CAYMAN ISLANDS



Children Act

(2012 Revision)

CHILDREN (PLANNING, PLACEMENT AND REVIEW) REGULATIONS, 2026

PUBLISHING DETAILS

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(2012 Revision)

CHILDREN (PLANNING, PLACEMENT AND REVIEW) REGULATIONS, 2026

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CAYMAN ISLANDS

Children Act

(2012 Revision)

CHILDREN (PLANNING, PLACEMENT AND REVIEW) REGULATIONS, 2026

In exercise of the powers conferred by sections 25, 28, 36, 54O and 95 of, and paragraphs 12 and 14(7) of Schedule 2 to, the Children Act (2012 Revision), the Cabinet makes the following Regulations —

PART 1 - PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Children (Planning, Placement and Review) Regulations, 2026.

(2) These Regulations come into force immediately after the *Children (Amendment) Act, 2024* comes into force.

Definitions

2. (1) In these Regulations —

"**appropriate person**" means —

(a) a person who is the child's parent, where the child is to live, or lives with, the parent;

(b) a person who is not the child's parent but who has parental responsibility for the child, where the child is to live, or lives with, the person;

(c) a person in whose favour a residence order was made, where the child is in the care of the Department and there was a residence order in force with respect to the child immediately before the care order was made;

(d) a departmental foster parent, where the child is to be placed, or is placed, with a departmental foster parent in accordance with the Act and these Regulations and any other applicable regulations;

(e) the person in charge of a children's home, where the child is to be placed, or is placed, in a children's home; or

(f) the person who shall be, or is, responsible for the child at an accommodation, where the child is to be placed, or is placed, in accordance with other arrangements which comply with any regulations made for the purposes of the provision of accommodation to the child;

"**case record**" has the meaning given by regulation 55;

"**independent person**" means a person who is regarded as independent of the Department, as set out in regulation 45;

"**independent visitor**" means an independent person who is appointed by the Department as a visitor of a child under paragraph 14 of Schedule 2 to the Act;

"**person in charge**", in relation to a children's home, has the meaning assigned by regulation 2 of the *Children's Homes Regulations, 2026*;

"**placement**" means —

(a) the provision of accommodation and maintenance by the Department for any child whom it is looking after by any of the means specified in section 25(2) of the Act; or

(b) allowing a child who is in the care of the Department to live pursuant to section 25(5) of the Act with —

(i) a parent of the child;

(ii) a person who is not a parent of the child but who has parental responsibility for the child; or

(iii) where there was a residence order in force with respect to the child immediately before the care order was made, a person in whose favour the residence order was made,

and the expressions "**place**" and "**placed**" shall be construed accordingly and for the purposes of paragraph (b), "**placed with**" a person means being allowed to live with that person pursuant to section 25(5);

"**placement decision**" means a decision by the Department in accordance with these Regulations to place a child; and

"**serious offence**" means an offence for which the maximum punishment is imprisonment for twelve months or more.

(2) A reference to a child who is looked after by the Department shall be interpreted in accordance with section 24(1) of the Act, having regard to the duties of the Department under sections 24(3) and 25(1) of the Act in respect of a child who the Department is looking after.

Scope of Regulations

3. (1) These Regulations shall apply to every child who —

(a) is being looked after by the Department; and

(b) is placed or is proposed to be placed by the Department.

(2) These Regulations shall not apply to the placement of child for adoption pursuant to the *Adoption Act, 2024*.

(3) Nothing in these Regulations shall require the temporary removal of a child from the person with whom the child is already living and with whom the child may be placed, before a decision is made concerning the child's placement.

(4) These Regulations shall not apply in a case to the extent that they are incompatible with any order made by a court under section 36 of the Act.

Notices to be in writing

4. A notice required under these Regulations shall be in writing.

PART 2 - ARRANGEMENTS FOR LOOKING AFTER A CHILD

Arrangements where child is being accommodated or maintained by Department by any of the means specified in section 25(2) of the Act but is not in care of Department

Making of arrangements

5. (1) The Department, before placing a child, so far as is practicable, shall make immediate and long-term arrangements for that placement and for promoting the welfare of the child who is to be placed.

(2) Where it is not practicable to make the arrangements referred to in paragraph (1) before the placement, the Department shall make them as soon as practicable after the placement.

(3) In the case of a child to whom section 22(10) of the Act applies, the arrangements, so far as is practicable, shall be agreed by the Department with the child before a placement is made and, if that is not practicable, as soon as practicable after the placement is made.

(4) In any other case in which a child is being provided accommodation or maintenance by the Department, but is not in the care of the Department, the arrangements, so far as is practicable, shall be agreed by the Department with —

(a) a person with parental responsibility for the child; or

(b) if there is no such person, the person who is caring for the child,

before a placement is made and if that is not practicable, as soon as is practicable after the placement is made.

(5) An arrangement made by the Department under this regulation shall be recorded in writing.

Considerations on making arrangements and contents of arrangements

6. The considerations to which the Department shall have regard so far as practicable in making the arrangements referred to in regulation 5 are set out in Schedule 1.

Notification of arrangements

7. (1) The Department, so far as is practicable, shall notify the following persons in writing of the arrangements to place a child before the placement is made —

(a) a person whose wishes and feelings have been sought under section 24(4) and section 54K(2) of the Act;

(b) the child's registered practitioner;

(c) a person who is caring for the child immediately before the arrangements are made;

(d) a person in whose favour a contact order is in force in respect of a child; and

(e) a judge, where the child is a ward of the court.

(2) Where it is not practicable to give the notification before the placement, the notification shall be given as soon as is practicable after the placement.

(3) The Department shall send to the persons identified in paragraph 4(1) of Schedule 1 a copy of the arrangements referred to in regulation 5 or such part of the arrangements as the Department considers will not prejudice the welfare of the child with the notification referred to in paragraph (1), but in the case of a notification referred to in paragraph (1)(b) to (e), the Department shall send details of the part of the arrangements as the Department considers that the person needs to know.

Arrangements for contact

8. In carrying out the arrangements referred to in paragraph 4(1) of Schedule 1, the Department shall endeavour to promote contact between the child and the persons mentioned in that subparagraph, unless it is not practicable or consistent with the child's welfare.

Health requirements in respect of children being accommodated or maintained by Department but not in care of Department

9. (1) Subject to paragraphs (3) and (4), the Department shall —

(a) make arrangements for a registered practitioner to conduct an assessment, which may include a physical examination of the child to determine the child's state of health, before making a placement, or if that is not practicable, as soon as is practicable after a placement is made;

(b) require the registered practitioner who conducts the assessment to prepare a written report of the assessment that addresses the matters listed in paragraph 2 of Schedule 1 and to submit the report immediately to the Department; and

(c) having regard to the matters listed in paragraph 2 of Schedule 1 and, unless paragraph (3) applies, prepare a plan for the future health care of the child if one is not already in existence.

(2) The Department shall ensure that during the placement, each child is provided with —

(a) health care services, including medical and dental treatment; and

(b) advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.

(3) Paragraph (1) does not apply if within a period of three months immediately preceding the placement, the child's health has been assessed and a report of the assessment is prepared in accordance with that paragraph.

(4) Paragraph (1)(a) and (b) does not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.

Where Department makes an application for a care order under section 33 of the Act

Care plans

10. (1) Pursuant to section 35A of the Act, in preparing a care plan, the Department shall convene meetings to ascertain the feelings, views and wishes of the following persons —

(a) the child;

(b) the parents of the child or any person who is not a parent of the child but who has parental responsibility for the child;

(c) the relatives of the child; and

(d) any other person whose wishes and feelings the Department considers to be relevant, having regard to the matter to be determined.

(2) Notwithstanding the requirement under paragraph (1) that the Department convene meetings for the purposes of preparing a care plan, the following persons may request that the Department reconvene such meetings during the course of preparing a care plan or pursuant to a review by the Department under paragraph (7) or (8) —

(a) the parents of the child or any person who is not a parent of the child but who has parental responsibility for the child; or

(b) the child, unless it would not be appropriate for the child to do so having regard to the child's age and understanding.

(3) Nothing under paragraph (2) shall be interpreted as empowering a person referred to in paragraph 2(a) or (b) to directly edit the care plan.

(4) A care plan shall include the following information —

(a) the long-term plan for the child's upbringing, whether by —

(i) reunification of the child with the parents of the child, and such information shall include details on any services to be provided by the Department or any services, the provision of which is to be facilitated by the Department, to enable reunification;

(ii) adoption, including considerations as to whether an application should be made under the Act for an order freeing a child for adoption; or

(iii) independent living,

and the timeframe within which this objective is to be achieved;

(b) the arrangements made by the Department to meet the child's needs in relation to —

(i) health, including the information in paragraph 1 of Schedule 2 ("the health plan");

(ii) education and training, including, so far as reasonably practicable, the information in paragraph 2 of Schedule 2 ("the personal education plan");

(iii) emotional and behavioural development;

(iv) identity, with regard to the child's religious persuasion, racial origin and cultural and linguistic background;

(v) family and social relationships and in particular, the information in paragraph 3 of Schedule 2;

(vi) social presentation; and

(vii) self-care skills;

(c) the name of the independent visitor;

(d) details of the wishes and feelings of —

(i) the child;

(ii) the parents of the child or any person who is not a parent of the child but who has parental responsibility for the child; and

(iii) any other person whose wishes and feelings the Department consider to be relevant, having regard to the matter to be determined,

and the wishes and feelings of the persons referred to in sub-subparagraphs (i), (ii) and (iii) in relation to any change, or proposed change, to the care plan;

(e) the responsibilities of the parent or person who has parental responsibility for the child;

(f) the responsibilities of the child, where appropriate;

(g) the responsibilities of health care providers; and

(h) a statement indicating the parties which agree with and the parties which disagree with the course of action proposed in the care plan.

(5) The Department shall provide a copy of the care plan —

(a) to the child, unless it would not be appropriate to do so having regard to the child's age and understanding;

(b) to the parent of the child or any person who is not a parent of the child but who has parental responsibility for the child;

(c) to the independent visitor;

(d) to the departmental foster parent, where the child is to be placed, or is placed, with a departmental foster parent in accordance with the Act, these Regulations and any other applicable regulations;

(e) to the person in charge of the children's home, where the child is to be placed, or is placed, in a children's home;

(f) to the person in charge of the residential care home, where the child is to be placed, or is placed, in a residential care home; and

(g) to the person who shall be, or is, responsible for the child at an accommodation, where the child is proposed to be placed, or is placed, in accordance with other arrangements that comply with any regulations made for the purposes of the provision of accommodation to the child.

(6) Notwithstanding paragraph (5)(b), the Department shall not provide a copy of the care plan to the parent of the child or a person who is not a parent of the child but who has parental responsibility for the child where the Department determines that providing a copy of the care plan to that person would put the child at risk of significant harm.

(7) Subject to paragraph (8), the Department shall review care plans as follows —

(a) within three months of the completion of the initial care plan; and

(b) following the review under subparagraph (a), reviews shall take place at intervals of no more than six months.

(8) The court, by order, may set specific dates on which, or may specify different timelines within which, the Department shall review a care plan, and the Department shall comply with the order.

(9) Where the Department reviews a care plan, the Department, within a period of time as the court may direct, shall provide the court with a written report that includes the following —

(a) the results of the review;

(b) the objectives that were achieved;

(c) the objectives that are outstanding;

(d) where the Department is of the opinion that some change is required, a revised plan; and

(e) a recommendation to the court as to whether the order made, and any conditions of the order, in relation to the child should continue in force, be varied, suspended or set aside, and the reasons for the recommendation.

Health requirements for children in respect of whom the Department makes an application for a care order

11. (1) For the purposes of arrangements regarding the health of the child, and subject to paragraph (2), the Department shall —

(a) make arrangements for a registered practitioner to conduct an assessment, and the assessment may include a physical examination of the child to determine the child's state of health; and

(b) require the registered practitioner who conducts the assessment to prepare a written report of the assessment that addresses the matters listed in paragraph 1 of Schedule 2 and to submit the report immediately to the Department.

(2) Paragraph (1) does not apply if —

(a) within a period of three months immediately preceding the placement, the child's health has been assessed and a report of the assessment is prepared in accordance with that paragraph; or

(b) the child, being of sufficient understanding to do so, refuses to consent to the assessment.

PART 3 - PROVISIONS FOR DIFFERENT TYPES OF PLACEMENT

Placement of children with departmental foster parent pursuant to section 25(2)(a) of the Act

Assessment of prospective departmental foster parents

12. (1) The Department shall carry out an assessment of any person whom it considers may be suitable to become a departmental foster parent in accordance with this regulation.

(2) If the Department considers that a person may be suitable to act as a departmental foster parent, the Department shall —

(a) obtain the information specified in Schedule 3 relating to the prospective departmental foster parent and other members of the prospective departmental foster parent's household and family, and any other information the Department considers relevant;

(b) obtain personal references in writing from at least two persons who were nominated by the prospective departmental foster parent to provide personal references for the prospective departmental foster parent; and

(c) having regard to the matters specified in subparagraphs (a) and (b), consider whether the prospective departmental foster parent is suitable to act as a departmental foster parent and whether the prospective departmental foster parent's household is suitable for any child in respect of whom approval may be given.

(3) Subject to paragraph (4), a person shall not be regarded as suitable for assessment and placement as a departmental foster parent if the person or any member of the person's household aged eighteen years or older —

(a) has been convicted of a serious offence within the period of five years immediately preceding the assessment;

(b) has been convicted of an offence that cannot be expunged in accordance with the *Criminal Records (Spent Convictions) Act (2018 Revision)*; or

(c) the person is a person who has been convicted of any of the following offences —

(i) murder;

(ii) manslaughter;

(iii) attempted murder;

(iv) offences relating to children under the *Penal Code (2026 Revision)*, under any other legislation in the Islands, or under the law of another jurisdiction;

(v) 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; or

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

(4) Notwithstanding paragraph (3), the Department may regard a person under that paragraph as suitable to act or to continue to act, as the case may be, as a departmental foster parent in relation to a particular named child or children if the Department is satisfied that the welfare of that child or those children requires it, and —

(a) the person, or a member of the person's household, is a relative of the child; or

(b) the person is already acting as a departmental foster parent for the child.

Approval of departmental foster parents

13. (1) Except in the case of an emergency, immediate or urgent placement under regulation 21, a child shall not be placed unless the prospective departmental foster parent is approved by the Department under this regulation.

(2) The Department shall not give any approval under this regulation unless the Department has first completed its assessment of the prospective departmental foster parent's suitability in accordance with regulation 12 and, having had regard to those matters, is satisfied that the person is suitable to act as a departmental foster parent and that the person's household is suitable for any child in respect of whom approval is given.

(3) An approval given under this regulation may be in respect of —

(a) a particular named child or children;

(b) a particular number and age range of children; or

(c) placements of any particular kind or in any particular circumstances.

(4) Where the Department approves a person as a departmental foster parent, the Department —

(a) shall give the person notice specifying the terms of the approval including whether the approval is in respect of a particular named child or children or a particular number and age range of children; and

(b) notwithstanding subparagraph (a), shall not place a child with the person unless the person enters into a departmental foster care agreement with the Department covering the matters specified in Schedule 4.

(5) Where the Department decides not to approve a person as a departmental foster parent the Department shall give the person notice of the decision and the reasons for the decision.

Reviews and termination of approvals

14. (1) Where a departmental foster parent has been approved under regulation 13, the Department shall review whether the departmental foster parent and the departmental foster parent's household continue to be suitable for the purposes of the Act and these Regulations —

(a) not more than a year after approval; and

(b) after the date of the review conducted under subparagraph (a), where the Department considers it necessary, at intervals of not more than a year.

(2) When undertaking a review, the Department shall seek and take into account the views of —

(a) the departmental foster parent; and

(b) subject to the child's age and understanding, any child placed with the departmental foster parent.

(3) Where on a review the Department is no longer satisfied —

(a) that the terms of the approval under regulation 13 are appropriate, the Department shall revise the terms accordingly; or

(b) that the departmental foster parent or the departmental foster parent's household is suitable, the Department shall terminate the approval from a date to be specified in the notice under paragraph (4).

(4) Within thirty days after the conclusion of the review, the Department shall prepare a written report and give notice to the departmental foster parent of the Department's decision, including notice of any revision of the terms of the approval under these Regulations.

(5) Where —

(a) the departmental foster parent notifies the Department that the departmental foster parent no longer wishes to act as a departmental foster parent; or

(b) the Department is otherwise satisfied that the departmental foster parent no longer wishes to act as a departmental foster parent,

the Department shall terminate the approval under regulation 13 from a date to be specified by a notice served on the departmental foster parent.

Fitness as a departmental foster parent

15. A person is regarded to be fit to be a departmental foster parent where the person, in the opinion of the Department —

(a) is of integrity and good character; and

(b) is physically and mentally fit to carry on the role as a departmental foster parent,

and full and satisfactory information is available in relation to the person in respect of the matters specified in Schedule 3.

Placement with a departmental foster parent

16. (1) The Department shall not place a child with a departmental foster parent unless the Department is satisfied that —

(a) that is the most suitable way of performing the Department's duties under section 24(3) of the Act; and

(b) placement with the particular departmental foster parent is the most suitable placement having regard to the circumstances.

(2) Except in the case of an emergency, immediate or urgent placement under regulation 21 and further to the requirements under these Regulations regarding the placement of a child with a person who is approved as a departmental foster parent, the Department shall not place a child unless the Department and the departmental foster parent have entered into a foster placement agreement relating to that child covering the matters specified in Schedule 5.

Supervision of placement with departmental foster parent

17. (1) The Department shall satisfy itself that the welfare of each child placed by the Department continues to be suitably provided for by the placement and for this purpose the Department shall —

(a) make arrangements for an officer of the Department to visit the child in the home in which the child is placed from time to time as circumstances may require and when reasonably requested by the child or the departmental foster parent and in particular (but subject to regulation 20(2)) —

(i) in the first year of the placement, within one week from its beginning and then at intervals of not more than four weeks; and

(ii) subsequently, in the case of a placement that is not a long-term placement, at intervals of not more than three weeks, and in the case of a long-term placement, at intervals of not more than three months; and

(b) give advice to the departmental foster parent as appears to the Department to be needed.

(2) In the case of an emergency, immediate or urgent placement under regulation 21, the Department shall arrange for the child to be visited at least once in each week during the placement.

(3) On each occasion on which the child is visited under this regulation, the Department shall cause one of its officers, if it considers it appropriate, to arrange to see the child alone.

(4) On each occasion on which a child is visited under this regulation, the officer who made the visit shall provide the Department with a written report within thirty days after the visit.

(5) For the purposes of this regulation, "**long-term placement**" means a placement that lasts for more than one year and which is expected or intended to continue until the child attains the age of eighteen.

Responsibility of Department regarding health care services during placement with departmental foster parent

18. The Department shall ensure that during the placement, each child is provided with —

(a) health care services, including medical and dental treatment; and

(b) advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.

Termination of placement with departmental foster parent

19. Where a child has been placed by the Department and it appears to the Department that continuation of the placement would be detrimental to the welfare of that child, the Department shall immediately terminate the placement.

Short-term placement with departmental foster parent

20. (1) This regulation applies where the Department has arranged to place a child in a series of short-term placements with the same departmental foster parent.

(2) Any series of short-term placements to which this regulation applies may be treated as a single placement for the purpose of these Regulations but with the modification that a visit under regulation 17(1)(a) shall be made —

(a) during the first placement in the series of placements; and

(b) if the series of placements continues, at intervals of not more than six months, or if the intervals between placements exceeds six months, during the next placement.

(3) For the purposes of this regulation, a placement is referred to as a short-term placement where —

(a) all the placements occur within a period that does not exceed a year;

(b) no single placement is for a duration of more than four weeks; and

(c) the total duration of all the placements does not exceed ninety days in the aggregate.

Emergency, immediate or urgent placements by Department

21. (1) Where a child requires emergency, immediate or urgent placement, the Department may, for a period not exceeding seventy-two hours, place the child with any departmental foster parent approved under regulation 13.

(2) The Department, before making an emergency, immediate or urgent placement pursuant to paragraph (1), shall —

(a) be satisfied that that is the most suitable way of performing the Department's duties under section 24(3) of the Act; and

(b) obtain a written agreement from the person with whom the child is to be placed that that person will carry out the duties specified in paragraph (4).

(3) Where the Department determines that the emergency, immediate or urgent placement of a child is necessary, the Department may, for a period not exceeding seventy-two hours, place the child with a person who has not been approved under regulation 13 after —

(a) first interviewing the person;

(b) inspecting the accommodation;

(c) taking into account the matters set out in Schedule 7; and

(d) satisfying itself that —

(i) the person is a relative or friend of the child, or that the person is a suitable person; and

(ii) that is the most suitable way of performing the Department's duties under section 24(3) of the Act; and

(e) obtaining a written agreement from the person with whom the child is to be placed that the person will carry out the duties specified in paragraph (4).

(4) For the purposes of paragraph (2)(b) and (3)(e), the duties are —

(a) to care for the child as if the child were a member of that person's family;

(b) to permit any person authorised by the Department to visit the child at any time;

(c) to ensure that any information that the departmental foster parent may acquire relating to the child, or to the child's family or any other person, which has been given to the departmental foster parent in confidence in connection with the placement is kept confidential and is not disclosed except to, or with the agreement of, the Department; and

(d) to allow contact with the child in accordance with section 10 or 36 of the Act, or with any arrangements made or agreed by the Department.

Notifiable events

22. (1) If, in relation to a departmental foster parent, any of the events in column 1 of the table in Schedule 6 takes place, the departmental foster parent shall immediately notify the persons indicated in respect of the event in column 2 of the table.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

(3) After the Department is notified of an event pursuant to paragraph (1), the Department shall, insofar as it is practicable, immediately give written notification of the event to —

(a) the parents or guardians of any child concerned; and

(b) any person who has parental responsibility for the child,

unless the Department determines that it would not be in the best interests of the child to give written notification to a person referred to in this paragraph.

(4) The chief officer of the Ministry responsible for the Department, in accordance with paragraph (5), shall submit to the Cabinet a monthly report of all notifications received by the chief officer pursuant to this regulation.

(5) The report referred to in paragraph (4) shall be submitted to the Cabinet on or before the 15th day of the month immediately following the month to which the report relates.

Placement of children in children's home

Placement of children in a children's home

23. The Department may place a child in a children's home where the Department satisfies itself that the children's home is satisfactorily safeguarding and promoting the welfare of the children so provided with accommodation.

Supervision of placement in children's home

24. (1) The Department shall satisfy itself that the welfare of each child placed in a children's home by the Department continues to be suitably provided for by the placement and for this purpose the Department shall —

(a) make arrangements for an officer of the Department to visit the child in the children's home in which the child is placed from time to time as circumstances may require and when reasonably requested by the child or the person in charge of the children's home and in particular (but subject to regulation 26(2)) —

(i) in the first year of the placement, within one week from its beginning and then at intervals of not more than four weeks; and

(ii) subsequently, in the case of a placement that is not a long-term placement, at intervals of not more than three weeks, and in the case of a long-term placement, at intervals of not more than three months; and

(b) give advice to the person in charge of the children's home as appears to the Department to be needed.

(2) In the case of an emergency, immediate or urgent placement under regulation 27, the Department shall arrange for the child to be visited at least once in each week during the placement.

(3) On each occasion on which the child is visited under this regulation, the Department shall cause one of its officers, if it considers it appropriate, to arrange to see the child alone.

(4) On each occasion on which a child is visited under this regulation, the officer who made the visit shall provide the Department with a written report within thirty days after the visit.

(5) For the purposes of this regulation, "**long-term placement**" means a placement that lasts for more than one year and which is expected or intended to continue until the child attains the age of eighteen.

Responsibility of Department regarding health care services during placement in children's home

25. The Department shall ensure that during the placement, each child is provided with —

(a) health care services, including medical and dental treatment; and

(b) advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.

Short-term placement in children's home

26. (1) This regulation applies where the Department has arranged to place a child in a series of short-term placements with the same children's home.

(2) Any series of short-term placements to which this regulation applies may be treated as a single placement for the purpose of these Regulations but with the modification that a visit under regulation 24(1)(a) shall be made —

(a) during the first placement in the series of placements; and

(b) if the series of placements continues, at intervals of not more than six months, or if the intervals between placements exceeds six months, during the next placement.

(3) For the purposes of this regulation, a placement is referred to as a short-term placement where —

(a) all the placements occur within a period that does not exceed a year;

(b) no single placement is for a duration of more than four weeks; and

(c) the total duration of all the placements does not exceed ninety days in the aggregate.

Emergency, immediate or urgent placement in children's home

27. Where a child requires emergency, immediate or urgent placement, the Department may, for a period not exceeding seventy-two hours, place the child in a children's home.

Duties of the Department in relation to placement in children's home

28. The Department, before placing a child in a children's home, shall be satisfied that that is the most suitable way of performing the Department's duties under section 25(2) of the Act.

Notification of significant events

29. (1) If, in relation to a children's home, any of the events set out in Schedule 4 to the *Children's Homes Regulations, 2026* takes place, the responsible authority of the children's home shall immediately give written notification of the event to the persons referred to in regulation 21(1) of the *Children's Homes Regulations, 2026* in accordance with that regulation.

(2) For the purposes of paragraph (1), "**responsible authority**" has the meaning assigned by regulation 2 of the *Children's Homes Regulations, 2026*.

Termination of placement in children's home

30. If it appears to the Department that a placement in a children's home is no longer in accordance with the Department's duty in respect of the child under section 25(2) of the Act or would prejudice the safety of the child, the Department shall, as applicable —

(a) terminate the placement and immediately remove the child from the children's home; or

(b) where the placement was made pursuant to an order of the court, notify the court in writing of the Department's concerns so that the court may make any order or take any other action that the court considers fit.

Notification of termination of placement in children's home

31. (1) In relation to a decision to terminate a placement by the Department under regulation 30(a), the Department, so far as is practicable and subject to paragraph (3), shall —

(a) give notice in writing of a decision to terminate the placement before it is terminated to —

(i) the child, having regard to the child's age and understanding;

(ii) the other persons whose wishes and feelings have been sought in relation to the decision to terminate the placement;

(iii) the person in charge of the children's home at which the child is placed;

(iv) the parents or guardians of the child concerned;

(v) any person who has parental responsibility for the child in the children's home;

(vi) any other person who has undertaken to meet any fees or expenses incurred in accommodating the child concerned at the children's home; and

(vii) any other person whom the Department considers should be given notice having regard to the circumstances, including a guardian *ad litem*, if applicable; and

(b) give notice in writing of the termination of the placement to the persons referred to in subparagraph (a), other than the child and the person in charge of the children's home at which the child is placed.

(2) In the case where the Department notifies the court of its concerns under regulation 30(b), the Department, so far as is practicable and subject to paragraph (4), shall notify the following persons in writing that the Department has done so —

(a) the child, having regard to the child's age and understanding;

(b) the person in charge of the children's home at which the child is placed;

(c) the parents or guardians of the child concerned;

(d) any person who has parental responsibility for the child in the children's home;

(e) any other person who has undertaken to meet any fees or expenses incurred in accommodating the child concerned at the children's home; and

(f) any other person whom the Department considers should be given notice having regard to the circumstances, including a guardian *ad litem*, if applicable.

(3) The Department is not required to give a notice under paragraph (1) to a person referred to in paragraph (1)(a)(iv), (v) or (vi) if the Department determines that it would not be in the best interests of the child.

(4) The Department is not required to give the notification under paragraph (2) to a person referred to in paragraph (2)(c), (d), or (e) if the Department determines that it would not be in the best interests of the child, unless the court directs the Department to give the notification to the person.

Placement of children pursuant to section 25(5) of the Act

Enquiries and assessment

32. (1) The Department, before making a placement decision pursuant to section 25(5) of the Act, shall make the necessary enquiries in respect of —

(a) the health of the child;

(b) the suitability of the person with whom it is proposed that the child should be placed;

(c) the suitability of the proposed accommodation, including the proposed sleeping arrangements;

(d) the educational and social needs of the child; and

(e) the suitability of the other members of the household, aged eighteen years or older, in which it is proposed a child will live.

(2) In considering the suitability of a person as required by paragraph (1)(b) and (e), the Department shall take into account the particulars specified in Schedule 8, so far as practicable.

Duties of the Department in relation to placements pursuant to section 25(5) of the Act

33. The Department shall satisfy itself that the placement of a child, having regard to the circumstances, is the most suitable way of performing its duty under section 25(2) of the Act.

Immediate placements

34. (1) Subject to paragraph (2) —

(a) nothing in regulation 32 shall prevent the immediate placement of a child pursuant to a placement decision in circumstances in which the Department considers that to be necessary and in accordance with its duty under section 25(2) of the Act; and

(b) where the Department considers an immediate placement to be necessary and in accordance with its duty under section 25(2) of the Act, the Department shall take steps to ensure that the provisions of these Regulations that would otherwise have to be complied with before the placement decision is made are complied with as soon as practicable after the placement decision is made.

(2) The Department, before making an immediate placement pursuant to this regulation, shall —

(a) arrange for the person with whom the child is to be placed to be interviewed in order to obtain as much of the information specified in paragraph 1 of Schedule 8 as can be readily ascertained at the interview; and

(b) arrange to obtain as much of the information specified in paragraph 2 of Schedule 8 in relation to other members of the household aged eighteen years or older, in which it is proposed the child will live, as can be readily ascertained at the time of that interview.

Provisions of agreements

35. Following a placement decision pursuant to section 25(5) of the Act, the Department shall seek to reach an agreement with the person with whom the child is to be placed on all the particulars specified in Schedule 9, so far as is practicable, and the placement shall not be put into effect unless and until —

(a) an agreement on all the particulars has been reached and recorded in writing; and

(b) a copy of it has been given or sent to that person.

Notification of placement pursuant to section 25(5) of the Act

36. (1) Subject to paragraph (3), the Department shall give notice, so far as practicable, to the persons whose wishes and feelings have been sought in relation to the decision to place the child and to those persons specified in paragraph (4) of —

(a) the placement decision pursuant to section 25(5) of the Act; and

(b) the details of where the child is to be placed.

(2) Where the child is placed with a person other than a parent of the child, the Department's notice under paragraph (1) to the persons referred to in that paragraph shall contain —

(a) the name and address of the person with whom the child is placed;

(b) particulars of arrangements for contact with the child; and

(c) any other particulars relating to the care and welfare of the child which appears to the Department ought to be supplied.

(3) The Department shall not be required to give notice under paragraph (1) —

(a) in the case of a person whose whereabouts are unknown to the Department, or cannot be readily ascertained; or

(b) in any case where the Department determines that to give the notice would not be in accordance with its duty under section 25(2) of the Act.

(4) For the purposes of paragraph (1), the persons specified are —

(a) the chief officer of the Ministry responsible for the Department;

(b) the child's registered practitioner;

(c) any person, not being an officer of the Department, who has been caring for the child immediately before the placement; and

(d) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the residence order was made.

Support and supervision of placement pursuant to section 25(5) of the Act

37. (1) The Department shall satisfy itself that the welfare of a child who has been placed by the Department pursuant to section 25(5) of the Act continues to be appropriately provided for by the placement, and for that purpose the Department shall —

(a) give advice and assistance to the person with whom the child is placed as appears to be necessary; and

(b) make arrangements for a person authorised by the Department to visit the child from time to time as necessary but in any event —

(i) within one week of the beginning of the placement;

(ii) at intervals of not more than six weeks during the first year of the placement; and

(iii) after the first year of the placement, at intervals of not more than three months and whenever reasonably requested by the child or the person with whom the child is placed.

(2) The person authorised by the Department under paragraph (1) to visit the child shall make arrangements, so far as practicable, on each visit to see the child alone.

(3) On each occasion in which a child is visited pursuant to this regulation by any person authorised by the Department, the Department shall cause a written report on the child to be prepared by that person within thirty days after the visit.

Termination of placement made pursuant to section 25(5) of the Act

38. If it appears to the Department that a placement pursuant to section 25(5) of the Act is no longer in accordance with the Department's duty in respect of the child under section 25(2) of the Act or would prejudice the safety of the child, the Department shall terminate the placement and immediately remove the child from the person with whom the child is placed.

Notification of termination of placement made pursuant to section 25(5) of the Act

39. In relation to a decision to terminate a placement made pursuant to section 25(5) of the Act, the Department, so far as is practicable, shall —

(a) give notice in writing of a decision to terminate the placement before it is terminated to —

(i) the child, having regard to the child's age and understanding;

(ii) the other persons whose wishes and feelings have been sought in relation to the decision to terminate the placement;

(iii) the person with whom the child is placed;

(iv) the other persons to whom regulation 36(1) refers; and

(v) any other person whom the Department considers should be given notice having regard to the circumstances, including a guardian *ad litem*, if applicable; and

(b) give notice in writing of the termination of the placement to the persons referred to in subparagraph (a), other than the child and the person with whom the child was placed.

Short-term placement pursuant to section 25(5) of the Act

40. (1) For the purposes of this regulation, a short-term placement pursuant to section 25(5) of the Act is a placement where the following conditions are satisfied —

(a) all the placements occur within a period that does not exceed one year;

(b) no single placement is for a duration of more than four weeks; and

(c) the total duration of all the placements does not exceed ninety days in the aggregate.

(2) Any series of short-term placements to which this regulation applies may be treated as a single placement for the purpose of these Regulations.

(3) The Department shall satisfy itself that the welfare of a child who has been placed by the Department pursuant to section 25(5) of the Act continues to be appropriately provided for by the short-term placement, and for that purpose the Department shall make arrangements for a person authorised by the Department to visit the child from time to time as necessary but in any event —

(a) during the first of the series of short-term placements to which this regulation applies; and

(b) on two other occasions during the series of short-term placements of the child.

PART 4 - CONTACT WITH CHILDREN

Department's refusal of contact

41. Where, pursuant to section 36(6) of the Act, the Department decides to refuse a person contact with a child, as soon as the decision is made, the Department shall notify the following persons in writing of the available information specified in regulation 44 as the Department considers those persons need to know —

(a) the child, if the child is of sufficient understanding;

(b) the child's parents;

(c) any person who is not a parent of the child but who has parental responsibility for the child;

(d) the person in whose favour a residence order was made in respect of the child, where there was a residence order in force with respect to the child immediately before the care order was made;

(e) where applicable, the person who had care of the child by virtue of an order made in the exercise of the Grand Court's inherent jurisdiction with respect to children, immediately before the care order was made;

(f) a judge, where the child is a ward of the court; and

(g) any other person whose wishes and feelings the Department consider to be relevant.

Departure from terms of court order on contact under section 36 of the Act

42. The Department may depart from the terms of an order under section 36 of the Act by agreement between the Department and the person in relation to whom the order is made in the following circumstances and subject to the following conditions —

(a) an application is made to the court for a variation, suspension or discharge of the court order;

(b) an agreement is made between the child and the Department where the child is of sufficient understanding; and

(c) a written notification is sent to the persons specified in regulation 41 containing the available information specified in regulation 44 as the Department considers those persons need to know, within seven days of the agreement to depart from the terms of the order.

Notification of variation or suspension of contact arrangements

43. Where the Department varies or suspends any arrangements made otherwise than under an order made under section 36 of the Act with a view to affording any person contact with a child in the care of the Department, written notification shall be sent to those persons specified in regulation 41 containing the available information specified in regulation 44 as the Department considers those persons need to know, as soon as the decision is made to vary or suspend the arrangements.

Information to be contained in written notification

44. The information which the Department shall provide in a written notification under these Regulations is as follows —

(a) the Department's decision;

(b) the date of the decision;

(c) the reasons for the decision;

(d) the duration of the decision, if applicable; and

(e) the remedies available in case of dissatisfaction with the decision.

PART 5 - INDEPENDENT VISITORS

Circumstances where person appointed as visitor is to be regarded as independent of the Department

45. A person appointed by the Department as a visitor under paragraph 14 of Schedule 2 to the Act shall be regarded as independent of the Department where —

(a) the person appointed is not an officer of the Department or a spouse or civil partner of such a person; or

(b) the child who is to receive visits from the person appointed is accommodated by an organisation other than the Department, and the person appointed is not —

(i) a member of that organisation;

(ii) a patron or trustee of that organisation;

(iii) an employee of that organisation, whether paid or not; or

(iv) a spouse or civil partner of any person specified in sub-subparagraphs (i) to (iii).

PART 6 - REVIEW OF CHILDREN'S CASES

Time when cases are to be reviewed

46. (1) Within four weeks after the date on which a child begins to be looked after by the Department, the Department shall review the child's case.

(2) The Department shall —

(a) conduct a second review not more than three months after the first review referred to in paragraph (1); and

(b) after the second review, subsequent reviews shall be conducted not more than six months after the date of the previous review.

Manner in which cases are to be reviewed

47. (1) The Department shall —

(a) set out in writing the arrangements governing the manner in which the case of each child shall be reviewed; and

(b) in writing, notify those persons specified in regulation 50(1) of the arrangements.

(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 include, so far as practicable, the elements specified in Schedule 10.

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

Considerations to which the Department is to have regard

48. The considerations to which the Department is to have regard in reviewing each case are the general considerations specified in Schedule 11 and the considerations concerning the health of the child specified in Schedule 12.

Health reviews

49. (1) The Department shall request one of its officers to make arrangements for a child in the care of the Department to be examined by a registered practitioner and for an assessment on the state of the health of the child to be conducted by the registered practitioner —

(a) in the case of a child who has not attained the age of two years, at least once in every six months before the child's second birthday; and

(b) in the case of a child who has attained the age of two years, at least once in every period of twelve months after the child's second birthday.

(2) The registered practitioner who conducts an assessment referred to in paragraph (1) —

(a) may conduct a physical examination of the child to determine the child's state of health; and

(b) shall prepare a written report of the assessment that addresses the matters listed in Schedule 12 and submit the report immediately to the Department.

Consultation, participation and notification

50. (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) the child's parents;

(c) any person who is not a parent of the child but who has parental responsibility for the child; and

(d) any other person whose views the Department considers to be relevant,

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

(3) The Department shall provide, so far as is reasonably practicable, 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) the child's parents;

(c) any person who is not a parent of the child but who has parental responsibility for the child; and

(d) any other person who the Department considers ought to be notified.

Arrangements for implementation of decisions arising out of reviews

51. 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

52. The Department shall monitor the arrangements that it has made pursuant to regulation 51 with a view to ensuring that it complies with these Regulations.

Recording of review information

53. The Department shall ensure that the following information in respect of the review of a child's case is recorded in writing —

(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.

Application of this Part to short periods of care

54. (1) This Part also applies to cases in which a child is looked after by the Department for a series of short periods where the following conditions are satisfied —

(a) all the periods are included within a period that does not exceed one year;

(b) no single period is for a duration of more than four weeks; and

(c) the total duration of all the periods does not exceed ninety days in the aggregate.

(2) The cases specified in paragraph (1) may be treated as a single case of a child being looked after by the Department for the purpose of this Part.

PART 7 - KEEPING AND MAINTENANCE OF RECORDS AND REGISTERS

Establishment of case records

55. (1) The Department shall establish a case record in accordance with paragraph (2) in respect of each child whom the Department places, if a case record is not already in existence in respect of the child.

(2) For the purposes of paragraph (1), a case record shall be written and shall include —

(a) a copy of the care plan, or where there is no care plan, a copy of the arrangements made in respect of the child;

(b) a copy of any written report in the possession of the Department concerning the welfare of the child;

(c) a copy of any document considered or record established in the course of or as a result of a review of the child's case; and

(d) details of arrangements for contact, of contact orders and of other court orders relating to the child.

(3) Where the case record relates to the placement of a child with —

(a) a departmental foster parent approved under regulation 13; or

(b) a person who is not an approved departmental foster parent but with whom the child is placed pursuant to regulation 21,

the case record shall include copies of each of the documents specified in paragraph (4) and the information specified in paragraph (5).

(4) For the purposes of paragraph (3), the documents are a copy of —

(a) the notice of approval under regulation 13(4)(a);

(b) the agreement under regulation 13(4)(b);

(c) any report of review of approval under regulation 14(4);

(d) any notice of termination of approval under regulations 14(3) or (5); or

(e) any agreement specified in regulation 21(2)(b) and regulation 21(3)(e).

(5) For the purposes of paragraph (3), the information is —

(a) a record of each placement with the departmental foster parent or person, not being an approved departmental foster parent, with whom a child is placed pursuant to regulation 21, including the name, age and sex of each child placed, the dates on which each placement began and terminated and the circumstances of the termination;

(b) the information obtained by the Department in relation to the approval of the departmental foster parent and in relation to any review of the termination of the approval; and

(c) the information obtained under regulation 21(3).

(6) The Department shall compile a record for each prospective departmental foster parent to whom notice is given under regulation 13(5) that the prospective departmental foster parent is not approved as a departmental foster parent and the record shall include —

(a) a copy of the notice; and

(b) the information, as to the prospective departmental foster parent and the prospective departmental foster parent's household and family, obtained by the Department in connection with the question of approval.

Retention and confidentiality of records

56. (1) A case record relating to a child who is placed shall be retained by the Department until —

(a) the seventy-fifth anniversary of the date of birth of the child to whom the case record relates; or

(b) if the child dies before attaining the age of eighteen, for a period of fifteen years after the date of the child's death.

(2) The requirements of paragraph (1) may be complied with by —

(a) retaining the original written case record, or a copy of it; or

(b) keeping the information from the case record in some other accessible form such as by electronic means.

(3) Any case record in respect of a child shall be dealt with in accordance with paragraph (4).

(4) The Department shall safely keep case records and shall take the necessary steps to ensure that information contained in them is dealt with confidentially, subject to —

(a) a provision of, or made under or by virtue of, an Act under which access to the case records or information may be obtained or given; or

(b) a court order under which access to the case records or information may be obtained or given.

Register

57. (1) The Department shall keep and maintain any registers as may be required in respect of the various placements of children under the Act and these Regulations.

(2) The following particulars shall be entered into a register referred to in paragraph (1) —

(a) the name, sex and date of birth of the child;

(b) the name and address of the person with whom the child is placed and, if different, of those of the child's parent or other person not being a parent of the child who has parental responsibility for the child;

(c) whether the child's name is entered on the register indicating that the child is at risk of being abused;

(d) the date on which each placement of the child began and terminated and the reason for each termination;

(e) the legal provisions under which the child is being looked after; and

(f) in the case of a departmental foster parent who is approved under regulation 13 or a person who is not an approved departmental foster parent but with whom a child is placed pursuant to regulation 21, in addition to the particulars in subparagraphs (a) to (e), the following particulars —

(i) the name and address of the departmental foster parent (or, where departmental foster parents are approved jointly, of both departmental foster parents) or other person with whom the child is placed pursuant to regulation 21;

(ii) the date of the approval under regulation 13 or agreement specified in regulation 21(2)(b) and regulation 21(3)(e); and

(iii) the terms of the notice of approval under regulation 13(4)(a) or of the agreement specified in regulation 21(2)(b) and regulation 21(3)(e) as for the time being in force.

(3) Entries in registers kept in accordance with this regulation shall be retained until —

(a) the child to whom the entry relates attains the age of twenty-five; or

(b) if the child has died before attaining twenty-five, up to five years after the date of the child's death.

(4) Any entry made in a register kept in accordance with this regulation shall be dealt with in accordance with paragraph (6).

(5) The requirements of paragraph (1) may be complied with either by —

(a) retaining the original register, or a copy of it; or

(b) keeping the information from the register in some other accessible form such as by electronic means.

(6) The Department shall safely keep, or make arrangements for the safe keeping of, entries in registers and shall take the necessary steps to ensure that information contained in the entries is treated confidentially, subject to —

(a) any provision of, or made under or by virtue of, an Act under which access to such records or information may be obtained or given; or

(b) any court order under which access to such records or information may be obtained or given.

PART 8 - GENERAL

Repeal of certain Regulations and transitional provisions

58. (1) The following Regulations are repealed —

(a) *Arrangement for Placement of Children (General) Regulations, 2012*;

(b) *Contact with Children Regulations, 2012*;

(c) *Definition of Independent Visitors (Children) Regulations, 2012*;

(d) *Foster Placement (Children) Regulations, 2012*;

(e) *Placement of Children with Parents Regulations, 2012*; and

(f) *Review of Children's Cases Regulations, 2012*.

(2) Notwithstanding paragraph (1)(a), (b), (c), (e) and (f), where, on the commencement of the *Children (Amendment) Act, 2024* —

(a) a child is being provided with accommodation and maintenance by the Department pursuant to section 25(2) of the principal Act or arrangements have been made for the provision of accommodation and maintenance by the Department pursuant to section 25(2) of the principal Act; or

(b) a child is living with a person pursuant to section 25(5) of the principal Act or arrangements have been made for the child to live with a person pursuant to section 25(5) of the principal Act,

the *Arrangement for Placement of Children (General) Regulations, 2012*, the *Contact with Children Regulations, 2012*, the *Definition of Independent Visitors (Children) Regulations, 2012*, the *Placement of Children with Parents Regulations, 2012* and the *Review of Children's Cases Regulations, 2012*, as applicable, shall continue to apply in accordance with paragraph (3).

(3) For the purposes of paragraph (2), the Regulations referred to in that paragraph shall continue to apply —

(a) where a placement has been made, until the end of the placement; and

(b) where arrangements are being made for a placement or a decision has been made for a placement, for the purposes of the making of the arrangements for a placement and any decision to make a placement, until the end of the placement made pursuant to those arrangements or decision.

(4) Notwithstanding paragraph (1)(d), where, on the commencement of the *Children (Amendment) Act, 2024*, a person is fostering a child privately, the *Foster Placement (Children) Regulations, 2012* shall continue to apply until the

person ceases fostering the child in accordance with that paragraph, which shall be no later than twelve months after the date of commencement of that Act.

(5) For the purposes of this regulation, "**principal Act**" means the *Children Act (2012 Revision)* prior to the commencement of the *Children (Amendment) Act, 2024*.

SCHEDULE 1

(regulation 6)

Considerations in making of arrangements where child is being accommodated or maintained by Department by any of the means specified in section 25(2) of the Act but is not in care of the Department

General considerations to which the Department is to have regard

1. (1) Whether the Department should seek a change in the child's legal status.

(2) The type of accommodation to be provided and its address together with the name of any person who will be responsible for the child at that accommodation on behalf of the Department.

(3) The details of any services to be provided to the child.

(4) The respective responsibilities of the Department and —

(a) the child;

(b) any parent of the child; and

(c) any person who is not a parent of the child but who has parental responsibility for the child.

(5) What delegation there has been by the persons referred to in subparagraph 4(b) and (c) of this Schedule to the Department of parental responsibility for the child's day-to-day care.

(6) The arrangements for involving those persons and the child in decision making with respect to the child having regard to the Department's duty under section 22 of the Act in relation to children looked after by it.

(7) The Department's immediate and long-term arrangements for the child, previous arrangements in respect of the child, whether a change in those arrangements is needed and consideration of other courses of action.

(8) Whether arrangements need to be made for the time when the child will no longer be looked after by the Department.

(9) Whether plans need to be made to find a suitable person to adopt the child.

(10) In the case of a child who is sixteen years or older, whether section 22(10) of the Act applies.

(11) The expected duration of arrangements and the steps which should apply to bring the arrangements to an end, including arrangements for rehabilitation of the child with the person with whom the child was living before the voluntary

arrangements were made or some other suitable person, having regard in particular in the case of the Department looking after a child, to section 25(6) of the Act and paragraph 13 of Schedule 2 to the Act.

(12) The child's religious persuasion, cultural and linguistic background, and racial origin.

Health considerations to which the Department is to have regard

2. (1) The child's state of health including the child's physical, emotional and mental health.

(2) The child's health history including, as far as practicable, the health history of the child's family.

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

(4) Existing arrangements for the child's health (including physical, emotional and mental health) and dental care, including —

(a) the name and address of the child's registered practitioners in respect of medical and dental treatment and, where applicable, any registered practitioners in respect of medical and dental treatment with whom the child is to be registered following the placement; and

(b) any arrangements for the giving or withholding of consent to medical or dental examination or treatment for the child.

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

Educational considerations to which the Department is to have regard

3. (1) The child's educational history.

(2) The need to achieve continuity in the child's education.

(3) The need to identify any educational need which the child may have and to take action to meet that need.

(4) The need to carry out any assessment in respect of any special educational need and meet any such needs identified.

(5) The arrangements made for the child's education and training including —

(a) the name and address of any educational institution at which the child is a registered student; and

(b) the name of the designated teacher at the educational institution or any other person who is employed to work as a teacher and who provides the child with education or training.

(6) For the purposes of this paragraph —

"**designated teacher**" means the teacher who is designated by the school leader and who is assigned responsibility for overseeing and supporting the educational needs of the child;

"**employed to work as a teacher**" has the meaning assigned by section 2 of the *Education Act (2024 Revision)*;

"**school leader**" has the meaning assigned by section 2 of the *Education Act (2024 Revision)*; and

"**training**" has the meaning assigned by section 2 of the *Education Act (2024 Revision).*

Considerations with regard to contact, and family and social relationships, to which the Department is to have regard

4. (1) The arrangements for contact between the child and —

(a) the child's parents;

(b) any person who is not a parent of the child but who has parental responsibility for the child; and

(c) any relative, friend or other person connected with the child,

and if appropriate, the reasons why contact with any such person would not be reasonably practicable or would be inconsistent with the child's welfare.

(2) 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 the child's welfare.

(3) The arrangements for notifying changes in arrangements for contact to any of the persons referred to in subparagraph (1).

SCHEDULE 2

(regulation 10)

Content of care plans

Information to be included in the health plan

1. The following information shall be included in the health plan —

    (a) the child's state of health including the child's physical, emotional and mental health;

    (b) the child's health history including, so far as practicable, the health history of the child's family;

    (c) the effect of the child's health and health history on the child's development;

    (d) existing arrangements for the child's medical and dental care including —

        (i) routine checks of the child's general state of health, including dental health;

        (ii) treatment for, and monitoring of, identified health care needs (including physical, emotional, mental and dental health);

        (iii) preventive measures, including vaccination and immunisation;

        (iv) screening for defects of vision or hearing; and

        (v) advice and guidance on promoting health and effective personal care;

    (e) any planned changes to existing arrangements;

    (f) the need, if any, for emotional, psychiatric or psychological assessment or treatment; and

    (g) the role of the appropriate person, and of any other person who cares for the child, in promoting the child's health.

Information to be included in the personal education plan

2. The following information shall be included in the personal education plan —

    (a) the child's educational and training history, including information about —

        (i) educational institutions attended and the child's attendance and conduct record;

        (ii) the child's academic and other achievements; and

        (iii) the child's special educational needs, if any;

    (b) existing arrangements for the child's education and training, including details of any special educational provision and any other provision made

to meet the child's particular educational or training needs, and to promote the child's educational achievement;

(c) any planned changes to existing arrangements for the child's education or training and, where any changes to the arrangements are necessary, provision made to minimise disruption to that education or training;

(d) the child's leisure interests; and

(e) the role of the appropriate person, and of any other person who cares for the child, in promoting the child's educational achievements and leisure interests.

Family and social relationships plan

3. The following information shall be included in the plan with regard to promoting family and social relationships —

(a) where the child has a sibling for whom the Department or another person is providing accommodation, and the children have not been placed together, the arrangements made to promote contact between them, so far as is consistent with the child's welfare;

(b) where the child is looked after by, but is not in the care of, the Department, details of any section 10 order relating to the child;

(c) where the child is in the care of the Department, details of any order relating to the child made under section 36 of the Act;

(d) any other arrangements made to promote and maintain contact in accordance with paragraph 13 of Schedule 2 of the Act between the child and —

(i) any parent of the child;

(ii) any person who is not a parent of the child but who has parental responsibility for the child; and

(iii) any relative, friend or other person connected with the child,

so far as is reasonably practicable and consistent with the child's welfare; and

(e) where paragraph 14(1) of Schedule 2 of the Act applies, the arrangements made to appoint an independent visitor or, where paragraph 14(6) of Schedule 2 of the Act applies, the fact that the child has objected to the appointment of an independent visitor.

SCHEDULE 3

(regulations 12(2)(a) and 15)

Information as to Prospective Departmental Foster Parent and Other Members of the Household and Family

1. Full name, address and date of birth of the prospective departmental foster parent.
2. Proof of identification, including a recent photograph of the prospective departmental foster parent.
3. Details of the health (supported by a medical report), personality, marital or civil partnership status and details of the current and any previous marriage or civil partnership of the prospective departmental foster parent.
4. The prospective departmental foster parent's family relationships and the composition of the prospective departmental foster parent's household, including particulars of —
   (a) the identity of the other members of the household, including their ages and the nature of their relationships with the prospective departmental foster parent and with each other, including any sexual relationships;
   (b) the children in the prospective departmental foster parent's family, whether or not members of the prospective departmental foster parent's household, and any other children in the prospective departmental foster parent's household;
   (c) any relationship with any person who is a parent of the child;
   (d) other adults not being members of the household who are likely to have regular contact with the child; and
   (e) any current or previous domestic violence between members of the household, including the prospective departmental foster parent.
5. Particulars of the prospective departmental foster parent's accommodation.
6. The prospective departmental foster parent's religious persuasion, the degree of the prospective departmental foster parent's religious observance and the prospective departmental foster parent's capacity to care for a child from any particular religious persuasion.
7. The prospective departmental foster parent's racial origin, cultural and linguistic background, and capacity to care for a child from any particular origin or cultural or linguistic background.
8. The prospective departmental foster parent's past and present employment or occupation, standard of living and leisure activities and interests.

9. The prospective departmental foster parent's previous experience in caring for his or her own and other children and his or her ability in this respect.
10. The prospective departmental foster parent's skills, competence and potential relative to his or her capacity to care effectively for a child placed with him or her.
11. The prospective departmental foster parent's previous criminal convictions (if any) and those of other adult members of the prospective departmental foster parent's household.
12. The outcome of any request or application made by the prospective departmental foster parent or any other member of the prospective departmental foster parent's household to foster or adopt children under this Act or any other enactment repealed or not.
13. Particulars of any previous approval under regulation 13, or refusal of approval or termination of approval under regulation 14, relating to the prospective departmental foster parent or any other member of the prospective departmental foster parent's household.
14. The names and addresses of two persons who will provide personal references for the prospective departmental foster parent.

SCHEDULE 4

(regulation 13(4)(b))

Matters and Obligations in Departmental Foster Care Agreements

1. The terms of the departmental foster parent's approval.
2. The nature of the support and training to be given to the departmental foster parent.
3. The amount of support and training to be given to the departmental foster parent.
4. The procedure for the review and approval of a departmental foster parent.
5. The procedure in connection with the placement of children and in particular —
   (a) the matters to be covered in foster placement agreements and the respective obligations, under any such agreements, of the Department and the departmental foster parent;
   (b) the Department's arrangements for meeting any legal liabilities of the departmental foster parent arising by reason of a placement; and
   (c) the procedure available to departmental foster parents for making representations to the Department.
6. To give written notice to the Department immediately, with full particulars, of —
   (a) any intended change of the departmental foster parent's address;
   (b) any change in the composition of the departmental foster parent's household;
   (c) any other change in the departmental foster parent's personal circumstances and any other event affecting either the departmental foster parent's capacity to care for any child placed or the suitability of the departmental foster parent's household; and
   (d) any further request for application of a kind mentioned in paragraph 13 of Schedule 3.
7. Not to administer corporal punishment to any child placed with the departmental foster parent.
8. To ensure that any information relating to a child placed with the departmental foster parent, to the child's family or to any other person, which has been given to the departmental foster parent in confidence in connection with a placement, is kept confidential and is not disclosed to any person without the consent of the Department.
9. To comply with the terms of any foster placement agreement and to care for the child placed with the departmental foster parent as if the child were a member

of the departmental foster parent's family and to promote the child's welfare having regard to the Department's long and short-term arrangements for the child.

10. To notify the Department immediately of any serious illness of the child or any other serious occurrence affecting the child.

11. Where regulation 19 applies, to allow the child to be removed from the departmental foster parent's home by the Department.

12. To comply with the policies and procedures of the Department.

13. To keep the Department informed of the child's progress and to notify the Department of any significant event affecting the child.

SCHEDULE 5

(regulation 16(2))

Matters and Obligations to be covered in Foster Placement Agreements

1. The provision by the Department of a statement containing the information which the Department considers necessary to enable the departmental foster parent to care for the child and in particular, information as to —
   (a) the Department's arrangements for the child and the objectives of the placement;
   (b) the child's personal history, religious persuasion, cultural and linguistic background and racial origin;
   (c) the child's state of health and identified health needs;
   (d) the child's safety needs, including any need for any special equipment or adaptation;
   (e) the child's educational needs; and
   (f) any needs arising from any disability the child may have,

   including a requirement for the statement to be provided either at the time of the signing of the agreement or, where this is not practicable, within the following fourteen days.
2. The Department's arrangements for the financial support of the child during the placement.
3. Any arrangements for delegation of responsibility for consent to medical, dental or optical examination or treatment of the child.
4. The circumstances in which it is necessary to obtain in advance the approval of the Department for the child to live, even temporarily, away from the departmental foster parent's home.
5. The arrangements for visits to the child, in connection with the supervision of the placement, by a person authorised by or on behalf of the Department and the frequency of visits and reviews under Part 6 of these Regulations.
6. The arrangements for the child to have contact with the child's parents and other persons, including any arrangements pursuant to section 36 of the Act or any contact order.
7. Compliance by the departmental foster parent with the terms of the foster care agreement.
8. Co-operation by the departmental foster parent with the Department regarding any arrangements the Department makes for the child.

9. The procedure available to departmental foster parents for making representations.

10. To give notice to the Department immediately, with full particulars, of —

    (a) any intended change of the departmental foster parent's address;

    (b) any change in the composition of the departmental foster parent's household;

    (c) any other change in the departmental foster parent's personal circumstances and any other event affecting either —

        (i) the departmental foster parent's capacity to care for any child placed; or

        (ii) the suitability of the departmental foster parent's household; and

    (d) any request or application to adopt children or for the registration of a children's home.

11. To comply with the terms of any departmental foster placement agreement.

12. To care for any child placed with the departmental foster parent as if the child were a member of the departmental foster parent's family, and to promote the child's welfare having regard to the long and short-term plans for the child.

SCHEDULE 6

(regulation 22(1))

Events and Notifications

Column 1	**Column 2**					
Event:	**To be notified to:**					
	Department	**Cabinet**	**Royal Cayman Islands Police Service**	**Health Services Authority**	**Commissioner for Children and Young Persons**	**Chief Officer of the Ministry responsible for the Department**
Death of a child placed with departmental foster parents.	Yes	Yes	Yes	Yes	Yes	Yes
Serious illness or serious incident involving a child placed with departmental foster parents.	Yes			Yes		Yes
Outbreak at the home of a departmental foster parent of any notifiable infectious disease to which the Public Health	Yes	Yes		Yes		Yes

Column 1	**Column 2**					
Event:	**To be notified to:**					
	Department	**Cabinet**	**Royal Cayman Islands Police Service**	**Health Services Authority**	**Commissioner for Children and Young Persons**	**Chief Officer of the Ministry responsible for the Department**
Act (2026 Revision) or regulations made under that Act applies.						
Allegation that either a child placed with departmental foster parents or a departmental foster parent has committed a serious offence.	Yes		Yes			Yes
Involvement or suspected involvement of a child placed with departmental foster parents in prostitution.	Yes		Yes			Yes
Serious incident relating to a child placed with departmental	Yes					Yes

Column 1	Column 2					
Event:	**To be notified to:**					
	Department	**Cabinet**	**Royal Cayman Islands Police Service**	**Health Services Authority**	**Commissioner for Children and Young Persons**	**Chief Officer of the Ministry responsible for the Department**
foster parents necessitating calling a police officer to the departmental foster parent's home.						
Absconding by a child placed with departmental foster parents.	Yes		Yes			Yes
Any serious complaint about any departmental foster parent approved by the Department.	Yes					Yes
Investigation and outcome of any child protection enquiry involving a child placed with departmental foster	Yes					Yes

Column 1	**Column 2**					
Event:	**To be notified to:**					
	Department	**Cabinet**	**Royal Cayman Islands Police Service**	**Health Services Authority**	**Commissioner for Children and Young Persons**	**Chief Officer of the Ministry responsible for the Department**
parents.						

SCHEDULE 7

(regulation 21(3)(c))

Matters to be taken into account when assessing the suitability of an emergency, immediate or urgent placement pursuant to regulation 21(3)

1. In respect of the person —
   (a) the nature and quality of any existing relationship with the child;
   (b) the person's capacity to care for children and in particular in relation to the child to —
      (i) provide for the child's physical needs and appropriate medical and dental care;
      (ii) protect the child adequately from harm or danger including from any person who presents a risk of harm to the child;
      (iii) ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of the child;
      (iv) promote the child's learning and development; and
      (v) provide a stable family environment which will promote secure attachments for the child, including promoting positive contact with any parent of the child and any person who is not a parent of the child but who has parental responsibility for the child, and any other relative or friends of the child, unless to do this is not consistent with the duty to safeguard and promote the child's welfare;
   (c) the person's state of health including the person's physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems;
   (d) the person's family relationships and the composition of the person's household, including particulars of —
      (i) the identity of all other members of the household, including their age and the nature of their relationship with the person and with each other, including any sexual relationship;
      (ii) any relationship with any person who is a parent of the child or with any person who is not a parent of the child but who has parental responsibility for the child;
      (iii) any relationship between the child and other members of the household;
      (iv) other adults not being members of the household who are likely to have regular contact with the child; and

(v) any current or previous domestic violence between members of the household, including the person;

(e) the person's family history, including —

(i) particulars of the person's childhood and upbringing including the strengths and difficulties of the person's parents, of persons who had parental responsibility for the person, or of other persons who cared for the person;

(ii) particulars of the person's relationships with the person's parents and with any person who is not a parent but who has parental responsibility for the person, particulars of the person's relationship with the person's siblings, and particulars of the relationships that the person's parents and siblings have with each other;

(iii) particulars of the person's educational achievements and any specific learning difficulty or disability;

(iv) a chronology of significant life events; and

(v) particulars of other relatives and their relationships with the child and the person;

(f) particulars of any criminal offences of which the person has been convicted or in respect of which the person has been cautioned;

(g) the person's past and present employment and other sources of income; and

(h) the nature of the neighbourhood in which the person's home is situated and resources available in the community to support the child and the person.

SCHEDULE 8

(regulations 32(2) and 34(2))

Matters to be taken into account when assessing the suitability of a placement pursuant to section 25(5) of the Act

1. In respect of a person who falls within section 25(4) of the Act —
   (a) the person's capacity to care for children and in particular in relation to the child in question to —
      (i) provide for the child's physical needs and appropriate medical and dental care,
      (ii) protect the child adequately from harm or danger, including from any person who presents a risk of harm to the child,
      (iii) ensure that the home environment is safe for the child,
      (iv) ensure that the child's emotional needs are met and the child is provided with a positive sense of self, including any particular needs arising from —
         (A) whether the child is a person with a disability; and
         (B) the child's religious persuasion, racial origin and cultural and linguistic background;
      (v) promote the child's learning and intellectual development through encouragement, cognitive stimulation and the promotion of educational success and social opportunities;
      (vi) enable the child to regulate the child's emotions and behaviour, including by modelling appropriate behaviour and interactions with others; and
      (vii) provide a stable family environment to enable the child to develop and maintain secure attachments to the person and other persons who provide care for the child;
   (b) the person's state of health including the person's physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems;
   (c) the person's family relationships and the composition of the person's household, including particulars of —
      (i) the identity of the other members of the household, including their ages and the nature of their relationships with the person and with each other, including any sexual relationships;
      (ii) any relationship with any person who is a parent of the child;

(iii) other adults not being members of the household who are likely to have regular contact with the child; and

(iv) any current or previous domestic violence between members of the household, including the person;

(d) the person's family history, including —

(i) particulars of the person's childhood and upbringing including the strengths and difficulties of the person's parents or other persons who cared for the person;

(ii) the person's relationships with the person's parents and siblings, and their relationships with each other;

(iii) the person's educational achievement and any specific learning difficulty or disability;

(iv) a chronology of significant life events; and

(v) particulars of other relatives and their relationships with the child and the person;

(e) particulars of any criminal offences of which the person has been convicted or in respect of which the person has been cautioned;

(f) the person's past and present employment and other sources of income; and

(g) the nature of the neighbourhood in which the person's home is situated and resources available in the community to support the child and the person.

2. In respect of members of the person's household who are eighteen years of age or older, so far as is practicable, the particulars specified in paragraph 1 except subparagraphs (d), (f) and (g).

SCHEDULE 9

(regulation 35)

Matters on which there should be agreement with the person with whom a child is to be placed

1. The Department's plans for the child and the objectives of the placement.
2. The arrangements for support of the placement.
3. Arrangements for visiting the child in connection with the supervision of the placement by the person authorised by or on behalf of the Department and frequency of visits and reviews of the child's case in accordance with these Regulations.
4. Arrangements for contact, if any, including prohibition of contact pursuant to section 36(6) of the Act.
5. Removal of the child from the placement in the circumstances specified in regulation 38.
6. The need to notify the Department of relevant changes in circumstances of the person with whom the child is placed, including any intention to change the child's address, changes in the household in which the child will live and any serious occurrence involving the child such as injury or death.
7. The provision of a statement concerning the health of the child, the child's need for health care and surveillance, and the child's educational needs and the Department's arrangements to provide for those needs.
8. Any arrangements for any delegation and exercise of responsibility for consent to medical examination or treatment.
9. The need to ensure that any information relating to a child or the child's family or any other person given in confidence to the person with whom the child is placed in connection with the placement is kept confidential, and that if such information is disclosed to any person without the consent of the Department, the child is liable to be removed from the care of that person pending an investigation.
10. The circumstances in which it is necessary to obtain in advance the approval of the Department for the child living, even temporarily, in a household other than the household of the person with whom the child has been placed.
11. The arrangements for requesting a change in the agreement.

SCHEDULE 10

(regulation 47(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 the child may take under the Act including, where appropriate —
   (a) the child's right to apply, with leave, for a section 10 order;
   (b) where the child is in the care of the Department, the child's right to apply for the discharge of the care order; and
   (c) the availability of the procedure established under the Act for considering representations.
6. Making decisions or taking steps following decisions arising out of or resulting from a review.

SCHEDULE 11

(regulation 48)

General considerations to which the Department is to have regard

1. In the case of a child who is in the care of the Department, 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 the child's 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. Any services that were provided to the child, to the parent of the child, or to a person who is not the child's parent but who has parental responsibility for the child or services that need to be provided to the child, to the parent of the child, or to a person who is not the child's parent but who has parental responsibility for the child.
8. Whether arrangements need to be made for the time when the child will no longer be looked after by the Department.
9. Whether plans need to be made to find a permanent substitute family for the child.
10. Whether previous recommendations or plans have been carried out and if not, the reasons for the failure to carry out any previous recommendations or plans.

SCHEDULE 12

(regulations 48 and 49)

Health considerations to which the Department is to have regard

1. The child's current state of health, including the child's physical, emotional and mental health.
2. The child's health history, including, as far as practicable, the health history of the child's family.
3. The effect of the child's health and health history on the child's 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) 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 9 September **day of , 2026.**

Clerk of the Cabinet

Laid in the Parliament the day of , 2026 in accordance with section 95(2) of the Children Act (2012 Revision).

Clerk of the Parliament