

BERMUDA

PROCLAMATION

By His Excellency Mr George Fergusson, Governor and Commander-in-Chief in and over Bermuda.

WHEREAS Section 49 of the Constitution provides that the Governor, acting in accordance with the advice of the Premier, may at any time, by proclamation published in the Gazette, prorogue the Legislature:

Governor NOW THEREFORE I, the Governor, acting in accordance with the advice which I have received from the Premier, DO PROROGUE THE LEGISLATURE on Thursday, the 7th day of November, two thousand and thirteen.

Given under my hand and the Public Seal of Bermuda this day 28th of October, two thousand and thirteen, in the sixty-second year of Her Majesty's Reign.

Governor

BERMUDA

PROCLAMATION

By His Excellency Mr George Fergusson, Governor and Commander-in-Chief in and over Bermuda.

WHEREAS it is provided by Section 48 of the Constitution of Bermuda that each session of the Legislature shall be held in such place and shall commence at such time as the Governor may appoint by proclamation published in the Gazette;

AND WHEREAS the present Legislature will stand prorogued on the 7th day of November, two thousand and thirteen:

Governor NOW THEREFORE I, the Governor, acting in accordance with the advice which I have received from the Premier, DO APPOINT that, at the next session of the Legislature, the Senate shall meet in the Senate Chamber in the Cabinet Building in the City of Hamilton and the House of Assembly shall meet in the Sessions House in that City;

AND I DO FURTHER APPOINT that the next session of the Legislature shall commence at 10:00 a.m. on Friday, the 8th day of November, two thousand and thirteen.

Given under my hand and the Public Seal of Bermuda this 28th day of October, two thousand and thirteen, in the sixty-second year of Her Majesty's Reign.

Governor

BERMUDA**ADOPTION OF CHILDREN ACT 2006 COMMENCEMENT NOTICE 2013****BR 91 / 2013**

The Minister responsible for child and family services, in exercise of the power conferred by section 64 of the Adoption of Children Act 2006, issues the following Notice:

Citation

1 This Notice may be cited as the Adoption of Children Act 2006 Commencement Notice 2013.

Commencement

2 The Adoption of Children Act 2006 comes into operation on 4 November 2013.

Made this 31st day of October 2013

Acting Minister of Community, Culture and Sports

BERMUDA**ADOPTION OF CHILDREN AMENDMENT ACT 2011 COMMENCEMENT NOTICE 2013****BR 92 / 2013**

The Minister responsible for child and family services, in exercise of the power conferred by section 12 of the Adoption of Children Amendment Act 2011, issues the following Notice:

Citation

1 This Notice may be cited as the Adoption of Children Amendment Act 2011 Commencement Notice 2013.

Commencement

2 With the exception of section 10(a) and (c), the Adoption of Children Amendment Act 2011 comes into operation on 4 November 2013.

Made this 31st day of October 2013

Acting Minister of Community, Culture and Sports

BERMUDA**ADOPTION OF CHILDREN REGULATIONS 2013****BR 93 / 2013**

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SCHEDULE 1

Forms

SCHEDULE 2

Home Study: Matters into which Director may Inquire

The Minister responsible for child and family services, in exercise of the power conferred by section 60 of the Adoption of Children Act 2006, makes the following Regulations:

Citation

1 These Regulations may be cited as the Adoption of Children Regulations 2013.

Interpretation

2 In these Regulations—

“accredited body” means a body which has been accredited and performs the functions of an accredited body set out under Article 11 of the Hague Convention;

“the Act” means the Adoption of Children Act 2006;

“attested” means attested in accordance with regulation 15;

“Form” means the Form prescribed in Schedule 1;

“Hague Convention” means the Convention on Protection of Children and Co- Operation in Respect of Intercountry Adoption;

“public authority” means an authority of a country or territory which performs the functions of a public authority set out under the Hague Convention, and includes the Department of Child and Family Services;

“Rules” means the Adoption of Children Rules 2013.

Form of transfer of care and custody

3 (1) A parent or guardian who wishes to transfer the care and custody of a child to the Director, pursuant to section 21 of the Act, shall do so in writing as prescribed in Form 1.

(2) Where the care and custody of a child has been transferred to the Director pursuant to paragraph (1) and the Director transfers such care and custody to a prospective adoptive parent or caregiver pursuant to section 22 of the Act, he shall do so in writing as prescribed in Form 2.

Placement of child for adoption by Director

4 (1) This regulation shall be complied with before a prospective adoptive parent applies to the court for an adoption order.

(2) A parent or guardian who wishes the Director to place a child for adoption shall, not less than twenty-four months before the date on which the child attains the age of eighteen years—

- make a request to the Director in writing that the child be placed for adoption;
- verify his parentage or guardianship of the child by providing the Director with the following—
 - an official document certifying the date of birth of the child;
 - an official document certifying the date of birth of the parent or the guardian;
 - a certified copy of any deed, will, or order of a court appointing the person as guardian of the child;
- provide the Director with the following—
 - an official document certifying the immigration status in Bermuda of the parent or guardian;
 - an official document certifying the child's immigration status in Bermuda;
 - a certified copy of any subsisting order made by a court (whether the court is in Bermuda or outside Bermuda) relating to the child, including any custody order, maintenance order, access order, enforcement order, garnishment order, care order, or supervision order;
 - a copy of any agreement relating to maintenance of or access to the child;
 - a copy of a report on the health of the child prepared by a registered medical practitioner who examined the child and prepared the report not more than six months preceding the date of the request;
 - a written statement signed by the parent or guardian as to whether the previous identity or the parentage of the child is open or intended to be kept secret;
 - a written statement signed by the parent or guardian as to whether the parent or guardian wishes to be notified when an adoption order is made;
 - Form 1, transferring care and custody of the child to the Director (if the parent or guardian wishes the care and custody to be so transferred); and
- provide the Director with any other information or documents which the Director deems relevant, certified or attested (if required by the Director).

(3) The Director is not required to proceed under these regulations where the twenty-four month time requirement under paragraph (2) has not been complied with.

(4) Where the documents referred to in paragraph (2) have been received, the Director shall perform the duties of the Director under sections 9 and 10 of the Act, and shall meet with the child privately pursuant to section 26(2) of the Act.

Placement of child for adoption by parent or guardian

5 (1) This regulation shall be complied with before a prospective adoptive parent applies to the court for an adoption order.

(2) This regulation applies where a parent or guardian—

- intends to place a child for adoption, other than through the Director; or
- has already placed a child other than through the Director, and it has become evident that the child was in fact placed for adoption.

(3) The parent or guardian shall provide the Director with the following, not less than twenty-four months before the date on which the child attains the age of eighteen years—

- the notice required under section 12(a) of the Act of his intention to place the child, or notice that it has become evident that the child was in fact placed for adoption;
- the information in respect of the identity and circumstances of the parties to the placement, as required under section 12(b) of the Act;
- a copy of the summary of information given to the person receiving the child, as required under section 13(3) of the Act;
- the documents referred to in regulation 4(2)(b) and 4(2)(c)(i) to (vii) which are relevant;
- any signed agreement for continuing contact; and
- any other information or documents which the Director deems relevant, certified or attested (if required by the Director).

(4) The Director is not required to proceed under these regulations where the twenty-four month time requirement under paragraph (3) has not been complied with.

(5) The person receiving the child, or who received the child, shall apply to the Director in writing for his name to be entered in the Adopter's Register—

- before receiving the child; or
- as soon as practicable after it has become evident that the child was in fact placed for adoption.

(6) Where the provisions of paragraphs (3) and (5) have been complied with, the Director shall perform the duties of the Director under sections 9 and 10 of the Act, and shall meet with the child privately pursuant to section 26(2) of the Act.

Bringing child into Bermuda for adoption: Notice to Director

6 (1) This regulation, and regulations 7 and 8 (except regulations 7(1)(h) and 8(4)), shall be complied with before a prospective adoptive parent applies to the court for approval to bring a child, who is not a resident of Bermuda, into Bermuda for the purpose of adoption.

(2) A prospective adoptive parent who wishes to bring a child into Bermuda for the purpose of adoption shall, not less than twenty-four months before the date on which the child attains the age of eighteen years—

- notify the Director in writing that he wishes to bring a child into Bermuda for the purpose of adoption;
- apply to the Director in writing for his name to be entered in the Adopter's Register;
- provide the Director with the following—
 - the documents referred to in regulation 4(2)(b)(i) to (iii), and any documents referred to in regulation 4(2)(c)(i) to (v) which are relevant, certified or attested;
 - a copy of a written report of the medical and social history of the child's biological family, prepared and signed by a public authority or accredited body;
 - an official document certifying the immigration or residential status of the parents or guardian and the child in the country or territory in which they are resident;
 - the contact information of the parents or guardian of the child;
 - the contact information of the child, if the child is 12 years of age or over;
 - any signed agreement for continuing contact, certified or attested;
 - a certified copy of the court order granting permission for the child to be transferred