

CAYMAN ISLANDS



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THE CHILDREN LAW, 2003

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

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CARE REGULATIONS, 2012**

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THE DISQUALIFICATION FROM PROVIDING PRIVATE FOSTER CARE REGULATIONS, 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-

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

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

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- Disqualification from fostering a child privately
 - (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); (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); (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.

(2007 Revision)

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.

The Disqualification from Providing Private Foster Care Regulations, 2012

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

Zena Merren-Chin

Clerk of the Legislative Assembly.