



Government of Bermuda

Ministry of Social Development and Seniors

MINISTERIAL STATEMENT

by

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Minister of Social Development and Seniors**

Intercountry adoptions approved jurisdictions

Friday, 24th September 2021

Mr. Speaker, I rise today to address an issue related to intercountry adoptions that will approve two jurisdictions namely Jamaica; and Trinidad and Tobago which is in response to requests from prospective applicants who are desirous of adopting children native to Jamaica; and Trinidad and Tobago.

Mr. Speaker, one may ask what is an “approved jurisdiction”? Our Adoption legislation gives guidelines on what is considered an “approved jurisdiction”. According to the Adoption of Children Act 2006 section 46 and 47 (Part 5- Overseas Adoption) approval by the court can only be granted if a child brought to Bermuda is from an “approved jurisdiction”. An “approved jurisdiction” outlined in section 46 (2) a and b is:

- A country that is a party to the Hague Convention and is not on the restricted list
- Or a jurisdiction that is designated by the minister as an “approved jurisdiction” by order published in the gazette and is not a country on the restricted list

Jamaica and Trinidad and Tobago are not a party to the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and they are not on the restricted list. Jamaica and Trinidad and Tobago are identified as connected party as both are in the process of becoming a party to The Hague Convention as they have signed, ratified, and acceded to one or more of the Conventions. The Department of Child and Family Services requested that the Minister exercise her legislative powers under section 46 of the Adoption of Children Act 2006, which gives effect to overseas adoption otherwise known as intercountry adoption.

Mr. Speaker, with Ministerial approval by way of an Order entitled Adoption of Children (Approved Jurisdictions) Order 2021, dated and operative on the 22nd September 2021, when meeting the prerequisites, prospective applicants will now be able to proceed with their intercountry adoption applications in Jamaica; and Trinidad and Tobago. Prospective applicants having met all of the conditions for a successful intercountry adoption from the said countries will allow adopted child to acquire Bermudian status effective from the date of the adoption as set out in section 16(2)(a) of the Bermuda Immigration and Protection Act 1956.

Mr. Speaker, section 4 of the Adoption of Children Act 2006 (Act) designates the Director of Child and Family Services with the responsibility for the administration

of adoptions in Bermuda. This obligation includes potential adoptions of both domestic and overseas children by prospective adoptive parents who fulfill the legislative requirements set out in the mentioned Act.

Mr. Speaker, the legislation and adoption procedures of the local authorities in Jamaica; and Trinidad and Tobago have been reviewed with the inclusion of a comparative analysis of child safeguards that are in place to uphold the wellbeing of the child as well as the rights of birth parents during the adoption process.

Mr. Speaker, I would like to share statistics of the Department of Child and Family Adoption Services for calendar year 2020, which provides the following overview:-

- **thirty-seven (37) cases** that is inclusive of:-
 - **twenty-one (21)** consultations of which seventeen (17) were local adoptions and four (4) concerned overseas adoptions. For the purposes of the DCFS adoption services such consultations provide an opportunity for persons seeking advice regarding the feasibility of local or overseas adoptions;
 - there were **sixteen (16)** open cases/applicants ready to start the application process, nine (9) of which were local adoptions and seven (7) pertained to overseas adoptions.

Mr. Speaker, Bermuda has not acceded to the Hague Adoption Convention and are classified as “other”. As a result of this classification Bermuda along with the other said jurisdictions must rely on their local legislation as oppose to international authority for the process of intercountry adoptions to take effect. This process is reflected in local legislation under section 46 of the Act, which authorizes the Minister with responsibility for Child and Family Services to make an order that is subject to the negative resolution procedure designating any other jurisdiction. Subsequently the order is Gazetted approving the jurisdiction. If a designated jurisdiction becomes a “restricted county” that jurisdiction ceases to be an approved jurisdiction and the process discussed will no longer apply.

Mr. Speaker, I would like to take this opportunity to remind persons who are interested in adopting children either it be locally or from another jurisdiction to be mindful this is a lifelong commitment to a child. Once an adoption is formalized there is no turning back you are now recognized in law – as the legal parent(s) of the child until they are an adult. As the named legal parent one has legal rights and responsibilities known as parental responsibility. Such responsibilities must be upheld for example but not limited to:

- providing a home for the child;
- protect, provide for needs and maintain the child;
- choosing and providing for the child's education; and
- ensuring proper emotional and physical health needs and healthcare

Mr. Speaker, I encourage potential applicants seeking to adopt; to prepare to do their research, discuss their concerns with the Department of Child and Family

Services and recognize beforehand the rewards and the various changes that a child brings to ones existing lifestyle.

Thank you, Mr. Speaker.