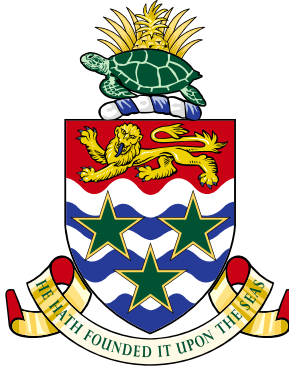


CAYMAN ISLANDS



ADOPTION (AMENDMENT) BILL, 2026

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A BILL FOR AN ACT TO AMEND THE ADOPTION ACT, 2024 TO PROVIDE FOR CERTAIN POWERS OF THE DIRECTOR; TO PROVIDE FOR VARIOUS FEES THAT ARE TO BE PRESCRIBED IN RESPECT OF MATTERS RELATING TO THE ADOPTION PROCESS; TO CLARIFY THE MATTERS UNDER THE ACT THAT ARE TO BE PRESCRIBED BY RULES OF COURT; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Social Development and Innovation



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Adoption Act, 2024 (“principal Act”) to —

- (a) provide for certain powers of the Director;
- (b) provide for various fees that are to be prescribed in respect of matters relating to the adoption process;
- (c) clarify the matters under the principal Act that are to be prescribed by Rules of Court; and
- (d) provide for incidental and connected purposes.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 amends the principal Act by inserting after section 14 proposed new section 14A.

The proposed new section 14A provides that the Director may require an applicant to attend parenting programmes and may require an applicant or a child who is the subject of the adoption process to submit to a medical or psychological examination or assessment.

Clause 3 amends section 16 of the principal Act to clarify that the fee that is to accompany an application to the Board expressing an interest to adopt a child is the prescribed application fee. In accordance with section 72(2)(h) of the principal Act, this fee is to be prescribed by regulations made by the Cabinet.

Clause 4 amends section 18 of the principal Act to provide for the prescribed fee for the carrying out of a home study assessment by the Department for the purposes of preparing a home study report.

Clause 4 also amends section 18 of the principal Act to provide for the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing a supervision report.

In accordance with section 72(2)(h) of the principal Act, both fees are to be prescribed by regulations made by the Cabinet.

Clause 5 amends section 19(4)(b) of the principal Act to clarify that the application to the Court for an adoption order is to be made in the manner prescribed by the Rules of Court.

Clause 5 also amends section 19 of the principal Act by inserting after subsection (11) a proposed new subsection (12). The proposed new subsection (12) requires the Director to complete the prescribed form where the Department exercises its power to transfer care and custody of a child in the care of the Department to another applicant or where the Department exercises its power to place a child who is in the care and custody of the Department in the care of a caregiver.

Clause 6 amends section 28(1)(b) of the principal Act to clarify that the Rules of Court shall prescribe the manner in which a person whose identity is not known to a party whose

consent is required shall be distinguished in a document signifying that person's consent or lack of consent to the making of the adoption order.

Clause 7 amends section 30 of the principal Act, which provides for *de facto* adoptions. The clause amends section 30 of the principal Act to clarify that the statement with respect to the identity of the child and the statement signed by the parent or guardian of the child, which provides that the parent or guardian understands the effect of the adoption, are to be in the form prescribed by the Rules of Court.

Clause 7 also amends section 30 of the principal Act to provide for the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing a supervision report in respect of a *de facto* adoption. In accordance with section 72(2)(h) of the principal Act, this fee is to be prescribed by regulations made by the Cabinet.

Clause 8 amends section 31 of the principal Act, which provides for adoptions by departmental foster parents. The clause amends section 31 of the principal Act to clarify that the statement with respect to the identity of the child and the statement signed by the parent or guardian of the child, which provides that the parent or guardian understands the effect of the adoption, are to be in the form prescribed by the Rules of Court.

Clause 8 also amends section 31 of the principal Act to provide for the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing a supervision report in respect of an adoption by a departmental foster parent. In accordance with section 72(2)(h) of the principal Act, this fee is to be prescribed by regulations made by the Cabinet.

Clause 9 amends section 33 of the principal Act to clarify that an application for a youth adoption order shall be made in the form and manner prescribed by the Rules of Court.

Clause 9 also amends section 33 of the principal Act to clarify that the accompanying affidavit shall be in the form prescribed by the Rules of Court. Any information or documents that are to accompany the application shall also be prescribed by the Rules of Court.

Further, clause 9 amends section 33 of the principal Act to remove the reference to the prescribed fee that is to accompany an application for a youth adoption order. As this is a fee that is to be prescribed by the Rules of Court, the Rules Committee is already empowered to prescribe the fee further to section 45 of the principal Act and section 19 of the Grand Court Act (2026 Revision). It is therefore not necessary to reference this fee here. The Rules Committee is also empowered to provide for the fees payable to the Court in respect of proceedings under the legislation, which may include any fees that are to accompany applications to the Court and any other fees relating to various aspects of the adoption proceedings.

Clause 10 amends section 37 of the principal Act to provide for various fees, including the prescribed application fee that is to accompany an application to the Board expressing an interest to adopt a child from overseas who is not a resident of the Islands. In accordance with section 72(2)(h) of the principal Act, these fees are to be prescribed by regulations made by the Cabinet.



Clause 10 also amends section 37 of the principal Act to provide that where there are costs associated with the preparation of certain reports referred to under the section, the applicant shall bear the costs.

Clause 11 amends section 38 of the principal Act to provide for various fees, including the prescribed application fee that is to accompany an application to the Board expressing an interest to adopt a child who is a resident of the Islands or who was born in the Islands. In accordance with section 72(2)(h) of the principal Act, these fees are to be prescribed by regulations made by the Cabinet.

Clause 11 also amends section 38 of the principal Act to provide that where a report on the status and progress of the child is being prepared by the competent authority for a jurisdiction other than the Islands and there are costs associated with the preparation of the report, the applicant shall bear the costs.

Clause 12 amends section 48 of the principal Act to provide that where the Court makes an adoption order in the case of an intercountry adoption, the Board, on receipt of the copy of the adoption order, in its capacity as a competent authority for the Islands, shall issue a certificate in the prescribed form certifying that the adoption has been made in accordance with the Convention.

Clause 13 amends section 57 of the principal Act to provide that where an adoptee wishes to be issued a certified copy of the adoptee's original registration of birth, the adoptee shall apply to the Court in the form prescribed by the Rules of Court for an order to that effect.

Clause 14 amends section 62 of the principal Act by inserting after subsection (2) a proposed new subsection (3). The proposed new subsection (3) requires the Director to complete the prescribed form where the Department exercises its power to transfer care and custody of a child in the care of the Department to another applicant or where the Department exercises its power to place a child who is in the care and custody of the Department in the care of a caregiver.

Clause 15 amends section 72 of the principal Act to empower the Cabinet to make regulations with respect to, among other things, the refund, waiver and reduction of fees, and exemptions from the requirement to pay fees.

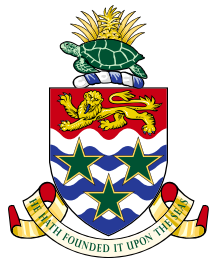
Clause 16 amends the principal Act by repealing Schedule 1 and substituting a proposed new Schedule 1. The proposed new Schedule 1 provides for the following specified offences for the purposes of the legislation —

- (a) murder;
- (b) manslaughter;
- (c) attempted murder;
- (d) offences relating to children under the Penal Code (2026 Revision), under any other legislation in the Islands, or under the law of another jurisdiction;
- (e) offences of a sexual or indecent nature under the Penal Code (2026 Revision), under any other legislation in the Islands, or under the law of another jurisdiction; and

- (f) the offence of trafficking in persons under the Trafficking in Persons (Prevention and Suppression) Act (2015 Revision).



CAYMAN ISLANDS



ADOPTION (AMENDMENT) BILL, 2026

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A BILL FOR AN ACT TO AMEND THE ADOPTION ACT, 2024 TO PROVIDE FOR CERTAIN POWERS OF THE DIRECTOR; TO PROVIDE FOR VARIOUS FEES THAT ARE TO BE PRESCRIBED IN RESPECT OF MATTERS RELATING TO THE ADOPTION PROCESS; TO CLARIFY THE MATTERS UNDER THE ACT THAT ARE TO BE PRESCRIBED BY RULES OF COURT; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Act may be cited as the Adoption (Amendment) Act, 2026.
- (2) This Act comes into force immediately after the *Adoption Act, 2024* comes into force.

Insertion of section 14A in the Adoption Act, 2024 - power of Director to require attendance at parenting programmes and submission to medical or psychological assessment

2. The *Adoption Act, 2024*, in this Act referred to as the “principal Act”, is amended by inserting after section 14, before Part 4, the following section —

“Power of Director to require attendance at parenting programmes and submission to medical or psychological assessment

- 14A.**(1) During the period of the home study assessment and the interim placement period referred to in section 19, the Director, based on a referral of an officer of the Department and where the Director considers it necessary, may require —
- (a) an applicant to attend parenting programmes as may be specified by the Director; and
 - (b) an applicant or a child who is the subject of the adoption process to submit to a medical or psychological examination or assessment, and where the medical officer or medical doctor, as appropriate, who conducted the examination or assessment so determines, receive treatment in accordance with the *Mental Health Act (2023 Revision)* or any other relevant law.
- (2) For the purpose of this section, “**medical officer**” has the meaning assigned by section 2 of the *Mental Health Act (2023 Revision)*.”.

Amendment of section 16 - application expressing interest in adopting

3. The principal Act is amended in section 16(1)(b), by repealing subparagraph (v) and substituting the following subparagraph —
- “(v) the prescribed application fee.”.

Amendment of section 18 - home study assessment and report

4. The principal Act is amended in section 18 as follows —
- (a) by repealing subsection (1) and substituting the following subsection —

“(1) Where the Board receives an application under section 16 and the Board is satisfied that the application is complete, the Board shall —

 - (a) notify the applicant in writing to pay the prescribed fee for the carrying out of a home study assessment by the Department for the purposes of preparing a home study report; and
 - (b) on receipt of the prescribed fee referred to in paragraph (a), request in writing that the Department —
 - (i) undertakes a home study assessment; and



- (ii) prepares a home study report which is to be submitted to the Board,
in order for the Board to determine the suitability of the applicant and the applicant's home environment for an adoption.”; and
- (b) by repealing subsection (3) and substituting the following subsection —
 - “(3) Where the Board is satisfied with the results of the home study report, the Board shall —
 - (a) notify the applicant in writing to pay the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing a supervision report; and
 - (b) on receipt of the prescribed fee referred to in paragraph (a), make the relevant arrangements for the child to be placed with the applicant, in accordance with section 19.”.

Amendment of section 19 - supervision report

5. The principal Act is amended in section 19 as follows —

- (a) in subsection (4)(b), by deleting the words “in the prescribed manner” and substituting the words “in the manner prescribed by the Rules of Court”; and
- (b) by inserting after subsection (11) the following subsection —
 - “(12)The Director shall complete the prescribed form relating to the transfer or placement referred to in subsection (11).”.

Amendment of section 28 - evidence of consent of parent or guardian

6. The principal Act is amended in section 28(1)(b) by deleting the words “in the prescribed manner” and substituting the words “in the manner prescribed by the Rules of Court”.

Amendment of section 30 - *de facto* adoptions

7. The principal Act is amended in section 30 as follows —

- (a) in subsection (2)(b), by deleting the words “in the prescribed form” wherever they appear and substituting the words “in the form prescribed by the Rules of Court”;
- (b) by repealing subsection (6) and substituting the following subsection —
 - “(6) Where an application is made to the Court for an adoption order pursuant to this section, the Court shall —
 - (a) notify the applicant in writing to pay the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing a supervision report; and

- (b) on receiving confirmation that the payment referred to in paragraph (a) was made, direct the Department to —
 - (i) supervise the child for a period determined by the Court; and
 - (ii) at the end of that period, complete a supervision report.”; and
- (c) in subsection (8), by inserting after the word “Department” the words “and the applicant shall pay the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing the supervision report”.

Amendment of section 31 - adoption by departmental foster parents

8. The principal Act is amended in section 31 as follows —

- (a) in subsection (2)(b), by deleting the words “in the prescribed form” wherever they appear and substituting the words “in the form prescribed by the Rules of Court”;
- (b) by repealing subsection (5) and substituting the following subsection —

“(5) Where an application is made to the Court for an adoption order pursuant to this section, the Court shall —

 - (a) notify the applicant in writing to pay the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing a supervision report; and
 - (b) on receiving confirmation that the payment referred to in paragraph (a) was made, direct the Department to —
 - (i) supervise the child for a period determined by the Court; and
 - (ii) at the end of that period, complete a supervision report.”; and
- (c) in subsection (7), by inserting after the word “Department” the words “and the applicant shall pay the prescribed fee for the carrying out of the relevant supervision for the purposes of preparing the supervision report”.

Amendment of section 33 - application for youth adoption order

9. The principal Act is amended in section 33(2) as follows —

- (a) by repealing paragraph (a) and substituting the following paragraph —

“(a) made in the form and manner prescribed by the Rules of Court; and”;



- (b) in paragraph (b) as follows —
 - (i) in subparagraph (i), by deleting the words “in the prescribed form” and substituting the words “in the form prescribed by the Rules of Court”; and
 - (ii) by repealing subparagraphs (iii), (iv) and (v) and substituting the following subparagraphs —
 - “(iii) any information or documents as may be prescribed by the Rules of Court; and
 - (iv) any other relevant details as the Court may reasonably require for the purposes of assessing the application.”.

Amendment of section 37 - approval for intercountry adoption - Caymanians and residents

10. The principal Act is amended in section 37 as follows —

- (a) in subsection (2) as follows —
 - (i) in paragraph (a), by deleting the word “and” appearing at the end of the paragraph;
 - (ii) in paragraph (b), by deleting the word “and” appearing at the end of the paragraph;
 - (iii) in paragraph (c), by deleting the full stop and substituting the words “; and”; and
 - (iv) by inserting after paragraph (c) the following paragraph —
 - “(d) accompanied by the prescribed application fee.”;
- (b) by repealing subsection (4) and substituting the following subsection —
 - “(4) After receiving the verification referred to in subsection (3), the Board shall —
 - (a) notify the applicant in writing to pay the prescribed fee for the carrying out of a home study assessment by the Department for the purposes of preparing a home study report; and
 - (b) on receipt of the prescribed fee referred to in paragraph (a), request in writing that the Department —
 - (i) undertakes a home study assessment; and
 - (ii) prepares a home study report which is to be submitted to the Board,
 - in order for the Board to determine the suitability of the applicant and the applicant’s home environment for an adoption.”;
- (c) by repealing subsection (6) and substituting the following subsection —



- “(6) Where the Board is satisfied with the results of the home study report, the Board shall —
- (a) notify the applicant in writing to pay the prescribed fee for the preparation by the Board of a report including information about the applicant’s identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, and the characteristics of the child for whom the applicant would be qualified to care;
 - (b) on receipt of the prescribed fee referred to in paragraph (a), prepare the report referred to in paragraph (a); and
 - (c) submit the report referred to in paragraph (a) to the central authority for the Islands for onward transmission to the central authority of the prospective adopted child’s country of origin.”; and
- (d) by inserting after subsection (18), the following subsection —
- “(18A) Where there are costs associated with the preparation of a report referred to in subsection (7) or (16), the applicant shall bear the costs.”.

Amendment of section 38 - approval for intercountry adoption - non-Caymanians and non-residents

11. The principal Act is amended in section 38 as follows —

- (a) in subsection (2) as follows —
 - (i) in paragraph (a), by deleting the word “and” appearing at the end of the paragraph;
 - (ii) in paragraph (b), by deleting the word “and” appearing at the end of the paragraph;
 - (iii) in paragraph (c), by deleting the full stop and substituting the words “; and”; and
 - (iv) by inserting after paragraph (c) the following paragraph —

“(d) accompanied by the prescribed application fee.”;
- (b) by inserting after subsection (5), the following subsection —

“(5A) Where there are costs associated with the preparation of a report referred to in subsection (5), the applicant shall bear the costs.”;
- (c) in subsection (6), by repealing paragraph (a) and substituting the following paragraphs —
 - “(a) notify the applicant in writing to pay the prescribed fee for the preparation by the central authority of a report including



information about the child's identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child;

(aa) on receipt of the prescribed fee referred to in paragraph (a), prepare the report referred to in paragraph (a);”; and

(d) by inserting after subsection (15), the following subsections —

“(15A) Where a report referred to in subsection (15) is being prepared by the competent authority for the Islands, the applicant shall pay the prescribed fee.

(15B) Where a report referred to in subsection (15) is being prepared by the competent authority for a jurisdiction other than the Islands and there are costs associated with the preparation of the report, the applicant shall bear the costs.”.

Amendment of section 48 - duties of Court on making an adoption order

12. The principal Act is amended in section 48 by inserting after subsection (2) the following subsection —

“(3) Where the Court makes an adoption order in the case of an intercountry adoption, the Board, on receipt of the copy of the adoption order under subsection (1), in its capacity as a competent authority for the Islands, shall issue a certificate in the prescribed form certifying that the adoption has been made in accordance with the Convention.”.

Amendment of section 57 - request by adoptee for information regarding original registration of birth

13. The principal Act is amended in section 57(1) by deleting the words “in the prescribed form” and substituting the words “in the form prescribed by the Rules of Court”.

Amendment of section 62 - care and custody of child in the event of refusal of application or revocation of adoption order

14. The principal Act is amended in section 62 by inserting after subsection (2) the following subsection —

“(3) The Director shall complete the prescribed form relating to the transfer or placement referred to in subsection (2).”.

Amendment of section 72 - regulations

15. The principal Act is amended in section 72 as follows —

(a) in subsection (2) as follows —

(i) in paragraph (h), by deleting the word “and” appearing at the end of the paragraph;

(ii) by inserting after paragraph (h) the following paragraphs —

“(ha) the refund, waiver or reduction of fees, which may include the circumstances under which the fees may be refunded, waived or reduced;

(hb) an exemption from the requirement to pay fees, which may include the circumstances under which the exemption may be granted; and”; and

(b) by repealing subsection (3) and substituting the following subsection —

“(3) The power of the Cabinet to make regulations under this Act includes the power to —

(a) make different provision in relation to different categories of persons or in relation to different cases or circumstances; and

(b) provide for such exceptions, limitations and conditions, and make such supplementary, incidental, consequential and transitional provisions as the Cabinet considers necessary or expedient.”.



Repeal of Schedule 1 and substitution - specified offences

- 16.** The principal Act is amended by repealing Schedule 1 and substituting the following Schedule —

“SCHEDULE 1

(section 2)

Specified offences

1. Murder.
2. Manslaughter.
3. Attempted murder.
4. Offences relating to children under the *Penal Code (2026 Revision)*, under any other legislation in the Islands, or under the law of another jurisdiction.
5. Offences of a sexual or indecent nature under the *Penal Code (2026 Revision)*, under any other legislation in the Islands, or under the law of another jurisdiction.
6. The offence of trafficking in persons under the *Trafficking in Persons (Prevention and Suppression) Act (2015 Revision)*.”.

Passed by the Parliament the day of , 2026.

Speaker

Clerk of the Parliament