
WELSH STATUTORY INSTRUMENTS

2005 No. 1512

The Adoption Support Services (Local Authorities) (Wales) Regulations 2005

Amount of financial support

12.—(1) This regulation applies where the local authority carries out an assessment of a person's need for financial support.

(2) Where paragraph (4) applies, and paragraph (5) does not apply, in determining the amount of financial support the local authority must take into account such of the considerations in paragraph (6) as are relevant to the case in question.

(3) Where paragraph (5) applies, in determining the amount of financial support, the local authority may not take into account any of the considerations in paragraph (6).

(4) This paragraph applies where the local authority is considering providing financial support in respect of expenditure for the purposes of supporting the placement of the child with the adoptive parents for adoption and the continuation of that placement following the making of an adoption order, including —

- (a) legal costs, including fees payable to a court, in relation to the adoption of the child;
- (b) cost of equipment for the purpose of meeting any special needs of the child;
- (c) expenditure necessary for the purpose of continuing to accommodate the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child;
- (d) cost of damage in the home where the child is accommodated where such cost arises out of special behavioural difficulties of the child;
- (e) the cost of placing a child in a boarding school where the placement is necessary to meet the special needs of the child;
- (f) the cost of meeting the special needs of the child, including needs arising out of a serious disability or illness;
- (g) expenditure on travel for the purpose of visits between the child and a related person.

(5) This paragraph applies where the local authority is considering providing financial support in respect of —

- (a) expenditure for the purpose of introducing the child to the adoptive parent; or
- (b) the legal costs of the adoptive parent where an adoption order is applied for in respect of a child who is looked after by the local authority, the local authority supports the making of that order and the making of the order is opposed by another person.

(6) The considerations are —

- (a) any recommendations, in relation to the adoptive parent or the adoptive child, made by the adoption panel to the local authority on a matter referred to in regulations 18 and 27(1) of the Adoption Agencies (Wales) Regulations;

- (b) the financial resources available to the adoptive parents including child tax credit and any other financial benefit which would be available in respect of the child if the child lived with them;
- (c) the amount required by the adoptive parents in respect of their reasonable outgoings and commitments (excluding outgoings in respect of the child); and
- (d) the financial needs and resources of the child.

(7) Financial support will not be paid to meet any needs in so far as any benefit or allowance applicable to the adoptive parents as a result of their adoption of the child, is payable or available to them in respect of those needs.

(8) Except where paragraphs (9) and (10) apply, the financial support payable by the local authority may not include any element of remuneration for the care of the child by the adoptive parents.

(9) This paragraph applies where —

- (a) the adoptive parent is or has been a foster parent in respect of the child;
- (b) it appears to the local authority that any financial assistance or allowances given to the adoptive parents in respect of their fostering of the child has ceased, or will cease;
- (c) the local authority have decided in accordance with regulation 28 of the Adoption Agencies (Wales) Regulations that the adoptive parent would be a suitable adoptive parent for the child; and
- (d) before the adoption order is made the local authority decide to pay financial support and determine that the financial support is to be paid periodically.

(10) This paragraph applies —

- (a) at any time until the day (“the second anniversary”) occurring two years after the date of the adoption in respect of the child; and
- (b) at any time after the second anniversary, in a case where any of the circumstances specified in regulation 11(2)(a), (b), (e), (f) or (g) exists on the date on which the local authority decide to pay financial support.