

LAWS OF DOMINICA

ADOPTION OF INFANTS ACT

CHAPTER 37:03

Act
13 of 1948
Amended by
24 of 1982

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CHAPTER 37:03

ADOPTION OF INFANTS ACT

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SCHEDULE.

CHAPTER 37:03

ADOPTION OF INFANTS ACT

1961 Ed.
Cap 159.
13 of 1948.

AN ACT to make provision for the adoption of infants.

Commencement.

[9th May 1949]

Short title.

1. This Act may be cited as the –

ADOPTION OF INFANTS ACT.

Power to make
adoption orders.

2. (1) Upon an application in the prescribed manner by any person desirous of being authorised to adopt an infant who has never been married, the Court may, subject to this Act, make an order (in this Act referred to as “an adoption order”) authorising the applicant to adopt that infant.

(2) A person so authorised to adopt the infant and an infant authorised to be adopted are in this Act referred to as an “adopter” and an “adopted child” respectively, and “infant” means a person under the age of eighteen.

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

Restrictions on
making adoption
orders.
[24 of 1982].

3. (1) An adoption order shall not be made in any case where –

- (a) the applicant is under the age of twenty-five years; or
- (b) the applicant is less than twenty-one years older than the infant in respect of whom the application is made; but where the applicant and the infant are within the prohibited degrees of consanguinity, the Court may, if it thinks fit, make the order notwithstanding that the applicant is less than twenty-one years older than the infant.

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

(3) An adoption order shall not be made except with the consent of every person who is a parent or guardian of the infant in respect of whom the application is made, or who has the actual custody of the infant or who is liable to contribute to the support of the infant; but the Court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with has abandoned or deserted the infant or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the infant, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the Court and in all the circumstances of the case, to be dispensed with.

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

(5) An adoption order shall not be made in favour of any applicant who not being a citizen of Dominica, is not resident or domiciled in Dominica, or in respect of any infant who is not so resident; and before making an adoption order in favour of any applicant who is not resident or domiciled in Dominica the Court shall be satisfied from information emanating from the country in which the applicant is domiciled or resident that he is a fit and proper person in favour of whom an adoption order may be made.

4. The Court before making an adoption order shall be satisfied – Matters with respect to which Court to be satisfied.
- (a) that every person whose consent is necessary under this Act and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights; and
 - (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and