

# **ADOPTION**

## **Regional Policy & Procedures**

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**1.1 Introduction**

- 1.1.1 The introduction of legal adoption established an important service and has made it possible for children, whose parents are unable to care for them, to become permanent members of new families. As a consequence, society now has a significant number of adoptive families.
- 1.1.2 The family, with all its diversity, continues to be the fundamental unit in society. Belonging to and being brought up within a family is considered to be of such importance for the well-being of children, that it has been incorporated in the United Nations Convention on Human Rights, which states that everyone has the right to respect for his private and family life.
- 1.1.3 The Children (Northern Ireland) Order 1995 underpins this right and seeks to ensure that a child is brought up in his birth family, in so far as this is consistent with a Trust's general duty to safeguard and promote the child's welfare. When this is not possible relatives may provide family care. If they cannot do so and the child requires a permanent alternative family, then adoption is normally the preferred option. Adoption has therefore an important role to play if the right to family life is to become a reality for all children.
- 1.1.4 Adoption has had to adapt to the substantial changes, which have taken place in society. The outcome has been to change the nature of the adoption service from mainly one of finding suitable families for the babies of unmarried mothers to the placement of pre-school age and older children.
- 1.1.5 Given these changes it is important that adoption is located in the mainstream of children's services and is fully integrated within the continuum of child welfare services.

- 1.1.6 Adoption has a significant part to play in the implementation of a Permanence Policy for children particularly in relation to meeting the needs of looked after children. “Permanence” is a core child care policy and has been defined as “a framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity.”
- 1.1.7 The Northern Ireland Social Services Inspectorate’s Report “Adopting Best Care” launched in May 2002 states:
- “Adoption is primarily a service for children. All children are entitled to grow up in a loving family that can meet their needs throughout their childhood and beyond. For most children, this will be the family into which they are born. In any year, however, approximately 2,500 children are looked after by Social Services. For a small but significant number of these children, adoption will provide the best opportunity for them to enjoy a family for life”.
- 1.1.8 The Department of Health (the then DHSSPS) draft adoption strategy, “Adopting the Future” (2006), outlines the DoH’s vision for the future direction of adoption services in Northern Ireland:
- “We want to make adoption work more clearly, consistently and fairly. We want to see more adopters recruited, agencies working better and courts performing more efficiently. Above all, we want to see vulnerable children safe, in permanent families”.
- 1.1.9 It is important to recognise, however, the tension which is inherent in meeting the needs of looked after children in the long-term. This arises from the legislative intention of promoting the upbringing of children within their birth families, provided this is consistent with a Trust’s general duty to safeguard and promote children’s welfare, and meeting the child’s right to family life and consistency in the parenting they receive.

- 1.1.10 This tension is highlighted during the rehabilitation process, particularly as statutory agencies have a duty to make all reasonable efforts to promote the upbringing of children with their birth parents. This has been interpreted to mean that rehabilitation should be earnestly pursued not only when there is a *probability* of success but also when this is only a *possibility*. Rehabilitation in some cases can result in a very lengthy process with implications for the timely attainment of the child's right to family life.
- 1.1.11 The DoH has recognised the complexities and difficulties which this presents for Health and Social Care Trusts. It is concerned that in child care practice there is a misconception that all possibilities to secure the return of the child to his family should be exhausted – no matter how long it might take. Consequently, the DoH has stressed the importance of achieving the right balance, stating that there is a need for, “an awareness of the importance of time in the rehabilitation process and of the damage which might be done to children where time is allowed to pass without any visible signs of their future being secured”.<sup>1</sup>
- 1.1.12 The clear message is that rehabilitation must be a realistic option and should not be pursued beyond the stage where it appears unlikely that it will be successful. Adoption is seen as a positive alternative for those children who cannot be rehabilitated with their birth parents.
- 1.1.13 In some countries, the social policies, which have been or are being implemented and their social welfare provision, have created a situation where some children are available for inter-country adoption.

## **1.2 Terminology**

- 1.2.1 In this document “child” means a child or young person who has not attained the age of 18 years.
- 1.2.2 References in this document to the gender of a child or adult follow the legislative convention in referring to “he”, “his” or “him”.
- 1.2.3 The “Working Together” approach refers to all the various agencies, disciplines, birth parents, adopters and children being involved and consulted in the adoption process.

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<sup>1</sup> Permanency Planning for Children: Adoption – Achieving the Right Balance. DHSSPS (May 1999)

- 1.2.4 “Trust” refers to a Health and Social Care Trust and an Agency refers to an Adoption Agency. In Northern Ireland all HSC Trusts are Adoption Agencies.
- 1.2.5 The Agency Decision Maker is a senior manager in the Agency with expertise in adoption and childcare who has been designated to make decisions, on behalf of the Agency, including those specified in the Adoption Agencies Regulations (Northern Ireland) 1989 and the Adoption of Overseas Children Regulations (Northern Ireland) 2002. In the case of a voluntary adoption agency the Agency Decision Maker may not be a senior manager but a member of the Management Board with sufficient expertise to fulfil the role.
- 1.2.6 ‘ARIS’ refers to the Adoption Regional Information System, a regional adoptive family finding database that stores details of all children awaiting adoption and all approved adopters across Northern Ireland. The purpose of ARIS is to collate data to inform adoption agencies and prospective adopters about the circumstances of children waiting for adoptive families. Its primary function is to improve the chances of children finding adoptive families by suggesting links in cases where agencies have not been able to place children with a suitable family from their own pool of approved adopters.

### **1.3 Principles**

- 1.3.1 While adoption is essentially a service for children, other key people such as those within the birth families and adoptive families, are included in the overall service, both pre- and post- adoption. The principles which underpin the service whilst accepting that the child’s welfare is paramount, recognise the need to give proper consideration to all those involved, in reaching a ‘best interests’ decision for the child.
- 1.3.2 The welfare of the child must be the paramount consideration in any decision which directly or indirectly affects the child and should have regard to the need to safeguard and promote the welfare of the child throughout his childhood.
- 1.3.3 The wishes and feelings of the child must be given proper consideration having regard to his age and understanding.

- 1.3.4 The right of the child and his birth parents to respect for private and family life together must be given proper consideration. Therefore children should be provided with opportunities to develop secure attachments from the earliest opportunity and every effort should be made to avoid unnecessary moves.
- 1.3.5 Decision making should be timely, proportionate and in the best interests of the child. This principle should also apply to the process of rehabilitating children with their birth parents in order, if considered appropriate, to pursue the alternative of adoption at the earliest possible date.
- 1.3.6 Delay in the decision making process should be avoided.
- 1.3.7 A “working together” approach should be implemented in the provision of adoption services.
- 1.3.8 Staff and adoption panel members should seek to establish and maintain a relationship of partnership and this should extend, as far as possible, to the children, birth parents, adoptive parents and significant others involved in adoption.
- 1.3.9 Policy, procedures and practice should be equitable and transparent.
- 1.3.10 The safeguards, standards, principles and eligibility criteria for domestic and inter-country adoptions should be the same, to ensure compliance with Article 21(c) of the United Nations Convention on the Rights of the Child which states:

*“Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption”.*

### 2.1 The Legislative Framework

2.1.1 This chapter lists the primary and subordinate legislation governing adoption in Northern Ireland. It also lists relevant Rules of Court and Departmental Guidance. Other legislation considered to be particularly relevant to adoption is included.

The Health and Social Care (Reform) Act (Northern Ireland) 2009 replaced the 4 Health and Social Care Boards with a Regional Health and Social Care Board (HSCB) and amalgamated the existing Health and Social Services Trusts into 5 Health and Social Care Trusts, each of which is a Statutory Adoption Agency.

### 2.2 Primary Legislation

2.2.1 The Adoption (Northern Ireland) Order 1987 (SI 1987/2203 (NI 22)) is the principal statute governing adoption in Northern Ireland. It came into operation on 1 October 1989 and superseded the 1967 Adoption Act. The Order:

- places a statutory duty on the Health and Social Care Board (and Trusts) to provide an adoption service;
- places certain restrictions on arranging adoptions and placing children for adoption;
- makes provision to enable children to be freed for adoption with or without parental agreement;
- makes provision for the care and protection of children awaiting adoption;
- sets out the status of adopted children;
- makes provision for the registration of adoption orders;
- makes provision for adopted adults to obtain access to their birth records; and
- allows for the introduction of schemes for the payment of allowances to adopters and prospective adopters in certain circumstances.

## **2.3 Amendments to the Adoption Order**

2.3.1 The Health and Personal Social Services (Northern Ireland) 1994 Order delegated responsibilities to the HSC Board and the Trusts for the delivery of adoption services.

2.3.2 The Children (Northern Ireland) Order 1995 (SI 1995/755 (NI 2))  
Amends the Adoption Order to reflect new concepts and terminology.  
Other amendments to the Adoption Order include:

- an amendment to Article 54 (counselling of adopted people for the purposes of disclosure of their birth records) to provide for the reciprocal recognition of counselling services among 3 UK jurisdictions thus obviating the need for any person living in one jurisdiction having to travel to another to be counselled;
- the introduction of a new Article 54A to require the Registrar General to maintain an Adoption Contact Register thus enabling adopted people to supply an address at which they may be contacted by a relative. It also enables relatives to leave a contact address;
- the introduction of a new Article 59A enabling the DoH to make Regulations to determine the circumstances in which adoption allowances can be paid; and
- the replacement of Article 66 with two new Articles (66 and 66A) to bring Guardians ad Litem in adoption proceedings within the organisational framework for GALs in care proceedings.

2.3.3 The Adoption (Inter-country Aspects) Act (Northern Ireland) 2001 (c. 11)  
Sections 3 to 14 of the 2001 Act amends the Adoption Order to deal with adoptions with an international element (inter-country adoptions). The Act commenced on 22<sup>nd</sup> February 2002. In broad terms, the Act places the former arrangements for inter-country adoptions on a statutory basis. It also ensures that such adoptions only take place when it is in the best interests of the child. The Act amends Article 58 of the 1987 Order by inserting Article 58A to make it an offence to bring into the UK for the purpose of adoption a child who is habitually resident elsewhere, unless the requirements of the Regulations are met.

- 2.3.4 The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003 (SI 2003/431 (NI 9))  
Schedule 4 to the 2003 Order amends the Adoption Order by bringing voluntary adoption societies within the registration and inspection remit of the Regulation and Quality Improvement Authority. This arrangement commenced in October 2010.
- 2.3.5 Social Security (Northern Ireland) Order 1988 (SI 1988/594 (NI 2))  
This Order repeals Article 47(3) of the Adoption Order.
- 2.3.6 Wills and Administration Proceedings (Northern Ireland) Order 1994 (SI 1994/1999 (NI 13))
- 2.3.7 Adoption and Children Act 2002 (C 38)  
As of 3 February 2003, this Act amends the definition of “prescribed” in Article 2 (2) of the Adoption (Northern Ireland) Order 1987.
- 2.3.8 Adoption and Children (Scotland) Act 2007 (ASP 4)  
The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010 allowed Northern Ireland legislation to recognise Scottish permanence orders. Prior to this Order the courts in England, Wales and Northern Ireland were unable to make an adoption order with respect to a child subject to a permanence order which grants authority to adopt without the consent of the birth parents or the courts being satisfied that they should dispense with such consent.

The 2010 Order provided that references in the Adoption and Children Act 2002 and in the Adoption (Northern Ireland) Order 1987 to freeing orders made under the Adoption (Scotland) Act 1978, have effect as if they were references to child subject to a Scottish permanence order.

The 2010 Order was made under section 104 of the Scotland Act 1998 (“the 1998 Act”) and came into force on 2 November 2010. It was repealed and replaced by the Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (2011 No. 1740) which amended both the 2002 Act and the 1987 Order.

- 2.3.9 The Civil Partnership Act 2004  
Commenced on 5 December 2005 and includes amendments to Article 2(2) of the Adoption Order so that in the definition of “relative”, “affinity” is replaced with “by marriage or civil partnership”. Articles 12(5), 15(1)(a) and 33(3)(g) are amended to include reference to “a civil partner”.
- 2.3.10 The Human Fertilisation and Embryology Act 2008 (c 22)  
This Act inserts words in Article 15(3)(a) of the Adoption Order and includes a new Article 15(3A) relating to legal parenthood in cases involving assisted reproduction.
- 2.3.11 The Civil Registration Act (Northern Ireland) 2011 (c 20)  
Amended Article 50 of the Adoption (Northern Ireland) Order 1987 to insert new paragraphs (4), (5), (6) & (7) which enabled regulations to be made to provide for persons to access any information contained in the Adopted Children Register; to allow the Registrar General to enter into arrangements with third parties for the purpose of providing access to information contained in the Adopted Children Register; and for the Registrar General to transfer registration information to third parties. These provisions bring access to the Adopted Children Register into line with other registration records.
- 2.3.12 A largely up-to-date version of the Adoption Order is available on [www.legislation.gov.uk](http://www.legislation.gov.uk). In the Quick Search facility enter “Adoption” in the **Title** field, “1987” in the **Year** field and click “Go”.

## **2.4 Other Primary Adoption Legislation:**

- 2.4.1 Adoption (Inter-country Aspects) Act (Northern Ireland) 2001 (c 11 NI) (Sections 1 and 2 and the Schedule)

This Act gives effect in Northern Ireland to the Hague Convention on Protection of Children and Co-operation in respect of **inter**-country Adoption. The Convention establishes safeguards to ensure that inter-country adoptions take place in the best interests of children and with respect for their fundamental rights, thereby aiming to prevent the abduction, sale of, or trafficking of children. Section 1 enables the DoH to make Regulations to give effect to the Convention in Northern Ireland and Section 2 establishes a Central Authority (DoH) to deal with cases arising under the Convention. Section 2 also provides for the appointment of approved adoption agencies as accredited bodies to provide Convention adoption services.

2.4.2 Adoption (Hague Convention) Act (Northern Ireland) 1969 (c 22 NI)

This Act gives effect to the Hague Convention on “Jurisdiction, Applicable Law and Recognition of Decrees relating to Adoptions” concluded on 15 November 1965. The objective of the Convention is to introduce an acceptable basis for a jurisdiction to grant and recognise adoption orders in circumstances of inter-country adoptions where the adopters and child may be subject to different legal requirements. The Convention was ratified by the United Kingdom, Austria and Switzerland. This Convention should not be confused with the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption concluded on 29 May 1993.

**2.5 Subordinate Legislation**

2.5.1 Adoption Agencies Regulations (Northern Ireland) 1989 (SR 1989 No. 253)

These Regulations, commenced on 1 October 1989, govern the way in which adoption agencies and their adoption panels carry out their functions.

These were amended by Schedule 22 to the Health and Social Services Trusts (Consequential Amendments) Regulations (Northern Ireland) 1994 (SR 1994 No.65) so that HSS Trusts may act as adoption agencies. The amending Regulations also provide for the establishment of joint adoption panels and for the appointment of panel members.

2.5.2 Health and Social Services Trusts (Exercise of Functions) Regulations (Northern Ireland) 1994 (SR 1994 No. 64)

These Regulations, commenced on 1 April 1994, provide for all of the functions of HSS Boards under the Adoption Order to be delegated to HSS Trusts. The Regulations classify all of these functions as “relevant functions” for the purposes of Article 3 of the Health and Personal Social Services (Northern Ireland) Order 1994. Article 3 of the 1994 Order enables a Health and Social Services Board with the DoH’s approval, to delegate the exercise of “relevant functions” to a HSS Trust.

2.5.3 Adopted Persons (Birth Records) Regulations (Northern Ireland) 1995 (SR 1995 No. 484) (Amended by the Civil Partnership Act 2004)

These Regulations, commenced on 19 February 1996, prescribe the manner of application to be made by an adopted person for; (a) the supply of information enabling him to obtain access to his birth records, and (b) where he is under 18, information whether he and the person he intends to marry, or enter into a civil partnership with, are within the prohibited degrees of relationship.

2.5.4 Adopted Persons (Contact Register) (Fees) Regulations (Northern Ireland) 1995 (SR 1995 No. 485)

These Regulations, commenced on 19 February 1996, prescribe the fees payable for the entry of the name and address of an adopted person and for the entry of the name and address of a relative of an adopted person in the Adoption Contact Register.

2.5.5 Adoption Allowance Regulations (Northern Ireland) 1996 (SR 1996 No. 438)

These Regulations, commenced on 4 November 1996, set out the circumstances in which adopters may receive financial allowances, prior to and after adoption. Regulation 6(5) was amended by the Employment and Support Allowance (Consequential Provision No. 2) Regulations (Northern Ireland) 2008 (SR 2008 No. 412) to include the “employment and support allowance”, among the list of benefits which would trigger the cessation of adoption allowance payments. Regulation 3 was amended by the Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation (Northern Ireland) Order 2013 (2013 No. 3021) so that Armed Forces Independence Payment (AFIP) is disregarded in certain circumstances by adoption agencies in assessing the income available to adopters.

In addition the Welfare Reform Bill (2015) amends the Adoption Allowances Regulations to replace references to Disability Living Allowance (DLA) with Personal Independence Payment (PIP) (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2015.

2.5.6 Adoption of Children from Overseas Regulations (Northern Ireland) 2002 (SR 2002 No. 144)

These Regulations, commenced on 13 May 2002, impose requirements on persons habitually resident in the British Islands who bring a child habitually resident elsewhere into the UK for the purpose of adoption. They outline requirements in relation to assessment, approval and notifications prior to and following the child's arrival in the UK.

2.5.7 Inter-country Adoption (Hague Convention) Regulations (Northern Ireland) 2003 (SR 2003 No 16)

These Regulations, commenced on 1 June 2003, regulate adoptions under the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. They outline the procedural requirements where Northern Ireland is the receiving State and where it is the State of Origin<sup>2</sup>.

2.5.8 Registration of Foreign Adoptions Regulations (Northern Ireland) 2003 (SR 2003 No. 255)

These Regulations, commenced on 1 June 2003, set out the procedure to be followed before the Registrar General is able to make an entry of a registrable foreign adoption in the Adopted Children Register.

2.5.9 Human Fertilisation and Embryology (Parental Orders) Regulations 2010

These Regulations apply, with modifications, to certain Articles of the Adoption (Northern Ireland) Order 1987 ("the 1987 Order") in Regulation 3 and Schedule 2 to give effect to the arrangements by which a parental order may be obtained under Section 54 of the Human Fertilisation and Embryology Act 2008 in Northern Ireland. Such an order may be granted by a court in respect of a child who is born as a result of a surrogacy arrangement and who is the genetic child of at least one of the applicants for the parental order.

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<sup>2</sup> These Regulations were amended by the Adoption of Children from Overseas and Inter-country Adoption (Hague Convention) (Amendment) Regulations (NI) 2006 (SR 2006 No 336) so as to require DoH agreement before a prospective adopter's case may proceed.

Provision is made at Schedule 4 to these Regulations for references, in enactments listed in column 1, to adoption, adopted child or an adoptive relationship to be read as including a reference to parental orders made under Section 54 of the 2008 Act.

#### 2.5.10 The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010

These Regulations came into operation on 29 October 2010. Under these statutory arrangements responsibility for Registration and Inspection of Voluntary Adoption Agencies transferred from DHSSPS to the Regulation and Quality Improvement Authority (RQIA). The Regulations provide a formal basis for inspection and registration of Voluntary Adoption Agencies, previously registered with DHSSPS, by the RQIA as an independent regulator.

### **2.6 Other Relevant Legislation**

#### 2.6.1 The Adoption (Recognition of Overseas Adoptions) Order 2013 (SI 2013/1801)

This Order, commenced on 3 January 2014, replaces the Adoption (Designation of Overseas Adoptions) Order 1973. England, Wales and Northern Ireland automatically recognise adoptions made on or after 3 January 2014 in any of the countries listed on the Adoption (Recognition of Overseas Adoptions) Order 2013. Scotland recognises adoptions made on or after 3 January 2014 in the countries listed on the Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013.

The UK government automatically recognises all adoptions made before 3 January 2014 in any of the countries listed in the Adoption (Designation of Overseas Adoptions) Order 1973 and the Adoption (Designation of Overseas Adoptions) (Variation) Order 1993.

#### 2.6.2 The Northern Ireland Guardian ad Litem Agency (Establishment and Constitution) Order (Northern Ireland 1995 (SR 1995 No 397)

This Order, commenced on 1 December 1995, provides for the establishment and constitution of the Northern Ireland Guardian ad Litem Agency.

2.6.3 The Guardians ad Litem (Panel) Regulations (Northern Ireland) 1996 (SR 1996 No 128)

These Regulations, commenced on 1 May 1996, provide for the establishment of a panel of Guardians ad Litem.

2.6.4 The Human Rights Act 1998

This Act, commenced on 2 October 2000, incorporates the rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) into domestic law. The Act requires public authorities in the UK (and private authorities when they are exercising public functions) to act compatibly with the ECHR.

2.6.5 The Child Trust Funds Act 2004 (C 6)

This Act (the main provisions of which came into effect on 6 April 2005) provided for the Government to make payments to children, which could only be invested in Child Trust Fund accounts. This legislation imposed a duty on the Inland Revenue to pay Government contributions to eligible children. There were administrative links between the Child Trust Fund and Child Benefit and Child Tax Credit. As Child Benefit cannot be claimed for children who are being looked after by a Trust/Local Authority, the Act and associated Regulations ensured that arrangements were made to ensure that these children did not miss out on the Child Trust Fund. The Government ceased contributions and new eligibilities to the Child Trust Fund scheme in 2011, although existing accounts are being allowed to continue until the children holding them reach age 18. The Child Trust Fund Scheme was subsequently replaced by the Junior ISA.

**Junior Individual Savings Accounts (JISA)**

In November 2011 the UK Government announced a scheme to open Junior ISA accounts, with an initial payment of £200, for children across the UK who have been in care for 12 consecutive months and who do not have a Child Trust Fund. From November 2012, the Share Foundation has been contracted by the UK Government to administer the scheme until the end of March 2015. The Share Foundation selects, opens and manages accounts while children remain looked after.

Further to the statutory guidance issued by the Department for Education in England, DoH issued a Circular CCPD 01/2012 Junior Individual Savings Accounts (JISA) for Looked After Children: Guidance for Health and Social Care (HSC) Trusts. The UK Government has recently revealed plans to allow savings kept in a Child Trust Fund to be transferred to a Junior ISA from April 2015.

#### 2.6.6 Work and Families (Northern Ireland) Act 2015 (c 1)

The Act came into operation on 8 January 2015 and:

- creates a new entitlement, with appropriate regulation making powers, for employees to be absent from work on “shared parental leave” for the purposes of caring for a newly born or adopted child;
- permits qualifying birth parents, adopters and intended parents in surrogacy arrangements to qualify for “shared parental pay”;
- provides for statutory adoption pay to be paid at 90% of earnings for the first six weeks;
- creates a new right for employees and certain agency workers who have a qualifying relationship with a pregnant woman or her expected child to attend up to two ante-natal appointments during the pregnancy and creates a comparable right for secondary adopters;
- creates a new right for primary adopters to take paid leave to attend up to five introductory meetings before a child is placed with them for adoption;
- allows foster parents who are a child’s intended adoptive parents to access adoption pay and leave arrangements, including shared parental leave. See Section 2.8.1 below

## **2.7 Children Order Regulations**

2.7.1 The following are the key regulations, which apply in the period prior to the placement of the child for adoption. All looked after children principles, regulations and procedures also apply.

- The arrangement for Placement of Children (General) Regulations (Northern Ireland) 1996

This relates to the development of a Care Plan for looked after children.

- The Review of Children's Cases Regulations (Northern Ireland) 1996

This relates to arrangements for reviewing the child's Care Plan.

- Contact with Children Regulations (Northern Ireland) 1996

This sets out the Trust's obligation when it decides to refuse contact with a child that would be required by Article 53(1) of the Children Order. The Trust must notify the child, parents/guardians/carers, any person with a Residence Order in respect of the child, or any other person whom the Trust identifies as relevant, of its decision.

- The Foster Placement (Children) Regulations (Northern Ireland) 1996

These Regulations apply to placements of children with foster parents by authorities and voluntary organisations, and provide for the approval and review of foster parents and the supervision and termination of foster placements.

## **2.8 Adoption Pay and Leave**

2.8.1 The Work and Families Act (Northern Ireland) 2015 came into operation on 8 January 2015. The Act amends the Employment Rights (Northern Ireland) Order 1996 and the Social Security Contributions and Benefits (Northern Ireland) Act 1992 so as to provide that eligible employees with babies due to be born or placed for adoption from April 2015 will have a new statutory entitlement to shared parental leave and pay. These amendments also contain provisions to allow foster parents who are a child's intended adoptive parents to access adoption pay and leave arrangements, including shared parental leave (dually approved and concurrent planning placements). A prospective adopter must be able to provide written evidence to their employer that they meet the conditions laid down for being matched with the child under the provisions set out under:

- Regulation 2 (4) (c) of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002
- Regulation 2 (2) (c) of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002.
- Regulation 3 (3) (c) of the Shared Parental Leave Regulations (Northern Ireland) 2015.
- Regulation 2 (4) (c) of the Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015.

Evidence must be supplied, in the form of one or more documents issued by the adoption agency that matched the adopter with the child.

The information to be provided in documents issued by the adoption agency is as follows:

1. the name and address of the adoption agency;
2. in respect of statutory adoption pay – the date that the employee was notified that a child would be placed with him;
3. in respect of adoption leave and statutory shared parental pay and leave – the date on which the employee was notified that he had been matched with a child;
4. the date of the expected placement.

A current list of the various regulations on adoption pay and leave may be obtained from the Website: [www.delni.gov.uk](http://www.delni.gov.uk) and information on statutory entitlements for employees and employers is available on <http://nidirect.gov.uk/> and <http://nibusinessinfo.co.uk/>

2.8.2 The Commissioner for Complaints (Northern Ireland) Order 1996 (1996 No. 1297 (NI 7))

2.8.3 Inquiries Act 2005 (2005 c. 12) (which repealed Article 69 of the Adoption Order)

## **2.9 Court Rules**

2.9.1 The Family Proceedings Rules (Northern Ireland) 1996 (SR 1996 No. 322)

These rules, which commenced on 4 November 1996, apply to proceedings in the High Court and County Courts and provide for Court applications under the Children (Northern Ireland) Order 1995, the Matrimonial Causes (Northern Ireland) Order 1978 and certain provisions of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989.

2.9.2 The Family Proceedings (Amendment) Rules (Northern Ireland) 2003 (SR 2003 No. 75)

These rules, which commenced on 1 June 2003, amend the Family Proceedings Rules (Northern Ireland) 1996 by introducing rules and prescribed forms relating to the adoption of children consequential upon the Adoption (Northern Ireland) Order 1987, as amended by the Adoption (Inter-country Aspects) Act (Northern Ireland) 2001.

## **2.10 Departmental Guidance and Circulars**

2.10.1 HSS (CC) 3/89 – Adoption (Northern Ireland) Order 1987: Implementation

This gives general guidance on the Adoption (Northern Ireland) Order 1987.

2.10.2 HSS (CC) 2/90 – Adoption (Northern Ireland) Order 1987: Health Service Registration of Adopted Children

This amends Circular HSS (CC) 3/89 to make arrangements for securing the Health Service registration of children placed for adoption. It also includes the Health Registration Form HSS 22(AD), which the Adoption Agency should give to the prospective adopter(s) at the time of placing the child.

2.10.3 HSS (CC) 4/92 – Adoption of Children from Overseas

This guidance note deals generally with policy and practice in relation to Inter-country Adoption. HSS (CC) 4/92 Supplement No. 1: Appendix 1 was cancelled and replaced by Home Office letter RON 117.

2.10.4 HSS CC 4/94 – DoH Circulars on Adoption, Child Abduction and Surrogacy – Delegation of Statutory Functions to HSS Trusts

This Circular amends Circulars HSS (CCB) 9/78, HSS (CC) 3/89, HSS (CC) 2/90, HSS (CC) 4/92 and HSS (CC) 4/92 Supplement No. 1 so as to take account of any delegation of adoption functions to HSS Trusts. It also includes a general update of those Circulars, which require to be reviewed.

2.10.5 HSS (CC) 4/96 – Adoption Law and Procedures: Effects of the Children (Northern Ireland) Order 1995

This provides general guidance on the amendments and repeals to the adoption legislation which were brought into operation by the Children (Northern Ireland) Order 1995, Commencement No. 3 Order (Northern Ireland) 1996. It is accompanied by various amendments to The Guide to the Adoption (NI) Order 1987, Circular HSS (CC) 3/89, and adds a Guide to the Adoption Agencies Regulations, a Guide to the Adoption Court Rules and a Guide to the Adoption Allowance Regulations.

2.10.6 HSS (CC) 1/95 – Powers and Duties of Health and Social Services Boards, Health and Social Services Trusts and Guardians ad Litem.

This Circular provides guidance to those likely to be involved in Parental Order applications, under surrogacy arrangements.

2.10.7 May 1999 – Permanency Planning for Children: Adoption – Achieving the Right Balance

This Circular focuses on adoption and brings it back into the mainstream of children’s social services. It deals with the responsibilities of senior managers, the need to avoid delay and drift in the care system, the religious upbringing of children, the training of staff and carers, the recruitment and assessment of prospective adopters, inter-country adoption, post adoption support and contact arrangements.

2.10.8 DoH Circular CPDI/11 Private Fostering – including children from overseas

This Circular clarifies the responsibilities of Trusts to privately fostered children. Children from overseas, who are not the subject of a full adoption order recognised in the UK, are considered as “privately fostered” children until Notice of Intention to Adopt has been served on the relevant Trust. Children who are the subject of interim adoption orders recognised under UK law are considered as “privately fostered” until a full adoption order recognised in UK law has been granted.

2.10.9 Implementing the Adoption (Inter-country Aspects) Act (Northern Ireland) 2001: A Summary of the Regulations and Procedures:

This summarises inter-country adoption legislation and provides guidance on the Regulations.

2.10.10 Circular of December 2005 – Adoption Law – Effects of the Civil Partnership Act 2004

This Circular provides general guidance on the amendments to adoption legislation resulting from the commencement of the Civil Partnership Act 2004 (Commencement No.3) (Northern Ireland) Order 2005 No.3255. The full text of the Civil Partnership legislation is available on [www.opsi.gov.uk](http://www.opsi.gov.uk)

2.10.11 DoH Guidance on the Completion of Inter-country Adoption Applications for first and subsequent adoption applications (February 2008)

This provides further guidance on the completion of Form F and the provision of supporting documentation in respect of inter-country adoption applications.

2.10.12 DoH Information Note on the legal position as a consequence of the Court of Appeal judgement on the Adoption Judicial Review

This information note advised Adoption agencies that the out-workings of the judgement from the Court of Appeal (October 2012) mean that any individual or couple are now eligible to apply to adopt. The reference to couple does not include two people, one of whom is the other's parent, grandparent, sister, brother, aunt or uncle.

2.10.13 DoH Information Note (September 2015) – The Work and Families Act 2015 – Statutory Adoption Pay/Leave and Statutory Shared Parental Pay and Leave

The Note instructs Agencies on the current legal provision as it applies to access to statutory adoption pay/leave. The Regulations under which a person is entitled to statutory shared parental pay, shared parental leave, and statutory adoption pay and leave all now contain a definition of "placed for adoption" and of a prospective adopter being matched with a child which includes those in concurrent planning and dual approved situations. Agencies are advised of the notifications that must be provided to the prospective adopter in order to enable them to access the appropriate payment and leave entitlements.

### 3.1 The Adoption (Northern Ireland) Order 1987

The Adoption (Northern Ireland) Order 1987 requires Health and Social Care Trusts (Trusts) to provide an Adoption Service in relation to their respective areas.

Under the Order, Trusts may provide such services themselves or secure their provision by Registered Adoption Societies. An Adoption Agency, within the meaning of the Order and the Adoption Agencies Regulations (NI) 1989 may be a Trust or a registered adoption society, more commonly referred to as a “Voluntary Adoption Agency”. In Northern Ireland there are 5 Trusts and 3 Voluntary Adoption Agencies which fulfil a range of statutory functions under the Order.

Article 3 of the Order states:

- (1) *Every Board shall establish and maintain within its area a service designed to meet the needs, in relation to adoption, of*
  - (a) *children who have been or may be adopted;*
  - (b) *parents and guardians of such children; and*
  - (c) *persons who have adopted or may adopt a child;**and, for that purpose shall provide the requisite facilities or secure that they are provided by registered adoption societies.*
  
- (2) *The facilities to be provided as part of the service maintained under paragraph (1) include:-*
  - (a) *Temporary board and lodging where needed by pregnant women, mothers or children;*
  - (b) *Arrangements for assessing children and prospective adopters, and placing children for adoption;*
  - (c) *Counselling for persons with problems relating to adoption.*

Article 9 outlines the Agency duty to promote the welfare of the child.

In deciding on any course of action in relation to the adoption of a child, a Court or Adoption Agency shall regard the welfare of the child as the most important consideration and shall:-

- (a) *have regard to all the circumstances, full consideration being given to:-*
- (i) *the need to be satisfied that adoption, or adoption by a particular person or persons, will be in the best interests of the child: and*
  - (ii) *the need to safeguard and promote the welfare of the child throughout his childhood; and*
  - (iii) *the importance of providing the child with a stable and harmonious home; and*
- (b) *so far as practicable, first ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.*

### **3.2 The Adoption Agencies Regulations (Northern Ireland) 1989**

The Adoption Agencies Regulations (Northern Ireland) 1989 govern the way in which Adoption Agencies discharge their function.

### 4.1 Permanence for Looked After Children

- 4.1.1 For looked after children the permanence plan is the long term plan for the child's upbringing. Children need the opportunity to live in a family where they expect to remain throughout their childhood and to which they will also belong in adulthood.
- 4.1.2 Permanence is essential as it provides children with a foundation from which to develop their identity, values and relationships, not only throughout childhood, but on into their adult lives.

### 4.2 Adoption of Looked After Children

- 4.2.1 In cases where it may be in the child's best interests to be adopted and a relative is able to provide a permanent placement for the child, adoption by a relative is an option that should be given full consideration. The implications for the child and the kinship carers should be fully explored.
- 4.2.2 Where a child has developed a strong attachment to their foster carers, it may be in their best interests to be adopted by their foster carers, where the carers are willing and able to do so. This may be particularly important where children have waited a long time to find an adoptive family.
- 4.2.3 Where children cannot return safely to their birth parents Trusts must endeavour to place children as young as possible on a fostering basis with the carers who can go on to offer adoption, if appropriate. Research has indicated that the younger the child on placement with the carers (who subsequently go to adopt them) the lower the risk of placement disruption. The more moves in care a child experiences prior to adoption placement the higher the risk of subsequent disruption.
- 4.2.4 When the Trust is aware that the LAC review will be considering a proposal for adoption as the Care Plan; parents must be informed by the Social Worker, in advance of the LAC Review and be given a full explanation of the implications of the proposed Permanence Plan.

- 4.2.5 When the LAC Review proposes adoption as the Care Plan, the Chairperson of the Review must ensure that parents are aware that the child's case will be referred to the Adoption Panel and explain the implications of this. Parents should also be advised that the Adoption Panel's recommendation(s) will be considered by the Adoption Agency's Decision Maker on behalf of the Agency.
- 4.2.6 The Agency should ensure that the child's circumstances are referred to and considered by its Adoption Panel within 2 months of LAC Review, which proposed adoption as the Care Plan.
- 4.2.7 Social Workers reports for court must include analysis that demonstrate that the needs of the child for permanence and stability within an adoptive family outweigh all of the positive elements identified as being available through on-going connection with the child's parents or wider birth family.
- 4.2.8 The Court may direct that adopted children should have both or either indirect or direct contact with their birth parent and/or other members of the birth family on a number of occasions per year. Therefore while the legal relationship with the birth family ends on adoption there may be a level of contact.
- 4.2.9 Even where there is direct contact with the birth family it is likely to be limited. Maintaining some form of contact after adoption may help adopted children and young people to process their losses.

### **4.3 Prospective Adoptive Placements of Children**

- 4.3.1 Where the Agency does not have suitable prospective adopters on its list of approved adopters, a Care Planning search enquiry may be made to ARIS (Adoption Regional Information System) by the senior Social Worker responsible for the child (this is done to inform the likelihood of placement). Once a 'best interests' decision is made, the child's details should be forwarded to ARIS within 1 month. If requested by the Trust the child can then 'go live' on ARIS immediately or 3 months after referral, if no placement has been identified within the Agency.
- 4.3.2 Where it is proving difficult to find a suitable match for a child eg children with complex needs and/or a disability, a specialist child specific recruitment campaign should be strongly considered.
- 4.3.3 Article 16 of the Adoption (Northern Ireland) Order 1987 allows for the direct placement of a child for adoption, with or without a written agreement to adoption by the parent or guardian of the child. The grounds for dispensing with parental agreement are those set out in Article 16 (2). Note should be taken that Article 16 (2) (f) which refers to the serious ill treatment of a child is subject to the proviso set out in Article 16 (4).
- 4.3.4 Alternatively, the Trust should consider placement with dually approved carers (i.e. prospective adopters/foster carers). The Trust should also consider placing the child with concurrent carers where the child matches the Trust criteria for such a placement and suitable concurrent carers are available for (Appendix 6).
- 4.3.5 The proposal outlined in 4.3.4 may be considered at the same Adoption Panel meeting, which determines the 'best interests' recommendation in respect of the child or at a subsequent Adoption Panel meeting.
- 4.3.6 If during the legal process, the birth parent gives agreement to adoption or a Court grants a Freeing Order, the child's circumstances should be re-referred to the Adoption Panel for a recommendation under Regulation 10 (1) (c) of the Adoption Agencies Regulations (Northern Ireland 1989 'to consider' whether a prospective adopter would be a suitable adoptive parent for a particular child.

### 5.1 Policy

5.1.1 Adoption must have as its prime consideration the benefits to children. Adoptive families must be well prepared and supported for looking after children in need of adoption. Applicants who wish to become approved prospective adopters will be considered, irrespective of religion, ethnicity, gender, sexual orientation or disability, providing the adoption agency believes they can meet the needs of a child into adulthood.

#### 5.1.2 Wishes and Feelings of the Child

In accordance with the legislation and principles outlined in Section 1.3 of this manual, the wishes and feelings of the child will be given due consideration, having regard to his age and understanding.

#### 5.1.3 Wishes of the Birth Parents

Birth parents have the legal right to make their agreement to adoption conditional on the child being brought up in the religion of their choice. Their wishes may extend, however, beyond religious upbringing. These will be ascertained, and during the matching, accommodated as far as possible. The paramount consideration will be the best interests of the child.

#### 5.1.4 Contact in Adoption

Some children will benefit from contact with birth relatives either direct or indirect following adoption. Where possible, a voluntary agreement will be made between birth relatives and adoptive parents and this can be facilitated by the Agency.

Adoption proceedings are “family proceedings” under the Children (NI) Order 1995. Courts hearing adoption applications thus have powers to make Article 8 Orders (including Contact Orders) on application, or of their own volition.

### 5.1.5 Blood Borne Infections

Tests for HIV and for the Hepatitis group will be required in relation to prospective adopters, birth mothers and/or children when risk factors warrant it. Up to date advice and guidance from the Public Health Agency should be checked and a useful reference is Coram/BAAF Practice Note 53 “Guidelines for the Testing of Looked After Children who are at risk of a Blood Borne Infection” (available from the Coram/BAAF website: [www.coram/BAAF.org.uk](http://www.coram/BAAF.org.uk)). In relation to Hepatitis, if the child is infected or is at a high risk of infection, prospective adopters will be advised to consult their GP about the need for vaccination (Also see chapter 7 section 7.3.4 part 7).

### 5.1.6 Adjustment to Significant Life Events

Prospective adopters may apply to adopt when they are in the process of adjusting to significant life events. In these circumstances an evaluation should be made at the outset of the potential impact this may have and the likely time required to make appropriate adjustments. If considered necessary, the adoption assessment will be deferred and the situation kept under review.

### 5.1.7 Applicants/Prospective Adopters who become Pregnant

In the event that applicants/prospective adopters become pregnant, they are required to notify the Trust/Agency as soon as the pregnancy is confirmed. The Trust/Agency will suspend the assessment/approval to adopt (where a placement has not been made). In the case of inter-country adoption, the Trust will advise the DoH who will notify the foreign authority/agency. Following the birth, the applicants assessment will be formally ended and prospective adopters approval to adopt will be rescinded. They may however make a fresh application when their child is at least 1 year old.

### 5.1.8 Rights of Prospective Adopters

(1) Prospective adopters have the following rights:

- the right to receive the relevant sections of their assessment and to respond in writing;
- the right to attend part of the Adoption Panel meeting when their adoption application is being considered;
- the right to receive reasons from the Agency when it is of the view that they are not suitable prospective adopters;
- the right to make representations to the Agency if it proposes not to approve them as suitable prospective adopters.

(2) Approved prospective adopters will have similar rights following reviews, if they are no longer considered to be suitable prospective adopters.

### 5.1.9 Foster carers/kinship carers applying to adopt a specific child

Existing carers, both foster carers and kinship carers may apply to adopt children in their care, or who have previously been in their care and with whom they have a significant relationship. The assessment of such applicants should be prioritised as a matter of urgency to avoid delay for the child.

### 5.1.10 Subsequent and Sibling Applications

Applicants may apply to adopt another child, normally no earlier than one year after the date of placement for adoption of the previous child.

Where a child requiring adoption had a sibling already adopted or placed for adoption, the Agency with the assistance of a Senior Manger should consider discussing plans for this child with the previous adoptive parents and seek their views. If the previous adoptive parents express an interest in adopting this child they may make an adoption application.

### 5.1.11 List of Approved Prospective Adopters

Each Adoption Agency/Consortium of Adoption Agencies will maintain a list of Approved Prospective Adopters, in date order from the date of application.

#### 5.1.12 Periodic Review of the Approval of Prospective Adopters

The approval of applicants as prospective adopters is not open-ended and is subject to periodic review. In line with this policy, approved prospective adopters should be reviewed on a six monthly basis. The report of the review should be considered by a manager above the level of team leader. Following review any significant change to the prospective adopters' approval status should be referred to the Adoption Panel for a recommendation.

#### 5.1.13 List of Children Awaiting Adoption Placement

Each Adoption Agency/Consortium of Adoption Agencies is required to maintain a list of children who are waiting for an adoption placement.

#### 5.1.14 Applications for Inter-country and Domestic Adoption

Applicants will not be permitted simultaneously to pursue an application for domestic and inter-country adoption. A fee will be charged by the Agency for the assessment and report on the suitability of applicants seeking to adopt a child from overseas. The level of the fee will be reviewed on a regular basis.

5.1.15 If a child from a minority background becomes available for domestic adoption and there are approved inter-country adopters with the necessary skills and knowledge of the child's ethnicity and cultural heritage, the Trust may, in these circumstances, exercise discretion about approaching them regarding a potential placement. If a domestic placement is to be pursued, please refer to chapter 13.

### 5.2 **Eligibility Criteria in respect of Adoptive Applicants**

#### 5.2.1 Age

The legislation requires that adopters have to be 21 years of age or older, except in step-parent adoptions when one of the applicants must be over the age of 18. Legally there is no upper age limit.

In all circumstances, the overriding consideration will be the best interests of the child. The Agency therefore will not usually expect there to be more than a 45 year age gap between a child and one of his adoptive parents. Flexibility is, however, exercised in the case of applicants who offer a valuable resource to children, for example, enabling siblings to grow up together or offering a placement for a child with disability.

#### 5.2.2 Childlessness

It is important that all applicants are able to accept the differences between biological and adoptive parenting and if they are unable to have a biological child, that they have reconciled themselves to this situation. Where relevant, information on fertility counselling services will be offered to applicants.

Where applicants have had fertility difficulties and/or treatment, a report from the appropriate medical specialist should be sought. Assessment will not be carried out concurrently with fertility investigations and/or treatment. Applicants should be requested to advise the Agency of any decision to commence/recommence fertility investigations/treatment at any stage in the adoption process.

Where applicants have made a decision not to have biological children or not to seek fertility treatment, following consultation with the Adoption Medical Adviser this will be fully explored in the assessment. The applicants may be asked to provide a relevant medical specialist opinion.

#### 5.2.3 Geographical Area

Each Agency will normally consider applicants who reside within its geographical area. Where there is any doubt about applicants meeting the criteria for domicile status in the UK the Agency should seek legal advice.

#### 5.2.4 Preparation Courses

All applicants will normally be expected to attend a Pre-Adoption Preparation Course. Attendees should be made aware that completion of the course does not guarantee that their application to adopt will be accepted or approved. Foster carers and kinship carers may attend specialist training which focusses on the adoption of a specific child.

### 5.2.5 Financial Considerations

Applicants will be expected to demonstrate the ability to provide financially for an adopted child throughout their childhood. Applicants must provide written evidence of their income and/or benefits as part of their application to adopt.

A financial statement will be required from a Bank Manager/Accountant in the case of applicants who are self-employed and the prospective adopters will be responsible for any costs involved in obtaining this statement. A similar statement will be required should prospective adopters become self-employed during the adoption process.

### 5.2.6 Employment

Employment will be assessed in the context of the time the adopter(s) has available to spend with a child and whether this is likely to be sufficient to meet the needs of the child.

- As a minimum requirement all adopters will be expected to avail of Statutory Adoption Leave, details of which are available on <http://www.nidirect.gov.uk/>
- From 5 April 2015, adoption leave will be available to employees from the first day of their employment, bringing adoption leave into line with maternity leave. Statutory adoption pay will be enhanced to 90% for the first 6 weeks bringing it into line with statutory maternity pay. All employed women will continue to be eligible to take up to 52 weeks maternity leave (or in the case of adopters, 52 weeks of adoption leave).
- Eligible employees who have a child placed with them for adoption on or after 5 April 2015 have a statutory entitlement to shared parental leave and pay.
- During the assessment and review process the prospective adopters working arrangements will be considered and will be further considered prior to placement.

### 5.2.7 Health and Lifestyle

The health and lifestyle of the applicants will be assessed throughout the adoption process in consultation with the Adoption Agency's Medical Adviser. As adoptive parenting can be very demanding both physically and emotionally there must be an expectation that the applicants' future health will be taken into consideration alongside their support networks. The Adoption Medical Adviser may request further information/assessment from other professionals as appropriate.

As lifestyle choices such as smoking, obesity, lack of exercise, alcohol and substance misuse (past or present) can have a major impact on health, these will also be taken into consideration and applicants with unhealthy lifestyles may not be considered to be suitable adopters.

The recommendations contained in Coram/BAAF Practice Note 51 "Reducing the Risks of Environmental Tobacco Smoke for Looked After Children and their Carers" will be adopted.

### 5.2.8 Record Checks

Enhanced Disclosures will be sought from Access NI in respect of each member of the applicants household age over 10 years. The records of relevant Trusts will also be checked. The nature and circumstances of any information held on these records will be noted by the Adoption Agency and taken into consideration in determining whether the applicants will be accepted for assessment as prospective adopters.

### 5.2.9 Religion

The Adoption Agency must ascertain from birth parents who agree to place their child for adoption, whether they wish to exercise their right under Article 16 of the Adoption (Northern Ireland) Order 1987 to specify the religious persuasion in which their child is to be brought up. In cases where a Court has given the Adoption Agency parental responsibility under Article 17 or Article 18 of the Adoption (Northern Ireland) Order 1987, the Adoption Agency will give due consideration to the birth parents' religious persuasion when making placement decisions. Prospective adopters will be asked how they will address the religious and spiritual needs of the child to assist the Adoption Agency in its placement deliberations.

#### 5.2.10 Relationship Status

Any individual or couple are eligible to adopt. Reference to a couple does not include two people one of whom is the others parents, sister, brother, aunt or uncle.

When a person is married or in a civil partnership a joint application must be made.<sup>3</sup>

In addition to this legal requirement joint applications will only be considered from couples who have lived together for a minimum of two years. This period can include co-habitation prior to marriage or civil partnership.

Where a couple are co-habiting, they can apply jointly or one person may make an application and the relationship will be considered in terms of its implications for the child. Similarly where an applicant is in a relationship with another non-cohabitating partner the implications for the child will be considered.

Eligibility in non-agency domestic adoption is outlined at Chapter 8.1.

#### 5.2.11 Priority for Assessments

In addition to the above criteria, priority will be given to applicants who can meet the placement needs of the children currently requiring adoptive placements, including those who have made a child specific application.

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<sup>3</sup> In respect of married couples, one person may make an application, if the Court is satisfied that they have separated, one of them cannot be found or is incapable of applying for an adoption order.

### 6.1 Introduction

The Adoption Agencies Regulations (Northern Ireland) 1989 as amended by Schedule 22 to the Health and Social Services Trusts (Consequential Amendments) Regulation (Northern Ireland) 1994 require an Adoption Agency to establish an Adoption Panel or a joint Adoption Panel.

*An Adoption Agency shall make a decision, whether it considers adoption to be in the best interests of a child and whether an application under Articles 17 and 18 of the Adoption (Northern Ireland) Order 1987 should be made to free him for adoption; whether a prospective adopter is suitable to be an adoptive parent and whether a prospective adopter is suitable for a particular child, only after taking into account the recommendation of its Adoption Panel.*

### 6.2 Structure and Membership

6.2.1 Membership of an Adoption Panel/joint Adoption Panel is prescribed by legislation. A Panel or joint Panel shall comprise no more than 10 members and shall make recommendations only when at least three of its members meet as a Panel, and one of them is a Social Worker in the employment of the Adoption Agency/one of the Adoption Agencies.

Regulation  
5(1)

6.2.2 The Panel shall include in its membership:

- a Chairperson;
- a Social Worker from each Adoption Agency;
- a Director of the Adoption Agency (Trust) or Member of the Society's Management Committee (Voluntary Adoption Agency);
- a Medical adviser;
- at least one independent person;
- at least one man and one woman.

While it is not a legal requirement a Panel may include as an independent person: an adopted person (over the age of 18), a birth parent, an adoptive parent or a child care or other health professional.

### 6.2.3 Panel Chairperson

The Chairperson of the Panel can either be employed by the Adoption Agency or one of the Adoption Agencies or be an Independent Person. He should be a person who has extensive experience in adoption work and will play a crucial role in ensuring that the Panel's work is carried out efficiently and sensitively. In the absence of the Chairperson the Agency should appoint another member of the Panel to act as Chairperson of the Panel.

### 6.2.4 Agency Adviser

An Adoption Agency may wish to appoint an Agency Adviser. The Agency Adviser is a non-voting member of the Panel. His role is to advise panel members and social work staff on agency policy, procedure and practice and assist the Chairperson and Administrator.

### 6.2.5 Adoption Agency Worker

The Adoption Agency Social Worker should be experienced in adoption matters and hold a senior position in the Adoption Agency.

### 6.2.6 Independent Member

An Independent Member must not be employed by the Adoption Agency or be a Director or Management Committee Member of the Agency/Agencies.

### 6.2.7 Medical Adviser

The Adoption Agency must nominate a Medical Adviser to be appointed to the Adoption Panel. He needs to be actively involved in every case because of the possible significance of health matters.

#### 6.2.8 Tenure of Office

Each member of the Panel can serve two consecutive terms.<sup>4</sup> These conditions do not apply to the Medical Adviser.

#### 6.2.9 Resignation of Panel Members

A Panel Member may resign at any time by giving one month's notice in writing to the Adoption Agency.

#### 6.2.10 Review of Membership

Regulation  
6(1)

The membership of the Panel should be reviewed not less than every three years when Agencies review their arrangements for the provision of an adoption service. This will provide the opportunity to consider whether new members need to be appointed and how to manage changes in membership, while maintaining the continuity necessary for the effective operation of the Panel.

#### 6.2.11 Legal Adviser

The Panel in domestic adoption must obtain legal advice in each case and in inter-country adoption, may obtain legal advice, as it considers necessary.

It is not a requirement for the Legal Adviser to be a Panel member. If there are complex issues in a particular case, it may be helpful for the Legal Adviser to be in attendance.

### 6.3 Functions

6.3.1 The Adoption Panel's functions are outlined in Regulation 10 of the Adoption Agencies Regulations (Northern Ireland) 1989; Regulation 2 of the Adoption Allowance Regulations (Northern Ireland) 1996; Regulation 4 of the Adoption of Children from Overseas Regulations (Northern Ireland) 2002 and Regulations 7, 24 and 27 of the Inter-country Adoption (Hague Convention) Regulations (Northern Ireland) 2003.

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<sup>4</sup> Each term is for five years in office. After two consecutive terms the Panel member should have a break of one term before he may serve on the Panel for a further period.

### 6.3.2 Domestic Adoption

Regulation 10 of the Adoption Agencies Regulations (Northern Ireland) 1989:

- (1) *Subject to paragraphs (2) and (3), an adoption panel shall consider the case of every child, prospective adopter and proposed placement referred to it by the Adoption Agency and shall make one or more of the recommendations to the Agency, as the case may be as to:-*
  - (a) *whether adoption is in the best interests of a child and, if the panel recommends that it is, whether an application under Article 17 or 18 (Freeing Child for Adoption with or without Parental Agreement) should be made to free the child for adoption;*
  - (b) *whether a prospective adopter is suitable to be an adoptive parent;*
  - (c) *whether a prospective adopter would be a suitable adoptive parent for a particular child.*
  
- (2) *An Adoption Panel may make the recommendations specified in paragraph (1) at the same time or at different times, so however that it shall make the recommendation specified in paragraph (1) (c) in respect of a particular child and prospective adopter only if:-*
  - (a) *that recommendation is to be made at the same meeting of the Panel at which a recommendation has been made that adoption is in the best interests of the child, or;*
  - (b) *an Adoption Agency decision has been made in accordance with regulation 11 (1) that adoption is in the best interests of the child, and;*
  - (c) *In either case:-*
    - (i) *the recommendation specified in paragraph (1) (c) is to be made at the same meeting of the Panel at which a recommendation has been made that the prospective adopter is suitable to be an adoptive parent, or;*
    - (ii) *An Adoption Agency decision has been made in accordance with regulation 11 (1) that the prospective adopter is suitable to be an adoptive parent.*

- (3) *In considering what recommendations to make, the Panel shall have regard to the duties imposed upon the Adoption Agency by Article 9 (Duty to Promote Welfare of Child) and shall, as the case may be:-*
- (a) *consider and take into account all the information and reports passed to it by virtue of Regulations 7 (2)(e), 8(2)(g) and 9(1);*
  - (b) *request the Adoption Agency to obtain any other relevant information which the Adoption Panel considers necessary;*
  - (c) *Obtain legal advice in relation to each case together with advice on an application for an adoption order or, as the case may be, an application to free a child for adoption.*

*Regulation 2 of the Adoption Allowance Regulations (Northern Ireland) 1996. Circumstances in which an allowance may be paid:-*

- (1) *Without prejudice to paragraph (3), an allowance may be paid where one or more of the circumstances specified in paragraph (2) exists and the Adoption Agency:-*
- (a) *is making the arrangements for the child's adoption ;*
  - (b) *and has decided:-*
    - (i) *in accordance with Regulation 11(1) of the Adoption Agencies Regulations (Northern Ireland) 1989 that the adoption by the adopters would be in the child's best interests, and;*
    - (ii) *after considering the recommendation of the Adoption Panel, that such adoption is not practicable.*

### 6.3.3 Inter-country Adoption

Where Northern Ireland is a receiving country: Non-Convention Countries: Regulation 4(3) of the Adoption of Children from Overseas Regulations (Northern Ireland) 2002: an Adoption Panel, to which the case of a prospective adopter is referred, shall consider the case and make a recommendation to the referring Adoption Agency as to whether the prospective adopter is suitable to be an adoptive parent, in accordance with Regulation 10 (Adoption Panel functions) of the 1989 Regulations.

#### 6.3.4 Convention Countries:

Regulation 7 of the Inter-country Adoption (Hague Convention) Regulations (Northern Ireland) 2003:

- (1) Subject to paragraph (2), the Adoption Panel must consider the case of the prospective adopter referred to it by the Adoption Agency as to whether the prospective adopter is suitable to be an adoptive parent.
- (2) In considering what recommendation to make, the Adoption Panel:-
  - (a) must consider and take into account all information and reports passed to it in accordance with Regulation 6(6);
  - (b) may request the Adoption Agency to obtain any other relevant information which the Adoption Panel considers necessary; and
  - (c) may obtain legal advice as it considers necessary in relation to the case.

Where Northern Ireland is a sending country: Regulation 24 of the Inter-country Adoption (Hague Convention) Regulations (Northern Ireland) 2003:

- (1) the Adoption Panel must consider the case of the child and make a recommendation to the Trust as to whether adoption by a person habitually resident in a Convention country outside the British Islands is in the best interests of the child.
- (2) in considering what recommendation to make, the Panel must have regard to the duties imposed upon the Trust by Article 9 of the 1987 Order (Duty to Promote Welfare of the Child) and:-
  - (a) must consider and take into account all the information and reports passed to it under Regulation 23(2);
  - (b) request the Trust to obtain any other relevant information which the panel considers necessary; and
  - (c) obtain legal advice in relation to the case as may be necessary.

Regulation 27 of the Inter-country Adoption (Hague Convention)  
Regulations (Northern Ireland) 2003:

- (1) The Adoption Panel must consider the proposed placement referred to it by the Trust under Regulation 23(2) and make a recommendation to the Trust as to whether:-
  - (a) the Convention prospective adopter is a suitable adoptive parent for the child; and
  - (b) the proposed placement is in the best interests of the child.
  
- (2) In considering what recommendation to make under paragraph (1), the Adoption Panel:-
  - (a) must have regard to the child's upbringing and his ethnic, religious and cultural background;
  - (b) must have regard to the duties imposed upon it by Article 9 of the 1987 Order (Duty to Promote Welfare of Child);
  - (c) must have regard to the Article 15 report and the documents referred to it under Regulation 26 (5);
  - (d) may request the Trust to obtain any other relevant information which the Panel considers necessary; and
  - (e) may obtain legal advice as it considers necessary in relation to the case.

## **6.4 Other Functions**

6.4.1 The Adoption Panel will consider any case referred to it by the Adoption Agency where a significant change in the circumstances of the approved prospective adopters has been identified, normally following a review, and will make a recommendation to the Agency as to whether or not the applicants continue to be suitable as prospective adopters. Where a review report is being presented to the Panel the applicants should be invited to attend.

6.4.2 The Adoption Panel will offer advice at the request of an Agency in relation to a child or prospective adopters.

## **6.5 Operation of the Adoption Panels**

### **6.5.1 Principles and Policy**

- (a) The Adoption Panel will operate in accordance with legislative requirements, and the principles and policies outlined in this manual and ensure that a relationship of partnership is maintained with all those involved in the adoption process.

### **6.5.2 Operational Procedures**

- (a) The Panel should meet sufficiently often to permit the Adoption Agency to fulfil its functions without undue delay.
- (b) Panel members are expected to attend on a regular basis (minimum 75% of meetings per annum). A member who is unavailable through illness, holiday arrangements or any other reason may send comments in writing for consideration at the Panel meeting.
- (c) Panel members should normally receive documentation and the agenda seven working days prior to the meeting.
- (d) Where a Panel member has knowledge either in a personal or professional capacity, of a case under consideration, this should be declared to the Chairperson who will make a decision regarding the person's involvement in the Panel discussion.
- (e) The Chairperson will determine the number of cases to be considered at a meeting taking account of their complexity and the number that can be considered in the time available. The Chairperson will also determine when a matter must take priority at a meeting and when an additional Panel meeting is required.
- (f) The Chairperson will advise the administrator on the items listed for the agenda before the meeting.
- (g) The Chairperson will preside at each meeting and is responsible for conducting the business on the agenda and encouraging full discussion on each item. He will ensure the Panel recommendations are clear and accurately recorded.

- (h) The Chairperson will determine who will attend a Panel meeting in addition to Panel members. It will be expected that the relevant Social Worker and Senior Social Worker/Senior Practitioner attend to present the case.

Any requests to observe at a Panel meeting must be submitted to the Panel Chairperson one week in advance of the meeting. All observers will sign a declaration of confidentiality.

- (i) The record of each item on the agenda for discussion should be typed on separate sheets and a copy should be retained on the appropriate case file.
- (j) Applicants will be invited to attend the Panel meeting at which their application is being considered. Written information about the role of the Panel, membership, format of the meeting, venue, date and time, including a feedback form, should be forwarded in advance to the applicants who will be required to confirm attendance.
- (k) The assessing Social Worker and their Senior Social Worker/Senior Practitioner will be invited into the Panel meeting. The Panel will consider confidential and third party information, and identify issues to be explored with the applicants when they join the meeting.
- (l) The Chairperson will invite the applicants to join the meeting, introduce them to Panel members and invite members to introduce themselves. He will advise the applicants of the issues to be discussed and encourage Panel members to initiate discussion with them, based on the areas previously identified.
- (m) The Chairperson will invite applicants to raise questions with the Panel.
- (n) The Chairperson will advise the applicants that Panel members will take time to make their recommendation. The applicants and the presenting Social Workers will leave the meeting.
- (o) Recommendations will usually be reached by consensus. In the event that this is not possible the majority principle will apply, with the Chairperson having a casting vote, if necessary.

- (p) The Panel Chairperson will advise the applicants and the presenting Social Workers of the outcome of the Panel.
- (q) The Chairperson will, normally within 10 working days, submit the recommendations of the Panel and the reasons for these, in each case to the Agency Decision Maker.

### 6.5.3 Other Requirements

- (a) The Panel(s) will meet on an annual basis to review the way it is operating; address issues of common concern, promote consistency and uniform standards, and identify training needs.
- (b) An Annual Report on the work of the Panel(s) should be prepared by the Chairperson and where appointed the Agency Adviser, in consultation with the Panel members. The report should be forwarded to the Adoption Agency's Management Committee or the Trust Board. Trust reports should also be forwarded to the Health and Social Care Board.

## 6.6 Appointment of Panel Members and Conditions of Appointment

6.6.1 The Adoption Panel is responsible for the appointment of Panel members and will seek to identify people who are knowledgeable about adoption. Before their appointment, prospective Panel members should receive written information from the Agency concerning the requirements of being a member and should be interviewed jointly by a senior officer from the Agency and the Chairperson of the Panel, in order to establish their suitability.

6.6.2 The appointment process should also include:-

- (1) ascertaining whether or not they have any convictions or cautions for criminal offences which might make them unsuitable;
- (2) obtaining two personal references and where appropriate an employer's reference if they are not employed by the Trust or Adoption Agency, or are not an appointee to the Management Committee or Trust Board;
- (3) observing a Panel meeting.

- 6.6.3 On appointment all Panel members will sign an undertaking that they will maintain the confidentiality of adoption information.
- 6.6.4 Panel members will be expected to avail of an induction programme and training opportunities, which will be provided by the Agency.
- 6.6.5 If a member is absent without apology for three consecutive meetings, the Chairperson will consult the member concerned about his continued membership of the Panel.
- 6.6.6 The Adoption Agency may terminate the appointment of a Panel member if it believes he is unfit or unable to hold office. This must be done in writing, clearly outlining the reasons for reaching such a decision.
- 6.6.7 The role of the Chairperson in such situations is crucial. Where a Panel member is not competent or effective, the Chairperson, in the first instance, should discuss this with the member concerned and consider whether training might increase the member's competence to an acceptable level.
- 6.6.8 Where difficulties are incapable of informal resolution, the Chairperson, after discussing the issues with the Agency Adviser (where one is appointed) should raise the matter with the Senior Officer responsible for the appointment of members. They should jointly interview the Panel member. A report should be submitted to the agency's Management Committee or the Trust's Board, as appropriate, recommending what action needs to be taken. The Panel member should receive a copy and may submit a written response if he so wishes, for consideration by the Agency's Management Committee or the Trust's Board.
- 6.6.9 While this formal process is on-going, the member should not attend meetings of the Panel. The member will be informed in writing of the decision of the Adoption Agency.

### 7.1 Introduction

#### 7.1 Introduction

The Adoption process can be broken down into the following areas:

- Parental Agreement and Freeing.
- Work with Child and Birth Parent(s).
- Enquiries from and assessment of Prospective Adopters and their Review.
- Matching Process and placing of Child.
  - Procedures for Adoption placement
  - Procedures for Dually Approved Placement
  - Placement with concurrent carers
- Children Subject of Freeing Order – Adoptive Placement not yet achieved.
- Placement Disruption prior to Adoption Order

### 7.2 Parental Agreement and Freeing

#### 7.2.1 Agreement

After a child has attained the age of 6 weeks, a parent, including a birth father, who has parental responsibility or a guardian, may sign an agreement to his adoption before a Lay Magistrate.

In addition, Article 17(6) of the Order as amended by paragraph 143 (3) of Schedule 9 to The Children (Northern Ireland) Order 1995, specifies that before making an Adoption Order or an Order freeing a child for adoption in respect of a child whose father does not have parental responsibility for him, the Court shall satisfy itself in relation to any person claiming to be the father, that –

- a) He has no intention of applying for an order under The Children (Northern Ireland) Order 1995 giving him parental responsibility for the child or a residence order under Article 8 of that Order.
- b) Or would be unlikely to be successful if he did make any such application.

Consequently, the Agency should seek to clarify the birth father's intentions before proceeding to obtain agreement. With regard to the agreement process, the Social Worker should obtain a certified copy of the child's long birth certificate and prepare the relevant Court Form A11.

The Social Worker should ensure that:

- the necessary information is accurately typed on the Agreement Form and that the appropriate deletions are made;
- the names of the child and parents correspond with the names stated on the child's long birth certificate;
- the following is typed on the back of the child's birth certificate:

I declare that this is the birth certificate of my child

Signature of Parent or Guardian \_\_\_\_\_

Signature of Witness \_\_\_\_\_

Lay Magistrate \_\_\_\_\_ Date \_\_\_\_\_

The Social Worker should accompany the parent to the Lay Magistrate where Agreements and Birth Certificates are signed and witnessed by the Lay Magistrate. It is important to ensure that:

- the parent's signature, on the Agreement Form and on the back of the child's birth certificate, should correspond with the parent(s) name(s) as stated on the front of the child's birth certificate, unless the name has been changed legally. The birth certificate and the Agreement Form must be signed on the same date in the presence of the Lay Magistrate;
- the Lay Magistrate initials all the deletions on the Agreement Form. The requirements for witnessing an Agreement, which is signed by a parent outside Northern Ireland, are contained in the Court Rules (see relevant paragraph on each Agreement Form).

### 7.2.2 **Freeing Order with Agreement**

An alternative method to the arrangement outlined above for obtaining agreement of the birth parents is via a Freeing Order under Article 17 of The Adoption (Northern Ireland) Order 1987.

Article 17 allows for the Application for a Freeing Order to be a joint one by the parents or guardian of the child and the Agency. An application may be heard in either the High Court or the County Courts.

#### **Court Procedures**

- (1) An Originating Summons Form A1 is completed (three copies).
- (2) The Social Worker completes a report covering all the relevant matters specified in Part 1 of Appendix 4 Family Proceedings (Amendment) Rules Northern Ireland 2003.
- (3) If the child is at least six weeks old the parent or guardian may sign a form consenting to the use of a Freeing Order, Form A3. A Lay Magistrate witnesses this form and the child's Birth Certificate is also endorsed as under 7.2.1 above.

### 7.2.3 **Freeing Order without Agreement**

The Adoption (Northern Ireland) Order 1987 makes provision for either a High Court or County Court to make a Freeing Order without the agreement of the parent or guardian in certain circumstances.

Applications may only be made under Article 18 if the child is in the care of the Agency and either the child is already placed for adoption or the Court is satisfied that it is likely he will be placed for adoption.

In relation to Article 18 the applicant for a Freeing Order is the Agency. The respondents are the mother and birth father with parental responsibility or guardian of the child and any other person the Court may direct to be a respondent. A birth father without parental responsibility is a Notice Party.

The birth family will be offered counselling and support from an agency independent of the Trust bringing the Freeing Application.

## Court Procedures

Part 1  
Appendix 4

(1) The Social Worker compiles a report covering all the relevant matters specified in The Family Proceedings (Amendment) Rules Northern Ireland 2003.

Article 16(2)  
Adoption  
(N.I.) Order  
1987

(2) The Agency's Legal Adviser, with assistance from the Social Worker, compiles a Statement of Facts, upon which the Agency intends to rely for the purpose of satisfying the Court that the agreement of each parent or guardian ought to be dispensed with on a ground specified in The Adoption (Northern Ireland) Order 1987.

(3) An Originating Summons, Form A2 is completed (three copies).

### 7.3 Work with Child and Birth Parent(s)

7.3.1 This will normally be the responsibility of the Agency for the area in which the parents reside, or one of the Voluntary Adoption Agencies if appropriate.

The duties of each Agency in respect of a child and his parents or guardian are as outlined in The Adoption Agencies Regulations (Northern Ireland) 1989. Regulation 7 states –

Regulation  
7.1(a)(iii)  
Adoption  
Agencies  
(N.I.) 1989

(1) *When an adoption agency is considering adoption for a child it shall either -*

- (a) *in respect of the child, having regard to his age and understanding, and, as the case may be, his parents or guardian, so far as is reasonably practicable –*
- (i) *provide a counselling service for them;*
  - (ii) *explain to them the legal implications of and procedures in relation to adoption and freeing for adoption, and*
  - (iii) *provide them with written information about the matters referred to in heading (2); or*
- (b) *satisfy itself that the requirements of sub-paragraph (a) above have been carried out by another Adoption Agency.*

- (2) *Where, following the procedure referred to in paragraph (1), an Adoption Agency in considering adoption for a child the agency shall-*
- (a) *set up a case record of the child and place on it any information obtained by virtue of this regulation;*
  - (b) *obtain, so far as is reasonably practicable, such particulars of the parents or guardian and, having regard to his age and understanding, the child, as are referred to in The Adoption Agencies Regulations (Northern Ireland) 1989, together with any other relevant information which may be requested by the Adoption Panel;*
  - (c) *arrange and obtain a written report by a medical practitioner on the child's health which shall deal with the matters specified in Part II of the aforementioned Schedule, unless such a report has been made within six months before the setting up of the case record under sub-paragraph (a) and is available to the Agency;*
  - (d) *arrange such other examinations and screening procedures of, and tests on, the child and, so far as is reasonably practicable, his parents, as are recommended by the Adoption Agency's Medical Adviser, and obtain a copy of the written report of such examinations, screening procedures and tests; and*
  - (e) *prepare a written report containing the Agency's observations on the matters referred to in this regulation, which shall be passed, together with all information obtained by it by virtue of this regulation, to the Adoption Panel or to another Adoption Agency.*
- (3) *Where the identity of the father of an "illegitimate child" is known to the Adoption Agency, it shall so far as it considers reasonably practicable and in the interests of the child<sup>5</sup> -*

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<sup>5</sup> An Adoption Agency should interpret (3) as referring to a birth father whose identity is known whether or not he holds parental responsibility

- (a) *carry out in respect of the father the requirements of paragraph (1)(a) as if they applied to him unless the Agency is satisfied that another Adoption Agency has so complied with those requirements;*
- (b) *obtain the particulars of him referred to in Parts III and IV of the Schedule together with any other relevant information which may be requested by the Adoption Panel, and arrange and obtain a copy of the written report of such examinations, screening procedures and tests on him as are recommended by the Adoption Agency's Medical Adviser; and*
- (c) *ascertain so far as possible whether he intends to apply for custody of the child.*

### **7.3.2 Birth Parents – Adoption by Agreement – Procedures**

- (1) The Social Worker should open an adoption case file and record all contacts with the child and his birth parent(s).
- (2) The Social Worker should provide a counselling service to the birth parent(s), and ascertain and record their wishes and feelings in relation to adoption. In addition an adoption counselling and support service, independent of the Agency may be considered.
- (3) The Social Worker should explain to the birth parent(s) the legal implications and procedures in relation to adoption and freeing for adoption including the provisions of the Adoption Contact Register.
- (4) The Social Worker should provide the parent(s) with the Agency's information leaflet on adoption for birth parents and should discuss the contents with him, if necessary, with assistance from an appropriate advocacy and/or interpreter service.
- (5) The Social Worker should complete a Coram/BAAF Form PH with both parents, and the relevant Coram/BAAF Consent Form granting permission to obtain and share all relevant health information.

Where a birth parent's consent to disclosure of his medical history cannot be obtained, this should be clearly indicated on the form.

- (6) The Social Worker should forward Form Adopt 3B with a copy of the Consent Form to the mother's GP, and if the father's name is disclosed, to his GP in order to obtain the relevant health history.
- (7) The Social Worker should arrange for completion of Coram/BAAF Form M (Obstetric Report on mother) which should include a record of pre-natal screening (see also procedures under children, Section 7.3.4 Part 7).
- (8) The Social Worker should carry out the agreement procedures as outlined in Section 7.2 (Parental Agreement and Freeing) of this manual as appropriate.
- (9) The Social Worker should complete an anonymised report covering the background history of the child including family history. This report will be given to the prospective adopter(s) to assist them to make a decision regarding the proposed placement. The birth parents should be made aware of the existence of this report and they should be informed of the areas that will be contained therein.
- (10) After an Adoption Panel recommendation and the subsequent Agency Decision, the mother and father, if named, should be informed in writing within 21 days that adoption is or is not in the child's best interests and, if appropriate, that a Freeing Order will be sought.
- (11) The Agency Decision Maker may only make a decision on behalf of the Agency after taking into account the recommendation of the Adoption Panel.
  - He/she should be satisfied that the regulatory process has been followed, that the Panel was provided with full information as required by Regulation 10 (3)(a);
  - that the Panel was given or, where necessary sought, sufficient additional information to make a recommendation (Regulation 10 (3) (b));
  - that appropriate legal advice was obtained (Regulation 10 (3)(c)) and
  - that the Panel's recommendation is rationally founded on the basis of the information submitted to it.

Where any of these issues is in question, the Agency Decision Maker should refer the matter back to the Chairperson for further consideration. The Agency Decision Maker should not make a decision on the basis of any information, which the Panel has not considered.

- (12) The Agency Decision Maker should complete and forward the Proforma letter to the birth parents. Where practical this may be hand delivered by the Social Worker.

### **7.3.3 Birth Parents – Adoption without Agreement – Procedures**

Work in these circumstances must incorporate the Policy and Procedures outlined in Chapter 4 of this Regional Operational Policy on Permanence (Adoption and Permanence).

Prior to the commencement of work in relation to adoption the birth parents will have been advised of the Permanence Policy and the timescales therein. Parents will have been given a copy of the Agency's written information on permanence planning, the contents of which should be explained to them by the Social Worker, if necessary, with assistance from an appropriate advocacy and/or interpreter service.

Where the Trust's plan for the child is adoption a counselling and support service (independent of the Agency that made the decision in respect of the child), should be offered throughout.

Birth parents should be made aware that their child's circumstances will be presented to the Trust's Adoption Panel and subsequently to the Trust's Agency Decision Maker for a decision regarding adoption.

If during the Freeing process a birth parent decides to agree to his child's adoption, all of the steps in 7.3.2 Birth Parents - Adoption by Agreement Procedure should be completed.

### 7.3.4 Children – Procedures

- (1) In the case of a new-born infant, if the mother is considering adoption and wishes her child to be accommodated, the Social Worker should arrange a foster care placement for him. Prior to placement, the Social Worker should obtain a copy of the hospital paediatrician's discharge letter to the child's GP and retain it on file.

The Social Worker should also complete the following:

- The relevant UNOCINI Forms
- Looked After Children Forms
- Essential Information Record : Part 1
- Essential Information Record : Part 2
- Placement Plan Part I - Placement Agreement
- Placement Plan Part 2 - Day to Day Arrangements Care Plan

- (2) Following a Looked After Children (LAC) review proposal to consider adoption for a looked after child, or in exceptional circumstances, a child who is not being looked after, the Social Worker should open an adoption case file and record all contacts with the child and his parents.

Regulation 7.1(a)(iii) Adoption Agencies Regulations (N.I) 1989
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- (3) The Social Worker should provide a counselling service to the child, (having regard to his age and understanding), and his parents, if this has not already been done. This includes ascertaining and recording his wishes and feelings in relation to an adoptive family. The Social Worker should discuss the child's adoption plan with the child's foster carers and obtain their views.
- (4) The Social Worker should explain the legal implications and procedures in relation to adoption and freeing for adoption, including the provisions for the Adoption Contact Register.
- (5) The Social Worker should give written information about the matters referred to in (3), eg the Coram/BAAF 'Information for Children about Adoption' leaflet. The Social Worker should obtain a written acknowledgement, if appropriate, given the child's age and understanding.

Consideration may be given to work, with the child and his preparation for placement, being undertaken by a Social Worker with adoption experience or a Social Worker from an agency which has not been involved in care planning regarding the child.

- (6) The Social Worker should ensure Procedures (5) and (6) from Birth Parents, section 7.3.2 is completed.
- (7) The Social Worker should arrange for the completion of Coram/BAAF Form M (Obstetric Report on mother) and Coram/BAAF Form B (Neonatal Report on child). On receipt of these completed forms the Social Worker should check the results of the statutory neo-natal screening. If there is difficulty these can be obtained from the Child Health System through the Health Visitor. In relation to Hepatitis, if the child is infected or is at high risk of infection, prospective adopters will be advised to consult their GP about the need for vaccination. (See chapter 5 section 5.1.5.)
- (8) The Social Worker should obtain the child's long birth certificate and medical registration card from the mother.
- (9) The Social Worker should place the child in a foster home if appropriate. Where the birth parent is not in agreement with the adoption plan, consideration should be given to placing the child with dual-approved carers.
- (10) The Social Worker should liaise directly with the relevant Health Visitor regarding the placement and forward a copy of Form Adopt 2 E/C10 as soon as possible to the Child Health System Manager.
- (11) The Social Worker should forward the Looked After Children Forms to the appropriate manager with a request to pay Foster Care Allowances.
- (12) The Social Worker should visit the foster home "*within one week of the beginning of the placement and thereafter at least every month*".

Regulation 6 The Foster Placement (Children) Regulations (N.I.) 1986
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- (13) The Social Worker should arrange a review of the child's situation within two weeks of the date on which the child became looked after and subsequent LAC reviews in line with Regulations.
- (14) The Social Worker should obtain a detailed report from the Health Visitor regarding the child's health and developmental progress from birth. This report should include any relevant involvement with other healthcare professionals and be made available to the Adoption Medical Adviser.
- (15) The Social Worker should arrange a Paediatric Assessment as soon as possible after the child reaches the age of six weeks and should accompany the foster carer and the child to the appointment. The Social Worker should bring Coram/BAAF Form IHA-C and any relevant documentation requested therein. If the mother was unwilling to have Serological Tests completed or appropriate results are not available on Coram/BAAF Form M, this should be drawn to the attention of the Paediatrician and he and the Medical Adviser should undertake a risk analysis.
- (16) The Social Worker should arrange a medical examination of the child at least once in every period of 6 months before the child's fifth birthday (Coram/BAAF Form RHA-C) and, where possible, this should be synchronised with the completion of Coram/BAAF Form IHA, to ensure that the child is not undergoing additional and unnecessary examination. If the child is over age 5 the Social Worker should arrange an annual examination.
- (17) The Social Worker should contact the adoption administrative staff to arrange for the case to be referred to the Adoption Panel.
- (18) The Social Worker should complete a written report for presentation to the Adoption Panel incorporating data referred to in The Adoption Agencies Regulations 1989.

If parental agreement is not available, the report should include the grounds and evidence upon which the Agency would intend to rely when bringing an Application under Article 18 of The Adoption (Northern Ireland) Order 1987. In the case of a child specific adoption application assessment of the proposed adopters should be considered at the same Panel meeting as the child's best interest recommendation, if possible, or as soon as possible thereafter.

- (19) The Social Worker should forward the documentation to the Chairperson of the Adoption Panel, or his nominee, normally within 10 working days in advance of the proposed Panel meeting.
- (20) The Chairperson of the Adoption Panel/Administration staff should confirm with the Social Worker the date and time of the proposed Panel meeting.
- (21) The Social Worker and the Senior Social Worker/Senior Practitioner should attend the Panel meeting.
- (22) The Chairperson of the Adoption Panel should notify the Agency Decision Maker of the recommendation(s) of the Panel normally within 10 working days.
- (23) The Agency Decision Maker should notify the Chairperson of the Adoption Panel of his acceptance/rejection of the recommendation(s), normally within 10 working days and ensure the relevant notifications are forwarded to the birth parent(s) as per (10, 11 and 12) of section 7.3.2.
- (24) A referral to Adoption Regional Information System (ARIS) should be made within one month of the best interests decision.
- (25) If a Freeing Order is to be sought the Agency's legal advisers should be instructed without delay.

## 7.4 Enquiries from and Assessment of Prospective Adopters and their Review

7.4.1 The initial contact made with the Agency is particularly significant for those who enquire about becoming adoptive parents and consequently will be dealt with by staff experienced in adoption work. Enquiries should normally be acknowledged in writing within 5 working days. This process should also apply to foster carers or kinship carers who inquire about adopting a specific child.

7.4.2 Assessment of prospective adopters will normally be carried out by social work staff from the Agency in which the applicant/s reside. In certain circumstances exceptions to this may be made e.g. where applicants are staff members of the Agency.

The duties of the Agency in respect of prospective adopters are outlined in Regulation 8 of the Adoption Agencies Regulations (Northern Ireland) 1989 as follows:-
--

- (1) *“When an Adoption Agency is considering whether a person may be suitable to be an adoptive parent, either:*
- (a) it shall -*
    - (i) provide a counselling service for him;*
    - (ii) explain to him the legal implications of and procedures in relation to adoption; and*
    - (iii) provide him with written information about the matters referred to in head (II);or*
  - (b) it shall satisfy itself that the requirements of sub- paragraph (a) have been carried out in respect of him by another Adoption Agency.*
- (2) *Where, following the procedure referred to in paragraph (1), an Adoption Agency considers that a person may be suitable to be an adoptive parent, it shall -*
- (a) set up a case record in respect of him and place on it any information obtained by virtue of this regulation;*

- (b) *obtain such particulars as are referred to in Part VI of the Schedule to The Agencies Regulations (Northern Ireland) 1989 together with, so far as is reasonably practicable, any other relevant information which may be requested by the Adoption Panel;*
- (c) *obtain a written report by a medical practitioner on the prospective adopter's health which shall deal with the matters specified in Part VII of the aforementioned Schedule, unless such a report has been made within six months before the setting up of the case record under sub-paragraph (a) and is available to the Agency;*
- (d) *obtain a written report in respect of any premises which that person intends to use as his home if he adopts a child;*
- (e) *obtain written reports of the interviews with two persons nominated by the prospective adopter to provide personal references for him;*
- (f) *obtain a written report from the prospective adopter's Health and Social Care Trust as to whether or not there is any reason to believe that the proposed adoption would be detrimental to the child; and*
- (g) *prepare a written report containing the Agency's observations on the matters referred to in this regulation, which shall be passed, together with all information obtained by it by virtue of this regulation, to the adoption panel or to another adoption agency".*

#### 7.4.3 **Procedures**

- (1) A record should be maintained of people making an enquiry about becoming adoptive parents, which should include the following information:
  - date of initial enquiry;
  - full (and previous) names of applicants;
  - address;
  - date of birth;
  - relationship status;
  - ethnicity;
  - employment status;
  - names and dates of birth of any children in the household;
  - names and ages of other persons living in the household;
  - age range of child being considered;
  - if child has already been identified his name, date of birth and address.

Form Adopt 1A should be used for this purpose.

- (2) The Social Worker should provide information as requested and offer a counselling interview.
- (3) All adoption enquirers including those who enquire about adopting a specific child will receive a counselling interview undertaken by a Social Worker experienced in adoption practice.
- (4) Counselling should include the areas listed in the Counselling Information Checklist (Appendix 4). A copy should be given to the applicants to assist them in assimilating the information being provided in the counselling interviews.
- (5) On completion of the interviews, the enquirers should be given sufficient time to think more about the issues relating to adoption. If they wish to proceed they should confirm this in writing.
- (6) All interviews and contacts with the enquirers should be recorded, including a summary of the information provided and confirmation that they were given the Counselling Information Checklist.
- (7) If there are any concerns about the applicants fulfilling the Agency's eligibility criteria, the matter should be referred to the appropriate manager for a determination.
- (8) All applicants who have children from a previous relationship should be made aware of the requirement to interview their previous partner and children, and if required an exemption should be sought from an appropriate senior manager in the agency. This will be further explored and reviewed in the assessment process.

#### **7.4.4 Adoption Application Checks and Assessment**

- (1) Following confirmation from the enquirers that they wish to proceed, the Social Worker should complete the relevant sections of the Information for Preliminary Checks re Adoption Application (Form Adopt 1B). Their signature to the "Consent to Obtain Information" at the end of this form should be countersigned by the Social Worker. The Social Worker should open a file, which should contain all reports, correspondence and recording.

- (2) The Social Worker should carry out the following checks/enquiries in respect of the applicants and all members of their household:
- (i) Ascertain whether or not the applicants are known to Social Services in any of the Trust areas in which they have lived in previously, and if known, in what capacity; Where the applicant is or was a registered foster carer or a child-minder a report should be sought from the registering agency.
  - (ii) obtain Enhanced Disclosures from Access NI in respect of each member of the applicant's household aged 10 and over. The form should reflect that a check of the list of individuals disqualified from working with children or vulnerable adults has also been carried out. For information on obtaining same from other countries where applicants have lived please follow this link  
<http://www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/accessni-criminal-record-checks/accessni-applications/apply-for-an-enhanced-check-through-a-registered-body.htm>
  - (iii) obtain information from other Adoption Agencies to which the applicant(s) have previously made enquiries/application.
  - (iv) obtain a report of a medical examination by the applicants GP and appropriate checks of health records by requesting medical reports in respect of each applicant, Coram/BAAF Form AH (Adult Health Report). Payment for these and any other medical reports required is the responsibility of the applicants. These forms should be forwarded to the Agency Medical Adviser.
  - (v) obtain the Medical Adviser's opinion of these and obtain any further information thought to be necessary, including a Consultant's Report where the applicant has had or is having specific treatment/investigation.

The Medical Adviser should inform the appropriate manager responsible for Adoption Services whether or not there are any health contra-indicators to proceeding with the assessment. If the Medical Adviser recommends that the application should not proceed on medical grounds, he should provide a written summary of the reasons for this recommendation and give it to the Agency. The Agency may in turn refer the matter to the Adoption Panel.

- (vi) the Social Worker should view the applicants birth certificates and if relevant, marriage/civil partnership and divorce certificates and record details.
- (vii) if the applicants live in another Agency's area the appropriate Child and Family Care Manager should obtain a written report from the other Agency as to whether or not there is any reason to believe that the proposed adoption would be detrimental to a child.
- (viii) the Social Worker should maintain a record of all checks and these should be viewed by the relevant manager; if the preliminary checks are not satisfactory applicants should be informed and given the opportunity to discuss the situation with the appropriate manager for adoption.

(3) Preparation Course

All applicants will be expected to attend a preparation course. It is designed for prospective adopters to acquire knowledge and skills and to give them the opportunity for reflection in relation to their plans to apply to adopt. This will be an educative group and applicants will also hear from others directly involved in adoption. The programme will include the processes involved in adoption, consideration of general behaviour management strategies, child protection issues, and discipline and control issues. A synopsis of children recently accepted or placed for adoption.

(4) Assessment References

Following completion of the preparation course the Social Worker should carry out the following checks/enquiries in respect of the applicants.

(i) Personal References

As required by the Adoption Agencies (Northern Ireland) Regulation(s) 1989, applicants must provide information in respect of a minimum of two personal referees. The referees will provide written references using form Adopt 1C. The referees should have known the applicants well over a period of time and should be competent to comment upon the applicant(s) potential adoptive parenting capacity. Ideally at least one referee should have observed the applicant(s) contact with children and be in a position to comment on this.

Agencies will also request a written reference from a member of the applicants' extended family.

The Social Worker should subsequently interview the referees face to face at the assessment stage, and prepare a written report of these interviews to including an analysis of their comments.

Additional references may be necessary to provide evidence in relation to the particular circumstances of applicants.

(ii) Employment Reference

If a prospective adopter is or has been employed in a child care capacity or with vulnerable adults, the Agency should obtain the consent of the prospective adopter and obtain an employer's reference and seek information about his work with children or vulnerable adults, using form Adopt 1D.

Where an applicant is engaged in voluntary work with children or vulnerable adults, the applicant's consent should be obtained to seek a reference from a person in a supervisory capacity within the voluntary organisation.

It should be noted that an employer is not obliged to provide information in writing or otherwise and an Agency should be careful not to interpret negatively, a refusal from the employer to supply a reference.

Interviews should not be sought with employers unless the appropriate Manager agrees that there are specific reasons for so doing.

(iii) Financial Circumstances

The Social Worker should obtain written evidence from applicants of their current income (earnings, benefits and allowances), outgoings, assets and liabilities from whatever source. Applicants should also indicate their capacity to discharge their financial responsibilities post placement (a financial statement will be required from an accountant in the case of applicants who are or become self-employed and the prospective adopters will be responsible for any costs involved in obtaining this.

#### 7.4.5 Home Study Assessment

- (1) The appropriate manager for adoption should send the applicants written confirmation that their application can proceed. When allocated, it is expected that this stage will be completed within six months of commencement. Applicants should be told what the expected timescale is for the assessment to be completed from the time of application.
- (2) The Social Worker should refer to The Adoption Agencies Regulations (Northern Ireland) 1989 and the Agency's Practice Guidance for the Assessment of Prospective Adopters. It is also important to refer to the Agency's policy regarding for example, representations and complaints and prospective adopters' rights. The Social Worker should ensure that the assessment report and accompanying documentation fulfils the requirements of the Adoption Agencies Regulations.

- (3) Where the prospective adopter has jointly parented or cared for a child with a former partner, the Social Worker should interview the former partner unless the Agency has previously considered that there are exceptional reasons for not so doing.

Where former partners have not jointly parented or cared for a child with the prospective adopter, they should generally not be interviewed unless there is a specific reason for so doing.

- (4) The children of any previous relationship including those who have reached adulthood should be interviewed and their views sought regarding the application.
- (5) Other current residents in the adopter household should be interviewed and their views sought regarding the application.
- (6) A Second Opinion Visit will be carried out by a Senior Social Worker/Senior Practitioner. The purpose of this visit is to discuss any issues that have arisen during the completion of the assessment.
- (7) The Social Worker should complete Coram/BAAF Adoptive Carers Assessment Form Adoption and Permanence – Northern Ireland, incorporating the second opinion visit. Where the assessment has been completed in respect of a child specific application, the report should outline the applicant's relationship and connection with the child and their understanding of and capacity to meet the child's life-long needs. In a kinship application the assessment should outline the implications of their changed legal status in the child's life and how this may impact on family relationships. All relevant documentation should be passed to the appropriate manager for discussion and the formulation of a recommendation.

- (8) The Social Worker should make a provisional booking with the Adoption Administrator for the date of the Adoption Panel meeting.
- (9) The applicants will be given the Final Draft of Coram/BAAF Adoptive Carers Assessment Form to read, excluding all third party information, and asked to record their comments with any suggested amendments. The document should be clearly marked as draft and is the property of the Adoption Agency. This must all be returned within 15 days.
- (10) The Social Worker should confirm the date of the Adoption Panel with the Adoption Administrator and request that he circulates all relevant material and the Trust's/Agency's proposals, to the Adoption Panel members. The Social Worker should also confirm with the Adoption Administrator whether the applicants wish to attend part of the Panel meeting. Should the applicant(s) so wish the Agency will confirm in writing the date and time.

#### **7.4.6 Application Considered by Adoption Panel**

- (1) The assessing Social Worker and the Senior Social Worker/Senior Practitioner should attend the Adoption Panel on the date and time allocated. The applicant(s) may also wish to attend part of this meeting (section 6.5.2).
- (2) The Chairperson will meet briefly with the applicants and their assessing Social Worker in advance of them joining the Panel meeting and it's consideration of their application. The purpose of this meeting is to enable the Chairperson to introduce himself to the applicants and to outline the format of the meeting.
- (3) The assessing Social Worker and Senior Social Worker/Senior Practitioner will be invited into the Panel meeting. The Panel will consider confidential and third party information, and identify issues to be explored with the applicants when they join the meeting.

- (4) The Chairperson will invite the applicants to join the meeting and introduce themselves. He will advise the applicants of the issues to be discussed and encourage Panel members to initiate discussion with them, based on the areas previously identified.
- (5) The Chairperson will advise the applicants that members will take time as a Panel to formulate their recommendation.
- (6) The applicants and presenting Social Workers will be requested to leave the meeting.
- (7) The Panel will consider the application and make a recommendation to the Agency as to whether the prospective adopters are suitable to be adoptive parents, or may request that further information be obtained.
- (8) The Chairperson will advise the applicants of the outcome of the Panel discussion and will remind them of the role of the Agency Decision-Maker.
- (9) The Chairperson of the Adoption Panel should forward the recommendations of the Panel and the reasons for these, in each case, to the Agency Decision Maker within 10 working days and a copy of the record of the meeting, as soon as possible.
- (10) The Agency Decision Maker should notify the Prospective Adopters of the Agency's decision as to whether or not it considers them suitable adoptive parents, as soon as possible and not later than 28 days following the Panel meeting.
- (11) The Agency Decision Maker may only make a decision on behalf of the Agency after taking into account the recommendation of the Adoption Panel (Regulation 11).
  - He should be satisfied that the regulatory process has been followed, that the Panel was provided with full information as required by Regulation 10 (3) (a);
  - that the Panel was given or, where necessary sought, sufficient additional information to make a recommendation (Regulation 10 (3) (b));

- that appropriate legal advice was obtained (Regulation 10 (3) (c))
- and that the Panel's recommendation is rationally founded on the basis of information submitted to it.

Where any of these issues are in question, the Agency Decision Maker should refer the matter back to the Chairperson for further consideration. The Agency Decision Maker should not make a decision on the basis of any information, which the Panel has not considered.

- (12) In the event that the Agency proposes not to approve them as suitable adoptive parents, the Agency Decision Maker must inform the applicants of this in writing. Having consulted with the Chairperson of the Adoption Panel, he should forward notification in writing to the applicants and include the recommendations of the Adoption Panel, if different. He should also invite the prospective adopters to submit any representations they wish to make within 28 days.

As soon as possible, but not later than 28 days following receipt of the Panel's recommendation, the Adoption Agency must notify the prospective adopters in writing of its decision, stating its reasons if it does not consider the prospective adopters suitable to be adoptive parents, and of the Adoption Panel's recommendation if different from the Agency's decision.

- (13) If, within the period of 28 days, the prospective adopters have not made any representation, the Adoption Agency may proceed to make its own decision and should notify the applicants in writing of its decision, together with the reasons for it.
- (14) If, within the period of 28 days, the Adoption Agency receives representation from the prospective adopters, it should refer the case together with the relevant information, to its Adoption Panel for further consideration.

- (15) The Adoption Panel must reconsider any case re-referred to it and make a fresh recommendation to the Adoption Agency, as to whether the prospective adopters are suitable to be adoptive parents. The applicants must be invited to the meeting which considers this.
- (16) The Adoption Agency must make a decision on the case but if it has been referred to the Adoption Panel it must make the decision only having taken into account any recommendation of the Panel.
- (17) Following approval, prospective adopters who have given permission for their details to be shared with ARIS will be reminded that their details will be forwarded for inclusion on the database.
- (18) The Senior Social Worker for the prospective adopters should ensure that details are forwarded to ARIS within two weeks of Agency approval.

#### 7.4.7 **Review Process**

- (1) The Social Worker should visit and review approved prospective adopters on a 6 monthly basis, or following the identification of significant changes in their circumstances as part of the Agency's policy for the review of prospective adopters. The report of the review (Form Adopt 1G) should be considered by a manager above the level of Senior Social Worker and forwarded to the holder of the list of Approved Prospective Adopters.

If there are proposed changes to the prospective adopters approval status and/or acceptance range, the matter should be referred to the Adoption Panel for recommendation and/or endorsement.

It should be made clear to the prospective adopters that they must advise the Agency of any significant changes in their circumstances of a medical or social nature e.g. moving house, pregnancy, family illness. With regard to prospective inter-country adopters, any such changes and/or change in approval status should be promptly brought to the attention of the DoH.

- (2) Update Health Reports Coram/BAAF Form AH2) should be obtained on approved prospective adopters within 12 months of the previous medical being completed. The timing of the first Interval Report should relate to the completion date of the initial Coram/BAAFAH Medical Form. However if there are ongoing medical issues, then reports should be obtained more frequently. Frequency should be agreed following discussion with the panel's Medical Adviser. A full medical (Coram/BAAF Form AH) should be completed every 24 months.
- (3) These reports should be brought to the attention of the Medical Adviser. The Medical Adviser, having considered them and having obtained any further information thought to be necessary, should inform the appropriate manager for adoption whether or not there are medical grounds for recommending that the applicants are no longer suitable as prospective adopters. In this case, he should provide a written report with the reasons for the recommendation outlining any implications of any health condition.
- (4) If the Panel recommends a change in approval status, procedures from 7.4.6 (12-13) will apply.

## **7.5 Matching Process and Placing of Child**

7.5.1 An Adoption Agency's duties in respect of a proposed placement are outlined in The Adoption Agencies Regulations, (Northern Ireland) 1989 as follows:-

Regulation 9
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- (1) *“Subject to paragraph (2), an Adoption Agency shall refer its proposal to place a particular child for adoption with a prospective adopter, which it considers may be appropriate, together with a written report containing its observations on the proposal and any information relevant to the proposed placement, to its adoption panel”.*

- (2) *“An Adoption Agency shall refer its proposal to place a child for adoption to the Adoption Panel only if:*
- (a) *any other Adoption Agency which has made a decision in accordance with Regulation 11(1) that adoption is in the best interests of the child, or that the prospective adopter is suitable to be an adoptive parent, has been consulted concerning the proposal; and*
  - (b) *any Agency or voluntary organisation which has parental responsibilities in respect of the child by virtue of Article 17, 18 or 21 (Freeing Child for Adoption with or without Parental Agreement and Transfer of Parental Rights and Duties) or by virtue of the corresponding sections of the Adoption and Children (England and Wales) Act 2002 or the Adoption and Children (Scotland) Act 2007 or in whose care the child is, has been consulted and agrees with the proposal”.*
- (3) *“An Adoption Agency which has a proposal to place a particular child for adoption with prospective adopter(s) shall set up case records in respect of them to the extent that it has not already set up such records and place on the appropriate record any information, reports and decisions in respect of them referred to it by another adoption agency together with any information to be passed to the Adoption Panel by virtue of this Regulation”.*
- (4) *“An Adoption Agency shall obtain, so far as is reasonably practicable, any other relevant information which may be requested by the Adoption Panel in connection with the proposed placement”.*

#### **7.5.2 Procedures for Adoption Placement**

- (1) Where an Agency requires an adoptive placement, the Senior Social Worker responsible for the child should contact the holder of the Agency’s list of approved prospective adopters. If a suitable match with prospective adopters is identified, ARIS should be notified/updated. If the child is not matched within the Agency’s list of approved prospective adopters, ARIS should be advised that the child should “go live” and a search carried out for a suitable link.

- (2) The practice for identifying a suitable adoptive placement should follow the Agency's matching protocols.
- (3) The Social Worker for the child should ensure that the background report (Agency Summary) for the prospective adopters, containing the history of the child and his birth family, is finalized. At this point, this will be shared in a non-identifying form with the prospective adopters.
- (4) The Social Worker for the child should retrieve the Personal Child Health Record from the foster carers for consideration by the Medical Adviser. He should also provide the name and address of the child's current Health Visitor.
- (5) The Medical Adviser should provide the Social Worker with responsibility for the child, with a medical report for the prospective adopters. In certain circumstances it may be appropriate for prospective adopters to discuss health issues regarding the child, with the Agency's Medical Adviser or a specialist. Arrangements for this should be made by the Medical Adviser.
- (6) The Social Worker and Senior Social Worker responsible for the child should convene a meeting with the Social Worker and Senior Social Worker for the prospective adopters, to plan introductions, the support required and clarify other inter/intra-agency issues, including any issues in relation to contact, post placement/post adoption.
- (7) If it is considered that the placement may be appropriate, the proposed placement, with a written report (Form Adopt 2A) containing the Agency's observations on its suitability and any other information relevant to the proposed placement, should be referred to the Agency's Adoption Panel. A written report on the suitability of the proposed placement for adoption is also required where a child-specific application has been made.

- (8) Having considered the Agency's provisional decision regarding an adoption allowance (Chapter 10), the Panel should also recommend whether or not an adoption is practicable without payment of an allowance.
- (9) Following the meeting of the Adoption Panel, the Chairperson should notify, in writing, the Agency Decision Maker of the Agency responsible for the child of its recommendation(s) normally within 10 working days.
- (10) The Agency Decision Maker should advise the Chairperson of the Adoption Panel of his acceptance/non-acceptance of the recommendation(s), as soon as possible and not later than 10 working days.
- (11) The Agency Decision Maker with responsibility for the child should arrange for the completion of the pro-forma letter to the prospective adopters, offering the child for adoption and setting out the Agency's proposals regarding placement.
- (12) The Social Worker for the child and the Social Worker for prospective adopters should together approach the prospective adopters, regarding the child.
- (13) The Social Worker with responsibility for the child should give the documentation referred to in (3), (5) and (9) above to the prospective adopters, in order to assist them to make a decision regarding the placement of the child. Receipt of this documentation should be acknowledged in writing by the prospective adopters within 5 working days.
- (14) If, following discussion and receipt of written information, the prospective adopters feels they would be interested in caring for a particular child, the Senior Social Worker in conjunction with the child's Social Worker should follow the process as set out in the matching protocol for their Agency. This should address the introduction plan and identify the supports necessary for the child and the prospective adopters.

- (15) If the prospective adopters do not wish to proceed with the placement, all documentation must be retrieved from them. A record of the circumstances leading to their decision should be completed by the Social Workers for both the child and the prospective adopters, which should be considered as part of the review process. The Social Worker for the child should advise the holder of the Agency's list of Approved Prospective Adoptive Parents.
- (16) A further planning meeting will be required (normally within 2 weeks) to include the prospective adopters and, if appropriate, the current foster carers. A Senior Member of the Agency's staff should chair this meeting. A placement plan should be provided to the prospective adopters within 1 week of the meeting. A review meeting of the plans for introduction and placement proposals may be convened, as appropriate.
- (17) If the prospective adopter requests written evidence from the Agency to submit to their employer in order to apply for statutory adoption pay/adoption leave and/or statutory shared parental pay and leave, the Social Worker should advise that a copy of the agency notifications will be adequate evidence to submit to the employer. The content of the notifications meet the conditions set down in the relevant regulations for statutory adoption pay/leave and statutory shared parental pay and leave. Care should be taken to comply with regulations in relation to disclosure of information in respect of identification of the child.
- (18) Where the child is capable of understanding the proposal, the Social Worker should involve him in the planning process.
- (19) When the date of placement has been agreed, written confirmation should be sent to the prospective adopters by the Agency Decision Maker.
- (20) The Social Worker for the child should notify the Chairperson of the Adoption Panel of the proposed date of placement.
- (21) Before placement, the Agency Decision Maker for the child should notify the appropriate manager for the Agency, in whose area the prospective adopters reside.

Regulation  
12(2)(c)

Regulation  
12(2)(d)

(22) Before placement the appropriate manager for the child should notify the Education Authority if the child is of compulsory school age, or if the Medical Adviser considers the child to have a disability.

Regulation  
12(2)(b)

(23) Before placement the Agency should forward a written report of the child's health history and current state of health to the prospective adopter's General Practitioner or the child's General Practitioner, if different, with details of the proposed placement. The Medical Adviser should have compiled this earlier. The medical report should include details of out patients, in patients, hospital attended, investigations completed on child and any surgery completed.

(24) At the time of placement, the Child Health System (CHS) staff will be informed of the child's placement for adoption by the child's Social Worker using regionally agreed documentation. A new Health and Care number for the child is issued by CHS staff.

(25) The child's Social Worker informs the health Visitor who will arrange for a new Parent Child Health Record (PCHR) record to be created that will include a summary and analyses of previous services provided by the Specialist Community Public Health Nurse service. The new PCHR will be provided to the adoptive carers. Where the birth parent held the original PCHR they may retain this. (For information on the Transfer of Specialist Community Public Health Nursing Child Health Records (PCHR & Repository File) when a Child is being adopted please see Appendix 6).

(26) The Social Worker for the child should arrange completion of the transfer medical report on Form Adopt D, immediately prior to placement.

(27) The Social Worker should arrange for the birth parent(s) (where there is parental agreement to the adoption) to sign Form Adopt 2B, authorising the prospective adoptive parents to consent to medical treatment for the child.

Regulation  
12(2)(f)

- (28) The Social Worker should place the child with the prospective adopters and have them sign a 'Prospective Adopters Agreement Form' - Form Adopt 1H. He should also give them Form Adopt 2C, which confirms the Agency's authorisation for them to consent to medical treatment for the child.
- (29) The Social Worker for the child should confirm the placement with the Agency Decision Maker. The Social Worker should update relevant electronic records to ensure that foster care allowances cease (name and address of prospective adopters not to be included).
- (30) The Agency Decision Maker should arrange that a letter be forwarded to the birth mother and birth father, to the effect that the child has been placed for adoption, unless a parent has made a declaration under Article 17 (5) of The Adoption Order, that he prefers not to be involved in future decisions concerning the adoption of the child.
- (31) An appropriate officer of the Agency for the child should ensure that the list of Children Awaiting Adoption Placement is amended.
- (32) The Social Worker for the child should remain in contact with the birth parent/s, (see (30) above for exception), the child and the prospective adopters, until the Adoption Order is granted and liaise closely with the Social Worker for the prospective adopters.
- (33) The Social Worker for the prospective adopters should remain in contact with them until the Adoption Order is granted and liaise closely with the Social Worker for the child.
- (34) The Social Worker for the child should initially visit the child within one week of placement and afterwards as often as is considered necessary to supervise his well-being, but not less than monthly. A written report of each visit should be made.

- (35) The Social Worker for the child should advise the prospective adopters of the possibility of claiming child benefit should they meet the current criteria (Form CH2 available from any Inland Revenue Enquiry Centre or through Child Benefit Enquiry line). Applicants should attach a letter to the effect that information regarding placement, and any other relevant details may be obtained from their Social Worker. Form CH 122B (Northern Ireland) will be forwarded to the Agency by Her Majesty's Revenue and Customs Child Benefit Office. Prospective adopters are not entitled to Child Benefit if Foster Care Allowances are being paid.
- (36) The Social Worker for the child should advise the prospective adopters to obtain Form HS22 (AD) from the Business Services Organisation, Franklin Street Belfast, to enable the child to be registered with a medical practitioner without delay, under his proposed new name.
- (37) Child Health System (CHS) staff will be informed of the child's placement for adoption by the child's Social Worker using regionally agreed documentation. A new Health and Care number for the child is issued by CHS staff.

The SCPHN responsible for the child's health plan prior to placement for adoption writes a brief summary and analysis of child health issues and services provided to the child and arranges a verbal hand over to the SCPHN taking over responsibility if the child is moving to another SCPHN caseload.

Please see Appendix 5 -Regional Operational Permanence Policy.

- (38) The Child's Social Worker, checks where the child has received health care previously and advises those health care settings of the child's new adopted status, name and new health and care number. They should also advise on the management of old records (manual and electronic) and how information should be transferred to the newly generated record.
- (39) Adoptive parents should also be advised to contact services in advance of attendance to advise of new name and circumstances to confirm relevant details have been changed.

- (40) Senior Staff in the Agency should arrange a review of the placement in accordance with Regulation 12(2) (k), if an application for an Adoption Order has not been made within three months of the placement and on other such occasions as the Agency considers necessary. This will include the review of ongoing contact arrangements.
- (41) The Social Worker for the child should provide the prospective adopters or the Solicitor acting for them with details, which will allow completion of the Originating Summons (Form A9).
- (42) The Social Worker for the child should advise the adoptive parents to contact the Official Solicitor/Her Majesty's Revenue and Customs – Child Trust Fund/Junior ISA Office, as appropriate, to ensure that the future management of the Trust Fund/Junior ISA is transferred to them.
- (43) On appointment of the Guardian ad Litem, the Social Worker for the child should ensure that all documentation is made available to him.
- (44) No later than the date specified by the Court in the correspondence relating to the Adoption Application, the Social Worker should complete a report in writing covering the matter specified in Part 1 of Appendix 4 (Court Forms). The report in triplicate should be forwarded to the relevant Court.
- (45) The appropriate Social Services Manager should notify the birth parent(s) when an Adoption Order is granted (see 30 above for exception).
- (46) The Social Worker for the child should notify the Child Health Department on Form Adopt 2F/C10A that an Adoption Order has been granted.
- (47) If the child was baptised prior to the adoptive placement the Social Worker should obtain for the adoptive parents an amended baptismal certificate from the Priest/Minister of religion who issued the original one.

- (48) The Social Worker for the child should provide details on Form Adopt 2H to the Adoption Services Manager so that these may be entered on the Central Index.
- (49) The Social Worker for the child should ensure that all information pertaining to the adoption is held on the one case record and that it is appropriately stored in the Agency, which retains responsibility for the case.

### 7.5.3 **Procedures for Dually Approved Placement**

- (1) Where an Agency requires a dually approved placement, the Senior Social Worker responsible for the child should contact the holder of the Agency's list of approved adopters. If a suitable match with approved prospective adopters is identified for the child ARIS should be notified. If no suitable placement is identified within the Agency's list of prospective adopters, ARIS should be advised that the child should "go live" and a search carried out for a suitable link.

The practice for identifying a suitable dually approved adoptive placement should follow the Agency's/Regional matching protocols on adoption.

- (2) When an Agency is considering a proposal to place a particular child on a fostering basis with dually approved carers from another agency, it should hold an Inter-Agency/Intra-Agency meeting, with the Agency with responsibility for the prospective adopters. The purpose of the meeting is to look at the capacity of the proposed placement to meet the needs of the child; the legal context; preparedness of the child and family for placement; expectations of the placement and the views on any proposed contact. The meeting should be attended by the child's Social Worker and Senior Social Worker and the family's assessing Social Worker and Senior Social Worker.
- (3) The Social Worker for the child should ensure that the background report (Agency Summary) containing the history of the child and his birth family, as then known to the Agency, is available at the meeting.

- (4) Prior to the meeting, the Social Worker for the child should have requested the Adoption Medical Adviser to provide a medical summary of the information known at the time. To assist in this, the Social Worker should have retrieved the Personal Child Health Record from the current foster carers for the Medical Adviser's consideration. It may be appropriate for dual approved carers to discuss health issues regarding the child, with the Agency's Medical Adviser, specialist or any other relevant health professional who knows the child. Arrangements for the latter should be made by the Medical Adviser.
- (5) If it is considered that the placement may be appropriate, the proposed placement, with a written report (Form Adopt 2A(I)) containing the Agency's observations on its suitability and any other information relevant to the proposed placement, should be referred to the Agency's Adoption Panel.
- (6) A recommendation as to whether the dually approved carers could be suitable adoptive parents for a particular child may be made at either the same meeting of the Panel at which a recommendation has been made that adoption is in the child's best interests or at a meeting following this recommendation.
- (7) Following the meeting of the Adoption Panel, the Chairperson should notify in writing, the Agency Decision Maker of the Agency responsible for the child, of its advice, normally within 10 working days.
- (8) The Agency Decision Maker should advise the Chairperson of the Adoption Panel of his acceptance/non acceptance of the advice, as soon as possible and not later than 10 working days.

The Social Worker and Senior Social Worker responsible for the child should follow the Agency's protocol for matching in respect of long term fostering placements including all relevant notifications.

- (9) The Social Worker and Senior Social Worker for the child and the dually approved carers should attend the Fostering Panel meeting to approve the match.
- (10) If approved the Social Worker and Senior Social Worker responsible for the child should convene a meeting with the Social Worker and Senior Social Worker for the dually approved carers, to plan introductions, identify the support required and clarify other inter/intra-agency issues, including fostering allowances, contact and reviews.
- (11) The Agency Decision Maker with responsibility for the child should arrange for the completion of the letter to the dually approved carers, offering the child for placement and setting out the Agency's proposals regarding placement.
- (12) The Social Workers for both the child and the prospective adopters should make a joint approach to the prospective dually approved carers, regarding the child.
- (13) The Social Worker with responsibility for the child should give the documentation referred to in (3), (4) and (11) above to the dually approved carers, in order to assist them to make a decision regarding the placement of the child. Receipt of this documentation should be acknowledged in writing by the prospective adopters/foster carers within five working days.
- (14) If the dually approved carers do not wish to proceed with the placement, the Social Worker for the child should contact the holder of the Agency's List of Approved Prospective Adopters, so that other prospective adopters may be considered. A report of the circumstances surrounding their decision should be provided by the child's and dually approved carers' Social Workers and considered as part of the review process. All documentation must be retrieved from the dually approved carers.

- (15) If, following discussion and receipt of the written information, the dually approved carers indicate they would be interested in caring for a particular child, a further planning meeting will be required to include the dually approved carers and, if appropriate, the current foster carers. This meeting should be conducted in line with the Trust's protocol for matching children with prospective adopters and should normally take place within 2 weeks. A placement plan should be provided to the dually approved carers within 1 week of the planning meeting. A review meeting of the plans for introduction and the placement proposals may be convened, as appropriate.
- (16) Where the child is capable of understanding the proposal, the Social Worker should involve him in the planning process and agree a proposed date of placement.
- (17) The Social Worker for the child, on behalf of the Agency, should propose a date of placement. Following acceptance of this proposal by the dually approved carers, the Social Worker should arrange confirmation in writing, from the Agency Decision Maker.
- (18) If the prospective adopter requests written evidence from the agency to submit to their employer in order to apply for statutory adoption pay/adoption leave and/or statutory shared parental pay and leave, the Social Worker should advise that a copy of the agency notifications (prepared for the prospective adopter in respect to placing and matching) will be adequate evidence to submit to the employer. The content of the notifications meet the conditions set down in the relevant regulations for statutory adoption pay/leave and statutory shared parental pay and leave. Care should be taken to comply with regulations in relation to disclosure of information in respect of identification of the child.
- (19) The Social Worker for the child should notify the holder of the Agency's list of approved adopters and ARIS of the proposed date of placement.
- (20) The Chairperson of the Fostering Panel should notify the appropriate manager for the Agency, in whose area the dually approved carers reside, of the placement.

- (21) The Social Worker should also complete or update the following Looked After Children Forms:
- i) Essential Information Record : Part 1
  - ii) Essential Information Record : Part 2
  - iii) Placement Plan Part 1 – Placement Agreement
  - iv) Placement Plan Part 2 – Day to Day Arrangements
  - v) Care Plan
  - vi) UNOCINI Pathway Plans
- (22) The Social Worker should place the child with the dually approved carers and have them sign a Foster Care Agreement form.
- (23) The Social Worker for the child should provide the dually approved carers with the Personal Child Health Record.
- (24) The Social Worker for the child should notify the Child Health System (Form Adopt 2E/C10 with copy to the Nurse Manager) and should liaise directly with the new Health Visitor at the time of placement.
- (25) The Social Worker for the child should confirm the placement with the Agency Decision Maker and request the Fostering Service arrange cessation of Foster Care Allowances to the original foster parents and commencement of Foster Care Allowances to the dually approved carers.
- (26) An appropriate officer should add the relevant details regarding the dually approved carers to the Agency’s Register of Foster Carers.
- (27) The Social Worker for the child should visit the foster home “within one week of the beginning of the placement and thereafter at least once a month”. A written report must be made following each visit.
- (28) The Social Worker should arrange a review of the child’s placement within two weeks of the date on which the child became looked after by the dually approved carers. The second review should be carried out three months later and the third review six months after the second.

Regulation 6(1)a of the Foster Placement (Children) (Northern Ireland) 1996
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- (29) At the time of the match the Social Worker should arrange for all up to date medical information including hospital or other health services attended to be sent to the Medical Adviser to the Adoption Panel to update the medical summary.
- (30) On the granting of a Freeing Order or agreement to adoption being given, the proposed placement should be re-referred to the Adoption Panel for a recommendation to formalize the placement for adoption.
- (31) The Social Worker should request the Fostering Service to issue a Notice of Termination of fostering and formal removal from the Fostering Register where appropriate.

7.5.4 **Placement with Dual Approved Carers (including Concurrent Carers)**

- (a) Where the Agency determines that the child's needs, in view of his family history and circumstances, are best met by placement with concurrent carers, the process of identifying a suitable concurrent placement should follow the Agency's matching protocols for adoption. In the absence of a suitable dual approved placement within the Agency's own pool of approved adopters, the Agency may wish to consider requesting a care planning search through ARIS to determine the likelihood of placement with dual approved carers approved by another agency. Additionally, consideration may be given to a referral to a Voluntary Adoption Agency. Placement of the child is made under procedures for Looked After Children and the child is placed on a fostering basis. The nature of the placement will be confirmed within two weeks of the placement at the Looked After Children Review. Notification should be forwarded to ARIS that the approved adopters are no longer available for matching.

- (b) If the Dual Approved Carers (including Concurrent Carers) requests written evidence from the Agency to submit to their employer in order to apply for statutory adoption pay/adoption leave and/or statutory shared parental pay and leave, the Social Worker should advise that a copy of the agency notifications (prepared to the prospective adopter in respect to placing and matching) will be adequate evidence to submit to the employer. The content of the notifications meet the conditions set down in the relevant regulations for statutory adoption pay/leave and statutory shared parental pay and leave. Care should be taken to comply with regulations in relation to disclosure of information in respect of identification of the child. Where the LAC review subsequently proposes adoption as the care plan for the child, the Agency should refer the child to the Adoption Panel for a Best Interest recommendation and the process outlined at 7.3.2 or 7.3.3 for adoption with or without parental agreement, depending on the circumstances of the case, should be followed. In respect of matching, the process outlined at 7.5.3 Procedures for Dually Approved Placement from (paragraph 5) should be followed.
  
- (c) Where the LAC review makes the decision to place the child with birth family, the Dual Approved Carers (including Concurrent Carers) should be supported by their Social Worker to manage the placement move and, where appropriate, contact with the child post-placement. A review of the approved adopters is required to enable them and the Agency to reconsider the terms of their approval and to determine their readiness for a further placement. Details of any changes in approval criteria following the Adoption Panels consideration should be forwarded to ARIS together with notification when the adopters become available for placement.

## **7.6 Children Subject of Freeing Order – Adoptive Placement not yet achieved**

- 7.6.1 If a child has been freed for adoption under Article 17 or Article 18 and 6 months have elapsed since the making of that Freeing Order, but the child has not yet been placed with a prospective adopter, the Adoption Agency must review the child's case and decide what action to take. The situation will continue to be reviewed at least every 6 months thereafter.

7.6.2 Article 19 (3), of The Adoption (Northern Ireland) Order 1987 requires that within 14 days following the date 12 months after the making of the Freeing Order, if an Adoption Order has not been made or the child placed for adoption, the Adoption Agency must notify the birth parent (parental responsibility is now vested in the Adoption Agency). It should also inform the former parent of his rights under Article 20 (1) (see below).

Article 19 (4) requires the Adoption Agency subsequently to notify the former parent when the child is adopted, placed for adoption or ceases to be placed with a prospective adopter.

7.6.3 Article 20, of The Adoption (Northern Ireland) Order 1987 provides for a former parent, at any time after 12 months from the granting of a Freeing Order, if there has been no Adoption Order, and the child is not placed in an adoptive placement, to apply to the Court which made the Freeing Order, and ask the Court to revoke it on the ground that he wishes to resume parental responsibility for the child.

## **7.7 Placement Disruption Prior to Adoption Order**

Disruption of a placement prior to the granting of an Adoption Order occur for many and complex reasons. Instead of being regarded as an end of the child's plan for adoption, disruption should often be regarded as an interruption in the original plan for adoption, which may well be continued once a careful evaluation of the placement has taken place.

7.7.1 The Trust Manager responsible for the child should arrange a disruption meeting, normally within 12 weeks of the date the placement ending. A person independent of those currently involved and who has experience in adoption should chair this meeting. The views of adopters and where appropriate the child should be sought, and adopters should be invited to attend the meeting. The views of the child should also be represented. The main objective of the disruption meeting should be to examine the sequence of events, and to learn from the experience in order that:

- i) the child's needs can be identified and met;
- ii) the family can be given help to recover from the experience;
- iii) practice may be improved.

It may be helpful to consider disruption using the following format:

- a) the circumstances surrounding the need for the child to be looked after by the Agency;
- b) the pattern of the child's life in care;
- c) the assessment of the child and decision to seek an adoptive family for him;
- d) the Adoption Panel's recommendation and the Agency's decision regarding the prospective adopter(s) suitability to be adoptive parent(s);
- e) the Adoption Panel's recommendation to approve the prospective adopter(s) as suitable adoptive parent(s) for the child and the Agency's decisions;
- f) the introduction of the child to the family;
- g) the placement, and post placement support;
- h) the disruption and subsequent action;
- i) the lessons to be learned by the Agency/Agencies;
- j) any other relevant issues.

7.7.2 A detailed report should be made of the meeting, setting out the information contributed, the main issues identified, the Chairperson's summary and lessons to be learned from the disruption.

7.7.3 The Senior Social Worker (Adoption) should arrange a review of the prospective adopters. The aim of the review is to consider the reasons why the placement disrupted; establish whether the prospective adopter(s) wish their names to remain on the waiting list; the types and ages of children to whom the applicants are best suited; the applicants' needs and skills; training needs, and any action to be taken by the Agency.

7.7.4 A report of the review together with the minutes of the disruption meeting, the assessment documentation earlier made available to the Panel and any subsequent routine reviews, should be referred if the Panel recommends a change in approval status procedures (7.4.6 (12-13) applies).

**8.1 Introduction**

This section relates to step parent and family adoptions and adoptions of children who were placed by foreign authorities during a period when the prospective adopter(s) were domiciled or habitually resident overseas.

The legislation makes provision in certain circumstances for the adoption of some children who have not been placed for adoption by a Registered Adoption Agency. These adoption applications are referred to as non-Agency placements and include applications by a parent on his own, a parent and a step-parent jointly, relatives with whom a parent has placed the child and private foster parents. Refer to Chapter 5.2.10 on Relationship Status for changes to eligibility since June 2013.

A relative is defined under Article 2 (2), which is amended by paragraph 138(8) of Schedule 9 of The Children (Northern Ireland) Order 1995 and Subsection (3) of Section 203 of the Civil Partnership Act 2004.

Article 29 makes provision for persons including relatives and foster carers who have cared for a child for the preceding 5 years, to serve notice of their wish to adopt the child. When a notice has been served, the child may not be removed from their care, without leave of the court.

Article 11(b) also makes provision for a child to be placed for adoption in pursuance of an Order of the High Court.

**8.2 Protected Children**

- 8.2.1 Article 22 states that an Adoption Order shall not be made in respect of a child who was not placed with the applicant(s) by an Adoption Agency, unless the applicant has at least three months before the date of the Order, served notice on the Health and Social Care Trust within whose area he has his home, of his intention to apply for the Order.

8.2.2 Article 13(2) stipulates that when a child is privately fostered, an Adoption Order shall not be made unless he is at least 12 months old and, at all times during the preceding 12 months, has had his home with the applicants, or at least one of them.

On receipt of the notification, under Article 33, the child becomes a protected child and the Health and Social Care Trust becomes responsible for supervising his wellbeing, while the adoption is pending.

### 8.3 **Non-Agency Adoption Applications with a Foreign Element**

A child from overseas may be the subject of an adoption application. Some examples of such applications are as follows:

- The child is the birth child or relative of a foreign national, now married to a UK citizen who is not the child's birth parent i.e. a step parent or relative application with a foreign element;
- The child is not related to the applicant(s), but was made the subject of an adoption or guardianship Order in a foreign court during a period when the applicant(s) was (were) habitually resident overseas. The Order made in a foreign court is not recognised in the UK and the applicant(s) wish(es) to have the adoption legally recognised in the UK;
- The child was placed into the care of the applicant(s) while he and they were habitually resident overseas and having lived with the applicant(s) for a period of at least 18 months has been granted leave to enter the UK as the de facto adoptee of the applicant(s).

A joint protocol exists between the Northern Ireland Courts Service (NICTS) and the Department of Health (the DoH) whereby the DoH is notified of all adoption applications with a foreign element before courts. These include inter-country adoptions which have been effected in accordance with the regulations governing such adoptions (see chapter 13).

The DoH provides written comment to the court on all adoptions with a foreign element and to this end will liaise with the Social Worker responsible for completing the report under Part 1 of Appendix 4 of the Family Proceedings (Amendment Rules) Northern Ireland 2003, to obtain copies of relevant documentation and where necessary further information relevant to the application.

The UK Border Agency of the Home Office also wishes to consider all adoption applications with a foreign element made to UK courts. The following documentation should be supplied to the DoH for onward transmission to the Home Office:

- if one or both applicants are foreign nationals, scanned copies of visas;
- scanned copy of the child's passport and visa;
- where requested, scanned copy of an adoption or guardianship Order made in the foreign country.

The Home Office will issue a letter for the attention of the court indicating either that it has no objection to an Adoption Order being granted or that it wishes to intervene in the proceedings. In some situations, the Home Office Complex Advice Team may need to become involved.

#### **8.4 Procedures**

- (1) The Agency Decision Maker or his nominee should acknowledge receipt of Court Form A10.
- (2) The Social Worker should set up a case record, ensure its safekeeping and establish whether the family is known to the Agency.
- (3) The Social Worker should visit the applicants within 7 working days of receipt of the notification to apply for an Adoption Order and explain to the prospective adopters the legal requirements and procedures for an Adoption Order and the provisions for the Adoption Contact Register.

- (4) The Social Worker should counsel the applicant(s) to ensure they fully understand the implications of the proposed adoption and obtain their permission to undertake the statutory checks. Enhanced Disclosures will be sought from Access NI in respect of each person in the applicant's household age 10 and over.
- (5) The Social Worker should explain to birth parents, including a named birth father without parental responsibility, their legal rights and responsibilities and counsel them to ensure they fully understand the implications of the proposed adoption.
- (6) The Social Worker should explain to the birth parents the legal requirements and procedures for an Adoption Order. If a birth parents whereabouts are unknown, all reasonable steps must be taken to identify him and ascertain his wishes and feelings on the proposed adoption.
- (7) The Social Worker should suggest where this seems appropriate, that the applicants/birth parents should consider seeking legal advice. This advice if sought will be at the applicants own expense.
- (8) The appropriate manager or his nominee should acknowledge receipt of the copy of the adoption application, which includes the Originating Summons/Petition and supporting documentation, when it is received from court. He should notify the relevant court and NIGALA of the name, address and telephone number of the Social Worker responsible for providing the report under Part 1 of Appendix 4, The Family Proceedings (Amendment Rules) Northern Ireland 2003.
- (9) The Social Worker should explain to the applicants that no later than the date specified by the court in the correspondence relating to the adoption application, the Agency is required to complete a report covering the areas specified in Part 1 of Appendix 4.

To complete the report, the Social Worker will be required to:

- establish if any of the parties are already known to any of the Agencies and obtain and view the relevant records;
- interview all the parties to the proceedings, ensuring that the child (unless very young) and the applicants, are seen separately as well as together in the family group;
- obtain, if relevant, Access NI checks in relation to birth parents, particularly if future contact is anticipated between the child and his birth parents;
- obtain two personal references in respect of the applicants;
- liaise with the relevant health visiting and school personnel and obtain a report(s), as appropriate;
- obtain the comments of the Agency's Medical Adviser regarding the child's health and that of the applicants, unless it is a parent/step-parent application/petition. The Medical Adviser's comments will be based on medical reports as required under Part 2 of Appendix 4, which normally include Coram/BAAF Form and Coram/BAAF (Medical Reports are completed by General Practitioners at the expense of the applicants/petitioners);
- investigate the suitability of the applicant and any other matters relevant to the operation of Article 9 of The Adoption (Northern Ireland) Order 1987;
- investigate, bearing in mind the Agency's particular duty to comment on whether the placement is in contravention of Article 11 of The Adoption (Northern Ireland) Order 1987;
- liaise as appropriate with and provide the relevant information to the appointed Guardian ad Litem, to ensure that the child's wishes and feelings are ascertained sensitively and all requirements are met.

- (10) The report, in triplicate, should be forwarded to the relevant court, including a copy for the appointed Guardian ad Litem.
- (11) The Social Worker should continue to visit a Protected Child on at least a monthly basis, so long as none of the circumstances as outlined in Article 33(3) and amended by paragraph 156 (4) of Schedule 9 of The Children (Northern Ireland) Order 1995 applies. Attention is drawn to the amendment that a child ceases to be protected where no application is made for an adoption order, on the expiry of the period of two years from the giving of the notice. Where the applicants current address is known they should be notified that the child has ceased to be a protected child. The case should be closed and the file forwarded to the agreed storage location.
- (12) The Social Worker should attend court as requested.
- (13) On the granting of an Adoption Order, the Social Worker should provide details on Form Adopt 2H so that these may be entered on a central index retained by the adoption agency.
- (14) The Social Worker should notify the Child Health Department on Form Adoption 2F/C10A that an Adoption Order has been granted.
- (15) The Social Worker should notify the parents and the non-applicant parent in writing when an Adoption Order has been granted.
- (16) The Social Worker should ensure that all case record information pertaining to the adoption is held on the one case record and forwarded to the agreed storage location.

### 9.1 Introduction

Each Adoption Agency should have a clear post adoption strategy for working with and supporting children, birth families and adoptive families. This should recognise the lifelong implications of adoption for all parties and ensure the provision of a responsive and flexible service.

### 9.2 Legal Basis for the Adoption Support Service

The legal basis for the post adoption service is contained in Article 3 and Article 54 of the Adoption (Northern Ireland) Order as amended by paragraphs 158 (2) and 159 Schedule 9 to the Children (Northern Ireland) Order 1995 and the Civil Partnership Act 2004.

Article  
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Article 3 states:

*Every Board shall establish and maintain within its area a service designed to meet the needs, in relation to adoption, of*

- (a) children who have been or may be adopted;*
- (b) parents and guardians of such children; and*
- (c) persons who have adopted or may adopt a child,*

*And for that purpose shall provide the requisite facilities, or secure that they are provided by registered adoption societies.*

Article 54 states

- (1) Subject to the provisions of this Article, the Registrar General shall, on application made in the prescribed manner by an adopted person, a record of whose birth is kept by the Registrar General and who has attained the age of 18 years, supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his birth.*

- (2) *On an application made in the prescribed manner by an adopted person under the age of 18 years, a record of whose birth is kept by the Registrar General and who is intending to be married or to form a civil partnership, and on payment of the prescribed fee (if any), the Registrar General shall inform the applicant whether or not it appears from information contained in the registers of live births or other records that the applicant and the intended spouse or civil partner may be within the prohibited degrees of relationship for the purposes of Article 18 (1) of The Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 or Schedule 12 to the Civil Partnership Act 2004.*
- (3) *Before supplying any information to an applicant under paragraph (1), the Registrar General shall inform the applicant that counselling services are available to him –*
- (a) *If he is in Northern Ireland –*
- (i) from HSC Trust in whose area he is living;*
  - (ii) where the adoption order relating to him was made in Northern Ireland from the HSC Trust in whose area the Court which made the Order sat; or*
  - (iii) from any other HSC Trust;*
- (b) *If he is in England or Wales –*
- (i) at the General Register Office;*
  - (ii) from the local authority in whose area he is living;*
  - (iii) where the adoption order relating to him was made in England and Wales, from the local authority in whose area the Court which made the Order sat;*
- or*
- (iv) from any other local authority;*
- (c) *If he is in Scotland –*
- (i) from the regional or islands council in whose area he is living;*
  - (ii) where the adoption order relating to him was made in Scotland, from the council in whose area the Court which made the Order sat; or*
  - (iii) from any other regional or islands council.*

- (d) *If he is in the United Kingdom and his adoption was arranged by an adoption society –*
  - (i) *registered under Article 4; or*
  - (ii) *approved under section 3 of the Adoption Act 1976; or*
  - (iii) *approved under section 3 of the Adoption (Scotland) Act 1978, from that society.*

(4) *Where an adopted person who is in Northern Ireland*

- (a) *applies for information under –*
  - (i) *paragraph (1), or*
  - (ii) *section 51 of the Adoption Act 1976, or*
- (b) *is supplied with information under section 45 of the Adoption (Scotland) Act 1978.*

*It shall be the duty of anybody mentioned in paragraph (5) to provide counselling for him if asked by him to do so.*

(5) *The bodies are -*

- (a) *any Board or HSC Trust; and*
- (b) *any adoption society falling within paragraph (3) (d) in so far as it is acting as an adoption society in Northern Ireland.*

(6) *If the applicant chooses to receive counselling from a body falling within paragraph (3), the Registrar General shall send to the body the information to which the applicant is entitled under paragraph (1).*

(7) *Where a person –*

- (a) *was adopted before 18th December 1987, and,*
- (b) *applies for information under paragraph (1), The Registrar General shall not supply the information to him unless he has attended an interview with a counsellor arranged by a body whose counselling services are available as mentioned in paragraph (3).*

- (8) *Where the Registrar General is prevented by paragraph 7 from supplying information to a person who is not living in the United Kingdom, he may supply the information to a body which –*
- (a) *the Registrar General is satisfied is suitable to provide counselling to that person, and*
  - (b) *had notified the Registrar General that it is prepared to provide such counselling.*

**Article 54A, Contact Register**

Article 54A
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- (1) *The Registrar General shall maintain at the General Register Office a register to be called the Adoption Contact Register.*
- (2) *The register shall be in two parts –*
- (a) *Part 1. Adopted Persons: and*
  - (b) *Part 11. Relatives*
- (3) *The Registrar General shall, on payment of such fee as may be prescribed, enter in Part 1 of the register the name and address of any adopted person who fulfils the conditions in paragraph (4) and who gives notice that he wishes to contact any relative of his.*
- (4) *The conditions are that –*
- (a) *a record of the adopted persons birth is kept by the Registrar General; and*
  - (b) *the adopted person has attained the age of 18 years and–*
    - (i) *has been supplied by the Registrar General with information under Article 54: or*
    - (ii) *has satisfied the Registrar General that he has such information as is necessary to enable him to obtain a certified copy of the record of his birth.*

- (5) *The Registrar General shall, on payment of such fee as may be prescribed enter in Part II of the register the name and address of any person who fulfils the conditions in paragraph (6) and now gives notice that he wishes to contact an adopted person.*
- (6) *The conditions are-*
- (a) *that record of the adopted persons birth is kept by the Registrar General: and*
- (b) *that the person giving notice under paragraph (5) has attained the age of 18 years and has satisfied the Registrar General that –*
- (i) *he is a relative of the adopted person; and*
- (ii) *he has such information as is necessary to enable him to obtain a certified copy of the record of the adopted persons birth.*
- (7) *The Registrar General shall, on receiving notice from any person named in an entry in the register that he wishes the entry to be cancelled, cancel the entry.*
- (8) *Any notice given under this Article must be in such form as may be determined by the Registrar General.*
- (9) *The Registrar General shall transmit to an adopted person whose name is entered in Part 1 of the register the name and address of any relative in respect of whom there is an entry in Part II of the registrar.*
- (10) *Any entry cancelled under paragraph (7) ceases from the time of cancellation to be an entry for the purpose of paragraph (9).*
- (11) *The register shall not be open to public inspection or search and the Registrar General shall not supply any person with information entered in the register (whether in an un-cancelled or a cancelled entry) except in accordance with this Article.*
- (12) *The register may be kept by means of a computer.*

(13) *In this Article –*

*“relative” means any person (other than an adoptive relative) who is related to the adopted person by blood (including half-blood) or marriage: and*

*“address” includes any address at or through which the person concerned may be contacted.*

**9.3 Elements of a Post Adoption Service may include the following:-**

- Counselling and social work support for an adopted child/young person and his adoptive family.
- Provision of therapeutic services for adoptive families.
- Access to support groups
- Access to training courses and workshops in relation to parenting an adopted child particularly where they may have experienced trauma in early life.
- Payment of Adoption Allowances (See Chapter 10).
- Provision of information on the Adoption Contact Register (See above).
- Counselling and support of an adopted adult who wishes to obtain information regarding his origins including access to his birth record. (See Article 54 above).
- Counselling and support of adult de facto adoptees and their families.
- Counselling and support of birth family members, affected by adoption.
- Counselling, support, mediation and facilitation in relation to direct and indirect contact with birth family members and significant others.
- Administration, monitoring and review of a post box service.

9.3.1 **In relation to an adopted child, an Adoption Agency should ensure the provision of:-**

- Counselling and social work support and, if appropriate, life story work.
- Clarification of legislation and practice.
- Information regarding support groups.
- Information regarding the existence of the Adoption Contact Register.
- Referral as appropriate to therapeutic services.

**In relation to adoptive families, an Adoption Agency should provide:-**

- Counselling and support including assistance with contact.
- Clarification of legislation and practice.
- Information regarding support groups and training.
- Information regarding the existence of the Adoption Contact Register.

**In relation to birth families, an Adoption Agency should provide or ensure the provision of:-**

- Counselling and support or refer to an independent counselling and support service, if appropriate.
- Clarification of legislation and practice.
- Information regarding the existence of the Adoption Contact Register.
- Recording any wishes regarding contact with the adopted relative.
- Assistance to achieve contact if practicable.
- Act as an intermediary in contact.

**In relation to Adopted Adults, an Adoption Agency should:-**

- Refer to the General Register Office if the birth name is not known.
- Provide information regarding the existence of the Contact Register.
- Provide counselling either directly or via referral to another agency.
- Provide information from adoption records if the adoptee is over 18 years of age.
- Provide information regarding relevant support group(s).
- Record any wishes regarding contact.
- Assistance to achieve contact where practicable.
- Act as an intermediary in relation to contact where practicable.

### 10.1 Introduction

10.1.1 The Adoption Allowance Regulations (Northern Ireland) 1996 exercise the powers conferred by Article 10(1) of the Adoption (Northern Ireland) Order 1987 and also Article 59A of that Order which was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 and came into operation on 4 November 1996. The Regulations give any adoption agency a power to pay allowances to secure a suitable adoption placement for children for whom adoption is not practicable (i.e. possible or achievable) without the payment of an allowance.

#### 10.1.2 The Regulations make provision for:

- Regulation 2 • determining the circumstances in which Adoption Agencies may pay allowances;
- Regulation 3 • determining the amount of the allowance;
- Regulation 4 • the procedure to be followed in determining whether an allowance may be paid;
- Regulation 5 • supplying information about allowances to adopters;
- Regulation 6 • the responsibilities of Adoption Agencies in reviewing, varying and terminating allowances; and
- Regulation 7 • maintaining the confidentiality of, the preservation of, and allowing access to, case records.

#### 10.1.3 Eligibility for the payment of Adoption Allowances

Social Workers, as part of the assessment process, must ascertain whether or not prospective adopters are able to provide financially for a child whom they wish to adopt (Chapter 7).

On occasion due to the needs of the children an adoption allowance may be paid under the following criteria.

*Regulation 2(1) states:*

*“an allowance may be paid where one or more of the circumstances specified in paragraph (2) exists and the adoption agency*

- (a) is making the arrangements for the child’s adoption; and*
- (b) has decided*
  - (i) in accordance with regulation 11(1) of the Adoption Agencies Regulations (Northern Ireland) 1989 that the adoption by the adopters would be in the child’s best interests, and*
  - (ii) after considering the recommendation of the adoption panel, that such adoption is not practicable without payment of an allowance”.*

The circumstances specified in Regulation 2 (2) are:

- (a) Where the adoption agency is satisfied that the child has established a strong and important relationship with the adopters before the adoption order is made.*

Where a child is placed with dually approved adopters (i.e. applicants who are approved as a foster carers and adopters at the same time or shortly after) this criterion of “enabling a strong and important relationship to continue” should not be used as one of the criterion to support the case for the making of an Adoption Allowance. The Adoption Panel which makes the recommendation for such a placement should, as in every other case, determine whether the child meets any of the other criteria for the making of an Adoption Allowance as set out in Regulation 2(1).

- b) where it is desirable that the child be placed with the same adopters as his brothers or sisters, or with a child with whom he has previously shared a home.*

In these circumstances where the placement of siblings together is not practicable without the payment of an allowance it should be paid in respect of the second and any further sibling joining the family.

Where adopters are approved to adopt a sibling group as part of their social work assessment then adoption allowance is not normally paid unless the child or children meet any of the other eligibility criteria.

- (c) *where at the time of the placement for adoption the child:*
  - (i) *is mentally or physically disabled or suffering from the effects of emotional or behavioural difficulties, and*
  - (ii) *needs special care which requires a greater expenditure of resources than would be required if the child were not so disabled, or suffering from the effects of emotional or behavioural difficulties;*
  
- (d) *where at the time of the placement for the adoption the child was mentally or physically disabled, or suffering from the effects of emotional or behavioural difficulties, and as a result at a later date will require more care and a greater expenditure of resources than was required at the time he was placed for adoption because there is*
  - (i) *a deterioration in the child's health or condition, or*
  - (ii) *an increase in his age; or*
  
- (e) *where at the time of the placement for adoption it was known that there was a high risk that the child would develop an illness or disability and as a result at a later date may require more care and a greater expenditure of resources than were required at the time he was placed for adoption because such illness or disability occurs.*

The circumstance of (d) and (e) are referred to as “an agreement in principal to the payment of adoption allowance at a later date” should a child’s condition deteriorate.

In (d) and (e) above the allowances are paid from the date that the child’s deteriorated condition is considered by the Adoption Panel and the Panel recommend that an allowance should be paid, (and not back to the date of the formal adoption placement). The adopter’s means are assessed at this later time rather than relying on a means test completed at the time of the adoption placement.

Please note that decisions made in principle can only be made in respect of the child's health and condition and not in respect to change in the adopter's financial means.

10.1.4 In accordance with the intention of these provisions, it is the policy of the Agency to implement the Regulations in a way which seeks to ensure that no child who needs an adoptive home, will be denied it solely for financial reasons.

10.1.5 The allowance paid by the Agency shall not include any element of remuneration for the care of the child by the adopters.

## **10.2 The Role of the Adoption Panel and Adoption Allowances**

The Adoption Panel which makes the best interest decision in respect of the child and recommends the placement with his/her prospective adopters should also consider whether or not the child meets any of the criteria set out in Regulation 2(1).

## **10.3 Procedures**

10.3.1 If the Agency, pursuant to Regulation 2, considers that an adoption allowance may be payable in relation to a proposed placement the Social Worker should provide prospective adopters with the leaflet "Adoption Allowances: Information for Adoptive Parents".

10.3.2 The Social Worker should arrange for the prospective adopter(s) to complete the Application for Adoption Allowances (Form AA1) (guidance attached to form) and forward to the Agency's relevant Department for financial assessment. This is not required where payment of allowance has only been agreed in principle. Regulation 2.2. (d) & (e).

10.3.3 On notification of the outcome of the financial assessment by the relevant department the Social Worker should request the appropriate manager, to forward the statement of the provisional decision for an adoption allowance to the prospective adopters (Form AA2). This will include the amount payable and duration of payment.

- 10.3.4 Prospective adopter(s) will have a period of up to twenty-eight days in which to consider the provisional decision and, if they wish, submit their views in writing to the Adoption Agency before a final decision is made. (Form AA3).
- 10.3.5 The appropriate manager should consider this response and arrange for a submission to be made to the Adoption Panel seeking its recommendation.
- 10.3.6 The appropriate manager should confirm the Agency's decision whether or not to pay the adoption allowance, with the prospective adopter(s). Following receipt of the Panel's recommendations the allowance will be paid 4 weekly in arrears to the nominated adopters bank account.
- 10.3.7 The appropriate manager should forward the agreement, including terms for the payment of an adoption allowance, to the prospective adopters for their signature (Form AA4).
- 10.3.8 The appropriate manager should notify the relevant Department of the date of commencement of the adoption allowance. This will normally be the legal Date of Placement of the Child for adoption.

#### **10.4 Adoption Allowance – Calculation of Amount**

- 10.4.1 Having established that the circumstances warrant the payment of an allowance using the criteria in Regulation 4 of The Adoption Allowance Regulations (Northern Ireland) 1996, the Agency shall determine the amount of the allowance.

The prospective adopters Social Worker should ensure that the adopters seek advice about benefits to which they may be entitled, after a child's placement with them for the purposes of adoption.

The Agency in determining whether or not the adopters are eligible for Adoption Allowance, and at what rate, take into account the following:

#### 10.4.2 Financial resources available to Adopters.

- This will include the adoptive parents' earnings (after income tax, National Insurance and pension contributions are deducted)
- Benefits (Personal Independence Payment (previously DLA) for adoptive child and Armed Forces Independence Payments are excluded)
- Tax credits
- Income from investments, savings, stocks, shares etc. >£16000
- Any other income eg. rental income (net profit), foster fees, maintenance payments etc.
- Child benefit will be included, unless the adopters are in receipt of Income Support or their income makes them ineligible to receive this.
- Any income in respect of the child to be adopted, other than Personal Independence payment (previously Disability Living Allowance) and Educational Maintenance Allowance (e.g. investment income other than from the Child Trust Fund provisions) will be included.

#### 10.4.3 The amount needed by adopters in respect of their own outgoings. The DoH's Guide to the Adoption Allowance Regulations (paragraph 50), states:

Regulation  
3(2)(c)

*“the assessment should take into consideration expenses and outgoings which are familiar and accepted items of family expenditure.”*

#### 10.4.4 The Agency will set and annually review an agreed amount for weekly expenditure for households. This amount will be based upon the published weekly expenditure figure for Northern Ireland for Housing Expenditure by UK Countries & Regions available from The Office for National Statistics ([www.ons.gov.uk](http://www.ons.gov.uk)).

Additional amounts should be included for each child already within the household. These amounts should be equal to the agreed and published age appropriate Foster Care Allowance.

- 10.4.5 Children of the adoptive parents, who are aged 18-21 in full time education and living at home, will continue to be considered as dependent children in terms of this financial assessment.
- 10.4.6 Adopters can request that the weekly expenditure amount set by the Agency [10.4.4] should be increased if they are making maintenance payments for children of either parent from a previous relationship living outside of the address in Part 1.
- (1) financial support for a parent who is in residential/nursing accommodation;
  - (2) a child of the adoptive parents who is aged 18-21 and is in full time education living outside the family home.
  - (3) specialist care/support for a family member other than the adopted child.
- 10.4.7 The financial needs of the child which will be supported by an Adoption Allowance shall not exceed the amount of Foster Care Allowance which would be payable if the child were fostered by the adopters less child benefit (where the adopters are eligible to receive this). The Agency will pay the difference between the agreed outgoings and the income up to a maximum which will be equivalent to the age appropriate Foster Care Allowances Scale Rate for maintenance, excluding any extra allowances such as Christmas and Birthdays monies.

If the child's needs are such that they qualified for an enhanced rate of Foster Care Allowance, the same enhancement should be applied to the calculated Adoption Allowance.

10.4.8 The Allowance amount will be reviewed annually to take account of:

- Changes in Housing Expenditure Survey for NI
- Foster Care Allowances
- Age of adopted child
- Changes in family circumstances

All financial circumstances should be reviewed annually. The Trust should ensure that its approval of Adoption Allowances is for a period of 12 months and subject to no change of circumstances as specified at Regulation 4 and paragraph 10.4.11.

Prior to the end of the 12 month period re-evaluation of the adopters' circumstances is required to determine ongoing eligibility to calculate what, if any, Adoption Allowance will be paid for the succeeding 12 months.

10.4.9 The annual statement of circumstances (Form AA1) will be sent by the Trust to the Adopters for completion

10.4.10 If the annual statement is not returned to the Trust by the date requested, a reminder will be sent to the Adopters requesting the information within 14 days. If not returned by this date the payment of the allowance will be suspended.

The Adoption Agency must obtain agreements from adopters prior to the payment of any adoption allowance that they must

- (a) inform the adoption agency immediately if
  - (i) the child no longer has his home with them (or either of them),
  - (ii) they change their address,
  - (iii) the child dies, or
  - (iv) there is any change in their financial circumstances or the financial needs or resources of the child; and
  - (v) any period agreed between the Adoption Agency and the adopters for the payment of the allowance expires
- (b) complete and supply the adoption agency with an annual statement of their financial circumstances and the financial circumstances of the child.

### 11.1 Introduction

Regulations 6 (2) and 14 of the Adoption Agencies Regulations (Northern Ireland) 1989 require that:

- all information obtained by virtue of the Adoption Regulations and any recommendations and decisions made under the Regulations shall be confidential;
- all reports, recommendations and decisions made about the child or the prospective adopter(s), should be filed on the relevant case record. This includes any information regarding adoption allowances which is provided for by the Adoption Allowances Regulations (Northern Ireland) 1996;
- persons to whom information is made available in order to discharge the functions of the Agency should give an assurance, in writing, that the information will remain confidential. This will include the members of the Adoption Panel and the Agency employees involved in adoption work;
- the indexes to all adoption case records and the records of all adoption cases shall be kept in fireproof cabinets or rooms on Agency, or other approved, premises and in a manner which maintains confidentiality;
- the indexes to all adoption case records shall be kept for at least 75 years. Where the case concerns a placement, which resulted in an Adoption Order, the case records will also be kept for at least 75 years.

### 11.2 Adoption Agency Requirements

- 11.2.1 Case records pertaining to prospective adopters who withdraw their application or whose application was not accepted shall be kept for at least 30 years.

- 11.2.2 Case records relating to a child who was returned to his birth parents, where an order was refused, or where placement did not proceed, shall be retained in accordance with file retention policies for Looked After Children.
- 11.2.3 Case records pertaining to a child who is the subject of an Adoption Order, shall be kept within the case records relating to his adoptive parents.
- 11.2.4 A central index relating to case records where Adoption Orders were granted should be maintained by the Agency. In some areas where Trusts are/were operating as a consortium outside the Trust's geographical area this index relates to the records of all the Trusts/Agencies involved.
- 11.2.5 Form Adopt 2H should be completed when an Adoption Order is made in a Trust's geographical area and where the placement was arranged by any of the Trusts with prospective adopters living outside the Trust's geographical area or through a Voluntary Adoption Agency.

### **11.3 Access to Case Records and Disclosure of Information**

- 11.3.1 Regulation 15(1) of the Adoption Agencies Regulations (Northern Ireland) 1989 sets out the circumstances in which access to adoption case records must be provided or information must be disclosed:
- (a) to those holding an Inquiry under Article 69 of the Order;
  - (b) the Department of Health, Social Services and Public Safety<sup>6</sup>
  - (c) to the Northern Ireland Commissioner for Complaints for the purposes of any investigations under the Commissioner for Complaints (Northern Ireland) Order 1996 (1996 No. 1297 (N.I 7));
  - (d) to the persons and authorities referred to in Regulations 11 and 12, namely the child, the parents, the adoptive parent(s), the adopter(s)' General Practitioner, the Health Department and the Education Authority "to the extent specified in those regulations";

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<sup>6</sup> Inquiries Act 2005 repealed Article 69 of the Adoption Order (2005 c.12). Inquiry should take cognizance of this legislation.

- (e) to a Guardian ad Litem;
- (f) to a Court dealing with the adoption proceedings concerning a child.

11.3.2 Regulation 15(2) sets out the circumstances in which an Adoption Agency may and to the extent it considers desirable, provide access to its case records or disclose adoption information:

- (a) for the purposes of carrying out its functions as an Adoption Agency; and
- (b) to a person who is authorised in writing by the DoH to obtain information for the purposes of research.

11.3.3 With regard to access and disclosure, the Agency adopts two general principles. Firstly, information will only be made available to those who need to know in order to participate in providing an adoption service. Secondly, consideration will always be given to whether the provision of information from which identifying particulars have been deleted, would be sufficient.

11.3.4 Within the Agency access will be granted to:-

- (a) members of the Adoption Panel and Social Workers involved in adoption work;
- (b) members of the relevant Board/Committee;
- (c) members of the management team;
- (d) members of administrative and secretarial support staff;
- (e) members of staff compiling statistical returns or involved in payment of Foster Care Allowances or Adoption Allowances.

11.3.5 Outside the Agency, in addition to those identified under Regulation 15(1), information will be provided to:

- (a) another Adoption Agency taking part in the adoption arrangements where this involves sending a copy of all or part of a case record;
- (b) the Agency's Legal and Medical Advisers;
- (c) specialist Health Advisers whose help is needed in assessing health implications of a proposed adoption;
- (d) birth parents regarding their child's progress without disclosing the child's new identity or whereabouts;

- (e) an adopted person seeking background information regarding himself or the circumstances of his adoption (this excludes information recorded on his birth certificate as disclosure of this is provided for separately under Article 54);
- (f) other Adoption Agencies where they are undertaking birth records counselling;
- (g) for the purposes of a child protection inquiry;
- (h) individuals or Agencies undertaking approved research.

11.3.6 Unless where otherwise stated in these procedures, requests for disclosure of information should be authorised by the appropriate Senior Manager.

11.3.7 A written record should be kept of any access provided or disclosure made.

**12.1** Each Trust and voluntary Adoption agency has in place procedures to enable service users, carers, or other interested parties to make representations or complaints.

**12.2** Within Trusts there are 2 specific procedures:

- “Representation and Complaints Procedure” as required by Article 45(3) of the Children (NI) Order 1995. This procedure covers all personal social services provided to children under Part IV of the Order, commonly known as the “Children Order procedure”.<sup>7</sup>
- A procedure in compliance with the requirements of the Department of Health guidance contained in “Complaints in Health and Social Care, Standards and Guidelines for Resolution and Learning” (Updated October 2013).

**12.2.1** Under both of the procedures mentioned at 12.2 above, staff and service users are encouraged to use “local resolution” or “problem solving” as the first attempt to resolve any issues raised. If efforts at that stage are unsuccessful, the formal processes can be invoked.

It is a requirement for Trusts to make users aware of the existence of both of these procedures and for staff to be aware of the procedures and provide assistance and information to any person who wishes to avail of the arrangements.

**12.2.2** A complaint or representation made by or on behalf of a child receiving a Part IV service (for example, a child who is being looked after by a Trust or is in need as defined by Article 17 of the Children Order 1995) will be dealt with under the “children order procedure”. All other issues will be dealt with under the “General Procedure”.

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<sup>7</sup> The Representations Procedure Children Regulations (N.I.) 1996

- 12.2.3 In addition to the procedures mentioned at 12.1 above, Trusts and other Adoption Agencies also have in place, a representations procedure in relation to the approval of prospective adopters. Prospective adopters have an opportunity to comment on the assessment report and to make representation if the Agency proposes not to approve them as suitable adoptive parents. These arrangements are outlined in chapter 7 of this document. This representation process is discrete and should, like problem solving mentioned at 12.2.1 above, precede any complaint regarding the Agency decision that a prospective adopter may wish to pursue. There is no provision in legislation for an appeal of an adoption decision.
- 12.2.4 Adoption Agencies should have in place a system for keeping records of all complaints and for handling these confidentially and securely.

### 13.1 Introduction

This chapter provides a summary of the processes and procedures involved in adoption from overseas. It covers Hague Convention countries, other countries recognized under The Adoption (Recognition of Overseas Adoptions) Order 2013 and Non-Convention Non-Recognized countries.

A more detailed guide to these procedures and exploration of the issues involved in inter-country adoption may be found in the DoH guidance, Implementing The Adoption (Inter-country Aspects) Act (Northern Ireland) 2001.

### 13.2 Policy

- (a) Adoption Agencies have a duty to establish and maintain a service or arrange for the provision of a service that covers both domestic and inter-country adoption.<sup>8</sup> In Northern Ireland the Northern Health and Social Care Trust delivers an inter-country regional adoption assessment service on behalf of all Trusts, specifically for applicants wishing to be assessed for a child from overseas. It is called the Regional Inter-country Adoption Assessment Service (RICAAS).
- (b) Inter-country adoption may be considered as an alternative means of providing a family for a child who cannot be cared for in a suitable manner in his own country.
- (c) Inter-country adoption should take place in the best interests of the child and with respect for his fundamental rights as recognised in international law.

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<sup>8</sup> This may be a Trust or a Voluntary Adoption Agency accredited for that purpose.

- (d) Assessment and post-placement safeguards, standards and eligibility criteria, which apply in domestic adoption, will be applied in inter-country adoption to protect the welfare of the child.<sup>9</sup> This is in accordance with United Nations Convention on the Rights of the Child, Article 21(c) which requires States to “Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;”
- (e) Profit should not be made from the process.
- (f) All those who enquire about inter-country adoption will be given information on both inter-country and domestic adoption. During the counselling process, applicants will be asked if they have considered domestic adoption and, if appropriate, will be advised of the children likely to need adoption placements.
- (g) Applicants are not permitted to pursue simultaneously applications for domestic and inter-country adoption.
- (h) Prospective adopters already approved for domestic adoption who wish to pursue inter-country adoption, will be put on hold for domestic adoption whilst their application for inter-country adoption is considered. Where applicants do not complete the inter-country adoption process, their suitability for domestic adoption will be reviewed before their names are re-activated on the domestic adoption list.
- (i) Prospective adopters already approved for inter-country adoption who wish to apply for domestic adoption, will be advised that their chosen country must be informed of the suspension of the application via the DoH. In the case of prospective inter-country adopters who were subsequently approved to adopt a child domestically, the inter-country approval will be rescinded. Notification will be made by the Trust/Agency to the DoH who in turn will notify the relevant authority in the chosen country (please refer to chapter 5.1.14 in respect of children from an ethnic minority background who become available for domestic adoption).

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<sup>9</sup> However, where Northern Ireland is the receiving country, there is no formal role for the Adoption Panel at the matching stage.

- (j) Applicants seeking to adopt a second or subsequent child from overseas will be considered after the last adopted child has lived with them for at least one year and in respect of countries, not recognized under The Adoption (Recognition of Overseas Adoptions) Order 2013, after the Adoption Order has been made in Northern Ireland on the last adopted child.
- (k) In accordance with established good practice, the Agency will expect an age gap of at least two years between the overseas child to be adopted and the child closest in age within the adopters' family.
- (l) Please refer to chapter 5.1.7 in relation to pregnancy and birth of a child to prospective adopters.

### **13.3 Procedures**

#### **13.3.1 Information, advice, counselling and preparation**

The information, assessment and approval procedures are the same regardless of the chosen country.

- (1) People interested in overseas adoption who are living in Northern Ireland should contact or be referred to the Regional Inter-country Adoption Assessment Service (RICAAS).
- (2) RICAAS will provide counselling and information both verbally and in writing about the adoption process and any costs associated with this.
- (3) Prospective applicant(s) will be expected to attend a preparation course. Preparation covers the matters which would normally be considered in domestic adoption and additional matters relevant to inter-country adoption, including post placement and post-adoption support arrangements.
- (4) People who wish to be considered as prospective adoptive applicants decide on the country from which they wish to adopt and apply in writing to RICAAS for a "determination of eligibility to adopt".

- (5) Where applicants are eligible and wish to proceed, the Adoption Agency obtains Enhanced Disclosures from Access NI in respect of each member of the applicants household age 10+ and medical information and ensures that there are no contra-indications to the application proceeding. The application will not be formally accepted until these checks have been received and prove satisfactory. The costs of medical examinations and reports are the responsibility of the applicants.
- (6) Applications will be considered in respect of one country only and for one child only, unless there is sufficient evidence to show that the applicant(s) have the skills and capacity to meet the needs of twins or a sibling group.
- (7) Where prospective adopter(s) wish to adopt a named child, the Adoption Agency, in the first instance should contact the DoH to discuss the child's circumstances and identify any potential issues that might present difficulties in relation to an application proceeding.

Applicants should then submit:

- Written information from an appropriate source in the child's country of origin detailing the child's family history and current circumstances;
- Written confirmation from an appropriate authority in the child's country of origin that the child is free for adoption (the DoH will advise on whether the chosen "authority" is acceptable for the purpose of progressing an application);
- Written confirmation that the authority will accept an application for inter-country adoption by the prospective applicants in respect of the child;
- Evidence of the child's abandonment or consent of the birth parent to the child's placement for adoption should also be obtained.

It is the responsibility of applicants to obtain all of the above documentation which should be submitted to the DoH by RICAAS for consideration prior to the commencement of the preparation and assessment process.

In the case of relatives seeking to adopt from a Hague Convention country, all of the regulations governing Convention adoptions will apply. In all other cases, RICAAS will not begin the preparation and assessment process, until it has received confirmation that the child will meet UK entry clearance requirements and advised the relevant HSCT.

### 13.3.2 Assessment and Approval by the Adoption Agency

- (1) While the assessment of the prospective adopter(s) is carried out by RICASS on behalf of all five Trusts in Northern Ireland each assessment is brought before the Adoption Panel of the Trust where the prospective adoptive carers reside.

It is expected that once an inter-country adoption application has been accepted, the assessment will be completed within a period of 6 months, beginning from the date of commencement. If the timescale is likely to exceed 6 months, a letter will be sent to the applicant(s) giving them an explanation for the delay and a clear indication of the anticipated date of completion.

- (2) The assessment report should be completed in the same manner as for a domestic adoption, but should also incorporate discussion of the additional needs of children adopted from abroad.
- (3) The applicant(s) receive the relevant sections of Adoptive Carer Assessment Form Coram/BAAF and notification that the application is to be referred to the home Trust area's Adoption Panel. The applicant(s) is invited to make comments and suggest amendments in writing, within 28 days.<sup>10</sup>

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<sup>10</sup> This is a statutory requirement only in Convention adoptions but is good practice in all inter-country adoption.

- (4) At the end of 28 days, or earlier if a waiver or comments and suggested amendments are received before the deadline, RICAAS passes the report (including the prospective adopters' comments) to the Adoption Panel. RICAAS informs the applicant(s) of the date of the Adoption Panel which they are invited to attend.
- (5) The Panel considers the report and makes a recommendation to the Adoption Agency within 10 working days.
- (6) The Adoption Agency makes a decision to approve or not to approve the applicant(s) as suitable to adopt, based on the papers provided to the Panel and the Panel's recommendation.
- (7) Where the Adoption Agency proposes not to approve the applicant as suitable to adopt, it notifies the applicant in writing. It states the reasons and provides a copy of the recommendation of the Panel, if different, inviting the applicant to submit any representation within 28 days.<sup>11</sup>
- (8) If the Adoption Agency receives a waiver or does not receive representation, it makes its decision and the Agency Decision Maker notifies the applicant accordingly.
- (9) If the Adoption Agency receives representation within 28 days it may refer the case to the Adoption Panel for further consideration. The Panel considers the case and makes a fresh recommendation.
- (10) The Adoption Agency makes a decision and notifies the applicants in writing. It states the reasons and provides a copy of the recommendation of the Panel, if different.
- (11) Where applicants are approved as suitable to adopt, they are notified in writing and their papers are submitted to the DoH normally within 6 weeks.

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<sup>11</sup> This is a statutory requirement only in Convention adoptions but is good practice in all inter-country adoption.

- (12) In the event that the applicants become pregnant during the assessment process they are required to notify RICAAS as soon as the pregnancy is confirmed. RICAAS will suspend their application. Applicants will be advised that they may re-apply a minimum of 12 months following the birth.

### 13.3.3 Post Approval Arrangements

- (1) Responsibility for approved ICA adopters will transfer from RICAAS to the adoption service in their local Trust following the first review of their approval as adopters. The timing of the transfer is to facilitate the development of a relationship between the adopters and a Social Worker from the Trust adoption team where the adopters reside, prior to a child being placed. RICAAS will notify the DoH when responsibility for the approved ICA adopters is transferred to their local Trust and will provide details of the identified Social Worker. Second and subsequent reviews of the ICA adopters will be the responsibility of their local Trust.
- (2) The expectation is that the RICAAS continues to remain a point of information and advice/support for the Trusts and their adopters as the service remains the centre of expertise for ICA. However the adopter's Trust of residence will take responsibility for conducting reviews (after the first review has been completed) until a child is placed and all support/reviews after this.
- (3) The review of prospective adopters (Form Adopt 1G ICA) should take account of the applicants continued wish to adopt from overseas and should raise issues relevant to domestic adoption. It should be made clear to the prospective adopters that they must advise the Agency of any significant changes in their circumstances of a medical or social nature e.g. moving house, pregnancy, family illness. Any changes and/or change in approval status should be brought to the attention of the DoH immediately.

In the case of pregnancy the DoH will notify the foreign agency and the application to adopt will be suspended and subsequently withdrawn following the birth.

- (4) Annual Update Health Reports should be obtained by Trust on approved prospective adopters and the timing of these should relate to the completion date of the initial AH Medical Form(s).
- (5) Annual Update Health Reports (Form AH2) should be brought to the attention of the Medical Adviser. The Medical Adviser having considered them and having obtained any further information thought to be necessary should inform the appropriate manager for adoption whether or not there are medical grounds for recommending that the applicant(s) are no longer suitable as a prospective adopter(s). In this case, he should provide a written summary of the reasons for this recommendation.
- (6) If it is proposed that the applicant(s) are no longer suitable as prospective adopter(s), the Adoption Agency should refer the matter to the Adoption Panel for consideration and a recommendation.
- (7) In the event that the Agency proposes that the prospective adopters are no longer suitable, please refer to 7.4.3.

#### **13.4 Adopting From Hague Convention Countries**

Adoption from Hague Convention countries is regulated by the Inter-country Adoption (Hague Convention) Regulations (Northern Ireland) 2003.

##### **13.4.1 Post-Approval Arrangements – Role and Responsibilities of DoH**

- (1) The DoH check the documentation and, where necessary, seek clarification. The DoH considers the application and if it agrees that the case may proceed, issues a notification to this effect to the prospective adopter(s).
- (2) The DoH then issues a Certificate of Eligibility confirming that the requirements under the Convention Regulations have been met.
- (3) The Child Care Policy Directorate arranges for the documentation to be notarised, legalised and authenticated in accordance with the requirements of the overseas authority.

- (4) The DoH sends the application to the State of Origin's Central Authority (SOCA) by courier and notifies the Adoption Agency and prospective adopters in writing.
- (5) On receipt of an invoice, the prospective adopters pay the courier company.

#### 13.4.2 The Matching Process

- (1) The DoH receives from SOCA the Article 16 report which contains information about the child.
- (2) The DoH sends the Article 16 report to the Adoption Agency. The Agency considers the report and seeks the views of the paediatrician.<sup>12</sup>
- (3) The Adoption Agency sends a copy of the report to the prospective adopters and arranges a meeting within 10 working days to discuss the report with the prospective adopters and the paediatrician.
- (4) The Agency Decision Maker advises the DoH that it is content that the applicants travel to meet the child.

#### 13.4.3 Meeting the Child and Adopting the Child Overseas or returning with the child to adopt him in Northern Ireland

- (1) The prospective adopter(s) visit the child in the child's home country and confirm in writing to the Adoption Agency that they have visited the child and wish to proceed to adopt.
- (2) The Adoption Agency informs the DoH that all the requirements have been met and confirms that it is content that the adoption should proceed.
- (3) The DoH shares the prospective adopters' and the child's details with the Home Office to confirm that the child will be authorised to enter and reside permanently in the United Kingdom.

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<sup>12</sup> The paediatrician designated by the Trust under The Hague Convention (N.I.) Regulations 2003 to receive information on the child.

- (4) The DoH notifies SOCA that the prospective adopter(s) wish to adopt the child and that it agrees with SOCA that the adoption may proceed.
- (5) The DoH informs the Adoption Agency and the prospective adopter(s) that an Article 17(c)<sup>13</sup> agreement has been made.
- (6) Depending on the procedures of the overseas authority, the prospective adopter(s) is:
  - (a) granted a full Convention adoption order overseas and returns with the child to Northern Ireland; or
  - (b) granted an interim adoption order which will become a full Convention adoption after a period of trial placement and/or on receipt of satisfactory post- placement reports on the child; or
  - (c) entrusted to bring the child to Northern Ireland for the purposes of adoption here.
- (7) In all cases, the prospective adopter(s) must accompany the child back to the U.K.
- (8) Where the prospective adopter decides not to proceed with the adoption at any stage before the child is placed with him, the prospective adopter notifies the Adoption Agency in writing, which in turn notifies the DoH in writing and returns to the DoH the Article 16 report and its supporting documentation.
- (9) The DoH notifies SOCA and returns to SOCA the Article 16 report and its supporting documentation.

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<sup>13</sup> See Article 17 (1) of the Convention.

#### 13.4.4 Process to be followed prior to the child's arrival in Northern Ireland

Where the Adoption Agency has been informed by the DoH that an Article 17(c) agreement has been made and that the adoption may proceed, the Adoption Agency immediately sends a written report on the child's health and details of the placement to the paediatrician, the Senior Nurse Manager<sup>14</sup> and to the prospective adopters' GP.

#### 13.4.5 Immigration Arrangements

Where the child is the subject of a full Convention Order

- (1) The prospective adopter applies to the nearest British Embassy, High Commission or Consulate for a British passport for the child.
- (2) A passport will be issued and the child may enter the U.K. in the normal manner. He will not be subject to entry clearance arrangements.

#### 13.4.6 Entry Clearance Arrangements for a child who is the subject of an Interim Adoption Order

- (1) The adopter(s) apply to the nearest British Embassy, High Commission or Consulate for entry clearance for the child to enter and reside permanently in the United Kingdom.
- (2) The Entry Clearance Officer checks the documentation and once satisfied with the immigration aspects, will issue a visa granting the child leave to remain in the U.K. for 12 months.

#### 13.4.7 Entry Clearance arrangements where the child is to be adopted in Northern Ireland

- (1) Where an Article 17(c) agreement has been made, and the child is to be brought to Northern Ireland to be adopted, the prospective adopter applies to the nearest British Embassy, High Commission or Consulate for entry clearance for the child.

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<sup>14</sup> The Senior Manager in the Trust responsible for Community Nursing, including Health Visiting.

- (2) The Entry Clearance Officer checks the papers and when satisfied with the immigration aspects, refers the application to the DoH for advice on whether the documentation is sufficient to support an application for an adoption order in a U.K. court.
- (3) The DoH provides advice to the Entry Clearance Officer, who then decides whether to issue entry clearance.
- (4) The Entry Clearance Officer issues the child a 24 month visa granting the child entry to the U.K. for the purposes of adoption.

#### 13.4.8 Post Arrival Monitoring Arrangements

Where the child has been adopted in a Convention Country, the prospective adopter notifies the Trust that he has returned to Northern Ireland with the child on the first working day after the child's arrival.

#### 13.4.9 Where the child is the subject of an Interim Convention Adoption Order

- (1) The prospective adopters, on the first working day after the child's arrival, inform the Trust that they have returned to Northern Ireland with the child and subsequently notify the Trust in writing, that they are caring for the child on a private fostering basis.
- (2) The Trust monitors and supports the placement as a private fostering arrangement under the Children Order until the full adoption order is made.
- (3) The Trust provides update reports to SOCA as required prior to the adoption order being made.
- (4) Prior to the full adoption order being granted, the Trust assesses the child and family's need for post adoption support and draws up a post adoption support plan, which should be reviewed on a three monthly basis for as long as considered necessary.

#### 13.4.10 Where the child is to be adopted in Northern Ireland

- (1) The prospective adopters notify the Trust that they have returned to Northern Ireland with the child on the first working day after the child's arrival.
- (2) The Trust monitors the placement as a private fostering arrangement under the Children Order until the Notice of Intention to Adopt is served on the Trust.
- (3) When the Notice of Intention to Adopt (Court Form A 10) is received by the Trust, the child becomes a protected child and the Trust fulfils its duties under the Adoption Order (see Chapter 8 Protected Children).
- (4) The prospective adopter(s) apply to a Northern Ireland Court for an Adoption Order at the same time as, or as soon as possible after, serving the Notice of Intention on the Trust.
- (5) Where the 24 month visa has lapsed and no Adoption Order has been granted, the prospective adopters ensure that the child has a valid visa to remain in the United Kingdom until an adoption order is granted.
- (6) The Court sets a date for the adoption hearing and appoints a Guardian ad Litem. The Guardian and the Trusts' Social Worker prepare reports for the Court in accordance with the requirements of the Adoption Order, including a detailed outline of all expenditure incurred in the process.

The Court notifies the DoH of the adoption application and the DoH seeks from the Adoption Agency copies of the relevant passport and visa document for onward transmission to the UK Visas and Immigration Agency (Home Office). The DoH provides a written report to the court confirming that the prospective adopters have complied with the regulatory requirements. The Home Office issues a letter to the court indicating whether it wishes to intervene in the proceedings.

- (7) When the Adoption Order is made, the Trust assesses the child and family's need for post adoption support and, where necessary, draws up a post adoption support plan.

13.4.11 Where Prospective Adopters are unable to proceed with an application to adopt

- (1) The Trust receives the child from the prospective adopters within a period of 7 days of notification from them that they are unable to proceed with the adoption and makes arrangements for the child to be looked after.
- (2) The Trust notifies the DoH in writing.

13.4.12 Post Arrival Support Arrangements for all Children

- (1) The child and the prospective adopters are seen by the Trust's Social Worker, the Health Visitor <sup>15</sup> and the GP within 7 days of arrival in Northern Ireland.
- (2) The child and the prospective adopters are seen by the paediatrician within 21 days of the child's arrival in Northern Ireland.
- (3) The Adoption Agency draws up a multi-disciplinary and interagency Post Placement/Adoption Support Plan with the adopter within 28 days of arrival, which should be reviewed on a three monthly basis for as long as considered necessary.
- (4) Most countries require regular post placement/post adoption reports to be made on the progress of the adopted child. Adopters should make arrangements with an Adoption Agency for these to be provided.

13.4.13 Citizenship

- (1) Provided one of the adoptive parents is a British citizen and (in the case of a joint application) both parents are habitually resident in the United Kingdom, the child will automatically receive British citizenship on the issue of a full Convention adoption order.

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<sup>15</sup> The Health Visitor appointed by the Senior Nurse Manager in the Trust in whose area the adoptive parents reside.

- (2) A child who is subject to an interim order or is being adopted in Northern Ireland retains the citizenship of his country of origin until the Convention adoption is complete.

### **13.5 Adopting From Non-Convention Recognised Countries**

Adoptions made in recognized countries have full legal status in Northern Ireland and there is no need for the child to be adopted again.

#### **13.5.1 Post Approval Arrangements – Role and Responsibilities of the DoH**

- (1) The DoH's checks the documentation and consider the application. If it agrees that the case may proceed, the DoH issues a notification to this effect to the prospective adopters.
- (2) When the DoH has agreed that the case may proceed, it sends the application to the Department for Education (DfE) for affixation of a Certificate of Eligibility.
- (3) Subject to the requirements of individual countries, the DoH collects fees from the prospective adopters for legalisation and posting by the Foreign and Commonwealth Office (FCO), and authentication and posting by the Foreign Embassy.
- (4) The DoH arranges for the translation (if required), notarisation, legalisation and authentication of the application.
- (5) The DoH sends the application overseas by courier and notifies the Adoption Agency and prospective adopters in writing.
- (6) On receipt of an invoice, the prospective adopter pays the courier company.

#### **13.5.2 The Matching Process**

- (1) The overseas authority matches a child with the prospective adopters and, depending on the country, sends the details, including the medical report on the child to DoH or DfE (which forwards the details to the DoH).

- (2) The DoH sends the details to the Adoption Agency
- (3) The Adoption Agency forwards these details to both the prospective adopters and the paediatrician.<sup>16</sup>
- (4) The Adoption Agency sends a copy of the report to the prospective adopters and arranges a meeting within 10 working days to discuss the report with the prospective adopters and the paediatrician.
- (5) The Agency Decision Maker advises the DoH that it is content that the applicants travel to meet the child.

#### 13.5.3 Decision by the Adopters not to Proceed

- (1) The prospective adopter(s) confirm in writing to the Adoption Agency and the DoH that they do not wish to proceed to adopt the child.
- (2) The prospective adopter(s) either withdraw their application or request another match of a child.
- (3) The DoH notifies the overseas authority of the prospective adopters' decision and returns the matching details.

#### 13.5.4 Decision to Proceed

Where permitted by the overseas authority, the prospective adopters should travel to meet the child, before they confirm in writing to the Adoption Agency that they wish to proceed to adopt the child.

- The Adoption Agency informs the DoH in writing that it is content that the adoption should proceed.
- The DoH notifies the overseas authority that the prospective adopters wish to adopt the child.

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<sup>16</sup> The paediatrician designated by the Trust to receive information on the child.

### 13.5.5 Adopting the Child Overseas and Entry Clearance

The prospective adopters adopt the child overseas.

- (1) The adopter(s) apply to the nearest British Embassy, High Commission or Consulate for entry clearance for the child to enter and reside permanently in the United Kingdom.
- (2) The Entry Clearance Officer considers the documentation and once satisfied with the immigration aspects, issues a visa which grants the child indefinite leave to remain in the U.K.
- (3) The adopters return with the child to Northern Ireland.<sup>17</sup>

### 13.5.6 Process to be followed prior to the Child's Arrival in Northern

The Adoption Agency sends the original reports and any updated information and details of the child's adoption to the paediatrician, the Senior Nurse Manager<sup>18</sup> and the adopters' GP.

### 13.5.7 Post Arrival Support Arrangements

- (1) The child and the adopters are seen by the Adoption Agency's Social Worker, the Health Visitor<sup>19</sup> and the GP within 7 days of arrival in Northern Ireland.
- (2) The child and the adopters are seen by the paediatrician within 21 days of arrival.

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<sup>17</sup> Whilst best practice, it is not a statutory requirement that adopters accompany the child back to Northern Ireland from recognised countries.

<sup>18</sup> The Senior Manager in the Trust who is responsible for Community Nursing, including Health Visiting.

<sup>19</sup> The Health Visitor appointed by the Senior Nurse Manager in the Trust in whose area the adoptive parents reside.

- (3) The Adoption Agency draws up a multi-disciplinary and interagency Post Placement/Adoption Support Plan with the adopter within 28 days of the child's arrival in Northern Ireland. The Plan should be reviewed on a three monthly basis for as long as considered necessary.
- (4) Most countries require regular post placement/post adoption reports to be made on the progress of the adopted child. Adopters should make arrangements with an Adoption Agency for these to be provided.

#### 13.5.8 Citizenship/Registration of Adoption

The child is still a foreign national when he enters Northern Ireland. If the adopters wish to change the child's citizenship to British he must apply to the Home Secretary. If he wishes to change the child's citizenship to Irish, he must apply to the Minister for Justice in Dublin.

The adopter may apply to the Registrar General to have the child's adoption registered.

### **13.6 Adopting From Non-Convention Non-Recognised Countries**

13.6.1 Adoptions made in non-recognised countries have no legal status in Northern Ireland and the child must be adopted here. This category of adoption is regulated by The Adoption of Children from Overseas Regulations (Northern Ireland) 2002.

#### 13.6.2 Post Approval Arrangements – Role and Responsibilities of DoH

- (1) The DoH's Child Care Policy Directorate and the Office of Social Services check the documentation and consider the application. If it agrees that the case may proceed, the DoH issues a notification of this effect to the prospective adopters.
- (2) When the DoH has agreed that the case may proceed, it sends the application to the DfE for affixation of a Certificate of Eligibility to Adopt.

- (3) Subject to the requirements of individual countries, the DoH collects fees from the prospective adopter for legalisation and posting by the FCO, and authentication and posting by the Foreign Embassy.
- (4) The DoH arranges for the translation (if required), notarisation, legalisation and authentication of the application.
- (5) The DoH sends the application overseas by courier and notifies the Adoption Agency and prospective adopters in writing.
- (6) On receipt of an invoice, the prospective adopters pay the courier company.

### 13.6.3 The Matching Process

- (1) The overseas authority matches a child with the prospective adopters and, depending on the country, sends the details, including the medical report on the child to;
  - the DfE, which forwards the details to the DoH;
  - to DoH
- (2) The DoH sends the details to the Adoption Agency who also forwards to the paediatrician.

Please note in the exceptional circumstances that the prospective adopters receive matching details from another source, they should send copies to the DoH and to the Adoption Agency.

The paediatrician completes a report based on the medical information, and (if available) the social history information on the child. The paediatrician forwards the report to the Social Worker for sharing with the applicant's prior to their consideration of the proposed match.

- (3) The Adoption Agency sends the child's details to the prospective adopters. The Agency arranges a meeting within ten working days with the paediatrician having received the translated document, to discuss the report with the prospective adopters and the paediatrician.<sup>20</sup>
- (4) The Agency Decision Maker advises the DoH that it is content that the applicants travel to meet the child.

#### 13.6.4 Decision by the Adopters not to Proceed

- (1) The prospective adopters confirm in writing to the DoH that they do not wish to proceed to adopt the child.
- (2) The prospective adopters either withdraw their application or request another match of a child.
- (3) The DoH notifies the overseas authority of the prospective adopters' decision and returns the matching details.

#### 13.6.5 Decision to Proceed

- (1) Where permitted by the overseas authorities, the prospective adopters should visit the child before they confirm in writing to the Adoption Agency that they wish to proceed to adopt the child.
- (2) The Adoption Agency informs the DoH, in writing, that it is content that the adoption should proceed.
- (3) The DoH notifies the overseas authority that the prospective adopters wish to adopt the child.

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<sup>20</sup> The paediatrician designated by the Trust to receive information on the child.

### 13.6.6 Adopting the Child Overseas and Entry Clearance

- (1) The prospective adopter(s) adopt the child overseas or receive the child under a guardianship or equivalent placement authority.
- (2) The adopters apply to the nearest British Embassy, High Commission or Consulate for entry clearance for the child to enter the U.K. for the purposes of adoption.
- (3) The Entry Clearance Officer checks the papers and when satisfied about the immigration aspects, refers the application to the DoH for confirmation that the documentation is sufficient to support an application for an adoption order in a U.K. court.
- (4) The DoH provides advice to the Entry Clearance Officer who decides whether to issue entry clearance.
- (5) The Entry Clearance Officer issues a 24 month visa granting the child entry to the U.K. for the purpose of adoption.
- (6) The prospective adopters return with the child to Northern Ireland.<sup>21</sup>

### 13.6.7 Process to be followed prior to the child's arrival in Northern Ireland

The Adoption Agency sends the original reports and any updated information and details of the child's adoption to the Social Worker, Paediatrician, the Senior Nurse Manager<sup>22</sup> and the adopters' GP.

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<sup>21</sup> Whilst best practice, it is not a statutory requirement that adopters accompany the child back to Northern Ireland from non-recognised countries.

<sup>22</sup> The Senior Manager in the Trust who is responsible for Community Nursing, including health visiting.

### 13.6.8 Post Arrival Monitoring and Adoption Arrangements

- (1) The prospective adopters notify the Trust that they have returned to Northern Ireland with the child on the first working day after the child's arrival.
- (2) The Trust monitors the placement as a private fostering arrangement under the Children Order until the Notice of Intention to adopt is served on the Trust.
- (3) The prospective adopters notify the Trust, within 14 days of the date of the child's arrival in Northern Ireland, of their intention to apply for an adoption order or their intention not to proceed with the adoption. Failure to do so will constitute a criminal offence.
- (4) When the Notice of Intention to Adopt (Court Form A 10) is received by the Trust, the child becomes a protected child and the Trust fulfils its duties under the Adoption Order (see Chapter 8 Protected Children).
- (5) The prospective adopters apply to a Northern Ireland court for an adoption order at the same time as, or as soon as possible after, serving the Notice of Intention on the Trust.
- (6) The prospective adopters ensure that the child has a valid visa to remain in the United Kingdom until an adoption order is granted.
- (7) The court sets a date for the adoption hearing and appoints a Guardian ad Litem. The Guardian and the Trust's Social Worker prepare reports for the court, including a detailed outline of all expenditure incurred, in accordance with the requirements of the Adoption Order.

The Court notifies the DoH of the adoption application and the DoH seeks from the Social Worker copies of relevant passport and visa documentation for onward transmission to the UK Visas and Immigration (Home Office). The DoH provides a written report to the court confirming that the prospective adopters have complied with the regulatory requirements. The Home Office issues a letter to the court indicating whether it wishes to intervene in the proceedings.

- (8) Most countries require regular post placement reports to be made on the progress of the child. Adopters should make arrangements with a Trust or an Adoption Agency for these to be provided.
- (9) When the adoption order is granted, the Trust assesses the child and family's need for post adoption support. Where necessary and in agreement with the adoptive parents, the Trust draws up a post adoption support plan.

#### 13.6.9 Post Arrival Support Arrangements

- (1) The child and the adopters are seen by the Adoption Agency's Social Worker, the Health Visitor<sup>23</sup> and the GP within 7 days of arrival in Northern Ireland.
- (2) The child and the adopters are seen by the Paediatrician within 21 days of arrival.
- (3) The Adoption Agency draws up a multi-disciplinary and interagency Post Placement/Adoption Support Plan with the adopters within 28 days of the child's arrival in Northern Ireland, which should be reviewed on a three monthly basis for as long as considered necessary.

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<sup>23</sup> The Health Visitor appointed by the Senior Nurse Manager in the Trust in whose area the adoptive parents reside.

- (4) Most countries require regular post placement/post adoption reports to be made on the progress of the adopted child. Adopters should make arrangements with an Adoption Agency for these to be provided.

### **13.7 Transfer of ICA Cases between UK Agencies**

Adoption Agencies in Northern Ireland are recognised under legislation in England, Wales and Scotland.

The receiving agency should request a transfer of case records (regulation 16). There is no requirement to “re- approve”. The receiving agency subsequently assumes responsibility for all reviews and placement functions as required.

In such transfer cases the DoH in Northern Ireland will liaise with the DfE (England) or the equivalent Departments in Wales and Scotland regarding the transfer of Central Authority Functions.

### **13.8 Disruption in ICA Placement – Prior to the Granting of an Adoption Order**

- 13.8.1 In the case of Convention applications, the procedures to be followed are outlined in Regulation 17 of the Inter-country Adoption (Hague Convention) Regulations (NI) 2003.

There are no similar provisions covering adoption breakdown in the Adoption of Children from Overseas Regulations (Northern Ireland) 2002 in respect of adoptions from other countries.

In the event of a disruption of any other ICA placement, prior to the granting of an adoption order, the Trust must notify DoH and consider whether the child’s best interests would be served by the child being placed with another prospective adopter habitually resident in Northern Ireland/UK.

- i. If the Trust is satisfied that this route should be followed then it must seek to identify suitable prospective adoptive parent(s) and must notify DoH, sending the assessment report and associated documentation.

- ii Where the Trust is not satisfied that it would be in the child's best interests to be placed for adoption with another prospective adopter in Northern Ireland/UK, it must liaise with DoH to arrange for the return of the child to his State of origin.

### **13.9 Citizenship**

When the Adoption Order is made in a Northern Ireland Court, the child automatically receives British citizenship provided one or both of the prospective adoptive parents is a British citizen and both (where it is a joint application) are habitually resident in the United Kingdom at the time the Order is made.

### 14.1 Role of the Guardian Ad Litem Agency in Adoption Proceedings

Under the provisions of the Children (Northern Ireland) Order 1995 and the Adoption (Northern Ireland) Order 1987 (as amended by the Children Order) an independent Guardian Ad Litem service came into operation on 4 November 1996. A Guardian Ad Litem is, therefore, appointed by the Court from a Panel set up under the Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996.

### 14.2 The Appointment of the Guardian Ad Litem

Under the provisions of Article 66 of The Adoption (Northern Ireland) Order 1987 the Court Rules require that a Guardian Ad Litem shall be appointed in every case involving:

- application for an Adoption Order – Rule 4 A.18, The Family Proceedings (Amendment) Rules (Northern Ireland) 2003;
- application for a Freeing Order – Rule 4A.6, The Family Proceedings (Amendment) Rules (Northern Ireland) 2003;
- application for Revocation of a Freeing Order Rule 4A.12. (4), The Family Proceedings (Amendment) Rules (Northern Ireland) 2003;
- application for Authority to remove a child from Northern Ireland for the purpose of Adoption Abroad – Rule 4C2. (2) The Family Proceedings (Amendment) Rules (Northern Ireland) 2003.

### 14.3 Duties of Guardian Ad Litem in Adoption Proceedings

14.3.1 The powers and duties of the Guardian Ad Litem in adoption proceedings should not be confused with the role of a Guardian Ad Litem in specified public law proceedings under the Children (Northern Ireland) Order 1995.

The principal duty of the Guardian Ad Litem is to safeguard the child's interests before the Court. The specific responsibilities in each type of application are set out in detail in the relevant Court Rules. (The Family Proceedings (Amendment) Rules (Northern Ireland) 2003).

14.3.2 These are as follows:

- ensure as far as is reasonably practicable that any agreement to the making of an adoption order or order freeing a child for adoption, is given freely and unconditionally and with the full understanding of what is involved;
- investigate all the circumstances relevant to any such agreement;
  - (i) the matters alleged in the application, any report supplied under Rule 4A.15(5) (a) or (b) and, where appropriate, the Statement of Facts supplied under Rule 4A. 16;
  - (ii) any other matters which appear to him to be relevant to the making of an Adoption Order;
- on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so;
- advise whether, in his opinion, the child should be present at the hearing of the application; and
- perform such other duties as appear to him to be necessary or as the court may direct.

In respect of freeing proceedings, the Guardian Ad Litem must also:-

- confirm that the parent or guardian has been given an opportunity of making a declaration under Article 17(5), that he prefers not to be involved in future questions concerning the adoption of the child;
- where it is proposed to free a child for adoption whose parents were not married to each other at the time of his birth and whose father is not his guardian, take all reasonable steps to identify any person claiming to be the father in order to be able to advise the court:

- (i) of that persons views;
  - (ii) of whether that person intends to apply for an order under 7(1) or 10 of the Children (Northern Ireland) Order 1995;
  - (iii) of any matter relevant to the determination of the application under the Children (Northern Ireland) Order 1995;
- with a view to obtaining the direction of the court on any matter, the Guardian Ad Litem may at any time make such interim report to the court as appears to be necessary and in such a case the Court Officer shall notify the applicant;
  - the Guardian Ad Litem shall attend any hearing of the application if so required by the court;
  - any report made to the court by the Guardian Ad Litem shall be treated as confidential and can only be obtained with the permission of the court.

Legal representation for the child is only appointed in proceedings under the Adoption (Northern Ireland) Order 1987 with the leave of the Court. The Official Solicitor may provide this service. However if a solicitor from the Children's Panel of solicitors has been appointed for the child in proceedings under the Children (Northern Ireland) Order 1995, that same solicitor will usually be appointed in the adoption proceedings.

#### **14.4 Guardian Ad Litem's Right of Access to Information**

- 14.4.1 In addition to all court documents, the Guardian Ad Litem has the right of access to all records relevant to the application, which are in the possession of the Trust/Adoption Agency.
- 14.4.2 A request from a Guardian Ad Litem to read files should be agreed on the understanding that the file will be perused in the work setting of the reporting Adoption Agency. Copies of documents held on file should be given, if requested, to the Guardian Ad Litem.

14.4.3 The DoH Guide to The Adoption (Northern Ireland) Order 1987 (Part 3 – A Guide to the Adoption Agencies Regulations (Northern Ireland) 1989 paragraph 3.116) indicates that it is not the role of the Guardian Ad Litem to gather background information for the Court, but rather to critically assess the content and veracity of statements made, and when in doubt, to take active steps to inquire into the relevant matter in order to fulfil the function of safeguarding the child’s interests, and the parent’s rights.

## **14.5 The Guardian Ad Litem Report**

14.5.1 At the time of the notification to the Northern Ireland Guardian Ad Litem Agency of the court’s appointment of a Guardian Ad Litem a direction may be given for the date by which the Guardian is to lodge a final report. The Guardian Ad Litem is invited to make a request in writing to the Master, via the Court Office, for any revision required in respect of this date. Alternatively, timetabling for the report may be dealt with at a Directions Hearing in Court.

14.5.2 The Guardian Ad Litem must, at the time of forwarding his final report to the Court, notify the applicant(s) that it has been submitted (4A.6(e), The Family Proceedings (Amendment) Rules (Northern Ireland) 2003).

14.5.3 Within 14 days of being notified by the Guardian Ad Litem that he has made his report to the court, the applicant shall apply to the Master for the fixing of a hearing date for the application (4A.8 and 4A.20, The Family Proceedings (Amendment) Rules (Northern Ireland) 2003). However in operational terms this is not necessary as the court office lists the matter for hearing and notifies the applicant(s) and parties regarding the date of hearing.

14.5.4 As the Guardian Ad Litem’s report is confidential it can only be obtained through application to the court.

14.5.5 Following the granting of the Adoption Order the Guardian Ad Litem is discharged from the case.

# APPENDICES

<b>Adopt 1:</b>	<b>Prospective Adopters</b>
<b>Adopt 1A:</b>	Applicant(s) Adoption Enquiry – Domestic/Inter-country
<b>Adopt 1B:</b>	Information for Preliminary Checks re Adoption Application and Consent to Obtain Information
<b>Adopt 1C:</b>	Personal Reference
<b>Adopt 1D:</b>	Employer Reference
<b>Adopt 1DA:</b>	Voluntary Work Reference
<b>Adopt 1E:</b>	Health and Safety Checklist
<b>Adopt 1F:</b>	Receipt and Comments on Coram/BAAF Adoptive Carers Assessment Form/Assessment
<b>Adopt 1G:</b>	Review of Prospective Adopter(s) Awaiting Placement (Domestic)
<b>Adopt 1G (ICA):</b>	Review of Prospective Adopter(s) Awaiting Placement (Inter-country)
<b>Adopt 1H:</b>	Prospective Adoptive Parent Agreement Form
<b>Adopt 1I:</b>	Review Prospective Adopter(s) – Child Placed View Adoption
<b>Adopt 1I (ICA):</b>	Review Prospective Adopter(s) – Child Placed View Adoption(Inter-country)
<b>Adopt 1J:</b>	Closure Summary – Adopter(s) (Domestic)
<b>Adopt 1K:</b>	Closure Summary – Adopter(s) (Inter-country)

<b>Adopt 2:</b>	<b>Children</b>
<b>Adopt 2A(i):</b>	Linking/Matching Report for Adoption Panel
<b>Adopt 2A(ii):</b>	Matching Placement Report for Panel – Child Already in Care of Proposed Adopter(s)
<b>Adopt 2B:</b>	Delegation on Consent of Medical Treatment from Birth Parent to Agency
<b>Adopt 2C:</b>	Delegation of Consent to Medical Treatment from Agency to Prospective Adopter(s)
<b>Adopt 2D:</b>	Transfer Medical Report
<b>Adopt 2E/C10:</b>	Notification to Child Health System of Change of Placement
<b>Adopt 2F/C10:</b>	Notification to Child Health System of Adoption Order
<b>Adopt 2G(i):</b>	Adoption Placement Review – Prospective Adopter(s) Comments
<b>Adopt 2G(ii):</b>	Adoption Placement Review – Social Worker Report
<b>Adopt 2G(iii):</b>	Adoption Placement Review – Child’s Comments
<b>Adoption 2G(iv):</b>	Adoption Placement Review – Summary of Recommendations
<b>Adopt 2H:</b>	Notification to Central/Board Index
<b>Adopt 2I:</b>	Adopted Child’s Case Closure Summary
<b>Adopt 3:</b>	<b>Birth Parents</b>
<b>Adopt 3A:</b>	Adoption Counselling Referral Form
<b>Adopt 3B:</b>	Birth Family History Information for Completion by GP

<b>Adopt 3C:</b>	Statement from Birth Mother re Non-Disclosure of Name of Putative Father
<b>Adopt 3D:</b>	Putative Father Confirmation of Paternity/No Objection to Adoption
<b>Adopt 3E:</b>	Declaration under Article 17(5) of the Adoption (NI) Order 1987 of wish to have no further involvement
<b>AA:</b>	<b>Adoption Allowances</b>
<b>AA1:</b>	Application for an Adoption Allowance
<b>AA2(i):</b>	Statement of provisional decision regarding an Adoption Allowance – standard allowance payable
<b>AA2(ii):</b>	Statement of provisional decision regarding an Adoption Allowance – enhanced allowance payable
<b>AA2(iii):</b>	Statement of provisional decision regarding an Adoption Allowance – not entitled to allowance
<b>AA3:</b>	Acceptance/Non-acceptance of a provisional decision regarding an Adoption Allowance
<b>AA4:</b>	Agreement regarding the payment of Adoption Allowances

The following provide suggested content for the letters and notifications which are required in the adoption process. Each letter/notification will be of a specific and individual nature and should, therefore, be amended to reflect individual circumstances.

**Prospective/Adoption Parents**

<b>ASL1:</b>	Letter to Request if Applicant(s) known to Agency Within Whose Boundary They Reside
<b>ASL2:</b>	Formal Acceptance of Application for Assessment
<b>ASL3:</b>	Request for Personal Reference
<b>ASL4:</b>	Request for Employer Reference
<b>ASL4A:</b>	Request for Volunteer Reference
<b>ASL5:</b>	Approval by Agency of Prospective Adopter(s)
<b>ASL6:</b>	Approval by Agency of Prospective Adopter(s) where Child - Already in their Care of Known to Applicant(s)
<b>ASL7:</b>	Agency Letter to Adoptive Applicant(s) with a View to Non-Approval
<b>ASL8:</b>	Confirmation of Non-Approval – No Representation Received
<b>ASL9:</b>	Confirmation of Non-Approval Following Receipt of Representations
<b>ASL10:</b>	Proposal to Prospective Adopter(s) re Placement of Child
<b>ASL10A:</b>	Proposal to Prospective Adopter(s) to Place Child Fostering Basis

- ASL11:** Proposed Adoption Placement when Child Already in Care of Applicant(s)
- ASL12:** Letter to Adoptive Applicant(s) following Review by Adoption Panel
- ASL12(i):** Letter to Prospective Adopters following Review advising of De-registration
- ASL13:** Notification Child being Placed for Adoption in Another Trust's Geographical Area
- ASL14:** Notification to Education and Library Board of Adoptive Placement
- ASL15:** Confirmation of Adoptive Placement for the Purpose of Adoption Leave
- ASL16:** Confirmation of Date of Adoptive Placement
- ASL17:** Advice to Clergy re Child Placed for Adoption
- ASL18:** Advice to Clergy re Adoption Order
- ASL19:** Letter of Approval for Prospective Inter-country Adopters

**Birth Parents / Guardians / Child (if age/understanding require)**

- ASL20:** Notification of Best Interests Decision – Agreement Situations
- ALS21:** Advice to Birth Parents re Panel – Non-Agreement Situations
- ASL22:** Notification of Best Interests and Freeing Application Decisions
- ASL23:** Notification of Placement for Adoption
- ASL24:** Notification where Child no Longer Placed for Adoption

- ASL25:** Notification that Adoption Order not yet granted
- ASL26:** Notification that Adoption Order has been granted
- ASL27:** Request for Medical Background on Birth Parent

**Other Letters of Notification**

- ASL30:** Acknowledgment of Notice of Intention under Article 22
- ASL30(i):** Acknowledgment of receipt of Step-Parent Information
- ASL31:** Acknowledgment to Applicant(s) Solicitor of Notice of Intention
- ASL32:** Medical Card Re-Issue Following Adoptive Placement
- ASL33:** Application for Access/Disclosure of Information

**Adoption Allowances Requests**

- ASL40:** Provisional Decision re Adoption Allowance
- ASL41:** Confirmation of Trust's Decision of Pay an Adoption Allowance
- ASL42:** Confirmation of Trust's Decision not to Pay an Adoption Allowance
- ASL43:** Advice re Annual Review of Adoption Allowance
- ASL44:** Advice Annual Review of Adoption Allowance – Suspension of Payment
- ASL45:** Advice re Annual Review of Adoption Allowance – Continuation of Payment
- ASL46:** Advice re Annual Review of Adoption Allowance – Cessation of Payment

**The following forms are referenced from The Family Proceedings  
(Amendment) Rules (Northern Ireland) 2003.**

- FORM A1:** Application for an Order Freeing a Child for Adoption (with Parental Consent) - Rule 4A.3
- FORM A2:** Application for an Order Freeing a Child for Adoption (without Parental Consent) - Rule 4A.4
- FORM A3:** Agreement to an Adoption Order (Freeing Cases) - Rule 4A.7
- FORM A4:** Notice of Hearing of an Application for an Order Freeing a Child for Adoption - Rule 4A.8(3)
- FORM A5:** Notice of Objection to the Making of an Order Freeing a Child for Adoption - Rule 4A.8(4)
- FORM A6:** Application for Revocation of an Order Freeing a Child for Adoption - Rule 4A.12(1)
- FORM A7:** Notice of Hearing of an Application for Revocation of an Order Freeing a Child for Adoption - Rule 4A.12(2)
- FORM A7(2):** (Receipt of Notice A7/Intentions regarding opposition to the application and on appearing and being heard)
- FORM A8:** Application for Substitution of One Adoption Agency for Another- Rule 4A.13(1)
- FORM A9:** Application for an Adoption Order/Order under Article57 Authorising a Proposed Foreign Adoption/Convention Adoption Order - Rule 4A.15(1) Rule 4B.2(2) Rule 4C.3(1)

- FORM A10:** Notice to Board under Article 22(1) of the Adoption (Northern Ireland) Order 1987 - Rule 4A.15(4)
- FORM A11:** Agreement to an Adoption Order/a Proposed Foreign Adoption/a Convention Adoption Order - Rule 4A.19(1)
- FORM A12:** Notice of Hearing of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order - Rule 4A.20(3)
- FORM A13:** Notice of Presentation of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order - Rule 4A.20(4)
- FORM A14:** Notice of Objection to the Making of an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order - Rule 4A.20(6) Rule A.25(2)
- FORM A15:** Notice of Objection to the Making of an Adoption Order/Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order - Rule 4A.20(6) Rule 4A.25(2)
- FORM A16:** Application for the Annulment of a Convention Adoption or Convention Adoption Order Rule - 4B.6
- FORM A17:** Application for a Direction under Article 40(3A) of the Adoption(Northern Ireland) Order 1987 Rule 4B.7
- FORM A18:** Application for an Order that an Overseas Adoption or a Determination Cease to be Valid or that a Determination has been Affected by a Subsequent Determination - Rule 4B.8
- FORM A19:** Affidavit in Support of Application under Article 55A - Rule 4B.9

- FORM A20:** Application for leave of Court where Application for Adoption Order/Freeing Order/Revocation of Freeing Order is pending - Rule 4C.1(2)(a)
- FORM A21:** Application for Leave of Court where no Application under Article 17, 18 or 20 is pending - Rule 4C.1(2)(b)
- FORM A22:** Order Freeing a Child for Adoption (Consent Cases) - Rule 4C.6
- FORM A23:** Order Freeing a Child for Adoption (Dispensation with Parental Consent) - Rule 4C.6
- FORM A24:** Order revoking an Order Freeing a Child for Adoption/ dismissing an Application to revoke an Order Freeing a Child for Adoption - Rule 4C.6
- FORM A25:** Interim Order - Rule 4C.6
- FORM A26:** Direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987 - Rule 4C.6
- FORM A27:** (Convention) Adoption Order/Order Authorising a Proposed Foreign Adoption - Rule 4C.6

- PART 1:** Matters to be covered in reports supplied under Rules 4a.3(4), 4a.4(7), 4a.22(1) or 4a.22(2)
- PART 2:** Reports on the health of the child and of the prospective adopters(s) - Rule 4A.15(5)(b)
- PART 3:** Modification to from a9 for the purposes of convention proceedings - Rule 4B.2(2)(b)
- PART 4:** Additions information required for a Convention adoption application



Children's Services

# Regional Operational Permanence Policy

February 2017

2017-2021



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## Permanence Policy

### Introduction

#### 1 Permanence for children and why it is important

- 1.1 Permanence refers to the key qualities of family relationships for children and adults across generations – including a sense of belonging and mutual connectedness and of continuity between past, present and future (Boddy 2013).
- 1.2 Permanence is essential as it provides children with a foundation from which to develop their identity, values and relationships, not only throughout childhood, but on into their adult lives.
- 1.3 Therefore permanence is the framework of emotional permanence (attachment), physical permanence (stability), and legal permanence (the carer has parental responsibility for a child) which gives a child a sense of security, continuity, commitment and identity.
- 1.4 This policy in particular refers to permanence for children who become 'looked after' under the Children (NI) Order 1995. When children cannot be safely returned to their birth families, the need to secure permanence for them in a timely way becomes particularly acute.
- 1.5 For looked after children permanence is the long term plan for the child's upbringing. Children often worry about what will happen to them in care and if they will be moved from their placement. They need the opportunity to live in a family where they can expect to remain throughout their childhood and to which they will also belong in adulthood.
- 1.6 The objective of planning for permanence is therefore to ensure that children have a secure, stable and loving family as soon as possible, to support them through childhood and beyond.
- 1.7 The development of the child's emotional attachments and provision of a stable environment can be achieved in a number of placement types, provided the particular placement chosen meets the child's individual needs. This in particular depends on the commitment of adults who can forge emotional bonds with the child (Boddy 2013).

1.8 Residential care in Northern Ireland is recognised as a specialist service for children and young people with the most significant needs. It is the right provision for children when it is chosen after a full assessment of their needs and when it takes children's views into account. Residential care has a very important role to play in securing permanence by rehabilitating children home to birth parents, preparing them for other permanent placements or working in partnership with the young people through transition to independent living and adulthood.

## **2 Principles**

- 2.1 The welfare of the child is the paramount consideration.
- 2.2 Firstly children should be supported to grow up with their birth parents and siblings whenever this is safe to do so.
- 2.3 If children cannot grow up safely with their birth families, their extended family (or other people with whom the child has a significant relationship) should be firstly considered to provide their care, unless this is inconsistent with their welfare.
- 2.4 Delay or drift in planning for children's long term future should be avoided as it can be detrimental to their social, emotional and psychological wellbeing.
- 2.5 Children who cannot be brought up by their birth family have a right to grow up securely attached to carers, capable of providing safe and effective care for the duration of their childhood and beyond.

## **3 Legislative Framework**

This Policy is underpinned by the following legislation and Regulations.

- The Children (NI) Order 1995
- The Review of Children's Cases regulations (NI) 1996
- The Arrangements of for Placement of Children (General) Regulations (NI) 1996
- The Contact with Children regulations (NI) 1996

- The Foster Placement (Children) Regulations (NI) 1996
- The Placement of Children with Parents Regulations (NI) 1996
- The Adoption Allowances Regulations (NI) 1996
- The Adoption (NI) Order 1987
- The Adoption Agencies Regulations (NI) 1999
- The Health and Personal Social Services (NI) Order 1994
- The Children (Leaving Care) Act 2002
- Children (NI) Order 1995 (as amended by the Children (Leaving Care) Act (NI) 2002): regulations and guidance: volume 8: leaving and after care
- The Civil Partnership Act 2004
- The European Convention on Human Rights
- The United Nations Convention on the Rights of the Child
- The Human Rights Act 1998

## **The Routes to Permanence for Looked After Children**

### **4 Return Home to Birth Parents**

- 4.1 It is an established principle of child care practice to seek to ensure that children/young people experience permanence and continuity within their own families provided this does not compromise the child's safety or welfare. This principle is firmly incorporated within the Children (NI) Order 1995.
- 4.2 Under Part IV, of the Children NI Order 1995 a Trust has a duty to provide a range of social services to children in need and their families. Article 18(1) places a general duty on HSC Trusts to provide services to safeguard and promote the welfare of children in need and, in particular, to promote their upbringing within their families.
- 4.3 Therefore in the first instance maximum assistance must be given to birth families to avert the necessity of the child becoming looked after, and secondly if they become looked after to have them returned to their care as soon as possible, unless it is contrary to their best interests.

- 4.4 For most children who become looked after, permanence is achieved through a successful return to their birth family, when it has been possible to address the factors in family life which led to the child becoming looked-after.
- 4.5 However, the research demonstrates that reunification is not always a stable solution, raising critical questions about stability, safety and wellbeing for some children who return home to birth parents from care (Boddy 2013). Up to a third of these children return to care within 6 months, with some having a number of care episodes and consequently a childhood characterised by instability.
- 4.6 To secure permanence through return to birth parents, Trusts must ensure that the factors that led to the child's placement have changed. Research (Wade, Biehal Farrelly and Sinclair 2010) indicates that after four years the outcomes for maltreated children returned to their parents are worse than for those that remain in the care system.
- 4.7 In considering the possibilities of a successful and permanent return home, the Trust must take cognisance of the relevant protective factors in the situation. These will become apparent through a thorough assessment and may include:
- (i) a return to a non abusive parent
  - (ii) a change of partner for a birth parent
  - (iii) provision of specialist support. Preparation of parent and child is also important.

The protective factors need to be set against risk factors such as parental ambivalence, and substance misuse (Farmer, Sturgess, O'Neill, Harris and Lees 2006).

- 4.8 The willingness and ability of parents to accept on-going intervention and to use services provided to sustain a positive change for the child must be included in any analysis by Trusts in considering a return home.
- 4.9 The Trust should consider putting in place an initial plan for gradual reunification or an extension of proceedings to allow the testing of a placement at home. This will ascertain if there is a real chance that the child can be brought up by a parent. Research suggests that most concerns will be evident within six months of reunification.

- 4.10 Services to enable reunification should be identified by Trusts in collaboration with parents. Families may need to be referred/signposted to other family support services provided by the voluntary sector. Based on their assessed needs some children and families may need to enter shared care arrangements or access regular short breaks on a longer term basis.
- 4.11 During the looked after placement and following a return home Trusts must take the opportunity to support relationships between children and their birth parents and their wider kin networks.
- 4.12 Research would suggest that older children and adolescents are particularly vulnerable to returning to care due to behavioural issues and relationship breakdown. Therefore in these cases particular attention needs to be given to ensuring that the issues which precipitated the admission to care are resolved before a child returns home.
- 4.13 The legacy Health and Social Services Boards Looked After Children Handbook of Policy and Procedures Volume 2 outlines the actions and processes required where a child who is subject to a care order (or an interim care order) returns to live with their birth parents who are then deemed to be “placed at home with parents”. Children who are voluntarily accommodated and return home are discharged from care by a LAC Review just before or after they return home.
- 4.14 Where a child repeatedly becomes looked after on a voluntary basis, in order to safeguard the welfare of the child the Trust must consider if they need to exercise Parental Responsibility, via the provision of a care order.

### **Children who cannot safely return to birth parents**

## **5 Permanence within the Looked After System, through Long Term Foster Care or Kinship Foster Care**

- 5.1 For some children permanence may be best achieved through remaining looked after with long term kinship foster carers or mainstream foster carers until they have reached adulthood. This option can offer psychological and emotional permanence and may be the best option for a child to experience safety and stability.

- 5.2 Long term foster care does not offer legal permanence as foster carers (including kinship foster carers) do not have any parental responsibility for a looked after child in their care, even if they are providing a long term/permanent placement. Parental responsibility refers to all the rights, duties, powers and responsibilities which by law parents of a child have.
- 5.3 If a foster child in a permanent foster care placement is subject to a Care Order parental responsibility is shared solely by the Trust and the birth parents. Where a child is placed in foster care on a voluntary basis the birth parents retain all the parental responsibilities in respect of the child and can remove the child at any time.
- 5.4 Kinship care can provide a very effective route to permanence for looked after children where the kinship carer is assessed as being able to meet the needs of the particular child until they reach adulthood. Placement with kin takes account of the continuity of attachment relationships, the importance of identity, and network support as well as the child's need for permanent belonging to their family.
- 5.5 A long-term placement with non-related foster carers may be the best option for permanence where there is no possibility of return to the birth parents, and no suitable kinship foster care placement is available for the child. However, such a placement should not simply be a default option.
- 5.6 A long term foster care placement (either kinship or mainstream), may be the best permanence option for a particular child where the child needs to remain looked after, and may have significant and exceptional needs which may require on-going social work involvement and professional support.
- 5.7 Kinship carers and foster carers should understand that where children remain looked after, birth parents may make legal applications for revocation of a Care Order, which may potentially be undermining or disruptive of the placement.
- 5.8 While looked after a child will be subject to monitoring and statutory reviews and looked after services should be available to meet the child's needs. However consideration must also be given to the potential for on-going Trust involvement to militate against a "normal" family life and in particular the child and carer views about same.

- 5.9 In considering whether an existing non related foster care placement should become the long term placement to provide permanence the Trust should take into account
- (i) the existing relationship between the child and the foster carers,
  - (ii) the length of the placement and
  - (iii) the child's relationship with the foster carer's wider family and community
  - (iv) the wishes and views of the child
  - (iv) consideration should also be given to the progress the child has made during the placement.
- 5.10 There will be circumstances where the current foster carers do not wish to provide a long term placement for the child, or where the child does not wish to remain there. Alternatively the Trust may not think it is appropriate for the child to remain in the current foster care placement. In these cases the Trust should set out the reasons for this in writing and if appropriate also communicate these to the child. The impact of disrupting important relationships needs to be fully considered in all decision making.
- 5.11 In these circumstances it will be necessary to find an alternative foster family for a child who can meet their long term needs and provide permanence. Children need security and to know where they are going to live until adulthood.
- 5.12 Trusts and other fostering agencies must ensure that foster carers understand the importance of stability for the child and the Trust's expectations that the placement will provide permanence to adulthood and beyond. Foster carers wishing to provide long term care must see themselves continuing to care for the child post eighteen supported by the GEM scheme. The emphasis must be on continuity of relationships which endure beyond the placement to provide a longer term support to the young adult and beyond.
- 5.13 Therefore the impact of disrupting important relationships with current carers needs to be considered in all decision making.

- 5.14 In every case assessment of the foster carers must take into account the needs of the child, the ability of the carers to meet these needs on a long term basis, and the impact on the carers' family.
- 5.15 Long term fostering with kinship foster carers or other foster carers may also be appropriate where the birth family is unable to care adequately for the child, but where the child needs to maintain a close relationship with his birth family through frequent on-going contact and/or where the child does not wish any change in their legal status.
- 5.16 The Trust will retain a responsibility to arrange reasonable contact with the child's parents to enable the child to maintain a relationship with birth family, as long as this is in the child's best interests. The child's wishes in relation to contact must always be taken into consideration.
- 5.17 The Trust should always consider delegation of authority to long term foster carers in relation to certain matters (see Guidance on Delegated Authority to Foster Carers in Northern Ireland Circular: CCPD01/10 Date 2<sup>nd</sup> February 2010).

## **6 Permanence Options which include Legal Permanence**

- 6.1 Some children who become looked after and cannot safely return to birth parents will follow pathways to emotional, physical **and legal permanence**, through Residence and Adoption Orders. These orders mean that the children are no longer looked after.

## **7 Residence Orders**

- 7.1 Residence Orders are private law orders under Article 8 of the Children Northern Ireland Order 1995 which confer Parental Responsibility (PR) to the person who obtains the Order e.g. grandparent. Parental Responsibility is shared with anyone who had PR before the Order was made which are nearly always the birth parents. (This is with the exception of children subject to Care Orders. The granting of a Residence Order discharges a Care Order so Trusts do not retain PR following this).

- 7.2 So after a Residence Order is granted by the Court in respect to a child the birth parent shares parental responsibility with the former foster carer or kinship carer in whose favour the Residence Order is made and the child is no longer a looked after child.
- 7.3 Residence Orders provide the opportunity for foster carers or kinship foster carers to provide physical, emotional and legal permanence for a looked after child.
- 7.4 It is important to note that a Residence Order can also be made by the Court as part of Care Proceedings. Trust should consider whether this would be in the child's best interests, and afford an opportunity to secure permanence at an early stage either as an alternative to becoming subject to a Care Order, or as part of an application to vary or discharge a Care Order.
- 7.5 A Residence Order, unlike an Adoption Order does not ensure that a child or young person has a family for life with all the rights of inheritance etc. associated with adoption.

## **8 Residence Orders and Kinship Care**

- 8.1 For all the reasons included at 5.4 kinship care must be actively explored as a first option for permanence when a child cannot safely return to their birth parents, unless this is not in the best interests of the child. While placement with kin can be a very positive experience for many children it will not be possible to place all children in kinship care, and sometimes children's needs cannot be met within their extended birth family.
- 8.2 Trust services need to recognise that children in kinship care have experienced similar levels of neglect and abuse and consequently experience many of the same challenges that other looked after children experience e.g. relationship and behavioural difficulties as a result of trauma. Research suggests that some children placed with relatives as a result of care proceedings (and therefore those who are more likely to have experienced abuse, neglect) can face a higher possibility of placement breakdown.

- 8.3 Therefore it is essential that the Trust assesses whether the kinship foster carers will be able to meet the specific needs of this particular child on a long term basis, to minimise the chances of a disrupted placement with all the attendant trauma for the child.
- 8.4 It is important that the kinship carers understand and accept the reasons that the child became looked after. Otherwise this may compromise their ability to keep the child safe particularly in the long term, and at a future time when social services may no longer be actively involved in the case.
- 8.5 Recent research has found that over 70% of kinship carers suffer longstanding ill-health or disability and up to two-thirds are suffering from depression (Selwyn, Farmer, Meakings 2013). The health and capacity of the proposed kinship carer to meet the child's permanence needs requires detailed investigation, during the assessment process and must be balanced against the potential benefits of living with kin.
- 8.6 Following this assessment the Trust may support the kinship carers' application to adopt the child or to apply for a residence order. Kinship care can provide security and stability especially where such care can be supported by a legal order such as a Residence Order or in some cases adoption.
- 8.7 In conclusion for children who do not need to remain looked after the Trust should give serious consideration to supporting a kinship carer to provide legal psychological and emotional permanence to a child through application to the courts for a Residence or Adoption Order.

## **9 Foster Carers and Residence Orders**

- 9.1 In situations where
- (i) rehabilitation to birth family has been ruled out
  - (ii) the child and foster carers have developed a strong attachment
  - (iii) the placement is stable and settled

the Trust should discuss with the foster carers the option of securing legal permanence for a child through a Residence Order.

9.2 Before an application for a Residence Order is supported the Trust need to be assured that the foster carers are able and committed to meeting the needs of the child to adulthood and beyond and that the child no longer needs to be looked after. The views of the child and the birth parents also need to be sought and given due consideration.

## **10 Post Permanence Support for Former Foster Carers and Former Kinship Foster Carers with Children under Residence Orders**

- 10.1 In order for residence orders to be a viable option, foster carers and kinship foster carers need to be given full open information on the supports available after the order has been granted, including financial support. Carers have identified that loss of financial support (allowances and/or fees) can be a major deterrent to applying for a Residence Order. Therefore clarity on the arrangements for post order support are very important.
- 10.2 Therefore Trusts must assess the on-going support needs of the child and the former foster carers (or former kinship foster carers) and put in place a support plan (including financial support) to meet these needs. This should take cognisance of the other family support services available, and the fact that the child may in some circumstances be deemed as a child in need. Children subject to Residence Orders and their carers should also be supported to access relevant services in the community.
- 10.3 The support plan must take into consideration that the needs of children can change significantly over time and the need for support may vary across the age groups. The plan should address the needs of the child up to the age of 21 years and 24 years of age if in full time education.
- 10.4 In supporting the application for a Residence Order in respect to a looked after child the Trust must always request the court to use their discretionary power to grant the Residence Order until the young person is aged 18 years.

- 10.5 Residence Order Allowance (see Guidance on Residence Order Allowances) must be paid in all situations where children leave the looked after system through Residence Orders to former carers (whether fosters carers or kinship foster carers). Currently Residence Order allowance is non means tested and is the equivalent to fostering allowances minus child benefit (which carers if eligible can apply for in their own right following the granting of a Residence Order).
- 10.6 Kinship foster carers in particular but also former foster carers need to be supported to manage the possible conflicts of loyalty that the child may experience. Birth parents support or lack of same can have implications for the placement particularly in the long term. In order for Residence Orders to work best there needs to be a good relationship between the birth parents and the carers.
- 10.7 As Residence Orders will have the effect of discharging the child from their looked after status this will impact on the child's future entitlement to leaving and aftercare support. The implications of same must be discussed openly and honestly with the child/young person where appropriate and also the kinship or mainstream foster carers.
- 10.8 Residence Orders may be particularly suitable in situations where children are living permanently with relatives or friends or for children who are in stable and secure long term foster placements.
- 10.9 Whilst the social worker should present the advantages and disadvantages for a child of leaving the looked after system through the granting of a Residence Order, carers considering applying for a Residence Order should also seek their own legal advice. Trusts should consider providing carers with assurances of on-going assistance with legal costs in the unlikely event that parents instigate legal proceedings.

## **11 Adoption of Looked After Children**

- 11.1 Adoption is a way of providing a new family for children who cannot be brought up by their birth family. It is a legal procedure in which all the parental responsibility is transferred to adopters. The main purpose of adoption in the 21<sup>st</sup> century is to provide security and permanent family relationships for some of society's most vulnerable children.

- 11.2 An adopted child loses all legal ties with their birth parents and becomes a full member of the adoptive family and ceases to be a looked after child.
- 11.3 For a very small but very vulnerable group of looked after children who cannot return safely to their birth families, adoption can offer the best route to a lifelong and legally permanent new family.
- 11.4 In cases where it may be in the child's best interests to have the legal relationship with their parents severed, and a relative is able to provide a permanent placement for the child, adoption by a relative is an option that should be given full consideration. The implications of adoption for the child and the kinship carers should be fully explored.
- 11.5 Where a child has developed a strong attachment to their foster carers, it may be in their best interests to be adopted by their foster carers, where they are willing and able to do so. This may be particularly important where children have special needs and/or who have waited a long time to find an adoptive family.
- 11.6 While adoption severs the legal ties to the birth family in recent years in Northern Ireland the court has directed that many adopted children should have direct contact with their birth parent and/or other members of the birth family on a number of occasions per year. Therefore while the legal relationship ends there may be a level of contact between the birth family and adopted child after the adoption order is granted.
- 11.7 The advantages of adoption for children who cannot be brought up with their own birth parents are that they are placed with carefully assessed carers who are highly motivated to provide a family for life for the child.
- 11.8 After adoption birth parents cannot make applications to the court for the child's return. This affords the child a greater sense of stability and security.
- 11.9 Recent research found that the disruption rate for adoptions was much lower than had been generally assumed, with a disruption rate of 0.7% over a five year period. However there is no guarantee of success and Trusts must endeavour where adoption is in the child's best interest to place children as early as possible as the older the child on placement the higher the risk of adoption disruption (Selwyn, Wijedasa, Meakings 2014).

- 11.10 In adoption a child is irrevocably separated from their birth family. Even where there is direct contact with the birth family it is likely to be limited and not sufficient to allow the child to establish or maintain a meaningful relationship. Maintaining some form of contact after adoption may help some adopted children and young people in processing their losses, though it can also bring significant challenges for the child, the adopters, and the birth parents. Decision in relation to post adoption contact must always be in the child's best interests.
- 11.11 Legal judgments from England (*Re B (A Child)* [2013] UKSC 33 and *Re B-S (Children)* [2013] EWCA Civ 1146) highlight that social work assessment and analysis must demonstrate that placement for adoption outweighs all of the positive elements identified as being available through on-going connection with the child's parents or wider birth family.

## **12 Post Adoption Support Needs**

- 12.1 The provision of post adoption support is extremely important as many of the children who are adopted have experienced abuse, neglect and trauma in their early years, and consequently may have enduring difficulties in childhood and beyond. They may manifest in challenging behaviours, difficulties in peer relationships, problems in education etc. Support is essential if these children are to experience permanence and develop secure relationships which form a template for future relationships throughout childhood and into adulthood.
- 12.2 Adoptive families should be made aware of wider supports available and how to access these at any future point in time. Support must include access to training (pre and post adoption training), peer support groups, access to relationship counselling for adoptive families and therapeutic support for adoptive families and children.
- 12.3 Adoptive families and adopted children may need support with contact including direct contact with birth parents and birth siblings. This often involves supervising contact arrangements.

## **13 Permanency Planning for Looked After Children**

- 13.1 The central aim of permanency planning for looked after children is to ensure that they move quickly from an uncertain care placement to the security of a safe and stable permanent family with their birth parent(s) or if that is not consistent with their welfare, with other carers including kinship. There should be a confirmed Trust plan to achieve permanence at the latest by the third Looked After Children Review.
- 13.2 Permanence planning means identifying the best form of care to meet the needs of the individual child right through to adulthood. The plan for permanence must be addressed in care proceedings and subsequently it must be reviewed along with all other aspects of the plan for the looked-after child.
- 13.3 Permanency planning must begin actively from the time the child enters the care system to achieve stability as soon as possible. Any delays in securing permanence for children are likely to impact on their long term well-being and outcomes (Davison and McKenzie 2010). The time taken to come to decisions for children is crucial to their safety and development (Brown and Ward 2013).
- 13.4 Trusts have a legal duty under the Children (NI) Order 1995 to promote the upbringing of children by their families. Consequently, comprehensive and intensive efforts are required if children are to be prevented from coming into care and or reintegrated within their own families as soon as it is safe for them to do so.
- 13.5 Attempts at rehabilitation should be based on clear objectives and contracts with parents. These must be carefully monitored and recorded if sufficient changes are to occur to facilitate the child's return home. Comprehensive assessments and interventions should be completed in a timely fashion so that a firm plan for permanence is confirmed by the time the child is in placement for 9.5 months (ie time of the third looked after child review).
- 13.6 Of equal importance is that rehabilitation work should not continue past the stage where there is no realistic possibility of success. Getting the balance right is sometimes difficult, but it is important for the wellbeing of children that situations are not allowed to drift, perhaps more in hope than expectation.

- 13.7 When a child becomes looked after, convening a Family Group Conference should be considered if one has not already taken place. This family decision making forum offers a means of obtaining the views of other family members and ascertains the potential for wider family support to for a child returning to birth parents, or the potential for a kinship placement if a child cannot safely return home.
- 13.8 There are, however, circumstances where it is in a child/young person's best interests to remain 'looked after'. Social workers, their managers and the Chairperson of looked after reviews must, therefore, be in a position to identify those situations where support to parents/families will be insufficient to safeguard and promote children's welfare, and where permanence options outside of return to the birth parents will be required.
- 13.9 Where it is not in a child's best interest to return to birth parents the importance of the child securing a permanent placement as soon as possible should be discussed with the birth parents. This is a difficult but crucial conversation.

#### **14 Involving Children in Decisions about Permanence**

- 14.1 Looked after children have the right to have their views and feelings heard and to be involved in decisions about their lives in an age appropriate way.
- 14.2 Children have the right to understand what is happening to them and why it is happening. They must be informed, supported and involved in decisions and choice about their lives and plans for permanency. They need to know what is proposed, and should have the opportunity to express their views and have them fully considered before any decision is made. Trusts should offer the services of an independent advocate to children.
- 14.3 Children have a right to make representations and complaints and they should receive help to do so if this is required.

## 15 Contact

- 15.1 Contact (direct or indirect) between children and their families is important and will be promoted unless it is inconsistent with the child's safety or best interests.
- 15.2 Therefore a looked after child should have direct contact with birth parents when they are in the care of the Trust, unless the child themselves declines or refuses contact, or it is not in their best interests.
- 15.3 Contact plans and arrangements must be given very careful consideration when planning for permanence and the views of the child, the carers, and the birth parents taken into consideration. Comprehensive assessments of children's needs must inform all decisions about contact. Regional Guidance in relation to contact should inform this work.
- 15.4 For most children maintaining links with their birth families is important. This requires carers to have a genuine acceptance of the child's past and an ability to share the child's memories without feeling threatened by them. Life story work is an important tool to facilitate children to understand their past and present.
- 15.5 On-going contact should be in the child best interests and arrangements should not undermine plans for the child. Contact should be demonstratively beneficial for the child and focused on his/her needs. The security of the placement should be safeguarded as a priority, and where contact has a destabilising effect this should be reassessed and consideration given to alternative arrangements for maintaining identity and links with the birth family. In some cases it may result in contact arrangements being altered to secure the placement.
- 15.6 Contact arrangements need to be well defined, clarity of purpose and frequency, should be established and set out in a written agreement. In addition contact arrangements need to be kept under review to take cognisance of the assessed needs of the child and changing circumstances.

- 15.7 Contact arrangements will be different for individual children/young people and the nature of contact may also vary over time and according to the views of all those involved.
- 15.8 In relation to permanent placements consideration must be given to striking a balance between the child's need to see the parent and to know that they are well, and the child's need to settle in their new home and develop a deep and enduring attachment with their carers.
- 15.9 Where the Trust shares Parental Responsibility for a child with the birth parents, they will be kept fully involved and informed in all decisions about the child's future. Their views and wishes must be taken into account.

## **16 Siblings**

- 16.1 Many children live within complex family structures with step or half-siblings living with them or elsewhere. Trust need to recognise the lifelong importance of sibling attachments and be committed to meeting the needs of sibling groups.
- 16.2 In making plans for permanence Trust need to fully consider siblings relationships and place siblings together where this is possible and assessed to be in the interest of each individual child.

## **17 Looked After Children Reviews and Planning for Permanence**

- 17.1 It is a statutory requirement that all looked after children have a statutory LAC review.
- 17.2 The purpose of the LAC review is to provide a continuous process to review the plan for the child. Therefore it is the only statutory meeting to consider how permanence can be achieved for the child. It must bring together children, (where appropriate) carers, birth parents and all those people who are closely concerned with the care of the child eg education, health, Therapeutic Teams for Looked After Children, to review the child's care plan, discuss the child's progress and make plans for the future.

- 17.3 The Care Plan should remain child focussed and consider the needs of the child, clearly detailing the anticipated outcomes and how these are to be achieved. The Review should produce a clear action plan and there should be no delay in implementing it.
- 17.4 One of the key functions of the care plan is to ensure that each child has a definite and confirmed Trust plan for permanence at the latest by the time of the third LAC review (which is 9.5 months after the child came into care).

## **Looked After Children Reviews**

### **18 The Two Week Looked After Child Review**

- 18.1 The two week LAC Review identifies completed and outstanding assessments and interventions required (including court action where appropriate). It puts in place an action plan and timescales for achievement. The Review takes into account the views of the child (where appropriate), birth parents, wider family and carers.
- 18.2 Consideration should be given to having a parallel plan even at this early stage. A parallel plan has rehabilitation to birth parents as the primary objective but also commences work on a contingency plan, should rehabilitation not be successful or be prolonged. This serves to avoid delay for the children who cannot return home to birth parents as an alternative placement is also secured as early as possible.
- 18.3 This contingency plan should in the first instance consider and commence initial assessment/viability checks of potential kinship foster carers who would be willing and able to meet the needs of the child by providing a placement for medium to long term if the child cannot safely return home to birth parents (reference Regional Kinship Policy and Procedures).

- 18.4 Please note the definition of kinship is not confined to relatives but includes others who have a previous and significant relationship with the child. The emphasis should be on prior relationship rather than solely on blood tie, as the benefits to children of a kinship placement in the main depends on continuity of previous relationships/attachments. (reference Guide to Case Management and DoH Kinship Care Standards)
- 18.5 If a Family Group conference has not already been convened prior to the child's admission to care it should be convened as soon as possible to identify wider family supports should the child return home, or identify any alternative medium/long term potential placements should they not. At the Family Group Conference the family should be asked to agree the most suitable kinship carers to meet the child needs should rehabilitation to birth parents not be successful. This will give focus to the contingency plan in agreement with the family and allow prioritisation of kinship assessments if appropriate.
- 18.6 If an FGC is not possible social workers should consider having a family meeting with extended family to consider the issues and take account of their views and ability to provide support.
- 18.7 In a very small number of cases involving very young children where
- (i) there has been a history of social services involvement, and
  - (ii) kinship options have been explored and discounted, and
  - (iii) the chances of the child being able to return home is very unlikely, consideration should be given to placing the child in a concurrent placement, ie foster placement with carers who are approved as foster carers and adopters.
- 18.8 Work with the birth parents, including timely assessment and intervention should expedite work towards the child's return home if this is in the child's best interests. If this is not possible an alternative placement with the potential to provide permanence should be identified.

## **19 The Second Looked After Children Review (3.5 months after the child is received into care)**

- 19.1 The Review receives an update on progress and conclusions of child and parent comprehensive assessments and interventions. This also includes progress of the Kinship Foster Care Assessment if the child was placed on an emergency basis with kinship carers.
- 19.2 If the children are not returning home at this point but work is continuing towards rehabilitation the Review should put in place a permanence plan as described above. Children who remain looked after for longer than six months are much more likely to remain looked after and permanency planning needs to take cognisance of this.
- 19.3 In practice when it is assessed that children cannot return safely to birth parents there may only be two or three realistic permanence options. Therefore these may be the only ones to be considered in detail. However it will be extremely important for the courts, for the parents, and ultimately for the child, to understand precisely why one placement option has been preferred over another. Therefore each option must be carefully considered with the positives and negatives balanced in a way that puts the child's welfare at the centre of the decision making process (BAAF 2014).
- 19.4 If the care plan is confirmed as a long term placement with kinship foster carers in some cases it may be appropriate to support the kinship foster carers to apply for a residence order in respect of the child, rather than the Trust pursuing an application for the full Care Order. This is contingent on the kinship foster carers being fully aware of the implications of a residence order and freely agreeing to make the application. The views of birth parents to any such application must also be given consideration.
- 19.5 If at this point (or later) the LAC Review agrees adoption as the Care Plan referral must be made to the Adoption Panel seeking a Best Interest Recommendation for adoption, in compliance with Adoption (NI) Order 1987. If at this stage a full Care Order has not been granted in respect of the child, the Trust must give serious consideration to application for a consolidated hearing for both a Freeing Order and a Care Order. This can help to reduce delay for the child in securing an adoption placement.

19.6 Following a best interest decision for adoption by the Trust Agency Decision Maker the child may be placed with dual approved carers. They can foster the child before the courts have heard the application for a Freeing Order. If the Freeing Order is granted and a formal match with adopters is agreed by the Agency Decision-maker carers can apply to adopt the child. The use of both concurrent and dual approved placements delivers early permanence for young children with all the attendant benefits for their psychological and emotional development.

## **20 The Third Looked After Child Review (9.5 months after reception into care)**

20.1 If the child cannot safely return to their birth parents an alternative plan for permanence must be confirmed by the third LAC Review at the latest.

20.2 Where a child is still voluntarily accommodated and there is no plan being actively pursued towards rehabilitation home or towards a Residence Order or Adoption Order then the Trust must consider whether they need to apply to the courts for a Care Order so they can secure future permanence for the child and avoid drift and delay.

20.3 Agreeing the plan for permanence requires gathering and analysing all relevant information. This should inform the analysis of each available placement option to meet the permanence needs of the particular child.

20.4 If the child is not already in a placement that is suitable and able to provide permanency an action plan, with accompanying timescale must be put in place to secure a permanent placement.

## Permanency Panel

### 21 Purpose of the Permanence Panel

- 21.1 The Permanency Panel acts as an additional safeguard to monitor a looked after child's path to permanence. The purpose of the panel is to monitor the implementation of care plans in respect of all children or young people who have been looked after for more than 3 months up until the point where they have returned home to birth family or an alternative permanent placement has been secured.
- 21.2 The Permanence Panel also has a role in the Trust to highlight the placement resources needed to facilitate children securing permanence as early as possible after becoming looked after.
- 21.3 The panel will ensure that the welfare of the child is the paramount consideration when considering the future care arrangements for children.

### 22 Function of the Permanence Panel

- 22.1 The Permanence Panel is independent of the LAC process and provides recommendations to the LAC Review who are responsible for making all the decisions in relation to the looked after child.
- 22.2 The Permanence Panel monitors whether Social workers have completed a comprehensive assessment of a child's needs and whether all parental capacity assessments have been completed or are in active progress.
- 22.3 The Panel will ensure that parallel plan is recommended at the earliest opportunity to facilitate early decision making, and minimise delay in securing permanence for children who cannot return to birth parents.
- 22.4 The panel will ensure that the child/young person's need for permanency is progressed in accordance with relevant Policies and Procedures and that discontinuity of care, delay or drift is avoided.

- 22.5 In conjunction with the child's social worker the Permanence Panel will ensure that each option for permanence (as outlined in the rest of the Permanence Policy) is fully considered before a plan for permanence is agreed.
- 22.6 Consideration and analysis of options may take place over several Panel meetings in respect to any child.
- 22.7 The Permanence Panel will provide a full rationale for any Panel recommendation for a particular permanence option, taking into account all other options.
- 22.8 The Panel will advise the relevant Senior Manager and/or Reviewing Officer on progress on a case by case basis until permanence is achieved.
- 22.9 The Trust Children's Services Assistant Director should also be advised of situations where delay or drift arise i.e. no permanent plan in place by the third LAC review (9.5 month after reception into care).
- 22.10 The Permanence Panel should ensure that any plan for permanence has clearly taken into account the views of the child, the current carers and the birth family.

## **23 Membership of the Permanence Panel**

- 23.1 Membership of the Panel must reflect the importance of the role which is to provide recommendations on permanent placements and if required to challenge practice. The Panel should be chaired by a Senior Social Work Manager and the Senior Social Work Manager for Family Placement and/or Adoption/Permanence and a Senior Social Worker from field work. The Panel may also include other professionals to provide opinion in relation to specific cases e.g. psychologist.

## **24 Notification and Review Process**

- 24.1 Notification should be made to the Panel after the child's 2<sup>nd</sup> review i.e. 3.5 months after the admission to care.

- 24.2 The child's social worker should clearly outline the permanence options considered, the actions required to achieve the child's care plans and the proposed timescale. A report should be forwarded to the panel in advance of the panel meeting. This may be an existing report i.e. case conference report or LAC report is acceptable providing it contains the necessary information.
- 24.3 The panel should be advised immediately of situations which are not progressing as agreed at the Panel meeting. The Panel should be updated on a bi-monthly basis on subsequent progress. The Panel will provide guidance, advice and direction in situations where delay or drift is apparent.

## **25 Scheduling of Panel Meetings**

- 25.1 Every child will be considered by the Trust Permanence Panel at least every 4 months. The Panel will meet at least every month to consider new notifications and to monitor the progress of cases already notified.
- 25.2 The child's social workers and/or senior social worker must attend the initial Panel meeting to present the case but may not be required to attend at all following occasions when the child is considered. The Panel may request written update of progress.
- 25.3 Recommendations made by the panel should be communicated in writing to the relevant Senior Manager eg Head of Service for Looked after Children and Chair of the relevant LAC Review.
- 25.4 An annual report should be provided to the Trust by the Permanence Panel to assist with governance arrangements, the monitoring of delegated statutory functions, service planning and development and performance management arrangements.

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