

Draft Regulations laid before Parliament under section 140(3)(a) of the Adoption and Children Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

[XXXX No.]

CHILDREN AND YOUNG PERSONS, ENGLAND

The Suitability of Adopters Regulations [XXXX]

Made - - - - *XXXX*

Coming into force *XXXX*

Whereas a draft of these Regulations was laid before Parliament in accordance with the provision in section 140(3)(a) of the Adoption and Children Act 2002(a) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 9(1), 45(1) and (2) and 140(8) of the Adoption and Children Act 2002 Act, and all other powers enabling him in that behalf, hereby makes the following Regulations: —

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Suitability of Adopters Regulations and shall come into force on [XXXX].

(2) These Regulations apply to England only.

(a) 2002 c.38.

(3) In these Regulations, “the Act” means the Adoption and Children Act 2002.

(4) In regulation 2, references to a regulation is to the regulation bearing that number in the Adoption Agencies Regulations [XXXX](a);

Suitability to adopt a child

2. In determining, or making any report in respect of, the suitability of any person to adopt a child in accordance with regulations 23(5) (preparation of report) and 25 (agency decision), the matters to be taken in account by an adoption agency are -

- (a) any information obtained as a consequence of providing a counselling service for the prospective adopter in accordance with regulation 20;
- (b) any information obtained as a consequence of the requirement to obtain an enhanced criminal record certificate in accordance with regulation 21(1);
- (c) the written report obtained -
 - (i) from the registered medical practitioner about the health of the prospective adopter in accordance with regulation 23(3)(a);
 - (ii) about the premises where the prospective adopter intends to live with any child who might be adopted by him in accordance with regulation 23(3)(b); and
 - (iii) of each of the interviews with the persons nominated by the prospective adopter to provide personal references for him in accordance with regulation 23(3)(c);
- (d) in the case where the adoption agency is -
 - (i) not the local authority in whose area the prospective adopter has his home, the written report from that local authority;

(a)

- (ii) the local authority in whose area the prospective adopter has his home, any information obtained from their social services department;
- (e) the particulars about the prospective adopter obtained in accordance with regulation 23(2);
- (f) any other relevant information obtained by the adoption agency in accordance with regulation 23(8)(additional information required by the adoption panel); and
- (g) any observations made by the adoption agency or person upon any of the information obtained or reports prepared under Part 4 of the Adoption Agencies Regulations [XXXX] or otherwise.

Stability and permanence

3. An adoption agency shall, in determining the suitability of a couple to adopt a child, have proper regard to the need for stability and permanence in their relationship.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Adoption and Children Act 2002. They apply in respect of adoption agencies in England only.

Regulations 2 and 3 make provision as to the matters to be taken into account by an adoption agency in determining, or making any reports in respect of, the suitability any person to adopt a child. In particular, the adoption agency is required in determining the suitability of a couple to have proper regard to the need for stability and permanence in their relationship.

