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WELSH STATUTORY
INSTRUMENTS

2019 Rhif 286 (Cy. 66)

2019 No. 286 (W. 66)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gwasanaethau Cymorth
Mabwysiadu (Cymru) 2019**

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

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn wedi eu gwneud o dan Ddeddf Mabwysiadu a Phlant 2002 ("Deddf 2002"). Mae adran 2(6) o Ddeddf 2002 yn darparu bod cwnsela, cyngor a gwybodaeth, ac unrhyw wasanaethau eraill a ragnodir gan reoliadau, mewn perthynas â mabwysiadu, yn wasanaethau cymorth mabwysiadu. Mae rheoliad 3(1) o'r Rheoliadau hyn yn rhagnodi gwasanaethau sy'n wasanaethau cymorth mabwysiadu.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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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(Wales) Regulations 2019**

Gwnaed 17 Chwefror 2019

Made 17 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 19 Chwefror 2019

Laid before the National Assembly for Wales
19 February 2019

Yn dod i rym 29 Ebrill 2019

Coming into force 29 April 2019

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 2(6)(b) o Ddeddf Mabwysiadu a Phlant 2002(1).

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).

Enwi a chychwyn

Title and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Cymorth Mabwysiadu (Cymru) 2019.

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

(2) Daw'r Rheoliadau hyn i rym ar 29 Ebrill 2019.

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

Dehongli

Interpretation

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “Deddf 2002” (“*the 2002 Act*”) yw Deddf Mabwysiadu a Phlant 2002;

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

ystyr “person perthynol” (“*related person*”) yw—

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

(a) perthynas o fewn ystyr “relative” yn adran 144(1) o Ddeddf 2002, neu

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

(1) 2002 p. 38; mae adran 144(1) o Ddeddf 2002 yn diffinio “regulations” fel rheoliadau a wneir gan y Gweinidog priodol, oni bai ei bod yn ofynnol i'r Arglwydd Ganghellor, yr Ysgrifennydd Gwladol neu'r Cofrestrwydd Cyffredinol eu gwneud. Mae adran 144(1) yn diffinio mai'r “appropriate Minister” (“y Gweinidog priodol”) o ran Cymru yw Cynulliad Cenedlaethol Cymru. Trosglwyddwyd y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan Ddeddf 2002 i Weiniogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(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).

- (b) unrhyw berson y mae gan y plentyn mabwysiadol berthynas ag ef yr ymddengys i'r awdurdod lleol ei bod yn fuddiol i les y plentyn gan roi sylw i'r materion y cyfeirir atynt yn is-baragraffau (i) i (iii) o adran 1(4)(f) o Ddeddf 2002;

ystyr “plentyn mabwysiadol” (“*adoptive child*”) yw plentyn sy'n blentyn mabwysiadol drwy asiantaeth neu'n blentyn mabwysiadol heb fod drwy asiantaeth;

ystyr “plentyn mabwysiadol drwy asiantaeth” (“*agency adoptive child*”) yw plentyn—

- (a) mewn cysylltiad ag ef y mae asiantaeth fabwysiadu wedi penderfynu yn unol â rheoliad 19 o Reoliadau Asiantaethau Mabwysiadu (Cymru) 2005(1) y dylid ei leoli ar gyfer ei fabwysiadu,
- (b) y mae asiantaeth fabwysiadu wedi ei leoli ar gyfer ei fabwysiadu, neu
- (c) sydd wedi cael ei fabwysiadu ar ôl cael ei leoli ar gyfer ei fabwysiadu gan asiantaeth fabwysiadu;

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

- (a) mewn cysylltiad ag ef y mae person—
- (i) wedi rhoi hysbysiad o dan adran 44 o Ddeddf 2002 o'i fwriad i wneud cais am orchymyn mabwysiadu, a
- (ii) nad yw'n rhiant geni nac yn llys-riant i'r plentyn, neu
- (b) sydd wedi cael ei fabwysiadu gan berson—
- (i) nad yw'n rhiant geni i'r plentyn, a
- (ii) nad oedd yn llys-riant i'r plentyn cyn iddo fabwysiadu'r plentyn,

ond nid yw'n cynnwys plentyn mabwysiadol drwy asiantaeth;

ystyr “rhiant mabwysiadol” (“*adoptive parent*”) yw person—

- (a) y mae asiantaeth fabwysiadu wedi penderfynu yn unol â rheoliad 34(1) o Reoliadau Asiantaethau Mabwysiadu (Cymru) 2005 ei fod yn rhiant mabwysiadol addas i blentyn penodol,
- (b) y mae asiantaeth fabwysiadu wedi lleoli plentyn gydag ef ar gyfer ei fabwysiadu,

- (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

(1) O.S. 2005/1313 (Cy. 96). a ddiwgiwyd gan O.S. 2009/1892, 2012/1905 (Cy. 232) a 2014/852; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(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.

- (c) sydd wedi rhoi hysbysiad o dan adran 44 o Ddeddf 2002 o'i fwriad i wneud cais am orchymyn mabwysiadu ar gyfer plentyn,
- (d) sydd wedi mabwysiadu plentyn, neu
- (e) sydd wedi mabwysiadu plentyn sydd wedi cyrraedd 18 oed ar ôl hynny,

ond nid yw'n cynnwys person sy'n llys-riant i'r plentyn neu'n rhiant geni i'r plentyn neu a oedd yn llys-riant i'r plentyn cyn iddo fabwysiadu'r plentyn.

Gwasanaethau cymorth mabwysiadu

3.—(1) At ddibenion adran 2(6)(b) o Ddeddf 2002 mae'r gwasanaethau a ganlyn wedi eu rhagnodi fel gwasanaethau cymorth mabwysiadu—

- (a) cynhorthwy i rieni mabwysiadol, plant mabwysiadol, a phersonau perthynol mewn perthynas â threfniadau ar gyfer cyswllt rhwng plentyn mabwysiadol a rhiant geni neu berson perthynol i'r plentyn mabwysiadol;
- (b) gwasanaethau y gellir eu darparu mewn perthynas ag anghenion therapiwtig plentyn mewn perthynas â mabwysiadu'r plentyn;
- (c) cynhorthwy at ddiben sicrhau bod y berthynas rhwng plentyn a rhiant mabwysiadol y plentyn yn parhau, gan gynnwys—
 - (i) hyfforddiant ar gyfer y rhiant mabwysiadol at ddiben diwallu unrhyw anghenion arbennig y plentyn sy'n codi o'r mabwysiad hwnnw, a
 - (ii) yn ddarostyngedig i baragraff (3), gofal seibiant;
- (d) cynhorthwy pan amharwyd ar drefniant neu leoliad mabwysiadu neu pan fo perygl y bydd hynny yn digwydd, gan gynnwys—
 - (i) cyfryngu, a
 - (ii) trefnu a chynnal cyfarfodydd i drafod achosion o amharu ar fabwysiadau neu leoliadau;
- (e) cynhorthwy i bersonau mabwysiedig sydd wedi cyrraedd 18 oed i gael gwybodaeth mewn perthynas â'u mabwysiad neu i hwyluso cyswllt rhwng y personau hynny a'u perthnasau;
- (f) cynhorthwy i berthnasau personau mabwysiedig sydd wedi cyrraedd 18 oed i gael gwybodaeth mewn perthynas â'r mabwysiad hwnnw neu i hwyluso cyswllt rhwng y personau hynny a'r person mabwysiedig;

- (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 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) gwasanaethau i alluogi grwpiau o blant mabwysiadol, rhieni mabwysiadol a rhieni geni neu gyn-warcheidwaid plentyn mabwysiadol i drafod materion sy'n ymwneud â mabwysiadu.

(2) At ddibenion paragraff (1)(e) ac (f), ystyr "perthynas" yw unrhyw berson a fyddai, oni bai am ei fabwysiad, yn perthyn i'r person mabwysiedig drwy waed, gan gynnwys hanner gwaed neu briodas.

(3) At ddibenion paragraff (1)(c)(ii), rhaid i ofal seibiant sy'n darparu llety fod yn llety a ddarperir gan neu ar ran awdurdod lleol o dan adran 81 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1) neu gan sefydliad gwirfoddol o dan adran 59 o Ddeddf Plant 1989(2).

(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

Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol o dan awdurdod y Gweinidog Iechyd a
Gwasanaethau Cymdeithasol, un o Weinidogion
Cymru
17 Chwefror 2019

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Deputy Minister for Health and Social Services under
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(1) 2014 decc 4.
(2) 1989 c. 41.

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

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