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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 438**

**The Adoption Allowance Regulations (Northern Ireland) 1996**

**Circumstances in which an allowance may be paid**

2.—(1) Without prejudice to paragraph (3), an allowance may be paid where one or more of the circumstances specified in paragraph (2) exists and the adoption agency—

- (a) is making the arrangements for the child's adoption; and
- (b) has decided—
  - (i) in accordance with regulation 11(1) of the Adoption Agencies Regulations (Northern Ireland) 1989 that the adoption by the adopters would be in the child's best interests, and
  - (ii) after considering the recommendation of the adoption panel, that such adoption is not practicable without payment of an allowance.

(2) The circumstances referred to in paragraph (1) are—

- (a) where the adoption agency is satisfied that the child has established a strong and important relationship with the adopters before the adoption order is made;
- (b) where it is desirable that the child be placed with the same adopters as his brothers or sisters, or with a child with whom he has previously shared a home;
- (c) where at the time of the placement for adoption the child—
  - (i) is mentally or physically disabled or suffering from the effects of emotional or behavioural difficulties, and
  - (ii) needs special care which requires a greater expenditure of resources than would be required if the child were not so disabled, or suffering from the effects of emotional or behavioural difficulties;
- (d) where at the time of the placement for the adoption the child was mentally or physically disabled, or suffering from the effects of emotional or behavioural difficulties, and as a result at a later date he requires more care and a greater expenditure of resources than were required at the time he was placed for adoption because there is—
  - (i) a deterioration in the child's health or condition, or
  - (ii) an increase in his age; or
- (e) where at the time of the placement for adoption it was known that there was a high risk that the child would develop an illness or disability and as a result at a later date he requires more care and a greater expenditure of resources than were required at the time he was placed for adoption because such illness or disability occurs.

(3) An allowance may be paid by the agency where before these Regulations come into operation—

- (a) an allowance was being paid by the agency to the adopters in respect of a child in accordance with a scheme which is revoked by Article 59A(4) of the Order (revocation of schemes approved under Article 59(4) of the Order) and the adopters have agreed to receive (instead of such allowance) an allowance complying with these Regulations; or

- (b) the agency decided that the adopters are eligible to receive an allowance in accordance with a scheme which is revoked by Article 59A(4) of the Order and—
  - (i) no payment has been made pursuant to that decision, and
  - (ii) any conditions to which the agency’s decision to pay such an allowance is subject are satisfied.
- (4) In each case before an allowance is payable the adoption agency shall require the adopters to agree to—
  - (a) inform the adoption agency immediately if—
    - (i) the child no longer has his home with them (or either of them),
    - (ii) they change their address,
    - (iii) the child dies, or
    - (iv) there is any change in their financial circumstances or the financial needs or resources of the child; and
  - (b) complete and supply the adoption agency with an annual statement of their financial circumstances and the financial circumstances of the child.
- (5) An allowance may not be paid from a date before the date of placement for adoption and may be paid from such later date as may be determined by the adoption agency and notified to the adopters.