



ADOPTION (AMENDMENT) ACT 2017

(NO. 4 OF 2017)





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PASSED by the National Parliament this twenty-first day of February 2017.

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true copy of the Bill)

Clezy Rore

Clerk to National Parliament

ASSENTED to in Her Majesty's name and on Her Majesty's behalf this seventeenth day of March 2017.

Mr. Ajilon Jasper Nasiu
Acting Governor-General

Date of Commencement: see section 2.

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

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

ADOPTION (AMENDMENT) ACT 2017

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ADOPTION (AMENDMENT) ACT 2017

1 Short title

This Act may be cited as the *Adoption (Amendment) Act 2017*.

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.

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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."

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New Part VIII heading

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

"PART VIII MISCELLANEOUS MATTERS"

