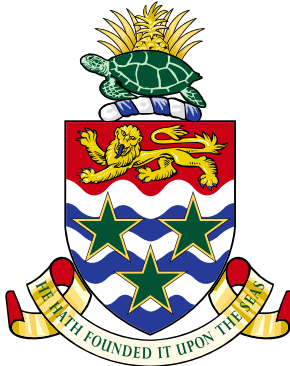


**CAYMAN ISLANDS**



**Children Law, 2003**

**DISQUALIFICATION FROM PROVIDING  
PRIVATE FOSTER CARE REGULATIONS,  
2012**

**(SL 68 of 2012)**

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## PUBLISHING DETAILS

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(SL 68 of 2012)

**Arrangement of Regulations**

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**CAYMAN ISLANDS****Children Law, 2003****DISQUALIFICATION FROM PROVIDING  
PRIVATE FOSTER CARE REGULATIONS, 2012**  
**(SL 68 of 2012)**

The Governor in Cabinet, in exercise of the powers conferred by section 69(1) and (2) of the Children Law, 2003, hereby makes the following Regulations —

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**Citation**

1. These Regulations may be cited as the Disqualification from Providing Private Foster Care Regulations, 2012.

**Definitions**

2. In these Regulations “Law” means the *Children Law, 2003*.

**Disqualification from fostering a child privately**

3. For the purpose of section 69 of the Law, a person is disqualified from fostering a child privately if any of the following provisions of this regulation apply to him —
  - (a) he is a parent of a child who at any time has been made the subject of an order under section 33(1)(a) of the Law;
  - (b) the following orders have been made at any time with respect to a child so as to remove the child from his care or prevent the child living with him —
    - (i) an order under section 33(1)(b) of the Law; or
    - (ii) any interim order under section 40;

- (c) an order has been made at any time, for the purposes of removing a child who was being kept, or was about to be received, by him, under the *Adoption of Children Law (2003 Revision)*;
- (d) he has been convicted of an offence within the period of five years immediately preceding a proposal to privately foster a child;
- (e) he is excluded from the application of the *Rehabilitation of Offenders Law (1998 Revision)*;
- (f) he is a person who carried on, or was otherwise concerned with the management of, or had any financial interest in, a voluntary home which was removed from the register under paragraph 1(4) of the Schedule 5 to the Law;
- (g) he is a person who carried on or was otherwise concerned with the management of or had any financial interest in a registered children's home and that home was removed from the register under paragraph 4 of Schedule 6 to the Law;
- (h) he is a person in respect of whom a prohibition has been imposed under section 70 of the Law; or
- (i) is a person who has been convicted of an offence —
  - (i) against morality under Part V of the *Penal Code (2010 Revision)*;
  - (ii) under section 152 or 153 of the *Penal Code (2010 Revision)* relating to neglecting children and child stealing respectively; or
  - (iii) against a child under Part VII of the *Penal Code (2010 Revision)* or any other law.

#### **Disqualification in relation to voluntary homes and registered children's homes**

4. (1) A person who is disqualified under section 69 of the Law from fostering a child privately shall not carry on, or be otherwise concerned in the management of, or have any financial interest in a voluntary home or registered children's home unless he has —
- (a) disclosed to the Department the fact that he is so disqualified; and
  - (b) obtained its written consent.
- (2) No person shall employ a person who is so disqualified in a voluntary home or registered children's home unless he has —
- (a) disclosed to the Department the fact that that person is so disqualified; and
  - (b) obtained its written consent.



**Refusal of consent and appeal**

5. Where the Department, under this regulation, refuses to give its consent to permit a person to privately foster a child, it shall inform the person by a written notice which states —
- (a) the reason for the refusal;
  - (b) the applicant's right under paragraph 7 of Schedule 8 of the Law to appeal against the refusal; and
  - (c) the time within which he may do so.

**Made in Cabinet on the 28th day of August, 2012.**

**Kim Bullings**  
*Clerk of the Cabinet.*

**Laid in the Legislative Assembly on the 5 th day of November, 2012, in accordance  
with section 95(2) of the *Children Law, 2003.***

**Zena Merren-Chin**  
*Clerk of the Legislative Assembly.*