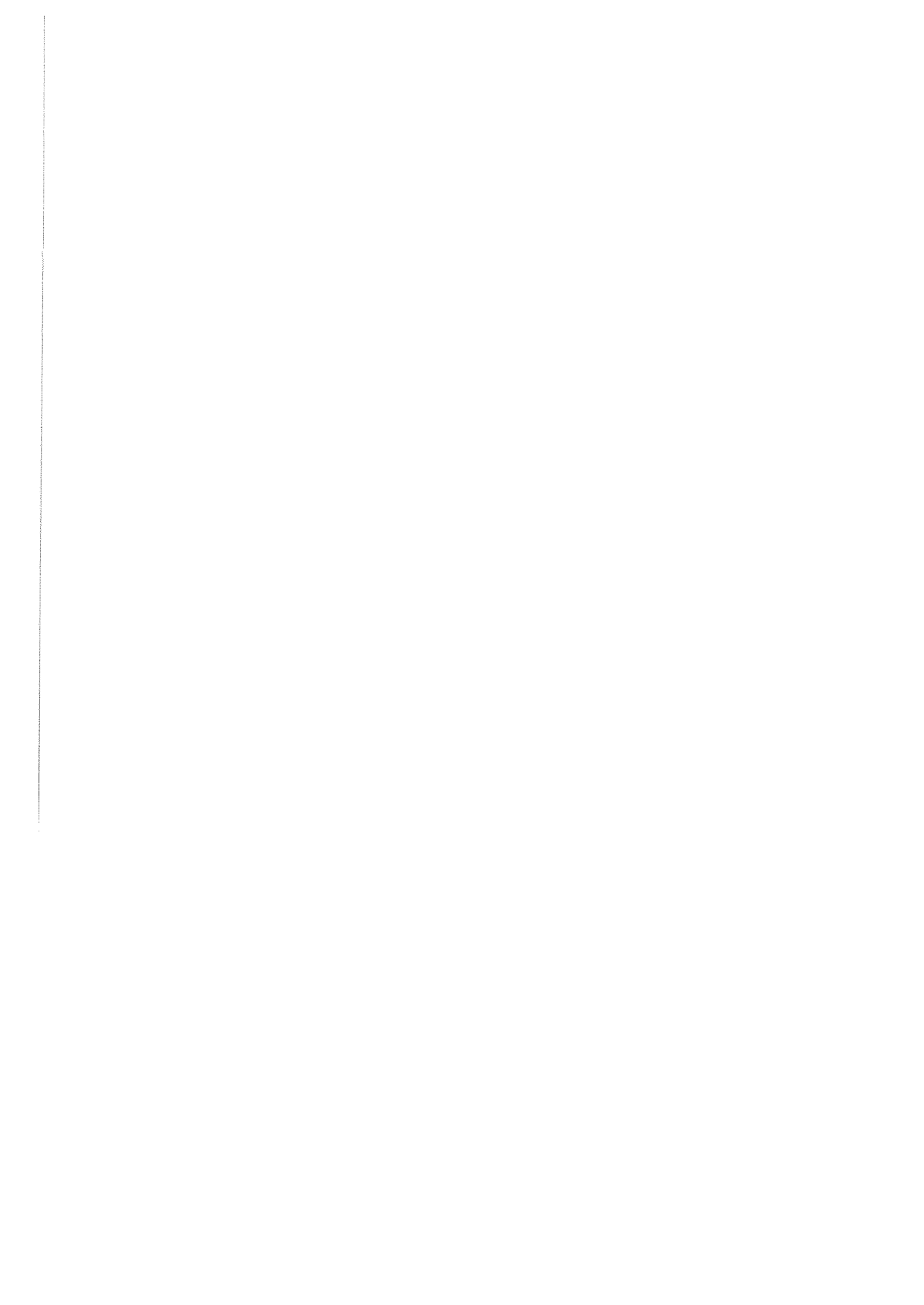
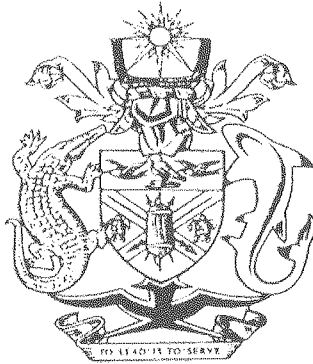


## **ADOPTION (AMENDMENT) BILL 2016**

**(NO. 12 OF 2016)**





# **ADOPTION (AMENDMENT) BILL 2016**

(NO. 12 OF 2016)

A

BILL

Entitled

**AN ACT TO AMEND THE ADOPTION ACT IN RELATION TO INTER-COUNTRY ADOPTION.**

**ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.**

## ADOPTION (AMENDMENT) BILL 2016

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# ADOPTION (AMENDMENT) BILL 2016

## 1 Short title

This Act may be cited as the *Adoption (Amendment) Act 2016*.

## 2 Commencement

This Act commences on the day appointed by the Minister by *Gazette* notice.

## 3 Act amended

This Act amends the *Adoption Act 2004* (the “*principal Act*”).

## 4 References to “infant” amended

The principal Act is amended by:

- (a) deleting each reference to “infant” and substituting “child”; and
- (b) deleting each reference to “infants” and substituting “children”; and
- (c) deleting each reference to “infant’s” and substituting “child’s”.

## 5 Amendment of section 2

Section 2 of the principal Act is amended by inserting, in alphabetical order, the following definitions:

“*interim order*” means an order made under section 10;

“*social welfare officer*” means a social welfare officer engaged by the Ministry responsible for social welfare matters;”

## 6 Amendment of section 3

Section 3(5) of the principal Act is amended by deleting “section 12” and substituting “Part VII”.

**7            Repeal of sections 12, 25 and 26**

The principal Act is amended by repealing sections 12, 25 and 26.

**8            New Part VII**

The principal Act is amended by inserting, after section 24, the following Part:

**“PART VII            NON-RESIDENTS AND INTER-COUNTRY  
ADOPTIONS**

**25            Application by person not resident in Solomon Islands**

- (1) A person who is not ordinarily resident in Solomon Islands may apply to the court for an adoption order or interim order.
- (2) The application must be accompanied by a report, in the prescribed form, completed by the relevant adoption authority in the applicant's country of ordinary residence and attesting to the applicant's suitability to adopt a child.
- (3) On receiving the application, the court must request a report from a social welfare officer as to whether the requirements of subsection (5) are satisfied in relation to the application.
- (4) Despite any other provision in this Act but subject to subsection (5), the court may make the adoption order or interim order after considering:
  - (a) the application; and
  - (b) the accompanying report from the relevant adoption authority in the applicant's country of ordinary residence; and
  - (c) the report of the social welfare officer.
- (5) The court must not make an adoption order or interim order unless it is satisfied, in addition to all the other requirements of this Act except those relating to country of residence, that:
  - (a) there are no other suitable arrangements available in Solomon Islands for the care, support and welfare of the child; and

(b) an inter-country adoption is in the child's best interests.

**26      Restriction on removal of children for adoption outside  
         Solomon Islands**

Except under the authority of an order made under section 25, a person commits an offence if:

- (a) the person takes or sends a child who is a Solomon Islander to any place outside Solomon Islands; and
- (b) the person does so with the intention that the child be adopted by a person who is not a parent, guardian or relative of the child.

Maximum penalty:      100,000 penalty units or 10 years  
   imprisonment, or both."

**9      New Part VIII heading**

The principal Act is amended by inserting, after section 26, the following Part heading:

**"PART VIII      MISCELLANEOUS MATTERS"**

## **ADOPTION (AMENDMENT) BILL 2016**

### **OBJECTS AND REASONS**

The object of this Bill is to amend the *Adoption Act 2004* to protect children who are the subject of adoption for by non-residents of Solomon Islands. The Bill does this by outlining the requirements for such an adoption and by prohibiting the removal of Solomon Island children for adoption outside of Solomon Islands without an order of the Court.

HON. WILLIAM BRADFORD MARAU  
MINISTER FOR JUSTICE AND LEGAL AFFAIRS



## ADOPTION (AMENDMENT) BILL 2016

### EXPLANATORY MEMORANDUM

**Clause 1** provides for the short title of the Act.

**Clause 2** provides for the commencement date of the Act. The commencement date is the day appointed by the Minister for Justice and Legal Affairs.

**Clause 3** provides that the Bill amends the *Adoption Act 2004*.

**Clause 4** updates the outdated and misleading term "infant" and replaces it with "child" throughout the Act.

**Clause 5** inserts new definitions of "interim order" and "social welfare officer" to section 2 of the Act. These terms are not currently defined and are used in new provisions being inserted by this Bill.

**Clause 6** amends section 3(5) of the Act as a consequence of the repeal of section 12 and its replacement with a new Part VII to deal with inter-country adoptions.

**Clause 6** repeals sections 12, 25 and 26. These sections have been replaced by the new provisions in Part VII relating to inter-country adoption.

**Clause 7** inserts new Part VII, consisting of new sections 25 and 26.

New section 25 stipulates the requirements that must be met before a person who resides outside Solomon Islands will be able to adopt a Solomon Islands child. The court will only grant an adoption order after considering a report from the relevant adoption authority in the applicant's country of ordinary residence and a report of a social welfare officer about whether the proposed adoption meets the requirements of the Act. In addition to the other requirements of the Act for granting an adoption order, the order will only be made if there are no other suitable arrangements available in Solomon Islands for the care, support and welfare of the child and the adoption is in the child's best interests.

New section 26 re-states the existing offence of removing a child from Solomon Islands with the intention of the child being adopted, with

necessary modifications and an increase in the applicable penalty.

**Clause 8** inserts a new Part heading before the miscellaneous provisions at the end of the Act. This corrects the current placement of these provisions, which are incorrectly located in Part VI despite being unrelated to the other provisions of this Part.