

FOSTER CARE, ADOPTION, SPECIAL GUARDIANSHIP and RESIDENCE ORDERS

1. What Is Foster Carer Adoption?

When a child is settled in a foster home and is accepted as a member of the family, adoption by that family may be the best means of achieving permanence for the child. An adoption order ends a care order and makes the carers full legal guardians for the child, the carers gain full parental responsibility.

A foster care adoption has a number of advantages in that it starts from the basis of a good existing relationship. Sometimes birth parents can be more accepting of a foster carer adoption as they see the foster carer as carers whom they know and have come to trust. Children do not have to move and establish a whole set of new relationships. But they are not always the right answer for a child and the department will want to give careful consideration to any offer by foster carers to become adoptive parents.

Adoption gives a child a new birth certificate showing their new family name. An adopted child may still have contact with their birth family. This might be face to face contact or it might be through the exchange of an annual letter, (known as indirect or 'post box' contact). If a child is seeing their brothers and sisters in other placements or their grandparents, there would usually be an expectation that this would carry on. Adoptive parents are expected to commit themselves to their adoptive child for life not just until the child is an adult. Modern adoption does not however mean that the department is no longer involved with the child or the carers. A range of adoption support services now exists to help support an adoption placement.

2. Issues Social Workers Will Consider when Foster Carers Wish To Adopt

Motivation

Had the foster carers previously wanted to extend their family permanently? Why is it right for the family unit now? Why did they not apply to be adoptive parents previously? Are foster carers feeling guilty because no one else is willing to adopt the child? Are the foster carers willing and able to give a life-long commitment?

Health

Adoptive parents are required by law to have a full medical assessment. It is important that the quality of the foster carers' health is good enough to bring up a child into adulthood.

The age of the carers

Are the foster carers still young enough to have the required energy and physical abilities to bring up a child through adolescence into adulthood?

The age and wishes/feelings of the child

A strong attachment by the child to the foster carers is not necessarily a contra-indication to moving the child to adoptive parents, especially if the child is very young. Experience has shown that children of all ages can be moved successfully as long as good preparation and introductions are carried out. The wishes and feelings of older children are an important consideration. However, most children, when asked, will prefer to stay in their familiar environment. Discussions with older children need to be handled skilfully.

Other members of the family

Do the foster carers' own children agree with the plan, and how will they be affected? Is the wider family willing to fully accept the child?

Special needs of the child

Are there any issues arising from; race, culture, religion or disability. Are these foster carers likely to be able to meet the child's special needs? It is not unusual, because of urgent situations, for children not to have been specifically "matched" with their foster families when they were first placed.

Financial issues

Adoptive placements are supported on a very different financial basis to fostering allowances and there can be no guarantee that the same level of allowances will be received. An adoption allowance is not automatic, if it is agreed it is a means tested benefit, so prospective adoptive parents will be asked to give details of their financial circumstances. The means test is repeated each year. Foster carers who are considering adoption should give careful consideration to the impact of the loss of the fostering allowance on their family. Detailed welfare rights advice can be given to foster carers in advance of their making their final decision as foster carers will be able to claim the full range of state benefits including child benefit once the adoption order has been made.

Other considerations

There are often other considerations - how long has foster placement lasted, the attitude of birth parents, who will probably know the location of the foster home and contact issues. This could have either a negative or positive effect on the child's security.

3. Procedure

(See the Adoption Code of Practice, Policy and Procedure - copies available from the Adoption Team)

When considering the possibility of a foster carer adoption, the adoption team manager should be invited to a planning meeting to discuss:

- (a) Whether adoption is appropriate and feasible for the child;
- and
- (b) Whether the foster carers are suitable as adoptive parents for the child.

If a foster carer adoption is proposed, the adoption team manager will send the appropriate pack of guidelines/forms for completion by the child's and foster carers'

social workers. Usually the fostering social worker will prepare a updated form F on the foster family but it may be an adoption social worker or an other member of the Fostering team. This report together with other relevant information will be presented to the Adoption Panel for consideration.

Adoptive applicants are able to attend the Adoption Panel when their application to become adoptive parents is being considered.

The Adoption Panel will want to know what the carer's intentions are as regard future fostering placements. In most cases it is felt that if foster carers continue to take short term placements this will not help a child to settle into their new role as an adopted member of the family. The Panel is therefore likely to make a recommendation that fostering placements should stop at least in the medium/ short term. When foster carers want to return to fostering a report will be presented to the Fostering Panel. The panel will consider:

- (a) The effect of further foster placements on the adopted child;
and
- (b) The effect on potential foster children given that they will be aware that another child the family has looked after has been adopted.

4. Residence Orders and Special Guardianship

If an Adoption Order is not the right legal solution alternative orders can be considered such as a Residence Order or a Special Guardianship Order. Both orders confer parental responsibility, but in different ways and lead to the ending of the Care Order or looked after status. Full details of the differences between the different types of permanence order is contained within the leaflet for foster carers. Permanency for Looked After Children.

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