

CAYMAN ISLANDS



ADOPTION OF CHILDREN (AMENDMENT) BILL, 2020

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**A BILL FOR A LAW TO AMEND THE ADOPTION OF CHILDREN LAW (2003 REVISION)
AS A CONSEQUENCE OF THE ENACTMENT OF THE DOMESTIC PARTNERSHIP
LAW, 2020; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Governor's Office



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Adoption of Children Law (2003 Revision) (“the principal Law”) as a consequence of the enactment of the Domestic Partnership Law, 2020 and to provide for incidental and connected purposes.

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

Clause 2 amends section 2 of the principal Law to provide for the definitions of new terms used in the Law such as domestic partner and domestic partnership. The provision, among other things, also amends the definition of relative to include persons related by affinity through domestic partnership.

Clause 3 amends section 9 of the principal Law to allow for an adoption order to be made on joint application of the two parties to a domestic partnership.

Clause 4 amends section 10(4) of the principal Law to prohibit an adoption order from being made on the application of a domestic partnership without the consent of the other domestic partner.

Clause 5 amends section 11 of the principal Law to provide for the circumstances where the Court may dispense with the consent of the domestic partner of an applicant for an adoption order.

Clause 6 amends section 15 of the principal Law to confer the rights and duties in that section to adopters who are domestic partners.

Clause 7 amends section 16(2) of the principal Law to provide that where a child to whom an affiliation or such other order relates is adopted by the child’s mother and the mother is a single woman, the respective order would cease to have effect if the mother subsequently enters into a domestic partnership.

Clause 8 amends section 17(2) of the principal Law to delete the reference to a child being born in lawful wedlock.

Clause 9 amends section 18(1) of the principal Law to include a reference to the adoption of a child referred to in that subsection to a child adopted by two domestic partners jointly.

Clause 10 amends the First Schedule of the principal Law to make amendments to the Adoption of Children Regulations (2003 Revision) contained in that Schedule, as a consequence of the enactment of the Domestic Partnership Law, 2020.

Clause 11 amends the Second Schedule of the principal Law to make amendments to Adoption of Children Rules (2003 Revision) contained in that Schedule, as a consequence of the enactment of the Domestic Partnership Law, 2020.



CAYMAN ISLANDS



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Arrangement of Clauses

Clause	Page
1. Short title and commencement	7
2. Amendment of section 2 of the Adoption of Children Law (2003 Revision) - definitions.....	7
3. Amendment of section 9 - power to make adoption orders.....	8
4. Amendment of section 10 - restrictions on making adoption orders.....	8
5. Amendment of section 11- consent to adoption	8
6. Amendment of section 15 - rights and duties of parents and capacity to marry	8
7. Amendment of section 16 - affiliation orders, etc.....	9
8. Amendment of section 17 - intestacies, wills and settlements	9
9. Amendment of section 18 - provisions supplementary to section 17	9
10. Amendment of First Schedule - Adoption of Children Regulations (2003 Revision).....	9
11. Amendment of Second Schedule - Adoption of Children Rules (2003 Revision)	9

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A BILL FOR A LAW TO AMEND THE ADOPTION OF CHILDREN LAW (2003 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE DOMESTIC PARTNERSHIP LAW, 2020; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Governor in accordance with section 81 of the Constitution, after consultation with the Premier and with the prior approval of a Secretary of State.

Short title and commencement

1. (1) This Law may be cited as the Adoption of Children (Amendment) Law, 2020.
- (2) This Law comes into force immediately after the commencement of the *Domestic Partnership Law, 2020*.

Amendment of section 2 of the Adoption of Children Law (2003 Revision) - definitions

2. *The Adoption of Children Law (2003 Revision)*, in this Law referred to as the “principal Law”, is amended in section 2 as follows —
 - (a) by inserting in the appropriate alphabetical sequence the following definitions —

“**domestic partner**” has the meaning assigned by the *Domestic Partnership Law, 2020*; and



“**domestic partnership**” has the meaning assigned by the *Domestic Partnership Law, 2020*”; and

- (b) by deleting the definition of the word “**relative**” and substituting the following definition —

“ “**relative**”, in relation to a child, means a grandparent, brother, sister, aunt or uncle, whether of the full blood or half blood or by affinity (by marriage or domestic partnership), and includes any person who would be a relative of the child within the meaning of this definition if the adopted person were the child of the adopter, where an adoption order has been made in respect of the child or any other person;”.

Amendment of section 9 - power to make adoption orders

3. The principal Law is amended in section 9(2) as follows —
- (a) by inserting after the word “spouses” the words “or domestic partners”; and
 - (b) by inserting after the word “married” the words “or party to a domestic partnership”.

Amendment of section 10 - restrictions on making adoption orders

4. The principal Law is amended in section 10(4)(b) by inserting after the word “spouse” wherever it appears the words “or domestic partner”.

Amendment of section 11- consent to adoption

5. The principal Law is amended in section 11(2) as follows —
- (a) by inserting after the word “spouse” the words “or domestic partner”; and
 - (b) by inserting after the word “spouses” the words “or domestic partners”.

Amendment of section 15 - rights and duties of parents and capacity to marry

6. The principal Law is amended in section 15 as follows —
- (a) in the section heading, by inserting after the word “marry” the words “or enter into a domestic partnership”;
 - (b) in subsection (1) as follows —
 - (i) by inserting after the word “marriage” the words “or to entering into a domestic partnership”; and
 - (ii) by deleting the words “in lawful wedlock” wherever they appear;
 - (c) in subsection (2), by inserting after the word “spouses” wherever it appears the words “or domestic partners”; and
 - (d) in subsection (3), by deleting the words “marriage, an adopter and the person whom he has been authorised to adopt” and substituting the words



“marriage or domestic partnership, an adopter and the person whom the adopter has been authorised to adopt”.

Amendment of section 16 - affiliation orders, etc.

7. The principal Law is amended in section 16 as follows —

- (a) in subsection (1), by deleting the words “who is illegitimate, then”; and
- (b) in subsection (2), by inserting after the word “marries” the words “or enters into a domestic partnership”.

Amendment of section 17 - intestacies, wills and settlements

8. The principal Law is amended in section 17(1) and (2)(c) by deleting the words “born in lawful wedlock” wherever they appear.

Amendment of section 18 - provisions supplementary to section 17

9. The principal Law is amended in section 18(1)(a) by inserting after the word “spouses” the words “or domestic partners”.

Amendment of First Schedule - Adoption of Children Regulations (2003 Revision)

10. The principal Law is amended in the First Schedule as follows —

- (a) in the First Appendix, in Form A, by deleting the words “N.B – Where the application is made by one or two spouses, their marriage certificate must be affixed to this form.” and substituting the words “N.B. – Where the application is made by one or both spouses or domestic partners, their marriage certificate or domestic partnership certificate must be affixed to this form.”; and
- (b) in the Second Appendix, in Part I, as follows —
 - (i) in item 13, by inserting after the word “married” the words “or party to a domestic partnership”; and
 - (ii) in item 14, by inserting after the word “married” the words “or party to a domestic partnership”.

Amendment of Second Schedule - Adoption of Children Rules (2003 Revision)

11. The principal Law is amended in the Second Schedule as follows —

- (a) in rule 3(5), by inserting after the word “spouse” the words “or domestic partner”;
- (b) in rule 5(2), by inserting after the word “spouse” wherever it appears the words “or domestic partner”;
- (c) in rule 7(4), by inserting after the word “spouse” the words “or domestic partner”;

- (d) in rule 11(3)(b), by inserting after the word “spouse” the words “or domestic partner”;
- (e) in the Appendix as follows —
- (i) in Form A, in paragraph 4, as follows —
 - (A) by inserting after the words “married to” wherever they appear the words “/ party to a domestic partnership with”; and
 - (B) by inserting after the word “unmarried” the words “and not party to a domestic partnership”;
 - (ii) in Form B, by inserting after the word “spouses” the words “or by both applicants, if the application is being made by both parties to a domestic partnership”;
 - (iii) in Form C, in paragraph 4, by inserting after the word “married” the words “or party to a domestic partnership”;
 - (iv) in Form D, by inserting after the word “spouse” the words “or domestic partner”;
 - (v) in Form E, in paragraph (3) of the Notes, by inserting after the word “spouses” the words “or domestic partners”;
 - (vi) in Form F as follows —
 - (A) by deleting the words “male applicant” wherever they appear and substituting the words “first-named applicant”;
 - (B) by deleting the words “female applicant” wherever they appear and substituting the words “second-named applicant”;
 - (C) by inserting after the word “married” the words “or party to a domestic partnership”;
 - (D) by deleting the words “his wife” and substituting the words “the first-named applicant’s spouse or domestic partner”; and
 - (E) by deleting the words “male (and female)” wherever they appear;
 - (vii) in Form G as follows —
 - (A) by deleting the words “male applicant” wherever they appear and substituting the words “first-named applicant”;
 - (B) by deleting the words “female applicant” wherever they appear and substituting the words “second-named applicant”;
 - (C) by inserting after the word “married” the words “or party to a domestic partnership”;
 - (D) by deleting the words “his wife” wherever they appear and substituting the words “the first-named applicant’s spouse or domestic partner”; and



- (E) by deleting the words “male (and female)” wherever they appear; and
- (viii) in Form H, in paragraph (3) of the Notes, by inserting after the word “spouses” the words “or domestic partners”.

Assented to by the Governor the day of , 2020.

