

ADOPTION ACT 2020
(ACT No. 37 OF 2020)

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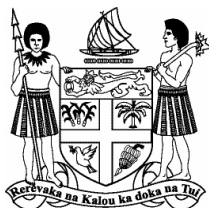
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ACT NO. 37 OF 2020

I assent.

J. K. KONROTE
President

[4 September 2020]

AN ACT

TO PROVIDE FOR LOCAL AND INTERCOUNTRY ADOPTION OF CHILDREN AND
ACCESS TO INFORMATION REGARDING ADOPTION AND FOR RELATED
MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Adoption Act 2020.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

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

“adoption compliance certificate” means a certificate issued in accordance with section 40;

“best interests”, in relation to a child, means the best interests of the child determined in accordance with section 4(2);

- “child” means an individual who has not reached the age of 18 years;
- “consent” means consent freely and voluntarily given by a person with capacity to give such consent;
- “Convention” means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption concluded at the Hague on 29 May 1993, a copy of the English text of which is set out in the Schedule;
- “Convention country”, in accordance with Article 45 of the Convention, means any country in which the Convention has entered into force, except for a country against whose accession Fiji has raised an objection under Article 44 of the Convention;
- “couple” means a husband and a wife or a man and a woman in a *de facto* relationship;
- “court” means the Family Division of a Magistrates Court established by the Family Law Act 2003;
- “*de facto* relationship” has the meaning given in section 2 of the Succession, Probate and Administration Act 1970;
- “decision maker” includes any person making a decision in relation to any aspect of the adoption;
- “Department” means the department responsible for social welfare;
- “Director” means the director responsible for the Department;
- “guardian” means a person who has been granted, whether alone or jointly with another person or other persons, guardianship of the child by the court;
- “home assessment” means an assessment of prospective adoptive parents’ eligibility and suitability to adopt, including their background, character, family history, medical history, and social environment;
- “Minister” means the Minister responsible for social welfare;
- “National Fostering and Adoption Panel” means the National Fostering and Adoption Panel established under section 8;
- “parties”, in relation to an adoption, means the following—
- (a) the child;
 - (b) a birth parent or birth parents who have consented to the child’s adoption;
 - (c) the person or persons selected to be the prospective adoptive parent or adoptive parents of the child; and
 - (d) the Director;

“Permanent Secretary” means the permanent secretary responsible for social welfare;

“private placement” means the action of a birth parent or guardian of a child placing the child for adoption with a person or couple;

“Register of Approved Adoptive Parents” means the register established under section 10;

“relative”, in relation to a child, means a grandparent, sibling, uncle, aunt or cousin of the child; and

“welfare officer” means a welfare officer of the Department, and includes the Director, the Assistant Director, any Senior Welfare Officer, Welfare Officer, or Assistant Welfare Officer.

Objectives

3. The objectives of this Act are to—

- (a) emphasise that the best interests of the child concerned, both in childhood and later in life, must be the paramount consideration in adoption law and practice;
- (b) ensure that adoption is to be regarded as a service for the child concerned;
- (c) protect and nurture children by providing safe and supportive family relationships intended to last a lifetime;
- (d) recognise the changing nature of the practice of adoption;
- (e) promote efficient and accountable practice in the delivery of adoption services;
- (f) ensure that adoption law and practice assist a child to know and have access to his or her birth family and cultural heritage; and
- (g) ensure that adoption law and practice comply with Fiji’s obligations under international conventions and other international agreements on adoption.

Decision making principles

4.—(1) In making a decision on the adoption of a child, a decision maker must have regard to the following principles—

- (a) the best interests of the child, both in childhood and later in life, must be the paramount consideration;
- (b) adoption is to be regarded as a service for the child, with the purpose being to provide for a child’s long term care, well-being and development by creating a permanent parent-child relationship;
- (c) no person has the right to adopt the child except in accordance with the procedures set out in this Act;