

CAYMAN ISLANDS



ADOPTION OF CHILDREN (AMENDMENT) LAW, 2020

(Law 36 of 2020)

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CAYMAN ISLANDS

(Law 36 of 2020)

I Assent,

**Martyn Roper**
Governor

Date: 4th day of September, 2020

**ADOPTION OF CHILDREN (AMENDMENT)
LAW, 2020**

(Law 36 of 2020)

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

ENACTED by the Governor in accordance with section 81 of the Constitution, after consultation with the Premier, with the prior approval of the Secretary of State, and pursuant to instructions issued in accordance with section 31 of the Constitution.

Short title and commencement

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

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

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

“**civil partner**” has the meaning assigned by the *Civil Partnership Law, 2020*; and

“**civil partnership**” has the meaning assigned by the *Civil Partnership Law, 2020*; and

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

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

Amendment of section 9 - power to make adoption orders

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

Amendment of section 10 - restrictions on making adoption orders

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

Amendment of section 11- consent to adoption

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

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

6. The principal Law is amended in section 15 as follows —
- (a) in the section heading, by inserting after the word “marry” the words “or enter into a civil partnership”;
 - (b) in subsection (1) as follows —
 - (i) by inserting after the word “marriage” the words “or to entering into a civil partnership”; and
 - (ii) by deleting the words “in lawful wedlock” wherever they appear;
 - (c) in subsection (2), by inserting after the word “spouses” wherever it appears the words “or civil partners”; and



- (d) in subsection (3), by deleting the words “marriage, an adopter and the person whom he has been authorised to adopt” and substituting the words “marriage or civil partnership, an adopter and the person whom the adopter has been authorised to adopt”.

Amendment of section 16 - affiliation orders, etc.

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

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

Amendment of section 17 - intestacies, wills and settlements

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

Amendment of section 18 - provisions supplementary to section 17

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

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

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

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

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

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

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

- (c) in rule 7(4), by inserting after the word “spouse” the words “or civil partner”;
- (d) in rule 11(3)(b), by inserting after the word “spouse” the words “or civil partner”;
- (e) in the Appendix as follows —
 - (i) in Form A, in paragraph 4, as follows —
 - (A) by inserting after the words “married to” wherever they appear the words “/ party to a civil partnership with”; and
 - (B) by inserting after the word “unmarried” the words “and not party to a civil partnership”;
 - (ii) in Form B, by inserting after the word “spouses” the words “or by both applicants, if the application is being made by both parties to a civil partnership”;
 - (iii) in Form C, in paragraph 4, by inserting after the word “married” the words “or party to a civil partnership”;
 - (iv) in Form D, by inserting after the word “spouse” the words “or civil partner”;
 - (v) in Form E, in paragraph (3) of the Notes, by inserting after the word “spouses” the words “or civil partners”;
 - (vi) in Form F as follows —
 - (A) by deleting the words “male applicant” wherever they appear and substituting the words “first-named applicant”;
 - (B) by deleting the words “female applicant” wherever they appear and substituting the words “second-named applicant”;
 - (C) by inserting after the word “married” the words “or party to a civil partnership”;
 - (D) by deleting the words “his wife” and substituting the words “the first-named applicant’s spouse or civil partner”; and
 - (E) by deleting the words “male (and female)” wherever they appear;
 - (vii) in Form G as follows —
 - (A) by deleting the words “male applicant” wherever they appear and substituting the words “first-named applicant”;
 - (B) by deleting the words “female applicant” wherever they appear and substituting the words “second-named applicant”;
 - (C) by inserting after the word “married” the words “or party to a civil partnership”;



- (D) by deleting the words “his wife” wherever they appear and substituting the words “the first-named applicant’s spouse or civil partner”; and
 - (E) by deleting the words “male (and female)” wherever they appear; and
- (viii) in Form H, in paragraph (3) of the Notes, by inserting after the word “spouses” the words “or civil partners”.

Assented to by the Governor the 4th day of September, 2020.

