



BERMUDA

ADOPTION OF CHILDREN REGULATIONS 2013

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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:

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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—

- (a) make a request to the Director in writing that the child be placed for adoption;
- (b) verify his parentage or guardianship of the child by providing the Director with the following—
 - (i) an official document certifying the date of birth of the child;

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- (ii) an official document certifying the date of birth of the parent or the guardian;
- (iii) a certified copy of any deed, will, or order of a court appointing the person as guardian of the child;
- (c) provide the Director with the following—
 - (i) an official document certifying the immigration status in Bermuda of the parent or guardian;
 - (ii) an official document certifying the child's immigration status in Bermuda;
 - (iii) 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;
 - (iv) a copy of any agreement relating to maintenance of or access to the child;
 - (v) 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;
 - (vi) 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;
 - (vii) 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;
 - (viii) 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
- (d) 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—

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- (a) intends to place a child for adoption, other than through the Director; or
 - (b) 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—
- (a) 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;
 - (b) the information in respect of the identity and circumstances of the parties to the placement, as required under section 12(b) of the Act;
 - (c) a copy of the summary of information given to the person receiving the child, as required under section 13(3) of the Act;
 - (d) the documents referred to in regulation 4(2)(b) and 4(2)(c)(i) to (vii) which are relevant;
 - (e) any signed agreement for continuing contact; and
 - (f) 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—
- (a) before receiving the child; or
 - (b) 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—

- (a) notify the Director in writing that he wishes to bring a child into Bermuda for the purpose of adoption;

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- (b) apply to the Director in writing for his name to be entered in the Adopter's Register;
- (c) provide the Director with the following—
 - (i) 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;
 - (ii) 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;
 - (iii) 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;
 - (iv) the contact information of the parents or guardian of the child;
 - (v) the contact information of the child, if the child is 12 years of age or over;
 - (vi) any signed agreement for continuing contact, certified or attested;
 - (vii) a certified copy of the court order granting permission for the child to be transferred to Bermuda for the purpose of adoption, pursuant to section 47(2)(e) of the Act; and
- (d) provide the Director with any other information or documents which the Director deems relevant, certified or attested.

(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 provisions of paragraph (2) have been complied with, the Director shall perform the duties of the Director under section 10 of the Act.

Bringing child into Bermuda for adoption: Director to make inquiries

7 (1) The Director shall request a public authority or accredited body in the country or territory in which the parent or guardian and the child are resident for the assistance of that authority or body in respect of the matters provided for in section 47(2)(a), (b), (d) and (e) of the Act, and in particular shall request the authority or body to—

- (a) forward to the Director a written statement signed by the authority or body that it provided the parents or guardian of the child with information about adoption, the alternatives to adoption, and the feasibility of keeping the child;
- (b) forward to the Director a written statement signed by the authority or body that the parents or guardian and the child, if the child is 12 years of age and over, have been counselled in accordance with section 17 of the Act, prior to giving consent;

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- (c) meet with the child privately, where the child is at least seven years of age and has the capacity to understand and appreciate the nature of the application, and forward to the Director a report on the matters provided for in section 26(2) of the Act;
 - (d) obtain and forward to the Director the original signed and attested consent forms of the parents or guardian and the child, if the child is 12 years of age or over;
 - (e) obtain and forward to the Director a certified copy of any order of the court dispensing with the consent of the parents or guardian or the child, if the child is 12 years of age or over and is not capable of giving an informed consent;
 - (f) with respect to any of the information or documents referred to in regulation 6(2)(c)—
 - (i) provide a written statement signed by the authority or body verifying the information and documents provided by the prospective adoptive parent; or
 - (ii) obtain and forward to the Director such information or documents, certified or attested;
 - (g) forward to the Director a written statement signed by the authority or body concerning the expediency or necessity of the attendance of the parents, guardian, or the child at the hearing of the application for approval to bring the child into Bermuda for adoption, or at the hearing of an application for an adoption order;
 - (h) obtain and forward to the Director the reply to the notice of hearing (Form 6 of the Rules), duly signed by persons who are respondents to the application, except the parents or guardian of the child, and the child;
 - (i) obtain and forward to the Director any other information or documents which the Director deems relevant, certified or attested.
- (2) Any fees, costs and incidental expenses required to be paid in respect of the assistance provided by the public authority or accredited body under paragraph (1) are to be borne by the prospective adoptive parent; and the Director is not required to proceed with a request for assistance unless he is satisfied that payment has been made, or will be made.
- (3) The Director shall prepare a report on—
- (a) the efforts made by him to obtain the assistance of a public authority or accredited body;
 - (b) the assistance provided and matters verified by the public authority or accredited body;
 - (c) the efforts made by the public authority or accredited body to provide assistance or verification, but which were unsuccessful;

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- (d) whether any circumstances exist which make it inexpedient or unnecessary that the parents, guardian or the child attend the hearing of any application; and
- (e) any other matter which he deems relevant,

and shall forward a copy of the report to the Minister.

Bringing child into Bermuda for adoption: Recommendation by Director

8 (1) Where the Director is satisfied as to the matters provided for in section 47(2) (a) to (f) of the Act, he shall make a written recommendation that approval be given to bring the child into Bermuda for adoption, and shall inform the prospective adoptive parent in writing.

(2) Where the Director is not satisfied as to the matters provided for in section 47(2) (a) to (f) of the Act, he shall make a written recommendation that approval not be given to bring the child into Bermuda for adoption stating the reasons for his recommendation, and shall inform the prospective adoptive parent in writing of his recommendation and reasons.

(3) If there is insufficient information to make a recommendation under paragraph (1) or (2), the Director shall make that determination and prepare a written report stating the reasons for his determination, and shall inform the prospective adoptive parent in writing of his determination and reasons.

(4) Where, after approval has been granted, the child is brought into Bermuda for adoption, the Director shall perform the duties of the Director under section 9 of the Act, where necessary, and shall meet with the child privately pursuant to section 26(2) of the Act.

Transferring child from Bermuda for adoption: Notice to Director

9 (1) This regulation, and regulations 10 and 11, shall be complied with before a parent or guardian applies to the court for approval to transfer the care and custody of a child to a person resident outside Bermuda ("proposed adopter overseas") for the purpose of adoption of the child by that person.

(2) A parent or guardian who wishes to transfer the care and custody of their child to a proposed adopter overseas shall, not less than twenty-four months before the date on which the child attains the age of eighteen years—

- (a) make a request to the Director in writing for permission to place the child overseas for adoption, pursuant to section 11 of the Act;
- (b) provide the Director with any documents referred to in regulation 4(2)(b) and 4(2)(c)(i) to (vii) which are relevant;
- (c) any signed agreement for continuing contact; and
- (d) 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.

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(4) The proposed adopter overseas shall apply to the Director in writing for his name to be entered in the Adopter's Register.

(5) Where the provisions of paragraphs (2) and (4) have been complied with, the Director shall perform the duties of the Director under section 9 of the Act, where necessary, and shall meet with the child privately pursuant to section 26(2) of the Act.

Transferring child from Bermuda for adoption: Director to make inquiries

10 (1) The Director shall request a public authority or accredited body in the country or territory in which the proposed adopter overseas is resident for the assistance of that authority or body in respect of the matters provided for in section 48(2)(b) and (c) of the Act, and in particular shall request the authority or body to—

- (a) complete a home study in respect of the proposed adopter overseas and forward a copy of the report to the Director;
- (b) undertake any investigations (whether pursuant to section 6(3) of the Act or otherwise) that would assist in determining whether the proposed adopter overseas is a suitable person and that the transfer is likely to be in the best interests of the child, and forward to the Director a report on the results of any investigations;
- (c) obtain and forward to the Director any reply to the notice of hearing (Form 6 of the Rules), duly signed by persons who are respondents to the application, except the proposed adopter overseas;
- (d) forward to the Director a written statement signed by the authority or body concerning the expediency or necessity of the attendance of the proposed adopter overseas at the hearing of the application to transfer the care and custody of the child; and
- (e) obtain and forward to the Director any other information or documents which the Director deems relevant, certified or attested.

(2) Any fees, costs and incidental expenses required to be paid in respect of the assistance provided by a public authority or accredited body under paragraph (1) are to be borne by the parent or guardian; and the Director is not required to proceed with a request for assistance unless he is satisfied that payment has been made, or will be made.

(3) The Director shall prepare a report on—

- (a) the efforts made by him to obtain the assistance of a public authority or accredited body;
- (b) the assistance provided by the public authority or accredited body;
- (c) the efforts made by the public authority or accredited body to provide assistance, but which were unsuccessful;
- (d) whether any circumstances exist which make it inexpedient or unnecessary that the proposed adopter overseas attend the hearing of any application;

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(e) any other matter which he deems relevant,
and shall forward a copy of the report to the Minister.

Transferring child from Bermuda for adoption: Recommendation by Director

11 (1) Where the Director is satisfied as to the matters provided for in section 48(2) (a), (b) and (c) of the Act, he shall grant permission in writing for the parent or guardian to place the child with the proposed adopter overseas, subject to—

- (a) such criteria and conditions as the Director may determine; and
- (b) an order being made by the court authorizing the child to be transferred to the proposed adopter overseas for the purpose of adoption.

(2) Where the Director is not satisfied as to the matters provided for in section 48(2) (a), (b) and (c) of the Act, he shall make a written recommendation that an order transferring the care and custody of the child to the prospective adoptive parent should not be made stating the reasons for his recommendation, and shall inform the parent or guardian in writing of his recommendation and reasons.

(3) Where there is insufficient information to grant permission or to make a recommendation under paragraph (1) or (2), the Director shall make that determination and prepare a written report stating the reasons for his determination, and shall inform the parent or guardian in writing of his determination and reasons.

Registration in Adopter's Register and investigations

12 (1) Where an application has been made to the Director under section 6 of the Act, the Director shall inform the applicant in writing whether his name has been entered in the Adopter's Register, and where it has not been entered, state the reason his name has not been entered.

(2) Where the Director has been instructed by the Minister under section 6(3) of the Act to undertake investigations of a person whose name has been entered in the Adopter's Register—

- (a) information given in the course of an investigation may be verified by any Government Department or body, if such verification has been requested by the Director in writing;
- (b) and where, in the course of an investigation, the person gives information of a medical, psychological, psychiatric, legal, or financial nature, the Director may require that the person produce documents verifying the information given, if the Director deems it relevant for the purpose of assisting him in making a recommendation whether an adoption order should or should not be made.

(3) The Director shall forward a written report to the Minister of the results of any investigations undertaken.

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Form of home study report and educational course

13 (1) The Director may inquire into any or all the matters prescribed in Schedule 2, and shall include the results of his inquiry in the home study report.

(2) Any fee required to be paid in respect of a home study shall be borne by the prospective adoptive parent, and the Director is not required to proceed with a home study unless he is satisfied that payment has been made, or will be made.

(3) Where, during the course of a home study, information is given of a medical, psychological, psychiatric, legal, or financial nature, the Director may require that the prospective adoptive parent produce documents verifying the information given, if the Director deems it relevant for the purpose of assisting him in making a recommendation whether an adoption order should or should not be made.

(4) In the best interests of the child, a prospective adoptive parent shall complete an educational course or courses, as recommended by the Director, on the subject of parenting an adopted child.

Form of agreement for continuing contact

14 An agreement for continuing contact, made between a parent or guardian and the prospective adoptive parent pursuant to section 14 of the Act, shall be in Form 3.

Form of consent and attestation

15 (1) The consent of a person to the making of an adoption order shall be as prescribed in Form 4, Form 5, Form 6 or Form 7, and shall be attested by a notary public.

(2) A consent executed in a jurisdiction outside Bermuda shall be attested by any one of the following—

- (a) a notary public;
- (b) any person authorized by law in the jurisdiction where the consent is executed to administer an oath for any judicial or other legal purpose;
- (c) a British consular officer; or
- (d) if the person executing the consent is serving in any of the regular armed forces of the Crown, any officer holding a commission in any of those forces.

Notice of counselling relating to consent

16 A person who—

- (a) counsels a person on the legal effects of giving his consent and the period for revoking such consent, pursuant to section 17(2)(a) of the Act;
- (b) counsels a person on the alternatives to adoption including the feasibility of keeping the child, pursuant to section 17(2)(b) of the Act,

shall notify the Director in writing, as soon as practicable, of the date on which he counselled the person.

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Notice of counselling relating to disclosure of information

- 17 (1) Where, pursuant to section 50 of the Act, a professional counsellor—
- (a) counsels a person who is a party to a placement or an adoption and who has requested information concerning the background of the child under section 49(1) of the Act;
 - (b) counsels a parent of an adopted child or an adopted child pursuant to section 49(4) of the Act,

the professional counsellor shall notify the Director in writing, as soon as practicable, of the date on which he counselled the person.

(2) A professional counsellor who, pursuant to section 51(8) of the Act, counsels an adopted person who has requested the identity of or identifying information about a relative, shall notify the Director in writing, as soon as practicable, of the date on which he counselled the person.

Commencement

18 These Regulations come into operation on such day as the Adoption of Children Act 2006 comes into operation.

SCHEDULE 1

FORMS

FORM 1

(regulation 3)

TRANSFER OF CARE AND CUSTODY
FROM PARENT OR GUARDIAN TO THE DIRECTOR

I [name] of [address], pursuant to section 21 of the Adoption of Children Act 2006, hereby transfer the care and custody of [name of child] of [address] to [name of Director], who is the Director of Child and Family Services, Hamilton, Bermuda.

DECLARATION OF PARENT OR GUARDIAN:

I hereby declare that—

- (a) I am the [mother] [father] [guardian] of the child;
- (b) I have parental responsibility for the child;
- (c) I understand that under section 21 of the Adoption of Children Act 2006, when my consent to the adoption is given, the Director becomes guardian of the child until an adoption order is made, or my consent is revoked in writing to the Director;
- (d) I understand that the Director may transfer the care and custody of the child to a prospective adoptive parent or put the child in the care of a caregiver;
- (e) I understand that the Director, or the prospective adoptive parent or caregiver, may—
 - (i) authorize a health care professional to examine the child;
 - (ii) consent to necessary health care of the child, if in the opinion of the health care professional, the health care should be provided; and
 - (iii) consent to the child's participation in school, social or recreational activities.

DECLARATION OF DIRECTOR:

I [name] of [professional address], am the Director of Child and Family Services, Hamilton, Bermuda, and hereby declare that I accept the care and custody of the child.

[signature]

Parent or Guardian

Date:

[signature]

Director

Date:

FORM 2

(regulation 3)

TRANSFER OF CARE AND CUSTODY
FROM THE DIRECTOR TO PROSPECTIVE ADOPTIVE PARENT OR CAREGIVER

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I [name of Director] of [professional address], am the Director of Child and Family Services, Hamilton, Bermuda, and hereby transfer the care and custody of [name of child] of [address] to [name of prospective adoptive parent or caregiver] of [address].

DECLARATION OF THE DIRECTOR:

I hereby declare that—

- (a) On [date], the [parent] [guardian] of the child, having parental responsibility for the child, transferred the care and custody of the child to the Director, pursuant to section 21 of the Adoption of Children Act 2006;
- (b) I presently have the care and custody of the child;
- (c) Pursuant to section 22 of the Adoption of Children Act 2006, I hereby transfer the care and custody of the child to—
 - (i) [name] of [address] who is a prospective adoptive parent;
 - (ii) [name] of [address] who is a caregiver.

DECLARATION OF THE [PROSPECTIVE ADOPTIVE PARENT] [CAREGIVER]:

I [name] of [address], am the [prospective adoptive parent] [caregiver] and hereby declare that I accept the care and custody of the child.

[signature]

Director

Date:

[signature]

[prospective adoptive parent] [caregiver]

Date:

FORM 3

(regulation 10)

AGREEMENT FOR CONTINUING CONTACT

THIS AGREEMENT FOR CONTINUING CONTACT is made between:

[name of prospective adoptive mother] of [address] and

[name of prospective adoptive father] of [address]

AND

[name of mother] of [address]

[name of father] of [address]

[name of guardian] of [address],

in respect of [name of child] of [address] born on [date].

GENERAL:

We understand that—

- 1 this agreement is legally binding where it is made in accordance with section 14(2) of the Adoption of Children Act 2006;

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- 2 we are not required to enter into this agreement for continuing contact in order that an adoption order may be made;
- 3 this agreement may be made if it is in the best interests of the child to do so;
- 4 the Director is not a party to this agreement and has no power to enforce it;
- 5 any amendment or termination of this agreement has no effect on an adoption order;
- 6 this agreement grants the [mother] [father] [guardian] of the child the right to seek legal enforcement of the provisions of this agreement through the court.

The child is 12 years of age or over and agrees to continuing contact with [his] [her] [mother] [father] [guardian].

I agree to honour the spirit, intent, and terms of this agreement.

CONTACT:

- 13 Frequency of contact:
- 14 Arrangements for contact:
- 15 Limitation of contact:

COMMUNICATION:

- 16 Types of communication:
- 17 Arrangements for communication:
- 18 Limitation of communication:

AMENDMENT OR TERMINATION:

This agreement may be amended or terminated in writing by any of the parties to the agreement.

OR

This agreement may be amended or terminated by any of the parties to the agreement on the following terms and conditions—

- (a) [blank];
- (b) [blank];
- (c) [blank];

Any amendment or termination of this agreement must be deposited with the Director and the court.

DECLARATION AND SIGNATURES:

I obtained independent legal advice, pursuant to section 14(2)(a) of the Act, before entering into this agreement.

[signatures]
of all parties to the agreement

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Date:

[signature]

witnesses

Date:

FORM 4

(regulation 11)

FORM OF CONSENT OF MOTHER, FATHER OR GUARDIAN AND ATTESTATION

I [name of mother] [name of father] [name of guardian] of [address] state that—

- A I am the [mother] [father] [guardian] of [name of child] of [address] born on [date];
- B I understand that [name] of [address] intends to apply for an adoption order in respect of the child;
- C I was counselled by [name of lawyer] of [address] on [date] and understand—
- (i) the legal effect of giving my consent for an adoption, as provided for in section 41 of the Adoption of Children Act 2006;
 - (ii) that section 20(1) of the Adoption of Children Act 2006 provides that my consent can be revoked by notice in writing to the Director before the expiration of 90 days commencing on the date I sign this consent form;
 - (iii) that section 20(2) of the Adoption of Children Act 2006 provides that upon the expiration of the period of 90 days, I cannot revoke my consent and an adoption order may be made;
- D I was counselled by [name of professional counsellor] of [address] on [date] about—
- (i) the alternatives to adoption;
 - (ii) the feasibility of keeping the child;
- E the child is at least 6 weeks of age;
- F I have not received payment or reward, or agreed to receive payment or reward, either directly or indirectly from any person, either in Bermuda or outside Bermuda, to procure or assist in procuring placement of the child for adoption, other than as provided for under section 56(2) of the Adoption of Children Act 2006;

Accordingly, I hereby freely and voluntarily give my consent to the adoption of the child by the applicant, and understand that this document will be used in the hearing of an application for an adoption order as evidence of my consent to the adoption.

signature

[mother] [father] [guardian]

Date:

Attestation

I HEREBY CERTIFY that this form of consent was signed by the said [name of mother] [name of father] [name of guardian] of [address] before me, [a Notary Public] [a person authorized by law to administer an oath for any juridical or other legal purpose] [a British

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Consular Officer] [an officer holding a commission in the regular armed forces of the Crown] on [date].

[signature]

Date:

Full name:

Address:

FORM 5

(regulation 11)

FORM OF CONSENT FOR ADOPTION OF CHILD
BY SPOUSE OR RELATIVE AND ATTESTATION

I [name of mother] [name of father] [name of guardian] of [address] state that—

- A I am the [mother] [father] [guardian] of [name of child] of [address] born on [date];
- B [name] of [address] intends to apply for an adoption order in respect of the child;
- C I am the [spouse] [relative] of the person who intends to apply for an adoption order;
- D I was counselled by [name of lawyer] of [address] on [date] and understand—
 - (i) the legal effect of giving my consent for an adoption, as provided for in section 41 of the Adoption of Children Act 2006;
 - (ii) that section 20(1) of the Adoption of Children Act 2006 provides that my consent can be revoked by notice in writing to the Director before the expiration of 90 days commencing on the date I sign this consent form;
 - (iii) that section 20(2) of the Adoption of Children Act 2006 provides that upon the expiration of the period of 90 days, I cannot revoke my consent and an adoption order may be made;
- E the child is at least 6 weeks of age;
- F I have not received payment or reward, or agreed to receive payment or reward, either directly or indirectly from any person, either in Bermuda or outside Bermuda, to procure or assist in procuring placement of the child for adoption, other than as provided for under section 56(2) of the Adoption of Children Act 2006.

Accordingly, I hereby freely and voluntarily give my consent to the adoption of my child by the applicant with the effect that the applicant jointly becomes a parent of the child with me, and I understand that this document will be used in the hearing of an application for an adoption order as evidence of my consent to the adoption.

signature

[spouse or relative of the applicant]

Date:

Attestation

I HEREBY CERTIFY that this form of consent was signed by the said [name of spouse or relative of the applicant] of [address] before me, [a Notary Public] [a person authorized by law to administer an oath for any juridical or other legal purpose] [a British Consular Officer] [an officer holding a commission in the regular armed forces of the Crown] on [date].

ADOPTION OF CHILDREN REGULATIONS 2013

[signature]:
Date:
Full name:
Address:

FORM 6

(regulation 11)

FORM OF CONSENT OF A CHILD AND ATTESTATION

I [name of child] of [address] state that—

- A I am 12 years of age or over;
- B I understand that [name] of [address] intends to make an application to the court to adopt me;
- C I was counselled by [name of lawyer] of [address] on [date] and understand—
 - (i) the legal effect of giving my consent for an adoption, as provided for in section 41 of the Adoption of Children Act 2006;
 - (ii) that section 20(1) of the Adoption of Children Act 2006 provides that my consent can be revoked by notice in writing to the Director before the expiration of 90 days commencing on the date I sign this consent form;
 - (iii) that section 20(2) of the Adoption of Children Act 2006 provides that upon the expiration of the period of 90 days, I cannot revoke my consent and an adoption order may be made;
- D I was counselled by [name of professional counsellor] of [address] on [date] about the alternatives to adoption;
- E I have not received payment or reward, or agreed to receive payment or reward, either directly or indirectly from any person, either in Bermuda or outside Bermuda, to procure or assist in procuring my placement for adoption, other than as provided for under section 56(2) of the Adoption of Children Act 2006.

Accordingly, I hereby freely and voluntarily give my consent to be adopted by the applicant, and understand that this document will be used in the hearing of an application for an adoption order as evidence of my consent to the adoption.

signature
[child]
Date:

Attestation

I HEREBY CERTIFY that this form of consent was signed by the said [name of child] of [address] before me, [a Notary Public] [a person authorized by law to administer an oath for any juridical or other legal purpose] [a British Consular Officer] [an officer holding a commission in the regular armed forces of the Crown] on [date].

[signature]:
Date:

ADOPTION OF CHILDREN REGULATIONS 2013

Full name:
Address:

FORM 7

(regulation 11)

FORM OF CONSENT OF THE DIRECTOR AND ATTESTATION

I [name of Director] of [professional address] state that—

- A I am the Director of Child and Family Services, Hamilton, Bermuda;
- B this consent form is in respect of [name of child] of [address] born on [date];
- C I understand that [name] of [address] intends to apply for an adoption order in respect of the child;
- D the mother of the child is [name] of [address] born on [date];
- E with respect to the father of the child—
- (i) the father of the child is [name] of [address] born on [date];
 - (ii) no person has been named or registered as the father of the child, and under section 18I of the Children Act 1998 there is a presumption of paternity and it is recognized in law that the father of the child is [name] of [address] born on [date];
 - (iii) no person has been named or registered as the father of the child, and under section 18I of the Children Act 1998 there are presumptions of paternity and no person is recognized in law to be the child's father;
- (delete paragraphs which are not applicable)*
- F the guardian of the child is [name] of [address] born on [date];
- G section 15(6) of the Adoption of Children Act 2006 provides that a child is deemed to be in the continuing custody of the Director if the child is in the care of the Director pursuant to a care order made under Part 4 of the Children Act 1998;
- H on [date] a care order was made by [court] placing the child in the care of the Director pursuant to Part 4 of the Children Act 1998;
- I pursuant to section 15(6) of the Act, on [date] the child was placed—
- (i) with a relative or guardian of the child, as the child had been in the care of the Director for at least six consecutive months without parental contact;
 - (ii) with a relative or guardian of the child, as the child had been in the care of the Director for at least three consecutive months without parental contact and the parent or guardian of the child previously had another child removed from their care pursuant to a care order as a result of their being unable or unwilling to care for that other child;
 - (iii) with a suitable person, as the child had been in the care of the Director for at least 12 consecutive months without parental contact;
 - (iv) with a suitable person, as the parent or guardian of the child is deceased, or otherwise unable or unwilling, within a reasonable period, to care for the child and

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there is no other relative of the child willing or able to assume the care of the child within a reasonable period;

(delete paragraphs which are not applicable)

- J section 15(5) of the Adoption of Children Act 2006 provides that where a child is in the continuing custody of the Director, the only consents required are the Director's consent and the child's consent, if the child is 12 years of age or over;
- K section 20(1) of the Adoption of Children Act 2006 provides that my consent can be revoked by notice in writing to the Director before the expiration of 90 days commencing on the date I sign this consent form;
- L section 20(2) of the Adoption of Children Act 2006 provides that upon the expiration of the period of 90 days, I cannot revoke my consent and an adoption order may be made;
- M I have not received payment or reward, or agreed to receive payment or reward, either directly or indirectly from any person, either in Bermuda or outside Bermuda, to procure or assist in procuring placement of the child for adoption, other than as provided for under section 56(2) of the Adoption of Children Act 2006.

Accordingly, I hereby freely and voluntarily give my consent to the child being adopted by the applicant.

signature

[Director]

Date:

Attestation

I HEREBY CERTIFY that this form of consent was signed by the said [name of Director] of [professional address] before me, [a Notary Public] [a person authorized by law to administer an oath for any juridical or other legal purpose] [a British Consular Officer] [an officer holding a commission in the regular armed forces of the Crown] on [date].

[signature]:

Date:

Full name:

Address:

SCHEDULE 2

(regulation 9)

HOME STUDY: MATTERS INTO WHICH DIRECTOR MAY INQUIRE

1. Matters in respect of the prospective adoptive parents—
 - (a) reasons for wanting to adopt the child;
 - (b) medical and psychological assessments;
 - (c) psychiatric evaluation, if an evaluation is advised in the psychological assessment;
 - (d) financial assessment;
 - (e) religious or spiritual beliefs;
 - (f) childhood relationships with parents and siblings;
 - (g) any significant childhood experiences;
 - (h) medical or psychological issues in respect of parents or siblings;
 - (i) relationship with spouse, marriage, and any other children of the family;
 - (j) level of education, occupation, and employment history;
 - (k) the home, including any results of a report of an Inspector of the Department of Health in respect of the home;
 - (l) information about other members of the household;
 - (m) whether the prospective adoptive parent has had contact with any agency which the Director deems relevant to the best interests of the child, including any contact with Child and Family Services, and government or private agencies;
 - (n) character references from three people who have known both prospective adoptive parents for a minimum of three years, and who are not family members;
 - (o) intended approach to caring for, rearing, and disciplining the child;
 - (p) potentially harmful habits, such as smoking and other substance use;
 - (q) police clearance certificate.
2. Matters in respect of any children of the prospective adoptive parents—
 - (a) views of the child on the proposed adoption;
 - (b) schools being attended;
 - (c) progress at school;
 - (d) occupation;
 - (e) medical and psychological assessment;
 - (f) psychiatric evaluation, if an evaluation is advised in the psychological assessment;
 - (g) Police clearance certificate.

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3. Matters in respect of all other members of the household of the prospective adoptive parent, if any—
 - (a) views of the household member on the proposed adoption;
 - (b) medical, physical, and psychological assessment;
 - (c) psychiatric evaluation, if any evaluation is advised in the psychological assessment;
 - (d) level of education, occupation, and employment history;
 - (e) Police clearance certificate.
4. Matters with respect to close friends and associates of the prospective adoptive parents—
 - (a) views of the friends and associates on the proposed adoption;
 - (b) medical, physical, or psychological issues;
 - (c) level of education, occupation, and employment history;
 - (d) Police clearance certificate.
5. Matters with respect to close extended family members (such as parents or siblings) of the prospective adoptive parents—
 - (a) views of the close extended family member on the proposed adoption;
 - (b) medical, physical, or psychological issues;
 - (c) level of education, occupation, and employment history;
 - (d) Police Clearance Certificate.
6. Any matters relating to the educational course attended by the prospective adoptive parent on parenting an adopted child.
7. Any other inquiries relevant or incidental to the matters provided for in paragraphs 1 to 6.

Made this 29th day of October 2013

Minister of Community, Culture and Sports