



Cayman Islands Government
Government Administration Building
Grand Cayman KY1-9000
CAYMAN ISLANDS

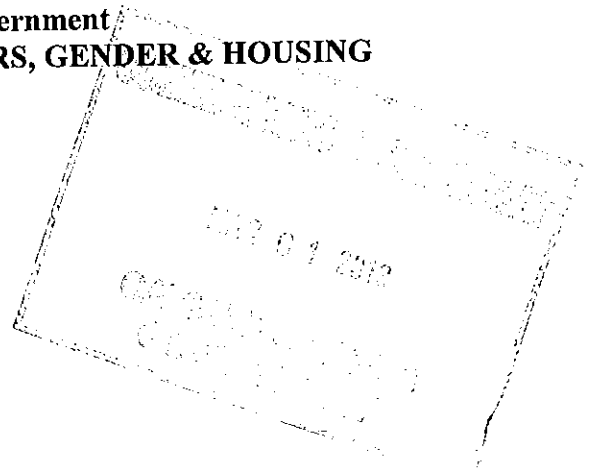
Tel: 345-949-7900 ext. 2424
Fax: 345-949-3896
Email: dorine.whittaker@gov.ky

REF: CFS/LEG/1

**Cayman Islands Government
MINISTRY OF COMMUNITY AFFAIRS, GENDER & HOUSING**

11 February 2013

Mr. Richard Coles
Chairman
Human Rights Commission
P.O. Box 391
Grand Cayman KY1-1106



Dear Mr. Coles,

Thank you for your letter, dated 9 January 2013, outlining the concerns of the Human Rights Commission as it relates to the proposed changes to the existing Adoption of Children Law (2003 Revision) ("the Law") and the length of time it currently takes for some adoption matters to be concluded. As you have rightly indicated these delays may have Bill of Rights implications, especially Section 17 which speaks to the protection of children.

However, the Ministry believes that passing the Adoption of Children Bill, 2012 ("the Bill") into legislation will aid in alleviating the current issues with the length of the process as it seeks to ensure that the current provisions in both domestic and inter-country adoptions are modernised by bringing them in line with aspects of the United Nations Convention on the Rights of the Child, the Hague Convention on the Protection of Children and Co-operation in respect on Inter-Country Adoption and the Children Law (2012 Revision).

Further, in the draft Regulations, which are still in the drafting process, there are provisions for the prospective adoptive parent(s) to take their concerns to the Adoption Board. This provides the prospective adoptive parent(s) with the opportunity to express the challenges they have experienced during the adoption process and requires the Adoption Board to thoroughly investigate the situation and act accordingly.

That said, given the complexity of the adoption process, there are a myriad of reasons for delays in the completion of the process. Some of these reasons include the need to obtain information from overseas agencies and challenges that beset families which may require other interventions being provided or sought, such as mediation or counselling. While the Department of Children and Family Services strives to have matters concluded in a reasonable time, delays in some cases are inevitable. The Ministry recognises that such delays can cause emotional hardships on the family; however, the Ministry must ensure that throughout the process the interests of the child are of paramount importance.

The Ministry believes that with the proposed revisions to the Law, the Cayman Islands will be promoting best practices in adoption matters and ensuring the best possible outcomes for adopted children, their birth families and adoptive families.

Thank you for highlighting your concerns and we encourage you to continue to review the Bill as the proposed amendments serve to streamline and improve the efficiency of the adoption process by clearly setting out the duties, roles and responsibilities of all interested parties.

Please feel free to contact our office at 244-2424 should there be any further queries.

Yours sincerely,



Dorine B. Whittaker
Chief Officer of Community Affairs, Gender & Housing

cc: Dwayne Seymour, Minister of Community Affairs, Gender & Housing
Alicia (Jen) Dixon, Director, Department of Children & Family Services