

## **Overview of the regulation of family and minors in the Bahamas**

The Bahamas has enacted various legislation that address issues relating to family and minors. These include the Constitution; the Status of Children Act, the Inheritance Act, and The Married Women's Property Act, The Adoption of Children Act, the Child Protection Act and the Domestic Violence (Protection Orders) Act.

The Constitution is the supreme law of the Bahamas. This constitution guarantees protection of Fundamental Rights and Freedoms of the Individual. This is outlined in Article 15 through 31 and includes for example protection of right to life, protection from inhuman treatment, protection from slavery and forced labour, provision to secure protection of law, protection for privacy of home and other property and protection from discrimination on the grounds of race.

The Constitution also outlines in Chapter II the requirement of Citizenship. This includes for example provision for persons who become citizens of the Bahamas on 10<sup>th</sup> July 1973, the date of Independence. There are also provisions addressing the Citizenship of person born outside of the Bahamas and marriage to citizens of the Bahamas.

The Status of Children Act Chapter 130 was enacted in 2002. This Act reformed the law relating to children by providing for the equal status of children born in or out of wedlock. Applications under this Act are made to the Supreme Court.

The Inheritance Act Chapter 116 was also enacted in 2002 to address issues relating to family and minors. This Act makes provision for succession to property of deceased persons and in particular the testamentary disposition and distribution on intestacy of such property. It also makes provision for dependants of deceased person and other related purposes. Applications under this Act is made to the Supreme Court

The Married Women's Property Act Chapter 129 dates back to 1884. This Act addresses issues relating to the property of married women. It makes provision for a married woman to acquire, hold and dispose by will or otherwise of any real or personal property as her separate property without the intervention of any trustee.

The Adoption of Children Act Chapter 131 makes provision for the adoption of infants. There are provisions also relating to the adoption of foreign infants. Adoption applications are made to the Supreme Court. The Child Protection Act 2007 is a comprehensive legislation that provides for the care and protection of children and for related and consequential matters. It addresses for example the legal capacity and guardianship of children, custody, and family maintenance.

The Domestic Violence (Protection Orders) Act 2007 came into force in 2008. This Act makes provision for the granting of Protection Orders in circumstances of domestic violence and for related and consequential matters.

In addition to these various legislations, the Children and Family Services Division of the Department of Social Services seeks to ensure that all children in The Bahamas have a physically safe environment with emotional support and security necessary for healthy growth and development. The division consists of four separate units:

**CHILD PROTECTION SERVICES UNIT:** is the primary section with direct responsibility for providing intervention as well as ongoing management in cases of Child Maltreatment in The Commonwealth of The Bahamas. It also investigates cases involving the physical, sexual, emotional, and verbal abuse of children.

**CHILD CARE FACILITIES UNIT:** is responsible for all residential care facilities or

institutions for children.

**CHILD PLACEMENT UNIT:** works closely with the Child Protection Unit in the management of children who have been maltreated or abandoned. Services provided via this unit are adoptions/foster care and preparation of Guardian Litem Reports.

**FAMILY SERVICES UNIT:** is responsible for the development of an individual's capacity to perform constructive life tasks and to enhance and strengthen family life. This area also deals with matters pertaining to Family Violence.

The Department of Social Services is the agency within The Commonwealth of The Bahamas who has responsibility for the welfare of all children in The Bahamas. The Department seeks to ensure that all children have access to the basic necessities in life, inclusive of food and shelter, education, health care and a safe environment.

Additionally, the Department has various programmes to accomplish these goals and work in conjunction with other agencies to assist with the regulation of family and minors. Other matters pertaining to the internal regulation of family and minors include: management of children who have been maltreated or abandoned, care and protection of children, supervision orders, foster care placement and family maintenance rights and duties of family as between themselves.

All of the above is to ensure that the rights of the child and the perseverance of the family, which is enshrined into the constitution of The Bahamas.