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STATUS OF CHILDREN (PARENTAGE TESTING PROCEDURE) REGULATIONS

REV III

OECS LEGAL UNIT
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ARRANGEMENT OF REGULATIONS

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IN EXERCISE of the powers conferred by the Minister pursuant to section 18 of the Status of Children [Act/Ordinance], the Minister responsible for the administration of justice makes the following Regulations:

Citation

1. These Regulations may be cited as the Status of Children (Parentage Testing Procedures) Regulations, 200[ ].

Definitions

2. In these Regulations:

"[Act/Ordinance]" means the Status of Children [Act/Ordinance], No. [ ] of [ ];

"Adoption Committee" means the Adoption Committee established under section [ ] of the Children (Care and Adoption) [Act/Ordinance], No.[ ] of [ ];

"approved laboratory" means a laboratory approved by the Minister under the [Act/ Ordinance] for the purpose of carrying out a parentage testing procedure;

"DNA" means deoxyribonucleic acid;

"donor" means a person required to provide a sample for the purposes of a parentage testing procedure;

"HLA" means human leukocyte antigen;

"nominated reporter" means a person nominated by an approved laboratory to prepare a report relating to the information obtained as a result of carrying out a parentage testing procedure at that approved laboratory;

"parentage testing procedure" includes:

(a) the taking of tissue fluid or other bodily sample from a person and the scientific examination of the samples; and

(b) any test carried out on a person involving the application of medical science;

for the purpose of obtaining evidence with respect to parentage;

"report" means a report made in accordance with regulation 13;

"sample" includes tissue, fluid or other bodily sample taken from a person for the purpose of a parentage testing procedure;

"sampler" means a person who takes a sample;

"testing" means the implementation, or part of the implementation, of a parentage testing procedure.

Parentage testing procedure

3. A parentage testing procedure includes the following medical procedures:

(a) red cell antigen blood grouping;

(b) red cell enzyme grouping;

(c) HLA tissue typing;

(d) testing for serum markers; and

(e) DNA typing.

Compliance with these Regulations

4. A parentage testing procedure is carried out in accordance with these Regulations if it is:

(a) in compliance with regulations 5 to 12;

(b) undertaken at an approved laboratory in accordance with standard practice; and

(c) supplemented by a report under regulation 13.

Samplers

5. A person shall not take a sample from a donor for the purposes of a parentage testing procedure unless the person:

(a) is a medical practitioner; or

(b) is employed by a hospital, an approved laboratory, or by a medical practitioner for the purpose of taking a sample.

Provision of information by donor

6. (1) A sampler shall not take a sample from a donor before the donor or, if appropriate, a person described in sub-regulation (3) has:

(a) completed an affidavit in the form set out as Form 1 in the Schedule; and

(b) either:

(i) provides to the sampler a recent photograph measuring approximately 45 millimetres by 35 millimetres, that shows a full face view of the head and shoulders of the donor against a plain background; or

(ii) made a written arrangement with the sampler for a photograph to be taken as specified in sub-regulation (b) (i).

(2) The donor shall complete a declaration in the form set out as Form 2 in the Schedule before the sampler takes the bodily sample from the donor.

(3) If the donor is:

(a) under the age of sixteen years; or

(b) suffering from a mental disability,

the affidavit referred to in sub-regulation (1) (a) and the declaration referred to in sub-regulation (2) must be completed by the person who is responsible for the care, protection and welfare of the donor.

Collection of blood samples

7. (1) A sampler may take a sample of blood from a donor only with a needle or syringe that:

(a) has not been used for any other purpose;

(b) is sterilised; and

(c) is disposable.

(2) Before taking a sample of blood from a donor, the sampler shall ensure that the area of the donor's skin into which the needle is to be inserted to withdraw the blood has been cleaned with an antiseptic.

Collection of bodily samples for DNA typing

8. (1) This regulation applies to the taking of a bodily sample, except a sample of blood, from the donor for the purposes of a parentage testing procedure that is DNA typing.

(2) A sampler shall take a bodily sample from a donor only with a swab that has not been used for any other purpose and has been sterilised.

(3) A sampler shall take a bodily sample that is a skin scraping or a hair root only with an implement that has been sterilised before use.

Container to be sealed and labelled

9. (1) If a bodily sample is taken from a donor, the sampler shall ensure that:

(a) the sample is placed in a container:

(i) immediately after it is taken; and

(ii) in the presence of the donor;

(b) the container has not previously been used for any other purpose;

(c) the container is sealed in a way that, if it were opened after being sealed, that fact would be evident on inspection of the container;

(d) the container is labelled in a way that, if it were opened after being sealed, that fact would be evident on inspection of the container;

(e) the particulars on the label are inscribed in ink and include:

(i) the full name of the donor;

(ii) the date of birth and sex of the donor; and

(iii) the date and time at which the sample was taken; and

(f) when paragraph (e) is complied with, the sampler and the donor sign the label in ink.

(2) If the donor is under the age of sixteen years, the procedures specified in sub-regulation (1) (a) and (f) must be completed in the presence of the person who is responsible for the care, protection and welfare of the donor.

(3) If the donor is suffering from a mental disability:

(a) the procedure as specified in sub-regulation (1) (a), may be completed in the presence of the person who is responsible for the care, protection and welfare of the donor; and

(b) the procedure referred to in sub-regulation (1) (f), shall be taken to be complied with only if the label is signed by a person who is responsible for the care, protection and welfare the donor.

Statement by sampler

10. After taking a sample from the donor, the sampler shall:

(a) complete a statement in the form set out as Form 3 in the Schedule;

(b) affix a photograph of the donor referred to in regulation 6 (1) (b) (i) to the statement; and

(c) sign his or her name partly on the photograph and partly in a way that, if the photograph were later removed from the statement, the removal would be evident from inspection of the statement.

Packing and storage requirements

11. (1) A sample shall be packed, stored and transported to an approved laboratory for testing in a manner that:

(a) will preserve the integrity of the sample; and

(b) ensures that the testing of the sample will produce the same results as would have been obtained if the sample had been tested immediately after collection.

(2) The sampler shall ensure that the following documents are sent to the approved laboratory with the sample:

(a) the affidavit completed under regulation 6 (1) (a);

(b) the declaration completed under regulation 6 (2);

(c) the statement completed under regulation 10.

Testing bodily samples

12. (1) An approved laboratory to which a bodily sample has been sent for testing shall ensure that the testing is completed, where the proposed testing procedure is:

(a) red cell antigen blood grouping, red cell enzyme blood grouping or testing for serum markers, within six days after the sample is taken;

(b) HLA tissue typing, within three days after the sample is taken; or

(c) DNA typing, within a reasonable time after the sample is taken.

(2) If the proposed parentage testing procedure is red cell enzyme blood group or testing for serum markers, sub regulation (1) (a) is complied with if a dried sample of the bodily sample to be tested is prepared within six days after the sample is taken from the donor.

Reports

13. (1) For the purposes of section 11 of the [Act/Ordinance], a report shall be prepared in the form set out as Form 4 in the Schedule.

(2) Part 1 of the report must be completed by the nominated reporter identified in the report.

(3) Part 2 of the report must be completed by the person:

(a) who carried out the parentage testing procedure; or

(b) under whose supervision the parentage testing procedure was carried out.

(4) A report completed otherwise than in accordance with the [Act/Ordinance] and this regulation shall be of no effect.

Fee for instruments filed with Registrar

14. For the purposes of section 7 (1) of the [Act/Ordinance], the prescribed fee is [ ].

SCHEDULE

FORM 1

Status of Children (Parentage Testing Procedures) Regulations

Regulation 6 (1) (a)

PARENTAGE TESTING PROCEDURE
AFFIDAVIT BY/IN RELATION TO DONOR

NAME OF CHILD WHOSE PARENTAGE IS IN ISSUE:
(child name)

1. I, (name), of (address), (occupation), *make oath and say/*affirm:

PART 1

Part 1 must be completed if the person swearing or affirming the affidavit is the Donor.

2. My racial background is (give details).

3. In the last 2 years:

   (a) I *have/*have not suffered from leukaemia.
   (b) I *have/*have not received a bone marrow transplant.

*4. The particulars of the *leukaemia/* bone marrow transplant are as follows:
(give particulars)

5. I *have/*have not received a bone marrow transplant.

*6 The particulars of the transfusion of blood or blood product are as follows: (give particulars)

PART 2

Part 2 must be completed if the person swearing or affirming the affidavit is not the Donor

2. I am the *(relationship or other status in relation to the donor)* of *(name of donor)* who was born on *(date of birth of donor)*.

3. *(name of donor)* is a person whose racial background is *(give details).*

4. In the last 2 years:

(a) the donor*has/*has not suffered from leukaemia.
(b) the donor *has/*has not received a bone marrow transplant.

*5 The particulars of the *leukaemia/*bone marrow transplant are as follows: *(give particulars).*

6. The donor *has/*has not received a transfusion of blood or a blood product within the last 6 months.

*7 The particulars of the transfusion of blood or blood product are as follows:
(give particulars).

*SWORN/*AFFIRMED by the Deponent at
on 200 [ ].

(Signature of Deponent)

BEFORE ME: *(insert name of person before whom the Affidavit is sworn or affirmed)*

(Signature of person before whom affidavit is sworn or affirmed)

*Delete if inapplicable.

FORM 2

Status of Children (Parentage Testing Procedures) Regulations

Regulation 6 (2)

PARENTAGE TESTING PROCEDURE
DECLARATION BY/IN RELATION TO DONOR

PART 1

Part 1 must be completed if the person making the declaration is the donor.

I, *(name),* of *(address), (occupation),* declare that I *have/*have not received a transfusion of blood or a blood product since I signed the affidavit required by regulation 6 (1) (a) of the Status of Children **(**Parentage Testing Procedures) Regulations in respect of this parentage testing procedure.

PART 2

Part 2 must be completed if the person making the declaration is not the donor.

1. I, *(name),* of *(address), (occupation), declare that:*

2. I am the *(state relationship or other status in relation to the donor)* of *(name of donor)* who was born on *(date of birth of donor).*

3. The donor *has/*has not received a transfusion of blood or a blood product since *I/******(name of person who signed the affidavit required by regulation 6 (1) (a) of the Status of Children (Parentage Testing Procedures) Regulations* signed the affidavit required by regulation 6 (1) (a) of the Status of Children (Parentage Testing Procedures) Regulations in respect of this parentage testing procedure.

Dated 20[ ].

(Signature of person completing declaration)

*Delete if inapplicable.

FORM 3

Status of Children (Parentage Testing Procedures) Regulations

Regulation 10

PARENTAGE TESTING PROCEDURE
COLLECTION OF BODILY SAMPLES

STATEMENT BY SAMPLER

NAME OF CHILD WHOSE PARENTAGE IS IN ISSUE:
(child's name)

1. I, *(name of sampler),* of *(professional address), (occupation),* took the *bodily sample/*****bodily samples specifies below at *(time)* *am/*****pm on (*date)* at *(place of collection)* form the following *****person/*****persons:

   (a) (name of person, type of bodily sample and person's photograph);

   **(b) (name of person, type of bodily sample and person's photograph);*

   **(c) (name of person, type of bodily sample and person's photograph);*

   **(d) (name of person, type of bodily sample and person's photograph);*

2. When I took the *bodily sample/*bodily samples specifies above, I strictly observed the procedures provided under the Status of Children Regulations.

3. I placed the *bodily sample/*each of the bodily samples specified above in a container that was immediately sealed and then labeled in accordance with regulation 9 of the Status of Children (Parentage Testing Procedures**)** Regulations.

Dated 20[ ] .

(Signature of Sampler)

*Delete if inapplicable.

FORM 4

Status of Children (Parentage Testing Procedures) Regulations

Regulation 13

PARENTAGE TESTING PROCEDURE REPORT

NAME OF CHILD WHOSE PARENTAGE IS IN ISSUE:
(child's name)

PART 1

1. I, *(name of nominated reporter)*, of *(address)*, *(occupation)*, am a person nominated by the approved laboratory specified below to prepare a report for the purposes of section 11 of the *Status of Children [Act/Ordinance*].

2. I report that *a parentage testing procedure/*parentage testing procedures being:

   *(a) red cell antigen blood grouping;

   *(b) red cell enzyme blood grouping;

   *(c) testing for serum markers;

   *(d) HLA tissue typing;

   *(e) DNA typing;

   *has / *have been carried out on the bodily *sample / *samples contained in the sealed *container / * containers bearing the *name / *names of the following *donor / *donors:

   (a) (donor's name, date of birth and relationship to child whose parentage is in issue);

   *(b) (donor's name, date of birth and relationship to child whose parentage is in issue);

   *(c) (donor's name, date of birth and relationship to child whose parentage is in issue);

   *(d) (donor's name, date of birth and relationship to child whose parentage is in issue);

3. Each bodily sample referred to in item 2 is the same bodily sample as the bodily sample specified in the statement completed on *(date)* by *(name of sampler)* in accordance with Form 3 in the Status of Children (Parentage Testing Procedures) Regulations.

4. The parentage testing *procedure was / * procedures were carried out at *(name of *approved laboratory / *approved laboratories).*

5. The results of the parentage testing *procedure / * procedures are set out in Part 2 of this report.

*6. I report that the results of the parentage testing *procedure / * procedures carried out on the bodily * sample / *samples of the donors specified above show that *(name of putative parent)* is not excluded form identification as the *father / *mother of *(name of child whose parentage is in issue).*

*7. I further report that the probability that *(name of putative parent)* is the genetic *father / *mother of *(name of child whose parentage is in issue)* has been calculated as follows:

*Paternity / *Maternity Index *(figure) to 1*

Relative chance of *Paternity / *Maternity
(percentage) %

*8. I report that the results of the parentage testing *procedure / *procedures carried out on the bodily *sample / *samples of the donors specified above show that *(name of putative parent)* is excluded from identification as the *father / *mother of *(name of child whose parentage is in issue).*

*9. I further report that the exclusion is based on contradictions of the laws of genetic inheritance in *(amount)* of the *(amount)* genetic markers: *(names of the genetic markers and whether the contradictions are of the first or second order*).

*10. I further report (*if necessary, provide further explanation of results detailed in items 6 and 7).*

Dated 200[ ].

(Signature of nominated reporter)

PART 2

1. The bodily *sample / *samples referred to in Part 1 of this report were received at *(name of approved laboratory at which parentage testing *procedure was / *procedures were carried out)* on *(date).*

2. The following identification *number was / *numbers were allocated respectively to the bodily *sample / *samples in the *container / *containers in respect of which the parentage testing *procedure / *procedures were carried out.

   (a) (name of donor and identification number);
   **(b) (name of donor and identification number);*
   **(c) (name of donor and identification number);*
   **(d) (name of donor and identification number);*

3. The results obtained from the parentage testing *procedure / *procedures are: (*set out the results).*

Complete this item if the parentage testing procedure carried out was red cell antigen blood grouping, red cell enzyme blood grouping, HLA tissue typing or testing for serum markers.

*4. The results set out above in item 3 refer to the parentage testing *procedure / *procedures carried out *by me / *under my supervision on *(date).* The bodily *sample was / *samples were tested with the same reagents and in parallel with appropriate known controls. Results from controls show that all reagents were of correct specificity and normal potency. I am satisfied that the results obtained are true and that they have been correctly transcribed from the approved laboratory workbooks.

Complete this item is the parentage testing procedure carried out was DNA typing

*5. results set out above in item 3 refer to the parentage testing *procedure / *procedures carried out *by me / *under my supervision on *(date).* The bodily *sample was / *samples were tested with the same probes/primers and in parallel with appropriate known controls. Fragment length and/or hybridization patterns were in accordance with scientifically accepted standards. I am satisfied that the results obtained have been correctly coded from the fragment and/or hybridization pattern and that they have been correctly transcribed form the approved laboratory workbooks.

Dated 200[ ].

Signature of person who carried out parentage testing procedure or person under whose supervision parentage testing procedure was carried out)

*Delete if inapplicable.
