CAYMAN ISLANDS

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THE CHILDREN LAW, 2003

THE REVIEW OF CHILDREN'S CASES REGULATIONS, 2012

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ARRANGEMENT OF REGULATIONS

1. Citation
2. Definitions
3. Time when cases are to be reviewed
4. Manner in which cases are to be reviewed
5. Considerations to which the Department is to have regard
6. Health reviews
7. Consultation, participation and notification
8. Arrangements for implementation of decisions arising out of reviews
9. Monitoring arrangements
10. Recording of review information
11. Application of Regulations to short periods of care

SCHEDULES

SCHEDULE 1- Elements to be included in review
SCHEDULE 2- General Considerations to which the Department is to have regard
SCHEDULE 3- Health considerations to which the Department is to have regard

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CHILDREN LAW, 2003

THE REVIEW OF CHILDREN CASES REGULATIONS, 2012

The Governor in Cabinet, in exercise of the powers conferred by section 28(1) and (2) of the Children Law, 2003, hereby makes the following Regulations-

1. These Regulations may be cited as the Review of Children's Cases Regulations, 2012. **Citation**

2. In these Regulations- **Definitions**

"independent visitor" means an independent visitor appointed under paragraph 14 of Schedule 2 to the Law; and

"Law" means the Children Law, 2003.

3. (1) Within four weeks of the date upon which a child begins to be looked after or provided with accommodation by the Department, the Department shall review that child's case. **Time when cases are to be reviewed**

(2) The Department shall conduct a second review not more than three months after the first and thereafter subsequent reviews shall be conducted not more than six months after the date of the previous review.

4. (1) The Department shall set out in writing the arrangements governing the manner in which the case of each child shall be reviewed and shall, in writing, notify those persons specified in regulation 7(1) of the arrangements. **Manner in which cases are to be reviewed**

(2) The Department shall appoint one of its officers to coordinate all aspects of the review.

(3) The manner in which each case is reviewed shall, so far as practicable, include the elements specified in Schedule 1.

(4) Nothing in these Regulations shall prevent the carrying out of any other review, assessment or consideration required under the Law at the same time as the review under these Regulations is being conducted.

Considerations to the which Department is to have regard

5. The considerations to which the Department is to have regard in reviewing each case are the general considerations specified in Schedule 2 and the considerations concerning the health of the child specified in Schedule 3.

Health reviews

6. (1) The Department shall request one of its officers to make arrangements for a child under its care to be examined by a registered medical practitioner and for a written assessment on the state of health of the child to be prepared-

(a) at least once in every six months before the child's second birthday; and
(b) at least once in every period of twelve months after the child's second birthday.

(2) The Department shall require that the officer who conducted the assessment prepare a written report which addresses the matters listed in Schedule 3.

Consultation, participation and notification

7. (1) The Department, before conducting any review, shall, unless it is not reasonably practicable to do so, seek and consider the views of -

(a) the child;
(b) his parents;
(c) any person who is not a parent of the child but who has parental responsibility for him; and
(d) any other person whose views the Department considers to be relevant,

including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review.

(2) The Department shall, so far as is reasonably practicable, involve the persons whose views are sought under paragraph (1) in the review and, where the Department considers it appropriate, request the attendance of those persons at part or all of any aspect of the review of that case.

(3) The Department shall, so far as is reasonably practicable, provide written details of the result of the review and of any decision taken by the Department in consequence of the review to-

(a) the child;
(b) his parent;
(c) any person who has parental responsibility for the child; and

(d) any other person whom it considers ought to be notified.

Arrangements for implementation of decisions arising out of reviews

8. The Department shall make arrangements for the implementation of any decision which the Department proposes to make in the course, or as a result, of the review of a child's case.

Monitoring arrangements

9. The Department shall monitor the arrangements which it has made with a view to ensuring that it complies with these Regulations.

Recording of review information

10. The Department shall ensure that-

(a) information obtained in respect of the review of a child's case;
(b) details of the proceedings at any meeting arranged by the Department at which the child's case is considered in connection with any aspect of the review of that case; and
(c) details of any decisions made in the course of or as a result of the review,

are recorded in writing.

Application of Regulations to short periods of care

11. (1) These Regulations also apply to cases in which a child is looked after or provided with accommodation by the Department for a series of short periods where the following conditions are satisfied-

(a) all the periods are included within a period which does not exceed one year;
(b) no single period is for a duration of more than four weeks; and
(c) the total duration of the period does not exceed ninety days.

(2) The cases specified in paragraph (1) may be treated as a single case of a child being looked after or provided with accommodation by the Department for the purpose of these Regulations.

SCHEDULE 1

(Regulation 4(3))

ELEMENTS TO BE INCLUDED IN REVIEW

1. The arrangements for looking after the child and any relevant change in the child's circumstances.

2. The name and address of any person whose views should be taken into account in the course of the review.

3. Making the necessary preparations and providing any relevant information to the participants in any meeting of the Department which considers the child's case in connection with any aspect of the review.

4. Initiating meetings of relevant personnel of the Department and other relevant persons to consider the review of the child's case.

5. Explaining to the child any steps which he may take under the Law including, where appropriate -

   (a) his right to apply, with leave, for a section 10 order;
   (b) where he is in care, his right to apply for the discharge of the care order; and
   (c) the availability of the procedure established under the Law for considering representations.

6. Making decisions or taking steps following decisions arising out of or resulting from a review.

SCHEDULE 2

(Regulation 5)

GENERAL CONSIDERATIONS TO WHICH THE DEPARTMENT IS TO HAVE REGARD

1. In the case of a child who is in care, whether an application should be made to discharge the care order.

2. Whether the Department should seek a change in the child's legal status.

3. Arrangements for contact and whether there is any need for changes in the arrangements in order to promote contact with the child's family and others so far as is consistent with his welfare.

4. Any special arrangements that have been made or need to be made for the child, including the carrying out of assessments either by the Department or other persons, such as those in respect of special educational needs.

5. Whether an independent visitor should be appointed if one has not already been appointed by the Department.

6. The child's educational needs, progress and development.

7. Whether arrangements need to be made for the time when the child will no longer be looked after or provided with accommodation by the Department.

8. Whether plans need to be made to find a permanent substitute family for the child.

9. Whether previous recommendations or plans have been carried out and if not the reasons therefor.

SCHEDULE 3

(Regulation 5)

HEALTH CONSIDERATIONS TO WHICH THE DEPARTMENT IS TO HAVE REGARD

1. The child's current state of health, including his physical, emotional and mental health.

2. The child's health history, including, as far as practicable, his family's health history.

3. The effect of the child's health and health history on his development.

4. Existing arrangements for the child's medical, optical and dental care and treatment and health, optical and dental surveillance.

5. The possible need for an appropriate course of action which should be identified to assist necessary change of such care, treatment or surveillance.

6. The possible need for-

   (a) preventive measures, such as vaccination and immunisation;
   (b) screening for vision and hearing; and
   (c) for advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.

7. The need, if any, for any emotional, psychiatric or psychological assessment or treatment.

Made in Cabinet the 28 day of August , 2012

Clerk of the Cabinet

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

Clerk of the Legislative Assembly