
STATUTORY INSTRUMENTS

2005 No. 691

The Adoption Support Services Regulations 2005

PART 3

PROVISION OF FINANCIAL SUPPORT

Circumstances in which financial support is payable

8.—(1) Financial support is payable under this Part to an adoptive parent for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made.

(2) Such support is payable only in the following circumstances—

- (a) where it is necessary to ensure that the adoptive parent can look after the child;
- (b) where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
- (c) where it is necessary for the local authority to make any special arrangements to facilitate the placement or the adoption by reason of—
 - (i) the age or ethnic origin of the child; or
 - (ii) the desirability of the child being placed with the same adoptive parent as his brother or sister (whether of full or half-blood) or with a child with whom he previously shared a home;
- (d) where such support is to meet recurring costs in respect of travel for the purpose of visits between the child and a related person;
- (e) where the local authority consider it appropriate to make a contribution to meet the following kinds of expenditure—
 - (i) expenditure on legal costs, including fees payable to a court in relation to an adoption;
 - (ii) expenditure for the purpose of introducing an adoptive child to his adoptive parent;
 - (iii) expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

Remuneration for former foster parents

9.—(1) Financial support under this Part may include an element of remuneration but only where the decision to include it is taken before the adoption order is made and the local authority consider it to be necessary to facilitate the adoption in a case where—

- (a) the adoptive parent has been a local authority foster parent in respect of the child; and

- (b) an element of remuneration was included in the payments made by the local authority to the adoptive parent in relation to his fostering the child.

(2) But that element of remuneration ceases to be payable at the end of the period of two years from the adoption order unless the local authority consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances.

Payment of financial support

10. Financial support under this Part may be paid—

- (a) periodically, if it is provided to meet a need which is likely to give rise to recurring expenditure; or
- (b) in any other case, by a single payment or, if the local authority and adoptive parent agree, by instalments.

Cessation of financial support

11. Financial support ceases to be payable to an adoptive parent if—

- (a) the child ceases to have a home with him;
- (b) the child ceases full-time education or training and commences employment;
- (c) the child qualifies for income support or jobseeker's allowance in his own right; or
- (d) the child attains the age of 18 unless he continues in full-time education or training, when it may continue until the end of the course or training he is then undertaking.

Conditions

12.—(1) Where financial support is to be paid periodically, it is not payable until the adoptive parent or, in the case of adoption by a couple, each adoptive parent, has agreed to the following conditions—

- (a) that he will inform the local authority immediately if—
 - (i) he changes his address;
 - (ii) the child dies;
 - (iii) any of the changes mentioned in regulation 11 (cessation of financial support) occurs; or
 - (iv) there is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him,
 and, where the information is given orally, that he will confirm it in writing within seven days;
- (b) that he will complete and supply the local authority with an annual statement as to the following matters—
 - (i) his financial circumstances;
 - (ii) the financial needs and resources of the child;
 - (iii) his address and whether the child still has a home with him.

(2) The local authority may provide financial support subject to any other conditions they consider appropriate, including the timescale within which and purposes for which any payment of financial support should be utilised.

(3) Subject to paragraph (4), where any condition imposed in accordance with this regulation is not complied with, the local authority may—

- (a) suspend or terminate payment of financial support; and
 - (b) seek to recover all or part of the financial support they have paid.
- (4) Where the condition not complied with is a failure to provide an annual statement in accordance with an agreement referred to in paragraph (1), the local authority shall not take any steps under paragraph (3) until—
- (a) they have sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and
 - (b) 28 days have expired since the date on which that notice was sent.