

# Practice Guidance for when Foster Carer/s wish to Adopt a Child in their Care

Document Title	Practice Guidance for when Foster Carer/s wish to Adopt a Child in their Care
Service Area/s	Adopt North East, Regional Adoption Agency
Version	2.0
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Date Approved	17 January 2025
Date to be Reviewed By	31 January 2026

## 1. Purpose of Policy

Approved Foster Carers can and do make excellent Adopters. Adoption of a child already known and in the care of Foster Carers can achieve for the child permanence without a move. It can also provide Foster Carers with full parental responsibility for the child and facilitate meaningful integration of a child already in their care into their life and family as they become a forever family for the child. It can and often is a great outcome for both child and carers.

This Practice Guidance seeks to ensure that Foster Carers are supported by the Regional Adoption Agency, the child's Local Authority Social Worker and their Fostering Service to fully understand the implications of a change from Foster Carers to Adopters and the process to do so.

## 2. Enabling Foster Carers to come to an Informed Decision about adopting a child in their care

If a Foster Carer indicates an interest in potentially adopting a child in their care, it is important that they are supported to come to an informed decision. Their primary support in making this decision will be their Fostering Supervising Social Worker. Any expressed intention by a Foster Carer should be notified to their Fostering Service without delay.

Subject to the support of the Fostering Service for Foster Carers to explore and consider adoption of a child in their care, the Regional Adoption Agency will arrange for a timely Information Sharing Meeting to be held. This meeting will include:

- The Foster Carers;
- The Child's Social Worker

- The Foster Carer's Supervising Social Worker
- The Regional Adoption Agency Assessment Social Worker

The purpose of this meeting – which may be a series of meetings if required – is to support the Foster Carers to come to an informed decision. The visit is not an assessment session or a decision-making visit. It is the opportunity for all parties to expand their understanding of the issues involved.

**During the meeting (or series of meetings) the Foster Carers and the child should not receive any positive confirmation as to the Foster Carers suitability to be assessed to adopt the child.**

Key information that should be provided to the Foster Carers:

- Adoption is a permanent commitment to the child
- Adoption confers sole parental responsibility for the child
- Adoption is a financial and emotional commitment for life
- The support available to Adopters is different from the support available to Foster Carers
- The placement status of the child and their status as Foster Carers will change on the date that the Agency Decision Maker for the child approves the match of the child with the Foster Carers as adopters.
- The financial support provided to the Foster Carers for the care of the child will cease and that financial support as an adopter differs (see Section 3)
- That a continuation of their Fostering role for other children is not a given and, if appropriate, may be subject to re-assessment of their suitability to foster in light of the change to the family and household as a result of the adoption
- That there are two routes available to the Foster Carers – Non-Agency Adoption and Agency Adoption. Specific information about each should be provided (See Section 2)
- That depending on the child's age and level of understanding, the child's wishes and views will be an important consideration in deciding whether the Foster Carers interest in adoption will be supported.

Specific Information about Non-Agency Adoption should include:

- Foster Carers can make a direct application for an Adoption Order to the Court after the child has been living with them for a year or more
- Other Orders of the Court may be more appropriate for the child, including a Child Arrangement Order or a Special Guardianship Order

- Where a Non-Agency Adoption Order is granted by a Court, the placement status will change on the date the Court granted a Non-Agency Adoption Order in favour of the Foster Carers.
- Where a Non-Agency Adoption Order is granted by a Court, the support to which they are entitled under the Adoption Support Services Regulations 2005 is limited to counselling, advice and information only. However, if the Local Authority responsible for the child supports the application to the Court for an Adoption Order, the Local Authority has the discretion to extend the availability of adoption support services beyond that of providing counselling, advice and information services subject to an Adoption Support Assessment of Need.
- The Local Authority for the child is not required to make any financial contribution to the Court Application fee or to any legal costs incurred by the Foster Carers.
- If Foster Carers decide to undertake the Non-Agency Adoption route, the Regional Adoption Agency will be required to complete an Annex A report with the assistance of the Local Authority Social Worker for the child. This report analyses the strengths and weaknesses of the adoption application
- If Foster Carers have given written Notice of their Intention to Apply for an Adoption Order the child may not be removed from them by the Local Authority or birth parents without the permission of the Court (unless 3 months have elapsed and the foster carers have not made an application to the Court)
- If Foster Carers have applied to the Court for an Adoption Order, the child may not be removed from them by the Local Authority or birth parents without the permission of the Court

Specific Information about Agency Adoption should include:

- The Regional Adoption Agency will not assume that a Foster Carer is an appropriate adoptive parent for a child, even if the child is well cared for by the Foster Carer. There will be a strong presumption in favour, but this presumption will be tested by assessment and detailed consideration of the needs of the child and the competencies of the Foster Carer as a prospective adopter.
- The Regional Adoption Agency will take into consideration:
  - The duration and length of time the child has been in placement
  - The quality of the relationships and emotional and reciprocal attachments between the child and the Foster Carers, their extended family and support network
  - The commitment of the Foster Carers to the child's overall welfare and development during the placement
  - The Foster Carers insight and understanding of the key differences between adoption and fostering

- The Foster Carers willingness and ability to accept the full range of responsibilities for the child for their lifetime
  - The range of skills and experiences that that the Foster Carers would be able to utilise in continuing to meet the child's needs if adopted
- The Regional Adoption Agency will only support an application to adopt by Foster Carers if the location of the Foster Carers proposed adoptive home does not or is not reasonably likely to compromise the safety and security of the child
  - The Regional Adoption Agency will only support an application to adopt by Foster Carers if there is clear evidence that the Foster Carers are able to offer high quality lifelong care
  - Following an informed decision by the Foster Carers to register their interest in being assessed as adopters for a child in their care, an assessment will be completed and considered by the Adoption Panel within four months of the date on which they registered their interest (the 'fast track' process).
  - Should the Agency decide not to approve the Foster Carers as suitable, the reasons of the Agency may need to be considered at a Fostering Review. However, it is noted that not being approved as suitable to adopt does not mean that the Foster Carers are not suitable in a fostering role.
  - Should the Agency decide to approve the Foster Carers as suitable to adopt a child already in their care, it is likely that approval and match will be considered consecutively at the same Panel.

At the conclusion of this meeting (or series of meetings), the Foster Carers should have had sufficient information shared with them for them to come to an informed decision as to whether or not to pursue adoption of a child in their care and, if so, whether Non-Agency Adoption or Agency Adoption is appropriate.

Following this meeting, if the Foster Carers indicate their interest in adopting a child in their care, the child's Local Authority and the Fostering Service should indicate in writing to the Foster Carers whether they support their intention to adopt.

Whether or not they are supported in doing so by the child's Social Worker or their Fostering Service, the Foster Carers are entitled to Register their Interest with the Regional Adoption Agency or make an application for an Adoption Order to the Court.

### **3. Considering the Financial Implications of approval of Foster Carers as Adopters**

Adoption represents a significant change in the circumstances of the Foster Carers, becoming 'parents' rather than 'carers' for the child. This changes the financial entitlements to which the Foster Carers are entitled.

It is crucial that the Fostering Service confirm in writing:

- What will happen to the allowances paid to them as approved Foster Carers for the child
- Whether they are entitled to an Adoption Order Allowance for the child
- Whether they are entitled to any other financial support for the child
- Whether adoption of the child affects any other the allowances paid by the Agency in respect of the other children in their care
- Whether as part of the approval as suitable adopters for the child, the Foster Carers will be required to be suspended from fostering for a period of time (if they were approved to temporarily care for one or more children in addition to the child now adopted, the Foster Carers are likely to experience a loss of income derived from their suspension of approval to undertake this Fostering role).
- Whether as s part of the approval as suitable adopters for the child, the Foster Carers will be required to resign as approved Foster Carers (if they were approved to temporarily care for one or more children in addition to the child now adopted, the Foster Carers are likely to experience a loss of income derived from their termination of approval to undertake this Fostering role).
- The date on which any changes will occur – the change will occur either on the date the Court granted a Non-Agency Adoption Order in favour of the Foster Carers or on the date that they Agency Decision Maker for the child approves the match of the child with the Foster Carers

#### **4. Change in Placement Status**

The placement status of the care arrangement will change either on the date the Court granted a Non-Agency Adoption Order in favour of the Foster Carers or on the date that they Agency Decision Maker for the child approves the match of the child with the Foster Carers.