

STATUS OF CHILDREN BILL, 2025

EXPLANATORY NOTES

This Bill seeks to provide legal certainty regarding the status of children and their parents. It also seeks to reform the law relating to children by providing for the equal status of all children and to remove all discrimination against children born out of wedlock. This Bill will repeal and replace the Status of Children Act, Chapter 311A.

This Bill is divided into **five (5) parts** and contains **twenty (20) clauses** and **one (1) schedule**.

Part I provides for preliminary matters and contains **clauses 1 to 3**. **Clause 1** provides for the short title of the Act. **Clause 2** provides for interpretation provisions and definitions of key terms, including the terms “child” and “parent”. **Clause 3** provides for the scope of application of the provisions of the Act.

Part II provides for the status of children and contains **clauses 4 to 7**. **Clause 4** abolishes the legal distinction in the status of children born within and outside of marriage and the rule of construction whereby words of relationship signify only legitimate relationships. **Clause 5** provides the circumstances under which a person will be presumed to be the father of a child and establishes that where circumstances exist that give rise to presumptions of paternity in respect of more than one father, no presumption shall be made with respect to paternity. **Clause 6** provides for the presumption of parentage where a child is born to a woman, or both a woman and a man, as a result of the carrying out of an artificial conception procedure. **Clause 7** requires that certain instruments pertaining to the acknowledgement of paternity be filed in the Registry and empowers the Registrar to permit the inspection of such instruments by persons who have a proper interest in the matter.

Part III provides for parentage and contains **clauses 8 to 12**. **Clause 8** sets out the circumstances under which, and the persons by whom, an application for a declaration of parentage may be made to the Court. This clause also empowers the Court to make or revoke a declaration of parentage. **Clause 9** provides for the medical procedures to be used to determine parentage and states that the Court may, on the request of a party to the proceedings, or on the request of a person representing the child or of its own motion, make an order requiring a testing procedure to be carried out in relation to a person who applied to the Court for a declaration. **Clause 10** states the matters to be taken into account by the Court when making a determination as to parentage under **clause 9**, and the Court may, if it considers that to do so would be in the best interest of the child, appoint a guardian *ad litem* for the child. **Clause 11** requires the provision of reports to the Court in respect of any medical procedure carried out pursuant to the Act. **Clause 12** empowers the Minister to approve a laboratory for the

purpose of carrying out parentage testing procedures under the Act and to nominate a reporter for the approved laboratory.

Part IV provides for the disposition of property and contains **clauses 13 to 15**. **Clause 13** provides for transitional provisions relating to instruments that were executed and became effective prior to the commencement of the Act. Clause 14 imposes an obligation on the executor, administrator or trustee of an estate or property to make honest and reasonable inquiries as to the existence of any person who could claim an interest in the estate or property by reason only of the provisions of the Act. **Clause 15** seeks to protect an executor, administrator or trustee from an action being taken against them by a person who could claim an interest in property by virtue of the provisions of the Bill where that executor, administrator or trustee had no notice of the relationship on which the claim is based at the time when the distribution of the estate or property was made.

Part V provides for miscellaneous matters and contains **clauses 16 to 20**. **Clause 16** provides for the conduct of hearings under the Act and **clause 17** provides for the protection of existing rights which became vested before the commencement of the Act. **Clause 18** empowers the Minister to make Regulations providing for such matters as are required or necessary for giving full effect to the Act and for its due administration. By **clause 19**, the Legitimacy Act, Chapter 169, the Legitimation (Re-Registration of Births) Regulations, Chapter 169 and the Status of Children Act, Chapter 311A are repealed. **Clause 20** provides for consequential amendments to the enactments specified in the Schedule, to the extent provided in the Schedule.

The **Schedule** sets out the consequential amendments to the Registration of Births and Deaths Act, Chapter 280, the Vaccination Act, Chapter 333 and the Criminal Code, Chapter 72A, respectively, to remove any references therein to legitimate or illegitimate children.

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Sen. the Hon. Claudette Joseph
ATTORNEY-GENERAL

STATUS OF CHILDREN BILL, 2025

ARRANGEMENT OF CLAUSES

PART I PRELIMINARY

1. Short title
2. Interpretation
3. Application

PART II STATUS OF CHILDREN

4. Determination of relationship
5. Presumption of paternity
6. Presumptions in respect of artificial conception procedures
7. Instruments filed in the Registry

PART III PARENTAGE

8. Declaration of parentage
9. Parentage testing procedure
10. Matters to be taken into account by the Court
11. Reports of medical procedure
12. Approved laboratory and nominated reporter

PART IV DISPOSITION OF PROPERTY

13. Transitional provisions relating to instruments
14. Persons dealing with property after the commencement of this Act
15. Protection of executors, administrators and trustee

PART V MISCELLANEOUS

16. Hearings
17. Existing rights
18. Regulations
19. Repeal
20. Consequential Amendments

SCHEDEULE - **CONSEQUENTIAL AMENDMENTS**

STATUS OF CHILDREN BILL, 2025

GRENADA

ACT NO. OF 2025

AN ACT to reform the law relating to the status of children by providing for their equal status irrespective of whether they were born in wedlock or out of wedlock; to provide for presumptions of parentage and parentage testing procedures; and for related matters.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives, and by the authority of the same as follows—

PART I PRELIMINARY

Short title

1. This Act may be cited as the

STATUS OF CHILDREN ACT, 2025.

Interpretation

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

“**attorney-at-law**” means a person whose name is entered on the Roll of attorneys-at-law in accordance with the Legal Profession Act, Chapter 167A;

“**child**” includes a person who has attained the age of eighteen years;

“**cohabitant**” means—

- (a) in relation to a woman, a single man who is living or has lived together with a single woman as husband and wife on a *bona fide* domestic basis continuously for a period of not less than five years; or
- (b) in relation to a man, a single woman who is living or has lived together with a single man as husband and wife on a *bona fide* domestic basis continuously for a period of not less than five years;

“**Court**” means the Supreme Court;

“marriage” includes—

- (a) a void marriage; and
- (b) a voidable marriage that has been annulled by a court;

“Minister” means the Minister responsible for legal affairs;

“parentage testing procedure” includes—

- (a) the taking of tissue fluid or other bodily sample from a person and the scientific examination of the samples; and
- (b) any test carried out on a person involving the application of medical science,

for the purpose of obtaining evidence with respect to parentage;

“parent” means a natural father or natural mother of a child as the circumstances require, and includes an adoptive mother or father;

“prescribed” means prescribed by Regulations made pursuant to this Act;

“Registrar” means the Registrar of the Supreme Court; and

“Registry” means the Registry of the Supreme Court.

Application

3. (1) Save and except as otherwise provided herein, this Act shall apply to a child, whether or not—

- (a) the child was born in Grenada;
- (b) the child was born before or after the commencement of this Act; or
- (c) either of the parents of the child have ever been domiciled in Grenada.

(2) Save as provided in section 17, this Act shall apply to persons born and instruments executed before as well as after its commencement.

PART II **STATUS OF CHILDREN**

Determination of relationship

4. (1) The legal distinction in the status of children born within and outside of marriage is abolished and all children shall, from the date of the commencement of this Act, be of equal status.

(2) The rule of construction whereby in any instrument, in the absence of expression to the contrary, words of relationship signify only legitimate relationships, is hereby abolished.

(3) For the purpose of construing any instrument with reference to the relationship of a person, the use of the words "legitimate", "illegitimate", "lawful" or "unlawful" shall not of itself prevent the relationship from being determined in accordance with subsection (1).

Presumption of paternity

5. (1) Unless there is proof to the contrary, on a balance of probabilities, there is a presumption that a person is, and shall be recognized in law to be, the natural father of a child in any one of the following circumstances—

- (a) the person was married to the mother of the child at the birth of the child;
- (b) the person was married to the mother of the child and that marriage was terminated by—
 - (i) death;
 - (ii) judgment of nullity; or
 - (iii) divorce where the *decree nisi* was granted, within ten months before the birth of the child;
- (c) the person marries the mother of the child after the birth of the child and acknowledges, by word or conduct, that he is the natural father of the child;
- (d) the person was a cohabitant with the mother of the child at the time of the birth of the child, or the child was born within ten months after they ceased to be cohabitants;

- (e) the person has been adjudged or recognized in his lifetime or after his death by a court of competent jurisdiction to be the father of the child;
- (f) the person has signed an instrument with the mother of the child acknowledging that he is the father and that instrument was executed as a deed or by each of them in the presence of an attorney-at-law, a Justice of the Peace, a registered medical practitioner, a minister of religion, a marriage officer or a midwife, but such an instrument shall be of no effect unless it has been recorded in the Registry;
- (g) the mother of the child or the person acknowledging that he is the natural father of the child or both, have signed and executed an instrument to this effect in the presence of an attorney-at-law, but that instrument shall be of no effect unless it is notarised and recorded in the Registry during the lifetime of the person acknowledging himself to be the father;
- (h) the person has acknowledged in the process of the registration of the child, in accordance with the law relating to the registration of births, that he is the father of the child;
- (i) the person who is alleged to be the father of the child has given written consent to that child adopting his name in accordance with the law relating to change of name; or
- (j) the person who is alleged to be the father of the child has, by his conduct, implicitly and consistently acknowledged that he is the father of the child.

(2) Where circumstances exist that give rise to presumptions of paternity in respect of more than one father, no presumption shall be made as to paternity.

Presumptions in respect of artificial conception procedures

6. (1) If—

- (a) a child is born to a woman as a result of the carrying out of an artificial conception procedure which took place while the woman was married to a man;
- (b) the procedure was carried out with their consent; and
- (c) the procedure was carried out with the consent of any other person who provided genetic material used in the artificial conception procedure,

whether or not the child is biologically a child of the woman or of the man, the child is their child for the purposes of this Act.

(2) If a child is born to a woman as a result of the carrying out of an artificial conception procedure, whether or not the child is biologically a child of the woman, the child is her child for the purposes of this Act.

(3) Subsection (1) applies to cohabitants as if, at the time of conception—

- (a) they were married to each other; and
- (b) neither person was married to any other person.

(4) For the purposes of subsection (1), a person is presumed to have consented to an artificial conception procedure being carried out unless it is proved, on the balance of probabilities, that the person did not consent.

Instruments filed in the Registry

7. (1) An instrument referred to in section 5 (1) (f), (g) or (h) must be filed in the Registry.

(2) The Registrar shall cause records of all instruments and copies filed under subsection (1) to be made and kept in the Registry and shall, on request made by any person who the Registrar is satisfied has a proper interest in the matter, cause a search of any record to be made and shall permit that person to inspect any such instrument or copy.

(3) If the Court makes a declaration under section 8—

- (a) the Registrar shall cause a copy of the declaration to be filed in the Registry under this section; and
- (b) on receipt of the declaration, the Registrar shall amend the birth certificate of the child by inserting the name of the natural father on the birth certificate with such words to the effect that parentage has been established by a declaration of the Court and shall file a copy of the declaration in the Registry, as if it were an instrument referred to in section 5.

PART III

PARENTAGE

Declaration of parentage

8. (1) A person who—

- (a) alleges that any named person is a parent of a child;

- (b) alleges that the relationship of father and child exists between him and another named person;
- (c) alleges that the relationship of mother and child exists between her and another named person; or
- (d) having a reasonable interest in the result, wishes to have determined the question of whether the relationship of parent and child exists between two named persons;

may apply to the Court for a declaration of parentage and the Court may, if it is satisfied that the relationship exists, make such declaration whether or not the mother, father or child is living or dead.

(2) Where a declaration is made under subsection (1) and—

- (a) it is made to appear to the Court that new facts or circumstances have arisen that have not previously been disclosed to the Court and could not, by the exercise of reasonable diligence, have previously been known; or
- (b) if, for any reason, the Court thinks it desirable so to do,

the Court may revoke the declaration and thereupon that declaration shall cease to have any effect.

(3) The Court shall not make or revoke a declaration under this section unless the Court is satisfied that, so far as is reasonably practicable, all persons whose interests are or may be affected by the declaration or revocation are represented before or have been given the opportunity of making representations to the Court with respect to the subject matter of the proceedings.

(4) In any proceedings before the Court, a declaration made pursuant to this section shall be conclusive evidence of the matters contained in the declaration.

Parentage testing procedure

9. (1) In any proceedings in which the parentage of a child is required to be determined by the Court, the Court may—

- (a) on the request of a party to the proceedings;
- (b) on the request of a person representing the child; or
- (c) of its own motion,

issue a direction requiring a parentage testing procedure to be carried out for the purpose of obtaining information to assist in determining the parentage of the child.

(2) The Court shall, before issuing a direction pursuant to subsection (1), ensure that—

(a) the child to whom the direction relates—

- (i) if sufficiently mature, has been counselled about the effects of the parentage testing procedure; and
- (ii) if twelve years of age or older, has been given an opportunity to express his or her view on the parentage testing procedure; and

(b) it is in the best interest of the child to do so.

(3) A direction under subsection (1) may be issued in relation to—

(a) the child;

(b) a person believed by the Court to be a parent of the child; or

(c) any other person, where the Court is of the opinion that the information that could be obtained if the parentage testing procedure were to be carried out in relation to the person may assist in determining the parentage of the child.

(4) Where the Court issues a direction under subsection (1), the Court may—

(a) issue such further directions as it considers necessary or desirable—

- (i) to enable the parentage testing procedure to be carried out; or
- (ii) to make the parentage testing procedure more effective and reliable,

including directions requiring a person to submit to a medical procedure, to provide a bodily sample or to furnish information relevant to the medical or family history of a person; and

(b) issue such further directions as it considers necessary in relation to costs incurred with respect to—

- (i) the carrying out of the parentage testing procedure or other directions issued by the Court in relation to the parentage testing procedure; or
- (i) the preparation of reports in relation to the information obtained as a result of the carrying out of the parentage testing procedure.

(5) The Court may at any time revoke or vary a direction previously issued by it under this section.

(6) A person who fails to comply with a direction issued under subsection 4 (a) shall not be liable to any penalty in relation to the contravention, but the Court may draw such inferences as it considers fit in the circumstances.

(7) If a direction under this section is to a child, a medical procedure or other act shall not be carried out in relation to the child under the direction unless a guardian or other person who has the care and protection or parental responsibility of the child consents to the medical procedure or act being carried out, but the Court may draw such inferences from a failure or refusal to consent as it considers fit in the circumstances.

(8) If a direction under this section is to a person who is suffering from a mental disorder and is incapable of understanding the nature and purposes of the parentage testing procedure or other act, that procedure or other act shall not be carried out in relation to that person under the direction unless the person who has the care and control of that person consents and the medical practitioner in whose care the person is, has certified that the parentage testing procedure will not be prejudicial to the person's proper care and treatment.

(9) A person who properly carries out, or assists in the proper carrying out of, the medical procedure or other act under this section is not liable in any civil or criminal action in relation to the medical procedure or other act.

Matters to be taken into account by the Court

10. (1) Before making a determination under section 9, the Court may, if it is of the view that to do so would be in the best interest of the child, appoint a guardian *ad litem* for the child.

(2) In deciding whether to issue a direction under section 9, the Court shall—

- (a) consider and determine all objections made by a party to the proceedings on account of medical, religious or other grounds; and
- (b) if it determines that an objection is valid, take the objection into account in arriving at its decision.

Reports of medical procedure

11. (1) The person responsible for carrying out a parentage testing procedure for the purpose of giving effect to a direction under section 9, shall provide the Court with a report, in the prescribed form, in which the person shall state—

- (a) the results of the tests;
- (b) whether the person to whom the report relates is or is not excluded by the results from being the parent of the child; and
- (c) if that person is not so excluded, the value, if any, of the results in determining whether that person is the parent of the child.

(2) Where a report has been made to the Court under subsection (1), any party to the proceedings—

- (a) may, with the leave of the Court; or
- (b) shall, if the Court so directs,

obtain from the person who made the report a written statement explaining or amplifying any statement made in the report, and that statement shall not form part of the report made to the Court.

(3) A report made pursuant to subsection (1) may be received in evidence in any proceedings under this Act.

(4) Where a report referred to in subsection (1) is received in evidence in proceedings under this Act, the Court may—

- (a) on the request of a party to the proceedings;
- (b) on the request of a person representing the child;
- (c) of its own motion,

make an order requiring the person who made the report, or any person whose evidence may be relevant in relation to the report, to appear before the Court and give evidence in relation to the report.

Approved laboratory and nominated reporter

12. (1) The Minister shall approve a laboratory for the purpose of carrying out a parentage testing procedure under this Act and may nominate a reporter for the approved laboratory.

(2) A reporter nominated under subsection (1) shall be responsible for preparing any reports relating to the information obtained as a result of any parentage testing procedures carried out at the approved laboratory.

(3) The Minister shall publish in the *Gazette* the name of the approved laboratory and the nominated reporter for the approved laboratory.

PART IV **DISPOSITION OF PROPERTY**

Transitional provisions relating to instruments

13. (1) The following dispositions are to be construed as if this Act had not come into operation—

- (a) dispositions made *inter vivos* before the commencement of this Act; and
- (b) dispositions made by a will or codicil executed by a person who died before the commencement of this Act.

(2) If a disposition referred to in subsection (1) contains a special power of appointment, this Act shall not—

- (a) extend the class of persons in whose favour the appointment may be made; or
- (b) cause the exercise of the power to be construed so as to include any person who is not a member of that class.

(3) The estate of a person who dies intestate as to the whole or any part of his or her estate before the commencement of this Act shall be distributed in accordance with the enactments and rules of law which would have applied to the estate if this Act had not come into operation.

Persons dealing with property after the commencement of this Act

14. For the purposes of the administration or distribution of any estate or property, an executor, administrator or a trustee shall, whenever it is material in the circumstances, make honest and reasonable inquiries as to the existence of any person who could claim an interest in the estate or property by reason only of this Act, but shall not be obliged to pursue such inquiries further than he or she honestly and reasonably believes to be necessary.

Protection of executors, administrators and trustees

15. (1) An action shall not lie against an executor, an administrator or the trustee, under any instrument, in relation to any estate or property, by any person who could claim an interest in the estate or the property by reason only

of this Act, to enforce any claim arising by reason of the executor, administrator or trustee—

- (a) having made any distribution of the estate or of the property held on trust; or
- (b) having otherwise acted in the administration of the estate or property held on trust,

so as to disregard the claims where, at the time of making the distribution or otherwise so acting, the executor, administrator or trustee had no notice of the relationship on which the claim is based.

(2) This section shall not prejudice the right of any person claiming an interest in the estate or property referred to under subsection (1), which interest is alleged by the claimant to have existed at the time the executor, administrator or trustee made the distribution or otherwise acted aforesaid, to follow such estate or any property representing it into the hands of any person, other than the purchaser, who may have received it.

PART V **MISCELLANEOUS**

Hearings

16. (1) Unless the Court otherwise orders, the hearing of an application made pursuant to this Act shall be in closed Court.

(2) A person shall not publish, whether by newspaper, radio, television or otherwise, the name or any particulars relating to the identity of any person by, or in relation to, whom proceedings are taken under this Act without the authority of the Court before which such proceedings are taken.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding three months.

Existing rights

17. This Act shall not affect rights that became vested before its commencement.

Regulations

18. The Minister may make regulations under this Act for or with respect to the following—

- (a) forms;

- (b) the carrying out of parentage testing procedures under directions issued under section 9;
- (c) the preparation of reports in relation to the information obtained as a result of the carrying out of medical procedures or other acts under directions issued under section 9;
- (d) fees; and
- (e) providing for such matters as are required or necessary for giving full effect to this Act and for its due administration.

Repeal

19. The Legitimacy Act, Chapter 169, the Legitimation (Re-Registration of Births) Regulations, Chapter 169 and the Status of Children Act, Chapter 311A are hereby repealed.

Consequential Amendments

20. The enactments set out in the Schedule are amended to the extent specified in that Schedule.

SCHEDULE

CONSEQUENTIAL AMENDMENTS

(section 20)

Amendment to Registration of Births and Deaths Act, Chapter 280

1. The Registration of Births and Deaths Act, Chapter 280, is amended in section 27, by deleting paragraph (c) and substituting therefor the following new paragraph—

- “(c) where a declaration of parentage is made by the court under section 8 of the Status of Children Act, 2025, declaring that the person is recognised in law to be the father of the child; or”.

Amendment to Vaccination Act, Chapter 333

2. The Vaccination Act, Chapter 333, is amended in section 1 as follows—

- (a) by deleting the word “legitimate” where it appears; and
- (b) by deleting the words “and the mother of an illegitimate child,” where they appear.

Amendment to Criminal Code, Chapter 72A

3. The Criminal Code, Chapter 72A, is amended as follows—

- (a) in paragraph (a) of section 65, by deleting the words “legitimate or illegitimate” where they appear;
- (b) in section 224—
 - (i) in subsection (1), by deleting the words “legitimate or illegitimate” where they appear; and
 - (ii) in subsection (2), by deleting the words “whether legitimate or illegitimate,” where they appear; and
- (c) in section 426, by deleting the word “legitimate” and the words “legitimate or illegitimate,” wherever they appear.

Passed by the House of Representatives this 4th day of November, 2025.



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Clerk to the House of Representatives

Passed by the Senate this day of , 2025.

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Clerk to the Senate