

CYPRUS

ADOPTION OF CHILDREN

CHAPTER 274 OF THE LAWS

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1959

CHAPTER 274.

ADOPTION OF CHILDREN.

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A LAW TO PROVIDE FOR THE ADOPTION OF CHILDREN.

[16th July, 1954.]

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44 of 55.

1. This Law may be cited as the Adoption Law.

Short title.

PART I.

PRELIMINARY.

2. (1) In this Law, unless the context otherwise requires—

Interpreta-
tion.

“abroad” means outside the Colony;

“adoption Order” has the meaning assigned to it by section 3;

“Court” means the District Court of the district where the adopter resides at the time of the application and, where the adopter is of the Moslem faith, the Turkish Family Court of the district where such adopter resides at the time of the application;

“custodian” has the meaning assigned to it by sub-section (3) of section 16;

“father,” in relation to an illegitimate infant, means the natural father;

“guardian,” in relation to an infant, means a person appointed by deed or will or by a Court of competent jurisdiction to be the guardian of the infant;

“infant” means a person under eighteen years of age, but does not include a person who is or has been married;

“interim order” means an order under section 8;

“relative,” in relation to an infant, means a grandparent, brother, sister, uncle or aunt, whether of the full blood, of the half-blood or by affinity, and includes, where the infant is illegitimate, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of his mother and father;

“religious authority” includes any minister of religion of any religious community celebrating under its law and rites an adoption ceremony;

“welfare officer” means a person appointed by the Governor to be a welfare officer under this Law.

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

PART II.

ADOPTION ORDERS.

Making of Adoption Orders.

Power to
make
adoption
orders.

3. (1) Subject to the provisions of this Law, the Court may, upon an application made in the prescribed manner by a person domiciled in the Colony, or who has been residing in the Colony for the last two years immediately preceding the date of the application, make an order (in this Law referred to as an "adoption order") authorizing the applicant to adopt an infant.

(2) An adoption order may be made on the application of two spouses authorizing them jointly to adopt an infant.

(3) An adoption order may be made authorizing the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

Restrictions
on making
adoption
orders.

4. (1) An adoption order shall not be made in respect of an infant unless the applicant or, in the case of a joint application, one of the applicants—

(a) has attained the age of twenty-five and is at least eighteen years older than the infant; or

(b) has attained the age of twenty-one and is a relative of the infant; or

(c) is the mother or father of the infant.

(2) An adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male, unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) Except as provided by subsection (2) of section 3, an adoption order shall not be made authorising more than one person to adopt an infant.

(4) Subject to the provisions of section 5, an adoption order shall not be made—

(a) in any case, except with the consent of every person or body who is a parent or guardian of the infant, or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant;

(b) on the application of one of two spouses, except with the consent of the other spouse,
and except with the consent of the infant.

(5) An adoption order shall not be made unless—

(a) the infant resides in the Colony;

(b) where under the law of the religious community of the adopter a religious ceremony is necessary, a certificate from the proper religious authority, to the effect that such a ceremony has been gone through, is produced.

(6) An adoption order shall not be made in respect of any infant unless—

(a) the infant has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order; and

(b) the applicant has, at least three months before the date of the order, notified the welfare officer within whose area he is for the time being resident of his intention to apply for an adoption order in respect of the infant.

5. (1) The Court may dispense with any consent required by paragraph (a) of subsection (4) of section 4 if it is satisfied—

Consent to adoption.

(a) in the case of a parent or guardian of the infant, that he has abandoned, neglected or persistently ill-treated the infant;

(b) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the infant, that he has persistently neglected or refused so to contribute;