CAYMAN ISLANDS

Children Act

(2012 Revision)

CHILDREN (SECURE ACCOMMODATION) REGULATIONS, 2026

PUBLISHING DETAILS

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CHILDREN (SECURE ACCOMMODATION) REGULATIONS, 2026

Arrangement of Regulations

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In exercise of the powers conferred by sections 27(14) and 95 of the Children Act (2012 Revision), the Cabinet makes the following Regulations —

Citation and commencement

1. (1) These Regulations may be cited as the Children (Secure Accommodation) Regulations, 2026.

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

Definitions

2. In these Regulations —

"**independent visitor**" has the meaning assigned by regulation 2 of the *Children (Planning, Placement and Review) Regulations, 2026*; and

"**secure accommodation**" means accommodation that is provided for the purpose of restricting the liberty of children to whom section 27 of the Act applies.

Determination regarding opportunity to apply for legal aid

3. For the purposes of section 27(15) of the Act, in determining whether a child had the opportunity to apply for legal aid in accordance with the *Legal Aid Act, 2015*, the court shall take into account whether the child was offered assistance by the child's parent, the assigned social worker, the guardian *ad litem* or the relevant officer of the Department, as applicable, with the process of applying for legal aid.

Maximum periods of authorisation by court for detained or remanded children

4. (1) The maximum period for which a court may from time to time authorise a child who has been detained or remanded under section 14 or 15 of the *Youth Justice Act (2021 Revision)* and committed to the care of the Department to be kept in secure accommodation is the period of the detention or the remand, as applicable.

(2) Any period of authorisation in respect of a child who has been remanded under section 15 of the *Youth Justice Act (2021 Revision)* shall not exceed twenty-eight days on any one occasion without further court authorisation.

(3) If the court considers it to be in the best interest of the child, it may require that child to be brought before the court at specified intervals during the period of secure accommodation.

Duty to inform parents and others in relation to children in secure accommodation

5. Where a child to whom section 27 of the Act applies is kept in secure accommodation and it is intended that an application will be made to a court to keep the child in that accommodation, the Department shall, unless the application is to be made *ex parte* in accordance with section 27(5) of the Act, inform the following persons of that intention as soon as possible —

(a) the child's parents;

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

(c) the child's independent visitor or guardian *ad litem*, if one has been appointed; and

(d) any other person who the Department considers should be informed.

Review of placement in secure accommodation

6. (1) For the purposes of the review by the court pursuant to section 27(10) or (11) of the Act, the court may appoint a person as the court thinks fit to provide the court with a report on the wishes and feelings of the persons referred to in paragraph (3).

(2) The report referred to in paragraph (1) shall be reviewed by the court in the presence of all relevant parties in accordance with section 27(10) or (11) of the Act, as applicable.

(3) In preparing the report referred to in paragraph (1), the person appointed shall, if practicable, ascertain and include in the report the wishes and feelings of —

(a) the child;

(b) any parent of the child;

(c) any person who has parental responsibility for the child;

(d) the child's independent visitor or guardian *ad litem*, if one has been appointed; and

(e) any other person who has had the care of the child and whose views the person appointed considers should be taken into account.

Records to be kept in respect of a child in secure accommodation

7. (1) Where a child is placed in secure accommodation, the Department shall ensure that a record is kept of —

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

(b) the order or statutory provision by virtue of which the child is in secure accommodation;

(c) the date and time of the child's placement in secure accommodation;

(d) the reason for the child's placement;

(e) pursuant to placement in accordance with section 27(3) of the Act, the name of the officer of the Department authorising the placement;

(f) where the child was living before the placement;

(g) the names of all persons informed of the placement;

(h) court orders made in respect of the child by virtue of section 27 of the Act;

(i) the outcome of a review conducted by the court in respect of the child by virtue of section 27 of the Act;

(j) the date and time of any occasion on which the child is locked in any room in the secure accommodation other than the child's bedroom during usual bedtime hours, the name of the person authorising this action, the reason for it and the date on which and time at which the child ceased to be locked in that room; and

(k) the date and time that the child is discharged from the secure accommodation.

(2) The Cabinet may require the Department to submit copies of the records referred to in paragraph (1) to the Cabinet.

Repeal of Children (Secure Accommodation) Regulations, 2012

8. The *Children (Secure Accommodation) Regulations, 2012* are repealed.

Made in Cabinet the 9 **day of** September **, 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