (g) a children home; or
- (h) such other service;

approved by the Minister pursuant to this Act to provide for the care of children;

“Committee” means, the Adoption Committee established pursuant to section 98;

“couple” means, a man and a woman—

- (a) who are married to each other; or
- (b) who are not married to each other, but are

cohabiting in a relationship of some permanence.

“court” means, the Magistrate Court;

“custody” means, the legal authority and responsibility for physically possessing a child and providing for the normal daily requirements related to the care and development of the child;

“Director” means, the Director of the Authority, appointed under section 18;

“former Act” means, the Adoption Act Cap. 3, of the Laws of Grenada, 1990;

“guardianship” means, the legal responsibility and authority for making decisions with respect to a child;

“home study assessment” means, an assessment conducted by the Authority on a single person or a couple who makes an application pursuant to the provisions of this Act to adopt a child;

“Minister” means, the Minister responsible for Social Services;

“natural father” includes a man who has been adjudged to be the biological father of a child;

“natural mother” means, a woman who gave birth to a child;

“natural parent” means, a natural mother or a natural father;

“order” means, a care order or a supervision order made by the Court under Part VII;

“parent” includes—

- (a) a natural or an adoptive parent who has the parental responsibility of the child;
- (b) a person, who has stood in *loco parentis* to a child for a period for not less than one year and who has a continuing relationship with the child; or
- (c) a legal guardian of the child who has custody or guardianship rights of the child;

but does not include a person acting as care giver on behalf of the Director;

“parental responsibility” means the duties, powers, responsibilities and authority which by any law in force in Grenada, the parent of a child has in relation to that child;

“permanency plan” means, a plan referred to in section 80 that makes provision with respect to permanency planning;

“police officer” means, a police officer not below the rank of sergeant;

“prescribed” means, prescribed by Regulations;

“relative” in relation to a child means, a grandparent, brother, sister, uncle or aunt of the

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child, whether the relationship is by blood, affinity or adoption;

“resident” means, a person who is ordinarily resident in Grenada;

“removal” means, the taking of a child and placing the child in the care and protection of the Director in accordance with this Act.

Primary purpose of this Act.

3.—(1) The primary purpose of this Act is to provide for—

- (a) the care and protection of a child from abuse and neglect in a manner that ensures that the best interests of the child are given paramount consideration; and
- (b) the adoption of a child in Grenada in a way that—
  - (a) promotes the well-being and best interest of the adopted child throughout his life; and
  - (b) supports efficient and accountable practice in the delivery of adoption services.

(2) In determining what is in the best interest of the child in any particular case, the Authority shall have regard to all relevant considerations including—

- (a) the safety of the child;
- (b) the physical, mental and emotional needs of

- the child, and the appropriate care or treatment required to meet those needs;
- (c) the physical, mental, emotional or psychological development of the child;
  - (d) the capacity of the parent to properly discharge parental obligations with respect to the child;
  - (e) where appropriate, the views of the child;
  - (f) a secure place for the child and the development of a positive relationship as a member of a family;
  - (g) the love affection and ties between the child and other persons in the life of the child;
  - (h) the capacity of persons other than a parent to exercise custody rights and duties and parental responsibility respecting a child;
  - (i) the continuity of the care for the child and the possible effect of disruption of that care on the child;
  - (j) any disability which the child may have;
  - (k) any wishes expressed by either or both parents of the child;
  - (l) the age of the child, maturity level of understanding, gender, background and family

- relationships and other characteristics of the child where this is considered to be relevant;
- (m) the attitude of a person or persons wishing to adopt the child to the responsibilities of parenthood;
- (n) the nature of the relationship of the child with the person or persons wishing to adopt the child;
- (o) the suitability and capacity of the person or persons wishing to adopt the child to provide for the needs of the child, including the emotional and intellectual needs of the child;
- (p) the alternatives to the making of an adoption order and the likely effect on the child in both the short and long term of changes in the circumstances of the child caused by adoption, so that adoption is determined among all alternative forms of care to best meet the needs of the child.

Principles to be applied in the administration of this Act.

**4.—(1)** The principles to be applied in the administration of this Act include the principles set out in other Parts of the Act and the following—

- (a) in all actions and decisions made under this Act, whether by legal or administrative process, concerning a child, the best interests of the child shall be the paramount consideration, and the safety, welfare and well-being of a child who has been removed

- from his or her parents are paramount over the rights of the parents;
- (b) adoption is to be regarded as a service for the child, not for persons wishing to adopt the child;
  - (c) a person shall not have the right to adopt a child;
  - (d) whenever a child is able to form his or her own view on a matter concerning his or her safety, welfare or well-being, he or she must be given an opportunity to express those views freely and those views are to be given due weight in accordance with the developmental capacity of the child and the circumstances;
  - (e) in deciding upon the necessary course of action, whether by administrative or legal process, in order to protect a child from harm, the course to be followed shall be the least intrusive intervention in the life of the child or his or her family, that is consistent with the paramount concern to provide care and protection for the child;
  - (f) if a child is temporarily or permanently deprived of his or her environment, or cannot be allowed to remain in that environment in his or her own best interest, the child shall be entitled to special protection and assistance from the State, and his or her own name and identity shall, where possible, be preserved;

- (g) if a child is placed in a child care service, arrangements should be made, in a timely manner, to ensure the provision of a safe, nurturing, stable and secure environment, recognizing the child's circumstances and that, the younger the age of the child, the greater the need for early decisions to be made in relation to a permanent placement; and
- (h) where a child is removed from the home of his or her parents pursuant to this Act, whether temporarily or permanently, the child is entitled to a safe, nurturing, stable and secure environment and unless it is contrary to his or her best interests, and taking into account the wishes of the child, this may include the retention by the child of relationships with people significant to the child, including his or her birth or adoptive parents, siblings, extended family, peers, family, friends and community.

Participation of  
child in  
decisions.

**5.—(1)** In order to ensure that a child is able to participate in any decision made under this Act that has a significant impact on his or her life, every person who participates in the process of adoption shall ensure that a child is provided with the following—

- (a) adequate information, in a manner that the child can understand with respect to a decision concerning the child;

- (b) the opportunity to express his or her views freely, according to his or her abilities;
- (c) information about the outcome of a decision concerning the child and an explanation of the reasons for the decision;
- (d) any assistance that is necessary for the child to understand that information and to express his or her views; and
- (e) appropriate counseling where the child's consent is required for his or her adoption.

(2) In the application of the principles established pursuant to subsection (1), due regard shall be had to the age, maturity and the development capacity of the child.

Responsibility  
of the Minister.

**6.—(1)** The Minister shall be responsible for the overall administration of the Act.

- (2) The Minister may—
- (a) establish goals, objectives and guidelines for the delivery of child care;
  - (b) promote a partnership approach between the Government and agencies or jurisdiction respecting the care and protection of children;
  - (c) enter into agreements and establish procedures

and protocols aimed at promoting the care and protection of children and ensure that the agreements, procedures and protocols are implemented; and

- (d) ensure that there is coordination between Government and non-governmental agencies in matters relating to child care and protection.

## PART II

### ESTABLISHMENT OF CHILD (PROTECTION) AUTHORITY AND CHILD (PROTECTION) BOARD

Establishment  
of Child  
(Protection)  
Authority.

7.—(1) There is hereby established a body to be known as the Child (Protection) Authority.

(2) The Authority shall be a body corporate to which section 49 of the Interpretation Act shall apply.

Functions of the  
Authority.

8.—(1) The principal function of the Authority shall be to provide for the care and protection of children by promoting the development and adoption of policies and procedures that accord with the primary purposes of this Act.

(2) In addition to the function specified in subsection (1), the Authority shall have the following additional functions—

- (a) to promote the safety, welfare and well-being of a child;
- (b) to determine the manner in which a child is

selected for adoption;

- (c) to receive applications for adoption made pursuant to this Act and to conduct the necessary investigations required pursuant to this Act with respect to the adoption of a child;
- (d) to assess and investigate or to cause an assessment to be undertaken or reports to be assessed and investigated pursuant to Part III;
- (e) to oversee the operation and delivery of child care services;
- (f) to establish, with the approval of the Minister, policies and procedures respecting all aspects of child care services;
- (g) to provide consultation and direction to relevant authorities respecting child care services in accordance with this Act;
- (h) to advise the Minister and other persons on matters relating to child care services, programmes, facilities and resources necessary to carry out the requirements under this Act;
- (i) to take appropriate measures at all times to ensure confidentiality of the records of a child, the natural parents of a child and the adoptive parents of the child;
- (j) to establish and maintain an Adoption list

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pursuant to the provisions of this Act;

- (k) to make arrangements for and in relation to the placement of a child;
- (l) to issue guidelines to child care services in giving effect to this Act;
- (m) to perform such other functions as may be necessary to carry out the provisions of this Act or as may be determined by the Minister.

Establishment  
of Board and  
Staff of the  
Authority.

**9.** The affairs of the Authority shall be managed by a Board.

Composition of  
Board.

**10.—(1)** The Board shall be appointed by the Minister and shall consist of the following persons—

- (a) the Permanent Secretary in the Ministry responsible for Social Development;
- (b) the Director;
- (c) a police officer not below the rank of Inspector;
- (d) the police officer in charge of the Immigration Department;
- (e) the Solicitor-General or his nominee;
- (f) the Chief Education Officer or his nominee;
- (g) a social worker;

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- (h) an attorney-at-law, of not less than five years standing;
  - (i) a medical practitioner appointed pursuant to the provisions of the Health Practitioners Act; and
  - (j) two persons appointed from amongst non-governmental organizations, concerned with the welfare and safety of children.

(2) A person appointed under subsection (1) (a) to (g) shall be an ex-officio member of the Board.

(3) The Minister shall appoint a Chairperson and a Deputy Chairperson to the Board from amongst the membership of the Board.

Tenure.

**11.**—(1) Subject to subsection (2), a member of the Board appointed under section 10 (h) to (j) shall hold office for a period not exceeding three years and shall be eligible for re-appointment.

(2) A person shall be disqualified from being a member of the Board and shall not become or continue to be appointed as a member of the Board if the person has—

- (a) been declared bankrupt pursuant to the provisions of the Bankruptcy Act, Cap. 27;
- (b) been declared by the Court to be physically or mentally incapacitated by reason of unsoundness of the mind;
- (c) been convicted of a criminal offence except

- (d) where the offence is a minor traffic offence; or been convicted of an offence pursuant to the provisions of the Act;
- (e) been found guilty of misconduct which is related to the performance of his functions under this Act;
- (f) been absent, in the case of the Chairperson without leave granted by the Minister and in the case of a member, without leave granted by the Chairperson, from four consecutive meetings of the Board; or
- (g) has become incapable, willful or otherwise of carrying out his functions pursuant to the provisions of the Act; or
- (h) has resigned his office by written notice to the Minister.

(3) The appointment of a member shall not be terminated unless the member has been given a reasonable opportunity to make representations.

(4) The names of the members as first constituted and every change in the membership thereafter shall be published in the *Gazette*.

Functions of the Board.

**12.—**(1) Subject to the provisions of this Act, the Board shall be responsible for the management of the affairs of the Authority and shall determine based on the recommendations made by the Committee, the suitability of a person to adopt a

child.

(2) It shall be the responsibility of the Board to provide such policy guidance and advice to the Authority in order to ensure the efficient implementation of the functions of the Authority under this Act.

(3) The Board shall be responsible to the Minister in the exercise of its functions under the Act.

(4) The Minister may issue such directions to the Board in relation to policy matters affecting the Authority and the Board shall ensure that these directions are complied with.

Remuneration.

**13.** The Chairperson and other members of the Board shall be paid such remuneration, fees and allowances as the Minister may determine.

Filling of vacancies.

**14.—**(1) Where a member of the Board has resigned, or is by reason of illness unable to perform the functions of his or her office, the Minister shall subject to sub-section (2), appoint another person to be a member of the Board.

(2) Where a person is appointed to fill a vacancy that has arisen under sub-section (1), that person shall hold office for the remainder of the term of the previous member and shall, subject to the provisions of this Act, be eligible for re-appointment.

Meetings.

**15.—**(1) The Board shall hold its first meeting on such date and such place as the Board may determine and shall subsequently thereafter meet at least once every month.

(2) The Chairperson shall preside at all meetings of the Board where he is present and, in his absence the

members present may elect one of their members to preside.

(3) The quorum of a meeting of the Board shall be seven.

(4) Each member of the Board shall have one vote but in the case of an equality of votes the Chairperson shall have a casting vote.

Appointment of  
Committees.

**16.**—(1) The Board may for the purpose of performing its functions pursuant to the provisions of the Act, establish committees and delegate to such committees such functions as the Board considers necessary or expedient.

(2) The Board may appoint persons as members of a committee who are not members of the Board or who are not employees of the Authority and such persons shall hold office for such period as the Board may determine save and except that the Chairperson of such committee shall be a member of the Board.

Powers of the  
Board.

**17.** In the discharge of its functions under the Act, the Board may—

- (a) request any member of staff of the Authority to furnish it with any information, reports or other documents which the Board considers necessary for the performance of its functions;
- (b) give instructions to the Director with respect to the management and performance of the functions of the Authority; or
- (c) on the recommendation of the Director, approve such organizational structures as the Director may consider necessary for the efficient discharge of the functions of the

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Authority.

Appointment of  
Director.

**18.**—(1) The Board shall appoint a Director of the Authority on such terms and conditions as it thinks fit.

(2) The Director shall be responsible for the management of the affairs of the Authority and shall in doing so, promote the development of procedures and protocols with government representatives and agencies to promote the care and protection of children and shall ensure that these procedures and protocols are implemented and renewed regularly.

(3) Without limiting the generality of subsection (1) the Director shall have the following duties—

- (a) to assume the custody, guardianship and care responsibility of children pursuant to the provisions of this Act;
- (b) subject to the direction of the Board, administer and enforce the provisions of this Act;
- (c) cause reports made pursuant to Part III to be investigated;
- (d) to establish policies and procedures respecting all aspects of child care services;
- (e) to provide consultation and direction respecting child care services;
- (f) to establish guidelines for the conduct of negotiations entered into by the Adoption Committee with a person who wishes to adopt a child;

- (g) to submit to the Board an annual review of the work of the Authority;
- (h) to advise the Board, the Minister and any other person on matters relating to child care and protection; and
- (i) to exercise the powers and duties required by this Act and such other powers and duties as the Minister may direct.

Staff of  
Authority.

**19.**—(1) The Board may appoint on such terms and conditions as it thinks fit, such officers and employees as may be required for the proper and efficient discharge of the Authority of its functions under this Act.

(2) An employee of the Authority shall be under the administrative control of the Director.

Delegation.

**20.**—(1) The Director may delegate to an employee of the Authority any of his powers under this Act other than the power of delegation given to him under this section.

(2) A reference in this Act to a power or duty of the Director shall, unless otherwise specified, include a reference to a power or duty of a person so delegated pursuant to subsection (1) of this section, within the limits of the delegation.

(3) A power or a duty delegated by the Director under this section shall not be sub-delegated.

(4) Nothing in this section shall operate to diminish or derogate from the powers and duties of the Director pursuant to the provisions of this Act.

Funds of the  
Authority.

**21.**—(1) The funds of the Authority shall consist of—

- (a) moneys appropriated for the purposes of the Authority by Parliament; or
- (b) grants made to the Authority by any other body.

(2) The Authority shall keep proper books of accounts and proper records in relation thereto and such accounts, books and records shall be in the form approved by the Director of Audit.

(3) The financial year of the Authority shall be the same as the financial year of the Government.

(4) The books and accounts of the Authority shall each year be audited by the Director of Audit or by an auditor appointed or authorized by the Director of Audit, who shall submit a report on each audit to the Authority.

Annual reports.

**22.**—(1) The Director shall, within three months after the end of each financial year, submit for the approval of the Board an annual report of the activities, operations, undertakings, property and finances of the Authority for that year.

(2) Subject to subsection (1), an annual report shall include a copy of the audited accounts of the Authority with the report under section 21 (4).

(3) A copy of the annual report approved by the Board shall be sent to the Minister not later than six months after the end of the year to which report relates and the Minister shall, as soon as possible, but not later than one month of the receipt thereof, lay the report before Parliament.

Director's  
request for  
services from  
other agencies.

**23.**—(1) In deciding what action should be taken to promote the care and protection of a child, the Director may request a government department or an agency in receipt of government funding, to provide services to a child or the family of the child.

(2) A government department or an agency to which a request is made under subsection (1), shall use its best endeavours to comply with a request made to it under subsection (1) where such a request is consistent with its own responsibilities and does not unduly prejudice the discharge of its function.

Director to  
ensure  
participation of  
child.

**24.**—(1) In order to ensure that a child is able to participate in decisions that are likely to have a significant impact on his life, the Director shall provide the child with the following—

- (a) adequate information, in a manner and language that he can understand, concerning the decisions to be made, the reasons for the intervention of the Director, the ways in which the child may participate in the decision making and any relevant complaint mechanisms;
- (b) the opportunity to express his views freely, according to his or her abilities, age, maturity and developmental capacity;
- (c) any assistance that is necessary for the child to express his or her views;
- (d) information as to how the views of the child will be recorded and taken into account;
- (e) information with respect to the outcome of

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any decision concerning the child and an explanation of the reasons for the decision; and

- (f) an opportunity to respond to a decision made concerning the child.

(2) For the purposes of this section, decisions that are likely to have a significant impact on the life of a child include—

- (a) any plans for emergency or ongoing care, including the placement of the child;
- (b) the development and review of a care plan concerning the child;
- (c) court applications concerning the child;
- (d) the provision of counselling or treatment services; or
- (e) any contact with a parent, family or other persons connected with the child.

### PART III

#### CARE AND PROTECTION OF CHILDREN

Child in need of care and protection.

**25.**—(1) A child is in need of care and protection where the child—

- (a) has suffered harm or is likely to suffer harm caused by—
- (i) the neglect of the child;
- (ii) the failure of the parent to adequately

- supervise or protect the child; or
    - (iii) the failure of a parent to provide for the adequate supervision or protection of the child;
  - (b) has been abused or is likely to be abused by a parent or by another person and the parent knew or ought to have known of the possibility of the abuse of the child and the parent failed to protect the child;
  - (c) has been harmed or is likely to be harmed as a result of being sexually or otherwise exploited and the parent has failed or has not been able to protect the child;
  - (d) has suffered or is likely to suffer physical, emotional or psychological harm caused by being exposed to domestic violence by or towards a parent or other person residing with the child;
  - (e) requires specific medical, physical, emotional or psychological treatment to cure, prevent or ameliorate the effects of a physical or an emotional condition or harm suffered, and the parent does not, or refuses to obtain treatment or is unavailable or unwilling to consent to services for treatment to remedy or to ameliorate the effects of the condition;
  - (f) the child has been abandoned or is likely to be abandoned, or the only parent of the child has died or is unavailable to take custody of the child, and adequate provisions have not been made for the care of the child;

- (g) the child suffers or is likely to suffer from a mental, emotional, physical or developmental condition, that, if not addressed, could seriously harm the child and the parent does not, or refuses to obtain treatment or is unavailable or unable to consent to services or treatment to remedy or ameliorate the effects of the condition;
- (h) the child is less than twelve years old and has committed a serious offence; or
- (i) the child is in the custody of the Director or another person and the parent of the child refuses or is unable to resume custody of the child.

(2) In this section “neglect of a child” means the failure of a parent of the child to provide the child with adequate care and guidance or other acts or omission by the parent with respect to a child that are inappropriate for the child or likely to be harmful to the child.

(3) For the purposes of this Act, emotional abuse exists where a child—

- (a) has suffered, is suffering or is likely to suffer in a way that has caused, is causing or is likely to cause significant harm to his well-being or development; or
- (b) is being or is likely to be exposed to domestic violence in accordance with existing law;

and the exposure causes or is likely to cause significant harm to the psychological or emotional well-being of the child.

Request for  
assistance from  
parent or child.

**26.**—(1) A parent or a child may seek assistance from the Director—

- (a) if there is a serious or persistent conflict between the parent and the child of such a nature that the safety, welfare or well-being of the child is in jeopardy; or
- (b) if the parent is unable or unwilling to provide adequate supervision for the child to such an extent that the safety, welfare or well-being of the child is in jeopardy.

(2) In responding to a request made under subsection (1), the Director shall consider the appropriateness of providing or arranging for the provision of such assistance as is necessary—

- (a) to enable the parent and the child to resolve the conflict between them without recourse to legal proceedings;
- (b) to ensure that the child is adequately supervised; or
- (c) to enable the child and his parent to have access to appropriate services.

(3) In making provision for the receipt of any assistance under subsection (2), with a parent and a child, the Director shall ensure that the child, if sufficiently mature, has been counselled about the assistance necessary to resolve the conflict with his or her parents and has given consent to such assistance.

(4) If the Director is of the opinion that, despite the assistance provided under subsection (2), the safety, welfare

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or well-being of the child continues to be in jeopardy; he shall cause the child to be brought before the Court.

(5) Where pursuant to sub-section (4) the Court is satisfied that—

- (a) the child cannot be controlled by a parent; and
- (b) it is in the best interests of the child;

the Court may place the child under the supervision of the Director or some other person appointed by the Court, for a period not exceeding two years, or may make an order under Part VIII for the care and protection of the child.

(6) A parent shall have the parental responsibility for the child unless it is not in the best interests of the child that the parent has that responsibility.

(7) This section applies in addition to section 36.

Mandatory reporting.

**27.—**(1) This section applies to—

- (a) a health practitioner, a dental practitioner, an allied health practitioner, registered pursuant to the Health Practitioners Act, a nurse or other mental health practitioner;
- (b) an administrator of a hospital facility;
- (c) a school principal, teacher, or other teaching professional;
- (d) a social worker or other social service professional;

- (e) an owner, operator or employee of a child care service;
- (f) a guidance counselor; or
- (g) any person who by virtue of his employment or occupation has a responsibility to discharge a duty of care towards a child.

(2) A person under subsection (2) who, in the discharge of his duties, within the nature of his profession, acquires information that ought reasonably to cause that person to suspect that a child is in need of care and protection shall—

- (a) without delay, report or cause to be reported, the circumstances to the Director, or to a police officer who shall report the information to the Director; and
- (b) provide the Director with such additional information as is known or available to the person.

(3) Subsection (2) shall apply notwithstanding the confidential nature of the information on which the report is based, but nothing in this section abrogates any attorney-client privilege.

(4) A report made under sub-section (2) may be made anonymously.

(5) A person who contravenes sub-section (2) commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding three months.

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Records of reports and subsequent action.

**28.**—(1) Subject to section 29, the Director shall keep a record of—

- (a) all reports made to him under section 27 (2);
- (b) any action taken under this Act, as a consequence of a report received under section 27; and
- (c) any disposition of and dealings with a child to whom the report and action referred to in paragraph (b) relate.

(2) The record of reports shall be kept in the prescribed manner.

Protection of persons who makes reports.

**29.**—(1) If a person makes a report under section 27, in good faith to the Director—

- (a) the making of the report shall not constitute a breach of any professional etiquette or ethics or a departure from any accepted standards of professional conduct;
- (b) no liability shall be incurred for defamation as a consequence of the report;
- (c) the making of the report shall not constitute a ground for civil proceeding for malicious prosecution or for conspiracy;
- (d) the report, or evidence of its contents, is not admissible in any proceedings, other than in

proceedings relating to the care and protection of a child in the Court;

- (e) that person cannot be compelled in any proceedings, to produce the report or a copy of, or an extract from it or to disclose or give evidence of any of its contents; and
- (f) the identity of the person who made the report, or information from which the identity of that person could be deduced, shall not be disclosed to any person, except with—
  - (i) the consent of the person who made the report; or
  - (ii) the leave of the Court before which proceedings relating to the report are conducted;

and, unless that consent or leave is granted, a party or witness in any such proceedings shall not be asked, and if asked, shall not be required to answer any question that cannot be answered without disclosing the identity or leading to the identification of that person.

(2) A report made under section 27 that is certified by the Director is admissible in any proceedings relating to the care and protection of a child.

(3) The Court shall not grant leave under subsection (1) (f) (ii) unless the Court is satisfied that the evidence is of critical importance in the proceedings and that failure to admit it would prejudice the proper administration of justice.

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(4) Where leave is granted under this section, the Court shall—

- (a) state the reasons; and
- (b) order that the Director be informed that evidence as to the identity of the person who made the report, or from which the identity of that person could be deduced, has been disclosed.

(5) Subsection (1) (f) shall not prevent the disclosure of information from which the identity of the person may be deduced if the prohibition on the disclosure of that information would prevent the proper investigation of the report.

(6) Sub-section (1) shall not apply where a person knowingly makes a report or provides information which is false or misleading.

#### PART IV

##### INVESTIGATION AND ASSESSMENT

Conduct of  
initial  
investigation  
and assessment.

**30.**—(1) Where—

- (a) it appears to the Director that a child may be in need of care and protection; or
- (b) a parent or a child requests assistance under section 26; or
- (c) a report is made under section 27;

the Director, shall conduct an initial investigation and assessment of the circumstances concerning the child, regardless of the consent of any person.

(2) After an initial investigation and an assessment has been undertaken under subsection (1), the Director may determine that—

- (a) no further action is necessary;
- (b) further investigation is necessary;
- (c) the removal of the child is necessary in accordance with Part V; or
- (d) an application for a care order is necessary in order to protect the child.

(3) An investigation by the Director under subsection (1) may include an analysis of the medical, health, social, residential, educational, economic and other factors affecting the life of the child.

(4) In conducting an investigation the Director may—

- (a) visit the residence of the child and other places frequented by the child;
- (b) transport the child to a place considered by the Director to be appropriate;
- (c) interview the child;
- (d) interview a parent of the child;
- (e) interview any person who cares for the child or any person who has had an opportunity to observe the child;
- (f) interview any person who provides health,

social, educational and other services to the child or a parent of the child;

- (g) require information to be provided to the Director from medical, social, educational and other service records concerning the child, a parent of the child or both;
- (h) cause an examination to be made of the physical, mental and emotional health and development of the child;
- (i) request a parent of the child to undergo an examination of the physical, mental or emotional health or any other assessment; or
- (j) consult with such other persons and gather such other evidence as may be necessary to complete the investigation.

(5) On an application made by the Director, the Court may order any person—

- (a) to provide such information under subsection (4) to the Director;
- (b) to allow the Director access to a person, place or record; or
- (c) to co-operate with an investigation by the Director.

(6) Subject to subsection (7), the Director shall provide a report of the results of an investigation as prescribed, to—

- (a) the parent of the child who is the subject of

the investigation; and

- (b) the child, if he or she is at least twelve years old and is capable of understanding the circumstances of the investigation.

(7) A report shall not be provided under subsection (6) if—

- (a) the Director has reasonable grounds to believe that the report will endanger the safety of the child or any other person; or
- (b) a criminal investigation related to the matter has been initiated or is likely to occur.

(8) A person who intimidates, threatens or obstructs the Director in the exercise of his or her functions under this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months.

Matters for consideration.

**31.** In conducting an investigation or making an assessment under this Part, the Director shall have regard to any known or expressed wish of the child, taking into account the age and maturity of the child and the extent to which the child appears to be in need of care and protection.

Action taken by Director.

**32.—(1)** If after an investigation or an assessment made under this Act, the Director is of the opinion that a child is in need of care and protection, the Director shall take whatever action is necessary to safeguard or promote the safety, welfare and well-being of the child.

(2) Without limiting subsection (1), the Director may, following an investigation or an assessment, take the following actions—

- (a) provide or arrange for the provision of support services for the child or his or her family or both;
- (b) develop, in consultation with the parents of the child, whether jointly or separately, a care plan to meet the needs of the child or his or her family which does not involve taking the matter before the Court;
- (c) ensure the protection of the child by exercising his or her powers to remove the child from his parents in accordance with this Act; or
- (d) seek an appropriate order from the Court.

Decision against taking action.

**33.**—(1) The Director may decide not to take any action if he or she considers that proper arrangements exist for the care and protection of the child and the circumstances which led to the investigation or assessment have been or are being adequately dealt with.

(2) If the Director decides not to take any action, he or she shall record the reasons for his or her decision and no action shall lie against the Director for his decision.

Principles of intervention.

**34.** In deciding the appropriate response to a request for assistance or to a report concerning a child, the Director shall have regard to the following principles—

- (a) the immediate safety, welfare and well-being of the child and of any other children in the usual residential setting of the child, must be given paramount consideration;
- (b) subject to paragraph (a), any action must be appropriate to the age or maturity of the child, any disability which the child, or a family member of the child may have and the existing circumstances of the family; and
- (c) the removal of the child from his or her parents shall only occur where it is necessary to protect the child from the risk of serious harm.

Alternative  
dispute  
resolution.

**35.—**(1) In responding to a request for assistance or a report, the Director shall, prior to making an application to the Court under this Act, consider the appropriateness of using an alternative dispute resolution procedure that is designed—

- (a) to ensure intervention so as to resolve problems which may exist at an early stage;
- (b) to develop a care plan;
- (c) to reduce the likelihood that an application to the Court for an order will need to be made;
- (d) to reduce the incidence of breakdown in child-parent relationships; and
- (e) to work towards the making of decisions that are in the best interests of the child concerned where an application for a care order is made.

(2) The participation by a child or a parent of the child in any form of alternative dispute resolution procedure shall be voluntary.

Development and enforcement of care plans.

**36.** A care plan developed during the course of alternative dispute resolution, may be registered in the Court and may be used as evidence of an attempt to resolve the matter without making an application for a care order.

Application for certain orders.

**37.** This Part shall not prevent the Director from applying to the Court for a care order, at any time during or after the investigation and assessment of a request for assistance or a report, if in the opinion of the Director, it is necessary or desirable to do so, having regard to the safety, welfare and well-being of the child concerned.

## Part V

### EMERGENCY PROTECTION

Removal of child.

**38.** If the Director has reasonable grounds to believe that—

- (a) a child is in need of care and protection; and
- (b) the health or safety of the child is in immediate jeopardy;

the Director may, with the assistance of a police officer, and without the need for any further authority other than that conferred on him by this subsection, enter any place or premises where the child is believed to be present or to reside, and search for, locate and take the child into custody.

Prompt application to Court for a care order.

**39.** If a child is removed from a place or premises pursuant to section 38, and the care responsibility of the child is assumed by the Director, and he shall at the first opportunity

after the child has been removed, apply to the Court for one or more of the following orders in respect of the child—

- (a) an emergency protection order;
- (b) an assessment order; or
- (c) any other care order.

Emergency  
protection order.

**40.**—(1) Where the Court is satisfied, on an application made by the Director under section 29 that—

- (a) there are reasonable grounds to believe that—
  - (i) a child is in need of care and protection; and
  - (ii) a less intrusive course of action will not adequately protect the health or safety of the child; and
- (b) the parent, or any other person caring for the child has refused to give up the child or to permit entry to the place or premises where the Director has reason to believe that the child is present;

it may issue an order to the Director authorizing him to remove the child from such place or premises and the Director should have the care responsibility for the child in accordance with the provisions of this Act.

(2) The Court may, at any stage in the proceedings, make an order prohibiting any person, including the parent of the child, in accordance with the terms specified in the order,

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from doing anything that should be done by the parent in carrying out his parental responsibility.

(3) An order made under this section shall have effect for a maximum period of fourteen days, unless the order is extended in accordance with sub-section (4).

(4) An order made under this section may, while the order remains in force, be extended once only for a maximum period of fourteen days.

(5) It shall not be necessary that a child be identified by name for the purposes of any removal, search warrant or order issued under this Part.

Care  
responsibility of  
child removed  
from parents.

**41.**—(1) If a child is removed from the care and protection of his parent under this Part—

- (a) the child shall be kept at child care service; and
- (b) subject to subsection (2), the Director shall have the care responsibility for the child.

(2) The Court may, by order, vest the care responsibility of the child in a child care service.

(3) The Director or child care service, having the care responsibility for the child, may delegate that responsibility to a relative of the child, or to any other person approved by the Director.

(4) The exercise of the care responsibility by a person referred to in subsection (3) is subject to any direction given to the person by the Director or the child care service that made the delegation.

Care  
responsibility.

**42.** The Director or any other person authorised to have the care responsibility for a child, shall exercise the following functions in relation to the child—

- (a) consent to medical treatment not involving surgery for the child on the advice of a medical practitioner;
- (b) consent to the medical treatment involving surgery for a child where a medical practitioner certifies in writing that this needs to be carried out as a matter of urgency and in the best interests of the child;
- (c) correct and manage the behaviour of the child;
- (d) give permission for the child to participate in activities; and
- (e) make any other decisions that are required to be made with respect to the daily care of the child.

Care  
responsibility  
assumed by  
Director.

**43.—(1)** If the Director—

- (a) suspects on reasonable grounds that a child is in need of care and protection; and
- (b) is satisfied that it is not in the best interest of the child that he or she be removed from the place or premises in which the child is currently located;

the Director may, instead of removing the child from the place or premises in accordance with section 38, assume the care responsibility of the child by an order in writing, signed by the Director and served on the person, whether or not a

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parent of the child, who in the opinion of the Director appears to be in charge of the place or premises where the child is kept.

(2) An order made under subsection (1) does not cease to have effect merely because the child to whom it relates has been transferred to a different place or premises.

Discharge of  
child from care  
responsibility of  
Director.

**44.**—(1) The Director may, at any time, discharge a child from his care responsibility with or without an undertaking being given by the child or the parent of the child.

(2) An undertaking shall be in writing and must be signed by the person who gives the undertaking.

(3) In determining whether or not to exercise his power under subsection (1), the Director shall have regard to the following—

- (a) any views expressed by the child as to whether he or she wishes the power to be exercised;
- (b) any views expressed by the child as to whether he or she intends to return to the care and the protection of his or her parents;
- (c) whether the exercise of that power is likely to protect the safety, welfare and well-being of the child; and
- (d) whether his failure to exercise that power is likely to endanger the safety, welfare and well-being of the child or any other person.

(4) If the Director wishes to discharge a child from his care responsibility following an order of the Court placing the care responsibility of the child under his authority, the

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Director shall make an application to the Court explaining why his or her care responsibility with respect to the child is no longer required.

## PART VI

### ASSESSMENT ORDERS

Making of  
assessment  
order.

**45.**—(1) For the purposes of this Act an assessment order means an order for the physical, psychological, psychiatric or other medical examination of a child.

(2) The Court may, on an application made by the Director or if a care application which has been made with respect of a child in accordance with this Act, as a part of that application, make any assessment order in relation to a child.

(3) An assessment order shall require a person carrying out the assessment, or any part of the assessment, to do so in accordance with the terms of the order and to prepare a report of the assessment.

(4) The carrying out of a medical examination under an assessment order may include the taking and analysis of samples and the use of any machine or device that enables or assists in the examination of the child.

(5) An assessment order may be made by the Court on its own motion and whether or not an application has been made for a care order in respect of the child.

Matters for  
consideration in  
making  
assessment  
order.

**46.**—(1) In considering whether to make an assessment order, the Court shall have regard to the following—

- (a) whether the proposed assessment is likely to provide relevant information that is unlikely to be obtained elsewhere;

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- (b) whether any distress the assessment is likely to cause the child will be outweighed by the value of the information that may be obtained;
  - (c) any distress already caused to the child by any previous assessment undertaken for the same or another purpose; and
  - (d) any other matter that the Court considers relevant.

(2) The Court may, for the purposes of an assessment order, appoint a person to assess the capacity of a person having parental responsibility, or who is seeking parental responsibility for a child, to carry out that responsibility.

(3) In making an assessment order, the Court shall ensure that a child is not subjected to unnecessary assessment.

Information concerning assessment.

**47.** A child must be informed about the reasons for an assessment made pursuant to this Part in a language and a manner that he or she understands, having regard to his age, maturity and circumstances.

Report of assessment.

**48.** A report of the assessment made under section 45 (3) shall be submitted to the Court in the prescribed manner.

## PART VII

### CARE ORDERS AND SUPERVISION ORDERS

Application for care order.

**49.—**(1) An application for a care order may be made by the Director under this Part.

(2) The application for a care order shall specify the particular care order sought and the grounds on which it is sought.

(3) Except as provided by this Part, a care order may be made by the Court as an interim order or a final order.

(4) A care order may be varied, but only with the leave of the Court.

Evidence of  
prior alternative  
actions.

**50.**—(1) When making a care application pursuant to section 49, the Director shall furnish details to the Court of—

- (a) the support and assistance provided for the safety, welfare and well-being of the child; and
- (b) any alternative action to a care order that was considered, prior to the making of the application and the reasons why the alternative action was rejected.

(2) The Court shall not—

- (a) dismiss a care application in relation to a child; or
- (b) discharge a child who is under the care responsibility of the Director from that care responsibility;

by reason only that the Court is of the opinion that an appropriate alternative action that could have been taken in relation to the child was not considered or taken.

(3) Subsection (2) does not operate so as to prevent the Court from adjourning the proceedings.

Notification of  
care  
applications.

**51.**—(1) The Director shall make all reasonable efforts to notify the parents of a child of the making of a care application in relation to the child.

(2) The Director shall notify the child who is the subject of a care application of the making of the application and such notification shall be made in a language and in a manner that the child can understand having regard to his or her development and the circumstances.

(3) The Director shall, as soon as possible, after a care application is made in relation to a child, cause a copy of the application, together with copies of all supporting affidavits and other documentary evidence that accompanied the application, to be served on the parents of the child, where they can be reasonably located.

(4) The copy of the care application must be written and arranged in such a form that there is reasonable likelihood that its contents will be understood by the person on whom it is served.

(5) If the Director fails to comply with the requirements of this section in relation to a care application, that failure does not invalidate the application or any decision of the Court on the application.

Leave to  
withdraw  
application.

**52.**—(1) A care application may be withdrawn, with the leave of the Court by the Director.

(2) An application for leave to withdraw a care application shall be accompanied by—

- (a) a statement that indicates how the issues that caused the application to be made have been resolved; or
- (b) a care plan that specifies how those issues are proposed to be addressed.

Court not limited by terms of care application.

**53.** The making of a care application for a particular care order shall not prevent the Court from making a care order different from, in addition to, or in substitution for, the order for which the application was made.

Interim care orders.

**54.** The Court may make an interim care order in relation to a child after a care application is made and before the application is finally determined as it considers appropriate for the welfare, safety and well-being of the child.

Consideration of necessity for interim care order.

**55.** An interim care order shall not be made unless the Court is satisfied that the making of the order is necessary in the best interests of the child, and is preferable to the making of a final order or an order dismissing the proceedings.

Care orders granted by Court.

**56.** The Court may, pursuant to an application made under section 49, grant the following care orders—

- (a) a supervision care order placing a child under the supervision of the Director while leaving the child in the care of his parents or any other persons designated by the Director;
- (b) a care order placing a child in the care of the Director; or
- (c) a care order placing the child in the custody of the State where the parents of the child are unable to provide for the care and protection of child, and where no other alternative measures are available to protect the child.

Grounds for making a care order.

**57.—(1)** The Court may make a care order in relation to a child if it is satisfied that—

- (a) there is no parent available to care for the child as a result of death or incapacity or for any other reason;
- (b) the parents acknowledge that they have serious difficulties in caring for the child;
- (c) the child has been, or is likely to be abused;
- (d) subject to subsection (2), the basic physical, psychological, emotional or educational needs of the child are not being met, or are not likely to be met by his parents;
- (e) the child is suffering or is likely to suffer serious developmental impairment or serious psychological harm, as a consequence of the domestic environment in which the child is living;
- (f) the child has exhibited sexually abusive behaviour and an order of the Court is necessary to ensure his or her access to, or attendance at an appropriate therapeutic service; or
- (g) the child is the subject of a care and protection order of another State that is not being enforced.

(2) The Court shall not conclude that the basic needs of a child are not likely to be met solely on the grounds of the disability of a parent or on the grounds of poverty.

Duration of  
care order.

**58.**—(1) A care order shall, depending on the age of the child, be up to a maximum period of three years or until the child attains the age of eighteen years, whichever is earlier.

(2) A care order must be reviewed at least once every ninety days by the Director or a person designated by the Director who may make recommendations as to any action to be taken having regard to the outcome of the review.

Purpose of the care order.

**59.** The purpose of the care order shall be—

- (a) to remove the child from a situation where he or she has suffered, is suffering or is likely to suffer abuse or harm;
- (b) to assist the child and those with whom he or she is living or wishes to live with to examine the circumstances that have led to the making of the order; and
- (c) to take steps to resolve or ameliorate the circumstances so as to ensure the child's return to his family or community.

Care orders for child care service.

**60.**—(1) The Court may make a care order placing a child in the care of a child care service.

(2) An application for a care order under subsection (1) may only be made—

- (a) after all possible alternative methods of assisting the child have been tried without success, and the abuse or harm from which the child is suffering or is likely to suffer requires his removal from where he is living; or
- (b) where the danger to which the child is exposed is so severe so as to require his or her immediate removal from where he is living.

Duty to enforce care order.

**61.** The Director shall enforce a care order made by the Court pursuant to the provisions of this Act.

Parental responsibility vested in person in charge of child care service.

**62.**—(1) The person in charge of a child care service with whom a child is placed, shall have the parental responsibility for the care of the child.

(2) The contact of the child with his parent, relative and friends while he is placed in a child care service shall be encouraged unless it is not in the best interests of the child.

(3) The person in charge of the child care service with whom the child is placed shall ensure that the development of the child while in their care, particularly his or her health and education, is given paramount attention.

Special duties of Director in relation to care orders.

**63.**—(1) The Director shall work with the parent of the child before and after the termination of a care order, so that the child can be returned to his family or community.

(2) The duties of the Director, under this section shall include family and child counselling, before, during and after the return of the child and seeking the assistance of persons in the family or community who can, as far as practicable, help the process of resolving the problems which caused the care order to be made.

(3) Where a child is placed with a foster family, the Director shall communicate with the parent of the child, to inform the parent of the progress of the child and to arrange a trial period for the child to be reunited with the parent.

Application for supervision order.

**64.** The Director may apply for a supervision order, if he is satisfied that there is need for continuous supervision of a child and before making that application the Director shall

identify a person to perform the duties of supervisor and to offer such services which the Director may consider to be appropriate.

Supervision  
order.

**65.**—(1) The Court may, after inquiry, make an order placing a child in relation to whom a care application has been made, under the supervision of the Director, if the Court is satisfied that the child is in need of care and protection.

(2) In making an order under this section, the Court shall specify—

- (a) the reasons for making the order;
- (b) the purpose of the order; and
- (c) the length of the order.

Duties of a  
supervisor while  
a supervision  
order is in force.

**66.** The duties of a supervisor while a supervision order is in force with respect to a child shall be—

- (a) to mentor, advise and assist the child;
- (b) to advise the parent of the child;
- (c) to make plans for the future of the child in consultation with the child and his or her parent; and
- (d) to take such other reasonable steps as may be necessary to reduce any harm to the child.

Requirements of  
supervision  
order.

**67.** Without limiting what may be included in a supervision order by the Court, a supervision order may—

- (a) require
  - (i) the child; or
  - (ii) the parent of the child; or
  - (iii) both the child and the parent;

to report to the supervisor at a place and at intervals stated by the supervisor; and

- (b) require—
  - (i) the child;
  - (ii) the parent of the child; or
  - (iii) both the child and the parent;

to take part in discussions with the supervisor in relation to the welfare, safety and well-being of the child, in particular whether the child should be engaged in some form of educational, vocational or recreational activity or other activity.

Duration of supervision order.

**68.**—(1) The Court may, on its motion or on an application of the Director, make a supervision order for one year and that order may be extended for a further period not exceeding one year.

(2) An extension of a supervision order shall require a written report from the Director.

(3) Notwithstanding subsection (2), the Court may, on its own motion or on an application made by the Director,

and after giving the parties an opportunity to be heard, extend the period of a supervision order for such further period, not exceeding six months as it considers necessary in the circumstances.

- (4) The Court may require the presentation of—
- (a) a report before the end of the supervision period which states—
    - (i) the outcome of the supervision;
    - (ii) whether the purpose of the supervision has been achieved;
    - (iii) whether there is need for an extension of the supervision period pursuant to subsection (2);
    - (iv) whether any other order should be made for the care and protection of the child;
  - (b) one or more reports during the period of supervision which describes the progress of the supervision; or
  - (c) reports under both paragraphs (a) and (b).

Director to  
enforce  
supervision  
order.

**69.**—(1) The Director shall enforce a supervision order and inspect the place or premises in which the child resides.

(2) The Director shall notify the Court of an alleged breach of a supervision order and the Court, on being notified of such alleged breach shall—

- (a) give the parties an opportunity to be heard concerning the allegation; and
- (b) determine whether the order has been breached;

and if the Court finds that the order has been breached, the Court may make any order as it considers appropriate in all the circumstances.

Care plans.

**70.**—(1) If the Director makes an application to the Court for a care order the Director shall present a care plan to the Court in the prescribed form, before a final order is made.

(2) The care plan must make provision for the following—

- (a) the allocation of parental responsibility for the duration of the period for which the child is removed from the care of his or her parent;
- (b) the kind of placement proposed to be sought for the child, including—
  - (i) how it relates to permanency planning for the child;
  - (ii) any interim arrangement that is proposed for the child pending permanent placement and the timetable proposed for achieving a permanent placement;
- (c) the arrangements for contact between the child and his or her parent, relatives, friends and other persons connected with the child;

- 
- (d) the child care service designated to supervise the placement of the child; and
  - (e) the services that need to be provided to the child.

(3) The care plan must be made as far as possible with the agreement of the parent of the child concerned.

(4) The care plan is only enforceable if it—

- (a) is developed by the Director through an agreement with the parent of the child and the child, where applicable; or
- (b) represents a set of proposals developed by the Director.

Requirement to consider care plan.

**71.** The Court shall not make a final order for the removal of a child from the care and protection of his or her parent or for the allocation of parental responsibility in respect of the child, unless the Court has considered a care plan presented to it by the Director, pursuant to section 70.

Social inquiry report.

**72.—(1)** The Court shall require a written social inquiry report in respect of a child before it makes an order under this Part.

(2) The Director shall prepare a social inquiry report and he or she shall comply with the request of the Court whenever required to produce a social inquiry report.

(3) The Director shall make a home visit to interview the parent of the child concerned and carry out his or her investigations concerning the child before making a social inquiry report.

(4) Where the child in respect of whom the social inquiry report is made is considered by the Director to be of sufficient age and understanding, he or she shall be interviewed by the Director.

(5) A social inquiry report shall contain matters relating to the welfare of the child and recommendations as to any action to be taken by the Court.

(6) The Court shall take the information contained in the social inquiry report into account in so far as it is relevant to the order being made.

(7) If the Court is not satisfied with any recommendation made by the Director in the social inquiry report, the Court shall state and record its reasons for not complying with the recommendation.

Other care orders which may be made by the Court.

**73.** The Court may, in addition to the making of a supervision order or a care order make any of the following orders—

- (a) an order—
  - (i) accepting undertakings;
  - (ii) for the provision of support services; or
  - (iii) to attend therapeutic or a treatment programme;
- (b) a compulsory assistance order; or
- (c) a contact order.

Order accepting undertakings.

**74.—**(1) The Court may, in considering a care application, make a care order accepting such undertakings given by the

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parent of a child, as it thinks fit with respect to the care and protection of the child.

(2) An undertaking referred to in subsection (1)–

- (a) shall be in writing signed by the person giving the undertaking; and
- (b) remains in force for such period, expiring on or before the day on which the child attains the age of eighteen years, or as may be specified in the undertaking.

(3) The Court shall cause a copy of an undertaking to be served on the person giving the undertaking.

(4) The Director or a party to proceedings in which a care order accepting an undertaking was made shall notify the Court of an alleged breach of the undertaking.

(5) The Court, on being notified of an alleged breach of an undertaking shall give the parties to the undertaking, an opportunity to be heard concerning the allegation, and shall determine whether the undertaking has been breached.

(6) If the Court finds that the undertaking referred to in subsection (1) has been breached, it may make any order as it considers appropriate in all the circumstances.

Care order for  
the provision of  
support services.

**75.**—(1) The Court may make an order directing a person or child care service named in the order to provide support for a child for a period not exceeding twelve months as shall be stipulated in the order.

(2) The Court shall not make an order under subsection (1) unless–

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- (a) it gives notice of its intention to consider making the order to the person or child care service who would be required to provide support pursuant to the order;
  - (b) the person or child care service is given an opportunity to appear and be heard by the Court before the order is made;
  - (c) the person or child care service consents to the making of the order; and
  - (d) the views of the child in relation to the proposed order have been taken into account.

(3) The Director may be required to provide support pursuant to an order made under this section.

Care order to attend therapeutic or treatment programme.

**76.**—(1) Subject to this section, the Court may, make an order—

- (a) requiring a child to attend a therapeutic or treatment programme relating to an abusive behaviour; and
- (b) requiring the parent of the child to take whatever steps are necessary to enable the child to participate in a therapeutic or treatment programme;

in accordance with the terms specified in the order.

(2) The Court shall not make an order under this section—

- (a) if the child is or has been the subject of criminal proceedings arising from the same abusive behaviour; or
- (b) unless the Court has been presented with and has considered the provisions of a plan that outlines the therapeutic programme proposed for the child.

Compulsory  
assistance care  
order.

**77.**—(1) Where the Director is of the opinion that a person may be suffering from a mental disorder and less intrusive means have been attempted or if attempted, would be insufficient for the protection of a child, he may make an application to the Court for a compulsory assistance care order.

(2) The Court shall not make a compulsory assistance care order unless it is satisfied that—

- (a) the child will receive treatment, therapy or other services that will assist the child;
- (b) the programme offered to the child is more likely than not to lead to a significant improvement in his or her circumstances; and
- (c) the necessary resources have been allocated by the person who will be required to provide intensive supervision of the child.

(3) A compulsory assistance care order shall make provision for all of the following matters—

- (a) the person who is to be responsible under the order for the child;

- (b) the place at which the child is to reside;
- (c) a description of the therapeutic programme and other support to be provided to the child;
- (d) the maintenance of a twenty four hour supervision of the child;
- (e) the duration of the order; and
- (f) such other matters as the Court may determine.

(4) A compulsory assistance order shall not be for a period of more than three months.

Contact order.

**78.**—(1) If a child is the subject of proceedings before a Court, the Court may, on an application made by any party to the proceedings, make an order in respect of any one or more of the following—

- (a) stipulating minimum requirements concerning the frequency and duration of contact between the child and his or her parent, relatives or other persons of significance to the child;
- (b) that contact with a specified person be supervised;
- (c) denying contact with a specified person if contact with that person is not in the best interests of the child;
- (d) that contact be supervised by the Director.

(2) An order referred to in—

- (a) sub-section (1) (a) shall not prevent more frequent contact with a child with the consent of a person having parental responsibility for the child;
- (b) sub-section (1) (b) may be made only with the consent of the person specified in the order and the person who is required to supervise the contact.

Orders with significant impact on persons.

**79.**—(1) The Court shall not make an order which has a significant impact on a person who is not a party to the proceedings unless the person has been given an opportunity to be heard on the matter of significant impact.

(2) A person given an opportunity to be heard pursuant to subsection (1) shall not have the status or rights of a party to the proceedings.

Preparation and requirements of permanency plan.

**80.**—(1) If the Director makes an application to the Court for a care order, not being an emergency protection order, the Director shall assess whether there is a realistic possibility of the child being returned to his or her parents, having regard to—

- (a) the circumstances of the child; and
- (b) the evidence, if any, that the parent of the child or the child is likely to be able to satisfactorily address the issues which led to the removal of the child from the care of the parent.

(2) If the Director assesses that there is a realistic possibility of restoration, the Director shall prepare a permanency plan involving restoration and submit it to the Court for its consideration.

(3) A permanency plan involving restoration shall include the following—

- (a) a description of the minimum outcomes the Director believes must be achieved before it would be safe for the child to return to his or her parent;
- (b) methods to assist the child and his or her parent to examine the circumstances that have led to the making of the order of the Court and to take steps to resolve or ameliorate the problem so as to ensure the return of the child;
- (c) details of the services the Director is able to provide or arrange, and the provision of such services to the child in order to facilitate his or her restoration;
- (d) details of other services that the Court may request from other government departments or funded non-government agencies to provide to the child, or the family of the child or both, in order to facilitate restoration; and
- (e) a statement of the length of time during which restoration may be actively pursued.

(4) The Court shall consider the permanency plan prepared by the Director and if it does not accept it, the Court

may direct the Director to prepare a different permanency plan.

(5) The Court shall not make a final care order unless it expressly finds that permanency planning for the child has been appropriately and adequately addressed.

(6) A permanency plan shall only be enforceable to the extent to which its provisions are embodied in, or approved by, an order of the Court.

(7) In this section “parent”, in relation to the child concerned, means—

- (a) if the child has been adopted; the child’s adoptive parent, or
- (b) if the child has not been adopted; the child’s birth parent.

Custody care order.

**81.**—(1) If the Director assesses that—

- (a) there is not a realistic possibility of restoration pursuant to the provisions of this Act;
- (b) it is in the best interest of the child that he no longer live with his parent; and
- (c) a least restrictive option is not available;

the Director shall make an application to the Court for a custody care order.

(2) An application under sub-section (1) shall be accompanied by a permanency plan which does not involve

restoration and shall be submitted to the Court for its consideration.

(3) In preparing the permanency plan under sub-section (2), the Director shall determine the type of placement which shall be suitable for the child.

(4) The provisions of section 80 (4), (5), (6) and (7) shall apply *mutatis mutandis* to permanency plans under this section.

(5) Where the Court upon examination of the application and permanency plan made pursuant to this Part finds that the grounds upon which the application is made has been substantiated and it is necessary to provide the best interest of the child, the Court shall grant the custody care order.

(6) A custody care order places a child in the custody of the State.

(7) Where a child is placed in the custody of the State, the State shall have the rights and responsibilities of a parent for the purposes of the care of the child and those duties shall be assessed and performed by any person caring for the child until the custody care order is terminated by any action which results in the permanent placement of the child.

(8) For the purposes of this Act “permanency planning” means the making of a plan that aims to provide a child with a stable placement which offers long term security and that—

- (a) has regard, in particular, to the principles set out in section 4 (1) (h).

- (b) meets the needs of the child; and
- (c) avoids the instability and uncertainty arising through a succession of different placements or temporary care arrangements.

Provision of services to facilitate restoration.

**82.** A government department or agency or a funded non-government agency that is requested by the Court to provide services to a child or the parent of a child in order to facilitate restoration shall use its best efforts to provide those services.

Review of permanency plan.

**83.—**(1) A permanency plan involving restoration shall be reviewed by the Court within twelve months after the last occasion on which it was considered by the Court.

(2) A review under subsection (1) shall determine—

- (a) whether the provisions of the permanency plan should be changed, particularly with respect to the length of time during which restoration shall be actively pursued;
- (b) whether other arrangements should be made for the permanency placement of the child; and
- (c) whether a care order should be made, varied or revoked.

Costs.

**84.** The Court shall not make an order for costs in any care proceedings unless there are exceptional circumstances that justify the Court in doing so.

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Final orders to be given to parties.

**85.** The Court shall take such action as is reasonably practicable to ensure that each party to an application receives a copy of a final order of the Court concerning the application.

Variation and revocation of orders.

**86.—**(1) An application for the variation or revocation of a care order made under this Act may be made with the leave of the Court.

(2) The Court may grant leave pursuant to subsection (1) if it appears that there has been a significant change in any of the relevant circumstances since the care order was made or last varied by the Court.

(3) Before granting leave to vary or revoke the care order, the Court shall take the following matters into consideration—

- (a) the nature of the application;
- (b) the age and maturity of the child;
- (c) the length of time for which the child has been in the care of the person who has the present parental responsibility for the child; and
- (d) the plans for the child.

(4) An application referred to in subsection (1) may be made by:

- (a) the Director;
- (b) a person having parental responsibility for the child;

- (c) a person from whom parental responsibility has been removed; or
  - (d) any person who considers himself or herself to have sufficient interest in the welfare of the child.
- (5) If—
- (a) an application is made to the Court by a person, other than the Director, for the variation or revocation of a care order, other than a contact order, in relation to a child;
  - (b) the application seeks to change the parental responsibility for the child, or those aspects of parental responsibility involved in having care and responsibility for the child; and
  - (c) the Director is not a party to the proceedings;

the applicant shall notify the Director of the application and the Director shall be entitled to be a party to the application.

(6) The Court is not required to hear or determine an application made to it with respect to a child by a person referred to under subsection (4) (c) or (d) unless it considers the person to have a sufficient interest in the welfare of the child.

- (7) If—
- (a) an application for variation of a care order is made or opposed by the Director; and

- (b) a ground on which the application is made is a ground that has not previously been considered by the Court;

the ground shall be proved as if it were a ground of a fresh application for a care order.

(8) Before making an order to vary or revoke a care order that places a child under the parental responsibility of the Director, or that allocates specific aspects of parental responsibility from the Director to another person, the Court shall take the following matters into consideration—

- (a) the age and maturity of the child;
- (b) the wishes of the child and the weight to be given to those wishes;
- (c) the length of time the child has been in the care of the present person who has parental responsibility for the child;
- (d) the strength of the bond of the child to his or her parent or the present person who has parental responsibility for the child;
- (e) the capacity of the parent of the child to provide an adequate standard of care for the child; and
- (f) the risk to the child of psychological harm if the present care arrangements are varied or revoked.

(9) If the Court is satisfied, that it is appropriate to do so, it may vary or revoke a care order.

(10) If the Court revokes an order under this Act, it may, make any one of the orders that it could have made in relation to the child as if an application had been made to it with respect to the child.

(11) On the making of an order under subsection (10), the Court shall cause notice of the order to be served on the Director.

Appeal.

**87.**—(1) An appeal from a decision of the Court with respect to a care order may be made to the High Court by—

- (a) any parent of the child; or
- (b) the Director,

(2) Subsection (1) shall not apply to an assessment order made pursuant to Part VI.

## PART VIII

### CHILD CARE SERVICES

Principles.

**88.** A decision made under this Part shall be made in accordance with the following principles—

- (a) the best interests of the child shall be of paramount consideration;
- (b) a child care service shall provide care that is safe, positive and nurturing;

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- (c) a child care service shall promote the educational, social and developmental well-being of a child; and
  - (d) a child shall receive services that meet his or her individual needs, including the needs of a child with a disability, and enhance his or her physical, emotional, cognitive, social and cultural development.

Conditions for foster care placements.

**89.**—(1) If a care order has been made pursuant to Part VII, which requires the placement of a child, the Director may place the child with a person who is willing to undertake the foster care of the child.

(2) A person who wishes to foster a child may, make an application to the Director, but a relative of a child without a parent or guardian may foster the child without first applying to the Director and, in such a case, this Part shall not apply.

(3) Foster care placements shall be made in accordance with such regulations as may be prescribed.

Approved child care services.

**90.** The Minister may grant approval for child care services to be established and maintained for children in accordance with such regulations as may be prescribed.

Purpose of approved child care service.

**91.**—(1) A child care service shall provide substitute family care for a child until such time as the natural parent of the child is able to provide adequate care to meet the basic needs of the child or the child can be reunited with his or her family or arrangements are made for the custody or other permanent placement of the child.

(2) The staff of the approved child care service and the Director shall assist the child to become reunited with his or her natural parent.

(3) After a child has been returned from an approved child care service, the Director shall keep in regular contact with the child and his or her family until the completion of any order made pursuant to Part VIII or until the discharge of the order.

(4) If a child is unable to return to his or her natural parent or to go to a foster parent, or has no parent or a foster parent, he shall, where possible, be cared for and assisted by an approved child care service and the Director until adoption can be arranged for the child.

Parental  
responsibility at  
approved child  
care service.

**92.** Where a child has been placed in an approved child care service under a care order the manager and staff of the child care service shall have the parental responsibility for the child.

Contact with  
parents and  
relatives.

**93.—**(1) A child care service and the Director shall maintain—

- (a) contact with the parent or relatives of the child; and
- (b) contact between the child and the parent or relatives of the child.

(2) A person shall not remove a child from a child care service without the consent of the manager.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a

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fine not exceeding five thousand dollars or to a term of imprisonment not exceeding three months.

Recovery order.

**94.**—(1) When a Court has been provided with information on oath that a child has been removed unlawfully from an approved child care service, it may make a recovery order.

(2) A recovery order may—

- (a) direct any person who is in possession of the child to produce the child on demand to any person authorized in the recovery order;
- (b) require the removal of the child by a person authorized in the recovery matter;
- (c) require any person who has information leading to the whereabouts of the child to disclose such information;
- (d) authorise a search by a police officer of the premises where the child is believed to be staying; and
- (e) specify the name of the child in question and the person who has parental responsibility for the child.

Application for recovery order.

**95.** Any of the following persons may apply for a recovery order—

- (a) the Director; or
- (b) the person who has parental responsibility for the child.

Escape from approved child care service.

**96.**—(1) A child who runs away from an approved child care service to which he or she has been placed or from a person in whose care he or she has been placed under an emergency protection order, or committed by the Court on an order under this Act, may pending investigation—

- (a) be brought back to the approved child care service or to the person from which or from whom he or she has run away; or
- (b) be put in another approved child care service or a place of safety to be determined by the Director.

(2) As soon as possible, after the circumstance referred to in subsection (1) has occurred, the Director shall interview the person in charge of the child care service or the person in whose care the child has been placed.

(3) A child referred to in subsection (1) may be returned to where he or she had been placed, or if that it is not in the best interests of the child, he or she may be moved by the Director under a care order or otherwise returned to the Court for an application by the Director for a variation order.

Court's power to order parent to contribute.

**97.**—(1) Where a child who has a parent has been placed in an approved child care service the Court may order the parent to contribute towards the maintenance of the child.

(2) The amount contributed pursuant to subsection (1) shall be reasonable and within the means of the parent and may be varied by the Court if there is a change in the circumstances of the parent or the child.

(3) An order for contribution made under subsection (1) shall remain in force as long as the child is in the child care service, but a person contributing may, at any time, apply

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to the Court for the order to be varied or discharged on the ground that the circumstances have changed since the order was made.

## PART IX

### ADOPTION COMMITTEE

Establishment  
of Adoption  
Committee.

**98.**—(1) Pursuant to its powers under section 16, the Board shall appoint an Adoption Committee.

(2) The Committee shall comprise of such member or persons as the Board may determine from time to time and the Director shall be the Chairperson of the Committee.

(3) A person shall be appointed by the Board as a member of the Committee based on his experience and expertise in the field of child care and protection.

(4) The Committee shall be ultimately accountable to the Board for the conduct of its affairs.

Conduct of  
meetings of the  
Committee.

**99.**—(1) The Committee shall meet at such time and such place as the Chairperson shall decide.

(2) The Chairperson shall preside at all meetings of the Adoption Committee at which he or she is present.

(3) If the Chairperson is unable to preside at a meeting of the Committee, he shall appoint another member of the Committee to preside at that meeting.

(4) The Committee shall establish its own procedure.

Secretary to the  
Adoption  
Committee.

**100.** The Committee shall appoint a secretary from amongst its membership.

Oath of Secrecy.

**101.** A member of the Committee shall, before assuming office, subscribe to an oath of secrecy as may be prescribed.

Functions of the Committee.

**102.—**(1) The Committee shall act as an advisory body to the Board with respect to all matters relating to adoption.

(2) Without limiting the generality of sub-section (1), the functions of the Committee are—

- (a) to determine the manner in which a child is selected for adoption;
- (b) to assess adoption applications received by it from the Board and make such recommendations to the Board as it deems fit;
- (c) to make recommendations to the Board with respect to the suitability of a person to adopt a child;
- (d) to perform such other functions as may be necessary to carry out the provisions of this Act as may be determined by the Board.

(2) For the purpose of carrying out its functions, the Committee may—

- (a) conduct such inquiries and carry out such investigations with respect to any matter;
- (b) establish procedures to conduct interviews; and
- (c) solicit, accept and review reports from the Authority of individuals or organisations concerned or involved in the adoption of children.

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**PART X****PLACEMENT OF A CHILD FOR ADOPTION**

Who may place  
a child for  
adoption.

**103.**—(1) A child may be placed for adoption in Grenada only by the Authority.

(2) A natural parent of a child or other person having the custody of a child may, in a manner which may be determined by the Authority, select a single person or a couple with whom he or she wishes to have his or her child placed for adoption, as a prospective adopter or as adopters.

(3) The Authority may only place a child for adoption with a prospective adopter, if it is satisfied that the child ought to be placed for adoption.

Persons who  
may apply for  
adoption order.

**104.**—(1) A single person may, subject to this Act, make an application to the Authority under section 105, to have a child placed in his or her home for adoption only if that person is—

- (a) resident or domiciled in Grenada for a period of at least six months prior to the making of the application; and
- (b) at least eighteen years older than the child, except where he is the spouse of the parent of the child or a relative of the child.

(2) A couple may, subject to this Act, make an application to the Authority, under this section to have a child placed in their home for adoption only if one of them—

- (a) is resident in Grenada for a period of at least six months prior to the making of the application; and

- (b) has attained the age of twenty five and is at least eighteen years older than the child, except where he is the spouse of the parent of the child or a relative of the child.

(3) The Court may waive the residency and the age requirements under this section if it determines that it is in the best interests of the child to do so and that in the particular circumstances of the case it is desirable to make an adoption order.

(4) Notwithstanding the provisions of this section, a person who is not a citizen of Grenada may make an application to the Authority for the adoption of a child resident in Grenada as provided for in section 105.

Application and  
assessment for  
placement.

**105.**—(1) A single person or a couple under sub-section (1) or (2) of section 104, who is desirous of having a child placed in his or her home for adoption shall make an application to the Authority in the prescribed form.

(2) A person under sub-section (4) of section 104 who is desirous of adopting a child may make an application to the Authority for the adoption of a child resident in Grenada as provided for in this section.

(3) Where the Authority receives an application made pursuant to subsection (1), the Authority shall conduct a home study assessment on the applicant in order to determine the suitability of the applicant to be an adoptive parent and the capability and willingness of the applicant to assume the responsibility as a parent towards the child.

(4) The Authority shall submit a copy of the application made under subsection (1) and the home assessment study to the Committee so that a recommendation may be made to the Board and shall keep a record of each

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home study assessment which it conducts in relation to the applicant.

(5) An application made pursuant to sub-section (2), shall be made by the person and presented either by himself or through an attorney-at-law and shall in every case be accompanied by an affidavit duly sworn by the person in the prescribed form stating that the person—

- (a) does not have a criminal record;
- (b) is a fit and proper person to adopt the child and has adequate means to maintain and look after the child in an appropriate manner;
- (c) has a current recommendation from the competent body responsible for adoption in his country of origin; and
- (d) his country of origin will respect and recognize an adoption order made under this Act.

(6) For the purposes of an application to which sub-section (2) applies, the Authority shall seek verification in writing of the recommendation referred to in sub-section (5) (c), at the cost to the applicant.

(7) Where the Authority receives an application under sub-sections (2) and the relevant particulars pursuant to sub-sections (5) and (6), the Authority shall submit them to the Committee so that a recommendation may be made to the Board.

Decision by the  
Adoption  
Committee.

**106.**—(1) Where having regard to the home study assessment conducted under sub-section (2) of section 105, the Committee decides that an applicant—

- (a) is suitable and capable of having a child placed in his home for the purposes of adoption, the Committee shall make such recommendation to the Board and the Board shall within two weeks of receipt of the recommendation make a decision based on the recommendation of the Committee and issue a notice of its decision to the applicant in the prescribed form and shall enter the name of the applicant on the Adoption list; or
- (b) is not suitable or capable of having a child placed in his home for the purposes of adoption, the Committee shall make such recommendation to the Board and the Board shall, within two weeks of receipt of the recommendation, and after making its decision, based on the recommendation of the Committee, issue a notice of refusal to the applicant in the prescribed form and shall attach the reasons for its decision and shall inform the applicant of his or her right to have the decision reviewed by the Minister.

(2) The Board shall not grant approval for an applicant who is a single person, to have a child placed in the home for the purposes of adoption unless it is satisfied, based on the recommendation made by the Committee, that there are exceptional circumstances which make it desirable to render such applicant suitable to adopt a child.

(3) Where having regard to an application made under section 105 (2) and the particulars lodged under section 105 (5), the Committee is of the view that the applicant is suitable and capable of adoption of a child, it shall make such recommendation to the Board and the Board shall within two weeks of receipt of the recommendation issue a notice in

writing to the applicant recommending that the applicant make an application to the Court for adoption order pursuant to this Act.

(4) Where having regard to an application made under section 105 (2) and the particulars lodged under section 105 (5), the Committee is of the view that an applicant is not suitable and capable of adoption of a child, the provisions of section 106 (5) shall apply *mutatis mutandis*.

(5) The Court may require some other person or authority to submit a report in respect of an application made pursuant to section 105 (2).

(6) Where an application has been made to the Court for the adoption of a child under section 105 (2), the Court shall proceed in accordance with the relevant provisions of this Act.

(7) An adoption order made by the Court pursuant to section 106 (3) shall remain a provisional order for twelve months during which time quarterly reports must be submitted to the Court by the relevant competent authority in the country where the adopted child lives, on the status, and progress of the adopted child.

(8) On the expiration of the twelve month period referred to in sub-section (2), the Court shall grant the adoption order on being satisfied that it is in the best interests of the child to do so.

(9) The Court may, in the matter of adoption of any child by a person who is not ordinarily resident in Grenada for the transfer of the child abroad, make such exceptions or dispense with such requirement or formalities as it may consider necessary, if it is satisfied that the proposed adoption for transfer abroad is in the best interests of the child and that

under the circumstances the case should be disposed of expeditiously.

(10) The provision of this section which applies to a person who is not a citizen who wishes to adopt a child shall not apply.

Review of  
decision of  
Board.

**107.** An applicant who is aggrieved by a decision of the Board made pursuant to section 106, may, not later than two weeks after the date of receipt of the written notice of the decision from the Board, make an application to the Minister in the prescribed form for review of that decision on the grounds that the assessment of the applicant by the Board was incorrect.

Appointment of  
Review Panel.

**108.—**(1) On receipt of an application for review made under section 107 the Minister shall appoint a review panel which shall consist of—

- (a) a Chairperson who shall be an attorney-at-law of at least seven years standing; and
- (b) two other persons who are qualified and have the relevant experience in the field of social work, psychology or child welfare.

(2) A member of a review panel shall not be a member of the Adoption Committee or the Board or an employee of the Authority and shall be appointed by instrument in writing in the prescribed form and in accordance with subsection (1) in respect of a particular application for review and that appointment shall be automatically terminated on the completion of its inquiry in respect of that review.

Role of Review  
Panel.

**109.—**(1) The review panel appointed under section 108 shall—

- (a) conduct an inquiry to re-assess the suitability of the applicant to have a child placed in the home of the applicant for adoption; and
- (b) upon completion of its inquiry, make recommendations to the Minister as to whether or not the decision of the Board should be varied.

(2) Subject to this section, the procedure for the conduct of the inquiry by a review panel shall be as determined by the review panel in each case.

(3) In conducting an inquiry, a Review Panel—

- (a) shall act without regard to technicalities and legal form;
- (b) shall not be bound by rules of evidence; and
- (c) may inform itself on any matter in such manner as it thinks fit, including interviewing the applicant who applied for the review.

Adoption  
Committee to  
review decision.

**110.** The Board shall, as soon as practicable after receiving the recommendations of the review panel in respect of an application for review from the Minister—

- (a) instruct the Committee to review its decision, taking into account the recommendations of the Review Panel; and
- (b) give written notice to the applicant of the outcome of the review.

Adoption list.

**111.** The Authority shall prepare and maintain an Adoption list in which it shall record, the name of each prospective adopter, in a form—

- (a) that indicates the chronological order in which applications that were approved under this Act were received; and
- (b) that shows a record of such particulars, as the Authority thinks necessary to assist it in the placement of a child for adoption with an applicant.

Authority to have regard to Adoption list.

**112.** In making arrangements for and in relation to the placement of a child for adoption, the Authority shall, without prejudice to its duty to consider all other relevant matters, including in particular, the best interests of the child and the wishes of the parent or parents of the child and the applicant wishing to adopt, have regard to the Adoption list and to the chronological order of the names of the prospective adopters entered on the Adoption list.

Duties of Adoption Committee prior to placement.

**113.—**(1) Before a child is placed for adoption with a prospective adoptive parent, the Authority shall—

- (a) provide counselling and information on adoption and alternatives to adoption to the natural parent of the child or any other person having the care and protection of the child who is requesting a placement of that child for adoption;
- (b) if the natural parent of the child wishes to select the child's prospective parents, provide them with information about prospective adopters;

- (c) obtain as much information as possible about the medical and social history of the birth family of the child and preserve the information relating to the child;
- (d) give the prospective adopter information about the medical and social history of the birth family of the child;
- (e) ensure that the child—
  - (i) if sufficiently mature, has been counselled about the effects of adoption; and
  - (ii) if twelve years of age or older, has given consent to the adoption.
- (f) makes reasonable efforts to obtain such consent as is required pursuant to section 115;
- (g) enters into a placement agreement with the prospective adopter pursuant to subsection (2).

(2) A placement agreement referred to in subsection (1) shall—

- (a) be for a period of three months;
- (b) be made in the prescribed form; and
- (c) specify the terms and conditions of the placement and the manner and the

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circumstances under which the placement agreement may be revoked.

(3) The Authority may reduce or extend the placement period if in the opinion of the Committee it is in the best interests of the child to do so.

(4) The date on which a placement agreement comes into effect shall be the date on which the child is placed in the home of the prospective adoptive parent for adoption.

Supervision of placement.

**114.**—(1) Where a placement agreement has been executed under section 113, and a child is placed in the home of a prospective adoptive parent for adoption, the Authority shall assign a social worker to supervise the placement of the child, in the prescribed manner.

(2) At the end of a placement period, the social worker shall prepare a post placement report which shall be submitted to the Committee for review, so that it may make a recommendation to the Board.

(3) A report that has been approved under subsection (2) shall be submitted to the Court by the Authority, on the making of an application for an adoption order by the prospective adoptive parent under this section.

(4) The post placement report required under subsection (1) shall provide such information and professional assessment concerning the apparent suitability of the placement of the child in the home of the prospective adoptive parent and the likelihood that the welfare of the child will be satisfactorily provided for in the long term, and shall include—

- (a) the relevant circumstances of the placement;
- (b) the relations between the child and the prospective adoptive parents and members of the household;
- (c) the care the child is receiving;
- (d) whether the child understands the meaning of adoption;
- (e) whether the child has any views on the proposed adoption and any proposed change of the name of the child; and
- (f) such further information and professional opinion as may be deemed helpful for the consideration of the Court or as the Court may require for purposes of considering an application for an adoption order made pursuant to section 124.

Consent to be  
obtained prior to  
adoption.

**115.**—(1) Subject to section 116, the Court shall not make an adoption order in relation to a child unless the consent of the following is obtained—

- (a) the child, if the child is twelve years of age or over;
- (b) the natural parents of the child; and
- (c) where applicable, a person having custody of the child.

(2) Any consent given by the natural mother to the making of an adoption order shall not be valid if it is given less than six weeks after the birth of the child.

(3) A natural parent who is under the age of sixteen years cannot give a valid consent to the adoption of his or her child.

(4) Where a child from another State is to be placed for adoption in Grenada the laws of that State shall apply with respect to the consent required for placing the child for adoption.

(5) In this section “consent” means the permission given unconditionally and with full understanding of what is involved and a person may consent to the adoption without knowing the identity of the person in whose favour the adoption order will be made.

Form of consent. **116.**—(1) A consent to the adoption of a child must be in the prescribed form.

(2) Where consent to the adoption of a child in Grenada is required from a person who resides outside Grenada, the consent is sufficient for the purposes of this Act, if it is in a form that meets the requirements for the consent to adoption, in the State in which the person resides.

Dispensing with consent. **117.**—(1) On application, the Court may, by order, dispense with a consent required under section 115 if—

(a) the Court is satisfied that it is in the best interests of the child to do so;

- (b) the person whose consent is to be dispensed with is not capable of giving an informed consent;
- (c) reasonable but unsuccessful efforts have been made to locate the person whose consent is to be dispensed with;
- (d) the person whose consent is to be dispensed with:
  - (i) has abandoned or deserted the child;
  - (ii) is not capable of caring for the child; or
  - (iii) has not made reasonable efforts to meet his or her parental obligations with respect to the child; or
- (e) other circumstances exist which in the opinion of the Court justify dispensing with the consent.

(2) Notwithstanding subsection (1), the Court may dispense with the consent of a child only if the child is not capable of giving an informed consent.

(3) Before making an order under this section, the Court may consider any recommendation in a report filed by the Authority or a parent of the child.

(4) An application pursuant to this section may be made without notice to any other person and may be joined with any other application which may be made under this Act.

Withdrawal of consent.

**118.**—(1) Subject to subsection (5), a person who has consented to the adoption of a child may, withdraw his or her consent in the prescribed form or by notice given in writing to the Authority.

(2) As soon as possible after receipt of the withdrawal, referred to in subsection (1), the Authority shall make all reasonable efforts to give notice of the withdrawal to each person who consented to the adoption and to the prospective adoptive parent.

(3) Where the person who withdrew his or her consent had custody of the child immediately before the giving of his or her consent, the child shall be returned to that person as soon as possible after the Authority receives the withdrawal pursuant to subsection (1).

(4) Where a child is required to give his or her consent to an adoption, that child may at any time before the adoption order is made by the Court, withdraw his or her consent, by informing the Authority of his or her intention to withdraw, in the prescribed form.

(5) The withdrawal of any consent to the placement of a child for adoption or of any consent given under section 115 is ineffective, if it is given after an application for an adoption order is made.

Withdrawal of consent given outside Grenada.

**119.**—(1) A consent to the adoption of a child residing in Grenada where the consent was given under the law of another State shall be withdrawn in accordance with the laws of that State.

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(2) Subsection (1) shall not operate to limit the right of a child to withdraw his or her consent pursuant to section 118.

Withdrawal of consent by the Court.

**120.**—(1) If an application for an adoption order has been made after a consent to the adoption of a child has been given under this Act, a person who has provided consent may apply to the Court to have his or her consent withdrawn and that consent may only be withdrawn with the approval of the Court in accordance with sections 117 and 118.

(2) An application to the Court pursuant to subsection (1) shall be made before an adoption order is granted.

(3) Where a child has not been placed with a prospective adoptive parent, an application to the Court for the withdrawal of consent is not required and the approval of the withdrawal may be given by the Authority.

(4) A notice of an application to the Court pursuant to subsection (1) shall be served on the Authority and each person who consented to the adoption.

Transfer of care responsibility or custody to Authority.

**121.**—(1) A parent or other person having the care responsibility or custody of a child shall in writing transfer the care responsibility and custody of the child to the Authority for the purposes of adoption of that child and until an order for adoption is made or a consent to the adoption is withdrawn under this Act.

(2) Subsection (1) shall not apply to an adoption by a relative or a person who makes an application pursuant to

section 104 to jointly become a parent of a child with the natural parent of the child.

Authority as guardian of child.

**122.** When consent to an adoption is given by the natural parents of a child or other person having the care responsibility or custody of the child who requested that the child be placed for adoption, the Authority becomes the guardian of the child until an order for adoption is made or the consent to the adoption is withdrawn under this Act.

Transfer of care responsibility during placement.

**123.** Where a child is placed in the home of a prospective adoptive parent for adoption, the Director shall not transfer the care responsibility of a child to a prospective adoptive parent with whom that child is to be placed for adoption and the care responsibility of the child shall remain with the Authority until—

- (a) an order for adoption is made;
- (b) the consent to the adoption is withdrawn; or
- (c) the placement agreement is revoked in the manner as may be prescribed pursuant to section 113.

## PART XI

### ADOPTION PROCEEDINGS

Application for adoption order.

**124.** A prospective adoptive parent with whom a child has been placed for adoption may make an application to the Court for an adoption order in accordance with this Part.

Time for  
making  
application.

**125.** An application under section 124 shall be made within four weeks before the date of termination of the placement agreement.

Notice of  
application to  
Adoption  
Committee.

**126.**—(1) At the time of making an application to the Court under this Part, the prospective adoptive parent shall send a notice of the application in the prescribed manner to the Authority together with such supporting documents as may be prescribed.

(2) On receipt of the notice made under sub-section (1), the Authority shall submit to the Court the following—

- (a) a copy of the home study assessment on the prospective adoptive parent pursuant to section 105;
- (b) a copy of the post placement report prepared pursuant to section 114;
- (c) certification in the prescribed manner, where applicable, that the prospective adoptive parent has been resident in Grenada for at least six months;
- (d) a copy of the placement agreement and a statement from the Director that all applicable placement requirements as stipulated in the placement agreement established under this Act and regulations have been met;
- (e) a recommendation on any issue relating to adoption which the Committee considers necessary; and

- (f) such other information which the Authority considers necessary to enable the Court to determine whether the proposed adoption is in the best interests of the child.

Documents  
required to be  
filed with  
application.

**127.**—(1) An application made under section 124 shall be accompanied by the following documents—

- (a) all consents required for the adoption or the orders dispensing with the consent or an application to dispense with consent;
- (b) the birth certificate of the child, or if it cannot be obtained, satisfactory evidence of the facts relating to the birth of the child;
- (c) a copy of the approval of the home study assessment conducted by the Authority pursuant to section 105;
- (d) a copy of the placement agreement and a statement from the Director that all applicable placement requirements as stipulated in the placement agreement set by this Act and regulations have been met; and
- (e) such other information or documentation as may be prescribed or required by the Court.

(2) The Court may dispense with the need to provide any document stipulated under subsection (1).

(3) Where a parent or other person having custody of a child requires that the parentage or the surname of the child be kept secret, the documents referred to in subsection (1) (a) and (b) shall be sealed or masked to prevent the identification of the natural parent of the child or the disclosure of the surname of the child.

(4) The Court may require the Authority to inquire into any matter respecting an application for an adoption order that the Court considers necessary.

Confidentiality.

**128.**—(1) Where the identity of a natural parent having custody of a child and the identity of an applicant are not known to each other, the Court may order that their identities or information that could reveal their identities not be disclosed in a document.

(2) An application for an adoption order made under this Act or a document filed in Court in connection with the application may be searched only by an order of the Court.

Hearing and  
legal  
representation.

**129.** The hearing of an application made under section 124 shall be held in private, and access to the files of the Court concerning an application for adoption shall be restricted unless the Court determines otherwise, having regard to the best interests of the child.

Interim adoption  
order.

**130.**—(1) Subject to this section, the Court may, on any application for an adoption order, postpone the determination of the application made under section 124 and make an interim order giving the custody of the child to the prospective adoptive parent for a period not exceeding one year, by way of a probationary period, on such terms as regards parental responsibility and otherwise as the Court may determine.

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

(3) An interim order shall not be an adoption order within the meaning of this Act.

Adoption order.

**131.**—(1) Having considered the documents and evidence filed pursuant to sections 124 and 125, the Court may make an order for adoption if it is satisfied that—

- (a) the requirements of the Act have been complied with;
- (b) the prospective adoptive parent is able to fulfil the obligations and exercise parental responsibility in relation the child; and
- (c) the best interests of the child will be served by the granting of the adoption order.

(2) In addition to the matters to be considered by the Court pursuant to subsection (1), the Court shall—

- (a) take into account any wishes or feelings of the child, in light of the age, maturity and understanding of the child, that are expressed by the child; and
- (b) consider whether there is a need for any arrangements to allow any person to have contact with the child and to that effect consider any existing or proposed arrangements and obtain any views of the parties to the proceedings.

(3) Every adoption order shall contain a direction to the Registrar to make in the Adoption Register an entry in the prescribed form and shall specify the particulars to be entered.

(4) Where an adoption order is made by the Court, the Registrar shall cause compliance to be made with the directions contained in the order both in regard to marking any entry in the Register of Births with the word “Adopted” and in regard to making the appropriate entry in the Adoption Register.

(5) An adoption order may be made even if the child to be adopted is already an adopted child.

(6) Where an adoption order is made by the Court in respect of an infant who has previously been the subject of an adoption order made under the provisions of this Act or of the former Act, the order shall contain a direction to the Registrar to cause the previous entry in the Adoption Register to be marked with the word “Re-adopted”.

Effect of  
adoption order.

**132.**—(1) If an adoption order is made under section 129 for all purposes of the law—

- (a) the adopted child becomes the child of the adoptive parent and the adoptive parent becomes the parent of the child;
- (b) the adopted child has the same rights in relation to the adoptive parent, as a child born to the adoptive parent;

- (c) the adoptive parent has the same parental responsibility as the parent of a child borne to the adoptive parent;
  - (d) the adoptive child ceases to be regarded as the child of the natural parent and the natural parent ceases to have parental responsibility with respect to the child, except a natural parent who remains as a parent jointly with the adoptive parent;
  - (e) a person having custody of the child ceases to have that custody; and
  - (f) a person whose consent is required under this Act, ceases to have a right or obligation to consent on any matter with respect to that child.
- (2) Where a child is adopted for a subsequent time—
- (a) the child becomes the child of the subsequent adoptive parent;
  - (b) the subsequent adoptive parent becomes the parent of the child;
  - (c) the adoptive parent, immediately before the subsequent adoptive parent, ceases to have parental responsibilities with respect to the child except an adoptive parent who remains as a parent jointly with the subsequent adoptive parent; and

(d) a person having custody of the child ceases to have that custody.

(3) An adoption order shall not affect an interest in property or a right of the adopted child that was vested in the child before the date of the adoption order.

(4) For the purposes of laws related to incest and the prohibited degrees of marriage, subsection (1) shall not remove a person from a relationship in consanguinity which, but for this section, would have existed between that person and another person.

(5) In a will or other document made at any time before or after the commencement of this Act, and whether the maker of the will or document is alive on that day or not, a reference to a person or group of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include a person who comes within the description as a result of an adoption, unless the contrary is expressed.

(6) Subject to this section, where an adoption order is made in respect of a child any affiliation order in force with respect to the child, and any agreement whereby the natural father of the child has undertaken to make payments specifically for the benefit of the child, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order or agreement at the date of the adoption order.

(7) Where a child to whom an affiliation order or agreement referred to in subsection (6) relates, is adopted by his or her mother, and the mother is a single person, that order

or agreement shall not cease to have effect by virtue of subsection (6) on the making of the adoption order, but shall cease to have effect if the mother subsequently marries.

Revocation of  
adoption on  
legitimation.

**133.** If a child who has been adopted by one natural parent as a single person subsequently becomes a legitimated person on the marriage of his or her natural parents, the Court by which the adoption order was made may, on application of any of the parties concerned revoke the adoption order.

Change of  
name.

**134.—(1)** A prospective adoptive parent may request the Court to change the given name or the surname of the child or both.

(2) Where a request is made pursuant to subsection (1), the Court may change the given name or the surname of the child or both, if—

- (a) the child is five years or older and his or her views are considered on the matter; and
- (b) the child is twelve years or older and gives his or her consent.

(3) The consent of a child shall not be required where the Court has dispensed with the consent of the child for adoption.

(4) Before changing the given name or surname of a child the Court must consider factors that it considers relevant, such as, the maturity or level of understanding of the child, in determining the weight that it should give to the views of the child.

Duties of  
Court.

**135.**—(1) Where an adoption order is made, the Court shall send a certified copy of the order to—

- (a) the Registrar; and
- (b) the Authority.

(2) On receipt of an adoption order pursuant to subsection (1), the Registrar shall register the order pursuant to this Act.

Memoranda of  
Understanding.

**136.** The Government of Grenada may enter into a memorandum of understanding or other arrangement with the Government of another State in order to allow for the—

- (a) collaboration and exchange of information with competent authorities in that State who are responsible for adoption; and
- (b) establishment of safeguards to ensure that inter-country adoptions take place in the best interests of the child and with respect for the fundamental rights of the child as recognised by law.

Provision and  
exchange of  
information.

**137.**—(1) The Minister may, in accordance with the requirements, as may be prescribed—

- (a) furnish a person with information relating to the safety, welfare and well-being of a particular child or class of children;
- (b) direct a person to furnish the Minister with information relating to the safety, welfare and

well-being of a particular child or class of children.

(2) The person to whom a direction is given under subsection (1) (b) must comply promptly with the requirements of the direction.

(3) If information is furnished under subsection (1)–

- (a) the furnishing of the information is not, in any proceedings before a court, tribunal or committee, to be held to constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct; and
- (b) no liability for defamation is incurred because of the furnishing of the information; and
- (c) the furnishing of the information does not constitute a ground for civil proceedings for malicious prosecution or for conspiracy.

(4) A reference in subsection (3) to information furnished under subsection (1) extends to any information so furnished in good faith and with reasonable care.

(5) A provision of any Act or law in force in the State that prohibits or restricts the disclosure of information shall not operate to prevent the furnishing of information, or affect a duty to furnish information under this section and this section does not affect any obligation or power to provide information apart from under this section.

**PART XII**

## ADOPTION REGISTER

Adoption  
Register.

**138.**—(1) The Registrar shall maintain a register to be called the Adoption Register, in which shall be made such entries as may be directed to be made therein under an adoption order.

(2) The Authority shall cause an index of the Adoption Register to be made and kept at the Authority and every person shall be entitled to search the index and to have a certified copy of any entry in such Register in all respects on, and subject to the same terms, conditions and regulations as to payment of fees or otherwise as are applicable under the Registrar of Births and Deaths Act in respect of searches in registers kept in the Office of the Registrar, and in respect of the supply from such office of certified copies of entries in the Registers of Births and Deaths.

(3) The Registrar shall, in addition to the Adoption 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” in pursuance of this Act, and any corresponding entry in the Adoption Register.

(4) The Register shall not be open to public inspection and search, nor, except under an order by a Court, shall the Authority furnish any person with any information contained in or with any copy or extract from such registers or books.

(5) For the purposes of compliance with the requirements of subsection (2)–

- (a) if the precise date of the birth of a child is not proved to the satisfaction of the Court, the Court shall determine the probable date of the birth of the child and the date so determined shall be specified in the order as the date of birth of the child;
- (b) if the given name or surname which the child is to bear after the adoption differs from his or her original given name or surname, the new given name or surname shall be specified in the order instead of the original given name or surname.

### PART XIII

#### OFFENCES

Making of  
payment  
prohibited.

**139.**—(1) A person shall not give or receive, or agree to give or receive any payment or reward, either directly or indirectly, to procure or assist in procuring a child for the purposes of adoption.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding two years.

(3) Subsection (2) shall not preclude–

- (a) any fee charged by the Authority under this Act; or

- 
- (b) fees charged by an attorney-at-law for legal services.

Contravening  
placement  
requirements.

**140.**—(1) A person shall not—

- (a) place or arrange the placement of a child for the purposes of adoption; or
- (b) receive a child in his or her home for the purpose of adoption unless the child has been placed by the Authority pursuant to this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding six months.

Advertising.

**141.**—(1) A person shall not publish or cause to be published in any form or by any means an advertisement dealing with the placement of a child for adoption.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding six months.

Making a false  
statement.

**142.**—(1) A person shall not make a statement that he or she knows to be false or misleading in an application or in connection with an application for a copy of a birth registration or other record pursuant to this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a

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fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding six months.

Confidentiality  
of information.

**143.**—(1) A staff member of the Authority a member of the Board or the Committee shall not, except in the course of, and for the purpose of the performance of his or her duties, disclose to any other person anything that comes to his or her knowledge related to a matter which is to be, is being or had been determined by the Authority or the Board.

(2) A person under subsection (1) of the Adoption Committee who contravenes subsection (1) is liable to be dismissed as a member of the Adoption Committee or may be liable to the penalty stipulated under section 144 (2).

Releasing  
confidential  
information to  
unauthorised  
person.

**144.**—(1) A person shall not release any information that is deemed confidential under this Act to any unauthorised person.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding fifteen thousand dollars or to a term of imprisonment not exceeding one year.

Offences.

**145.** A person who—

- (a) having responsibility for the care and protection of a child causes the child to be in need of care and protection;
- (b) with respect to section 27, knowingly makes a report or provides information which he or she knows to be false or misleading;

- (c) reveals the identity of a person who makes a report or provides information in accordance with this Act;
- (d) fails to comply with a Court order relating to the care of a child;
- (e) obstructs the Director or any other person in the performance of their functions or duties under this Act;
- (f) without authority, induces or attempts to induce a child who is in the custody or supervision of the Director or of any other person who is responsible for the care of the child, to change the place of residence of the child;
- (g) unlawfully takes, detains or harbours a child who is in the custody of or under the supervision of the Director or who is the subject of a removal order;
- (h) has unlawful access to or contact or communication with a child who is in the custody of or under the supervision of the Director;
- (i) publishes information that identifies parties to an agreement or proceedings under this Act, other than information respecting the child of that person; or
- (j) violates any other provision of this Act;

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commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years.

Limitation of liability.

**146.**—(1) A member of the Authority, Board or Committee shall not be personally liable for any damage suffered by any person in consequence of any act or thing which was done in good faith or done or omitted to be done in the course of the exercise or performance of a power, duty or function under this Act.

(2) The Director and members of staff of the Authority or any other person acting under the authority of this Act, shall not be personally liable for any damage suffered by any person in consequence of any act or thing done in good faith or omitted to be done in the course of the exercise or performance of a power, duty or function under this Act.

#### PART XIV

#### MISCELLANEOUS

Appeals and procedures.

**147.** An appeal from a decision of the Court shall lie with the High Court.

Regulations.

**148.**—(1) The Minister may make regulations for giving effect to this Act.

(2) Without prejudice to the generality of subsection (1) the Minister may make regulations—

- (a) respecting procedures for and access to, and the disclosure of, information obtained in the administration of this Act;

- (b) respecting reports of investigations;
- (c) respecting the establishment and maintenance of a child abuse register;
- (d) providing for or respecting the temporary care arrangements pursuant to this Act;
- (e) prescribing forms for the purposes of this Act;
- (f) governing the payment of fees for applications made or other things done pursuant to this Act;
- (g) prescribing the procedures and the terms and conditions for placement arrangements made pursuant to this Act;
- (h) respecting the maintenance of records;
- (i) providing for the establishment and the operation of child care services;
- (j) prescribing requirements as to the accommodations and equipment to be provided in an approved child care service;
- (k) prescribing the medical arrangements to be made for protecting the health and well being of the children in an approved child care service;
- (l) regulating the management and discipline of an approved child care service;
- (m) respecting the regular inspection of an approved child care service;

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- (n) to ensure the safety, welfare and well-being of children in child care services;
  - (o) to promote certain standards for the delivery of child care services;
  - (p) to ensure, as far as possible, that all persons working in child care services are suitable for such work;
  - (q) respecting the post Adoption Register;
  - (r) respecting home study assessments and post placement reports;
  - (s) providing for the procedure and the manner in which a home study assessment shall be conducted by the Authority; and
  - (t) respecting any other matter the Minister considers necessary or advisable to carry out effectively the purposes of this Act.

## PART XV

### REPEAL AND TRANSITIONAL PROVISIONS

Repeal.

**149.**—(1) The Adoption Act, Cap. 3 is hereby repealed.

(2) The Child Protection Act No. 17 of 1998 is hereby repealed.

Effect of repeal  
of former law on  
Adoption Order.

**150.** If—

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- (a) an application for an order was made pursuant to an Act referred to in section 149 that application shall be continued pursuant to and in conformity with this Act; and
  - (b) an order has been made in respect of a child pursuant to an Act referred to in section 149 this Act shall apply if that order is brought before the Court for review.

Application of  
former Act.

**151.**—(1) Where a child was placed for adoption pursuant to the provisions of the former Act that Act shall continue to apply to all matters relating to the adoption of that child by the prospective adoptive parent.

(2) Where a parent consented to the adoption of a child pursuant to the former Act and the child is placed for adoption with a prospective adoptive parent on the commencement of this Act, the former Act shall continue to apply to all matters relating to the adoption of the child by that prospective adoptive parent.

Consent under  
former Act.

**152.**—(1) A valid consent given under the former Act shall continue to be valid for the purposes of this Act.

(2) An order dispensing with consent under the former Act shall be valid for the purposes of this Act.

Passed in the House of Representatives this 29th day of October, 2010.

ADRIAN C. A. HAYES  
*Clerk to the House of Representatives.*

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Passed in the Senate this 12th day of November, 2010.

ADRIAN C. A. HAYES  
*Clerk to the Senate.*

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GRENADA

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