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

2005 No.

CHILDREN AND YOUNG PERSONS, ENGLAND

The Suitability of Adopters Regulations 2005

Made - - - -

Coming into force - - 30th December 2005

Whereas a draft of these Regulations was laid before Parliament in accordance with section 140(3)(a) of the Adoption and Children Act 2002(**1**) and approved by resolution of each House of Parliament:

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Suitability of Adopters Regulations 2005 and shall come into force on 30th December 2005.

(2) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations, "the Foreign Element Regulations" means the Adoptions with a Foreign Element Regulations 2005(**2**).

(2) In these Regulations, unless the context otherwise requires, a reference to a regulation is to the regulation bearing that number in the Adoption Agencies Regulations 2005(**3**).

Making reports in respect of the suitability to adopt a child

3. Subject to regulation 5 of these Regulations, in making any report in respect of the suitability of any person to adopt a child in accordance with regulations 25(5) (the prospective adopter's report)

(**1**) 2002 c.38.

(**2**) S.I. 2005/ . The Adoptions with a Foreign Element Regulations 2005 set out additional requirements in relation to assessment of suitability to adopt a child who is habitually resident outside the British Islands.

(**3**) S.I. 2005/389. The Adoption Agencies Regulations 2005 set out the procedure for carrying out an assessment of suitability to adopt a child in respect of a prospective adopter.

and 29(4) (the prospective adopter's review report), the matters to be taken into 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—

(i) regulation 21; or

(ii) regulation 14(1) of the Foreign Element Regulations;

(b) any information obtained as a consequence of the preparation for adoption required in accordance with regulation 24;

(c) any information received as a consequence of obtaining an enhanced criminal record certificate in accordance with regulation 23(1)(a) and (b);

(d) the information about the prospective adopter obtained as a consequence of regulation 25(2);

(e) in a case where regulation 12 of the Foreign Element Regulations applies (Convention adoptions), any additional information obtained about the prospective adopter as a consequence of regulation 15(4) of those Regulations; and

(f) the written report—

(i) obtained from the registered medical practitioner about the health of the prospective adopter in accordance with regulation 25(3)(a);

(ii) of each of the interviews with the persons nominated by the prospective adopter to provide personal references for him in accordance with regulation 25(3)(b); and

(iii) obtained from the local authority in whose area the prospective adopter has his home in accordance with regulation 25(4).

Determining the suitability to adopt a child

4.—(1) Subject to regulation 5 of these Regulations, in determining the suitability of any person to adopt a child in accordance with regulation 27 (adoption agency decision and notification), the matters to be taken into account by an adoption agency are—

(a) the prospective adopter's report prepared in accordance with regulation 25(5);

(b) the written report obtained in accordance with regulation 25(3)(a) (medical report);

(c) the written report of each of the interviews in accordance with regulation 25(3)(b) (personal references);

(d) the recommendation of the adoption panel made in accordance with regulation 26(1);

(e) any other relevant information obtained by the adoption agency as a consequence of regulation 26(2)(b); and

(f) in a case of a person falling within regulation 12 of the Foreign Element Regulations, any additional information obtained as a consequence of Chapter 1 of Part 3 of those Regulations.

(2) 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.

Cases in which a person is unlikely to be suitable to adopt a child

5. In a case where regulation 25(7) applies, the matters to be taken into account by the adoption agency in determining, or making any report in respect of, the suitability of any person to adopt a child may be limited to any information received under regulation 25(2), (3) or (4), or other