

CAYMAN ISLANDS



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THE CHILDREN LAW, 2003

**THE EMERGENCY PROTECTION ORDER (TRANSFER OF
RESPONSIBILITIES) REGULATIONS, 2012**

THE EMERGENCY PROTECTION ORDER (TRANSFER OF RESPONSIBILITIES) REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

1. Citation
2. Transfer of responsibilities under emergency protection orders
3. Requirements to be complied with by the Department
4. When responsibility under emergency protection orders transfers
5. Exception for children in refuges

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THE CHILDREN LAW, 2003

THE EMERGENCY PROTECTION ORDER (TRANSFER OF RESPONSIBILITIES) REGULATIONS, 2012

The Governor in Cabinet, in exercise of the powers conferred by section 46(4)(c) of the Children Law, 2003, hereby makes the following Regulations-

1. These Regulations may be cited as the Emergency Protection Order (Transfer of Responsibilities) Regulations, 2012. Citation

2. Subject to regulation 5, the Department may apply for an emergency protection order if it is of the opinion that it would be in the child's best interest for the responsibilities of caring for that child to be transferred to the Department. Transfer of responsibilities under emergency protection orders

3. (1) In forming its opinion under regulation 2, the Department shall have regard to the following considerations- Requirements to be complied with by the Department
 - (a) the ascertainable wishes and feelings of the child having regard to his age and understanding;
 - (b) the child's physical, emotional and educational needs for the duration of the emergency protection order;
 - (c) the likely effect on the child of any change in his circumstances which may be caused by a transfer of responsibilities under the order;
 - (d) the child's age, sex and family background;
 - (e) the circumstances which gave rise to the application for the emergency protection order; and
 - (f) any directions of a court and other orders made in respect of the child.

- (2) The Department shall give notice, as soon as possible after it forms the opinion referred to in regulation 2, of the date and time of the transfer to-
 - (a) the court which made the emergency protection order; and
 - (b) those persons currently caring for the child.

- (3) A notice required under this regulation shall be given in writing and may be sent by registered post.

The Emergency Protection Order (Transfer of Responsibilities) Regulations, 2012

When responsibility
under emergency
protection order
transfers

4. The time at which responsibility under any emergency protection order is to be treated as having been transferred to the Department shall be the time stated as the time of transfer in the notice given in accordance with regulation 3(2) by the Department.

Exception for children in
refuges

5. An emergency protection order is not required where a child is in a refuge in respect of which there is in force a Governor in Cabinet certificate issued under section 54 of the Children Law, 2003 and the person carrying on the home, or the foster parent providing the refuge, having taken account of the ascertainable wishes and feelings of the child, has decided that the child should continue to be provided with the refuge for the duration of the order.

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

Kim Bullings

Clerk of the Cabinet.

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.