

CAYMAN ISLANDS



Supplement No. 13 published with Extraordinary
Gazette No. 125 dated 13th December, 2012.

THE CHILDREN LAW, 2003

**THE REFUGES (CHILDREN'S HOMES AND FOSTER PLACEMENTS)
REGULATIONS, 2012**

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**THE REFUGES (CHILDREN'S HOMES AND FOSTER PLACEMENTS)
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The Governor in Cabinet, in exercise of the powers conferred by sections 54(2) of the Children Law, 2003, hereby makes the following Regulations-

1. These Regulations may be cited as the Refuges (Children's Homes and Foster Placements) Regulations, 2012. Citation

2. In these Regulations- Definitions

“certificate” means a certificate issued under section 54 of the Law;

“designated officer” means a police officer designated for the purpose of these Regulations by the Commissioner of Police for the police area within which-

- (a) a home which is provided as a refuge pursuant to section 54(1) of the Law is situated; or
- (b) a foster parent who provides a refuge pursuant to section 54(1A) of the Children (Amendment) Law, 2009, lives;

“home” means a registered children's home, community home or voluntary home;

“Law” means the Children Law, 2003; and

“responsible person” in relation to a child means-

- (a) except where a person has care of the child as mentioned in paragraph (b)-
 - (i) a parent of his;
 - (ii) a person who is not a parent of his, but who has parental responsibility for him; and
 - (iii) any person who for the time being has care of him not being a person providing a refuge; or

- (b) any person who for the time being has care of the child by virtue of a care order, emergency protection order or section 49 of the Law.

Requirements

3. (1) The provisions of this regulation shall apply while a certificate is in force with respect to a home or a foster parent.

(2) A child shall not be provided with a refuge unless it appears to the person providing that refuge that the child would be at risk of harm unless the child is or continues to be provided with a refuge.

(3) As soon as is practicable after admitting a child to a home for the purpose of providing a refuge or after a foster parent provides a refuge for a child, and in any event, within twenty-four hours of such provision, the person providing the refuge for the child shall-

- (a) notify the designated officer and the Department that a child has been admitted to the home, or provided with refuge by a foster parent, together with the telephone number by which the person providing the refuge for the child may be contacted;
- (b) if he knows the child's name, notify the designated officer and the Department of that name; and
- (c) if he knows the child's last permanent address, notify the designated officer and the Department of that address.

(4) Where subsequently the person providing the refuge discovers the child's name or last permanent address he shall immediately notify the designated officer and the Department.

(5) As soon as is reasonably practicable after providing the refuge for the child, and in any event within twenty four hours of becoming aware of the identity of the responsible person for the child, the person providing the refuge shall give to the designated officer and the Department the name and address of the responsible person.

(6) The requirements of paragraph (7) shall apply where the designated officer has been notified or is otherwise aware-

- (a) that a child is being provided with a refuge; and
- (b) of the name and address of a responsible person.

(7) The designated officer, after consultation with the Department shall-

- (a) inform the responsible person-
 - (i) that the child is being provided with a refuge;
 - (ii) by whom the refuge is being provided;

- (b) notify the responsible person of a telephone number by which the person providing the refuge for the child may be contacted; and
- (c) not disclose to any person the address of the place at which the refuge is provided.

(8) Where a child ceases to be provided with a refuge, the person who provided him with the refuge shall notify the designated officer and the Department.

(9) No child shall be provided with a refuge in any one place for a continuous period of more than fourteen days or for more than twenty-one days in any period of three months.

4. (1) The Governor in Cabinet may withdraw a certificate at any time-

Withdrawal of
Certificate

- (a) where a person providing a refuge fails to comply with a requirement of regulation 3;
- (b) where in relation to conduct, a person providing a refuge in a home fails to comply with any provision of Part II of the Registered Children's Homes Regulations, 2012, Part II of the Voluntary Homes Regulations, 2012 or Part II of the Community Homes Regulations, 2012;
- (c) where a foster parent providing a refuge fails to comply with any provision contained in the agreement relating to him concerning the matters to which paragraphs 3 to 9 of Schedule 2 to the Foster Placement (Children) Regulations, 2012 apply and any provision contained in the agreement relating to him concerning the matters to which paragraphs 4 to 8 of Schedule 3 to those Regulations apply in respect of an emergency placement under those Regulations; or
- (d) where, subject to the Rehabilitation of Offenders Law (1998

(1998 Revision)

(2) Where a certificate is withdrawn, the person carrying on the home in respect of which, or the foster parent in respect of whom, it was issued shall return it immediately to the Governor in Cabinet.

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.