

2019 No. (W.)

SOCIAL CARE, WALES

**The Adoption Support Services
(Wales) Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Adoption and Children Act 2002 (“the 2002 Act”). Section 2(6) of the 2002 Act provides that counselling, advice and information, and any other services prescribed by regulations, in relation to adoption, are adoption support services. Regulation 3(1) of these Regulations prescribes services which are adoption support services.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Adoption Support Services
(Wales) Regulations 2019**

Made 17 February 2019

Laid before the National Assembly for Wales
19 February 2019

Coming into force 29 April 2019

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(6)(b) of the Adoption and Children Act 2002(1).

Title and commencement

1.—(1) The title of these Regulations is the Adoption Support Services (Wales) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

Interpretation

2. In these Regulations—

“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002;

“adoptive child” (“*plentyn mabwysiadol*”) means a child who is an agency adoptive child or a non-agency adoptive child;

“adoptive parent” (“*rhiant mabwysiadol*”) means a person—

(1) 2002 c. 38; Section 144(1) of the 2002 Act defines “regulations” as meaning regulations made by the appropriate Minister, unless they are required to be made by the Lord Chancellor, the Secretary of State or the Registrar General. Section 144(1) defines “appropriate Minister” in relation to Wales as meaning the National Assembly for Wales. The power conferred on the National Assembly for Wales to make regulations under the 2002 Act transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

- (a) who an adoption agency has decided in accordance with regulation 34(1) of the Adoption Agencies (Wales) Regulations 2005⁽¹⁾ is a suitable adoptive parent for a particular child,
- (b) with whom an adoption agency has placed a child for adoption,
- (c) who has given notice under section 44 of the 2002 Act of their intention to apply for an adoption order for a child,
- (d) who has adopted a child, or
- (e) who has adopted a child who has subsequently attained the age of 18,

but does not include a person who is the step parent or birth parent of the child or was the step parent of the child before they adopted the child;

“agency adoptive child” (*“plentyn mabwysiadol drwy asiantaeth”*) means a child—

- (a) in respect of whom an adoption agency has decided in accordance with regulation 19 of the Adoption Agencies (Wales) Regulations 2005 should be placed for adoption,
- (b) whom an adoption agency has placed for adoption, or
- (c) who has been adopted after having been placed for adoption by an adoption agency;

“non-agency adoptive child” (*“plentyn mabwysiadol heb fod drwy asiantaeth”*) means a child—

- (a) in respect of whom a person—
 - (i) has given notice under section 44 of the 2002 Act of their intention to apply for an adoption order, and
 - (ii) is not the birth parent or step parent of the child, or
- (b) who has been adopted by a person who—
 - (i) is not the birth parent of the child, and
 - (ii) was not the step parent of the child before they adopted the child,

but does not include an agency adoptive child;

“related person” (*“person perthynol”*) means—

- (a) a relative within the meaning of section 144(1) of the 2002 Act, or
- (b) any person with whom the adoptive child has a relationship which appears to the local authority to be beneficial to the welfare of the

(1) S.I. 2005/1313 (W. 96), amended by S.I. 2009/1892, 2012/1905 (W. 232) and 2014/852; there are other amending instruments but none is relevant.

child having regard to the matters referred to in sub-paragraphs (i) to (iii) of section 1(4)(f) of the 2002 Act.

Adoption support services

3.—(1) For the purposes of section 2(6)(b) of the 2002 Act the following services are prescribed as adoption support services—

- (a) assistance to adoptive parents, adoptive children, and related persons in relation to arrangements for contact between an adoptive child and a birth parent or a related person of the adoptive child;
- (b) services that may be provided in relation to the therapeutic needs of a child in relation to the child's adoption;
- (c) assistance for the purpose of ensuring the continuance of the relationship between a child and the child's adoptive parent, including—
 - (i) training for the adoptive parent for the purpose of meeting any special needs of the child arising from that adoption, and
 - (ii) subject to paragraph (3), respite care;
- (d) assistance where disruption in an adoption arrangement or placement has occurred or is in danger of occurring, including—
 - (i) mediation, and
 - (ii) organising and running meetings to discuss disruptions in adoptions or placements;
- (e) assistance to adopted persons who have attained the age of 18 in obtaining information in relation to their adoption or facilitating contact between such persons and their relatives;
- (f) assistance to relatives of adopted persons who have attained the age of 18, in obtaining information in relation to that adoption or facilitating contact between such persons and the adopted person;
- (g) services to enable groups of adoptive children, adoptive parents and birth parents or former guardians of an adoptive child to discuss matters relating to adoption.

(2) For the purposes of paragraph (1)(e) and (f), “relative” means any person who but for their adoption would be related to the adopted person by blood, including half blood or marriage.

(3) For the purposes of paragraph (1)(c)(ii), respite care that consists of the provision of accommodation must be accommodation provided by or on behalf of a

local authority under section 81 of the Social Services and Well-being (Wales) Act 2014⁽¹⁾ or by a voluntary organisation under section 59 of the Children Act 1989⁽²⁾.

Julie Morgan

Deputy Minister for Health and Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers
17 February 2019

(1) 2014 anaw 4.
(2) 1989 c. 41.