

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 5 – WELFARE OF CHILDREN

Section 98: Arrangements for living with former foster parents after reaching adulthood

412. This section inserts a new section 23CZA into the Children Act 1989. New section 23CZA sets out what constitutes a staying put arrangement, the duties placed on local authorities for the duration of the arrangement and the conditions that underpin the support from the local authority. Section 23CZA(2) provides that a staying put arrangement is one where the young person is someone who was in care immediately prior to their 18th birthday as an eligible child, and that person continues to reside with their former foster carer once they turn 18.
413. So long as the arrangement is consistent with the welfare of the young person, the local authority is required to provide advice, assistance and support to them and their former foster parent to support the maintenance of the arrangement. The local authority is also required to monitor the arrangement (section 23CZA(3)).
414. The support provided to the former foster carer must include financial support (section 23CZA(4)).
415. *Subsection (3)* inserts a new paragraph 19BA into Schedule 2 to the Children Act 1989 which places a duty on local authorities to determine once the child becomes an eligible child, the appropriateness of working towards facilitating a future staying put arrangement.
416. These duties will continue until the young person reaches the age of 21 unless either they or their former foster parent decides to end the arrangement sooner.