



Department of
Health

www.health-ni.gov.uk

NEW LAWS ABOUT ADOPTION HERE



Young person's version





What's it all about?

The Department of Health is in charge of making sure that all children here are well cared for and grow up safely. Usually children live with their families but sometimes, for all sorts of reasons, that is not possible. When this happens the Department of Health makes sure that children are brought up with other family members, or in a care home, or in a foster home. When it is clear that a child will never be able to live with their birth parents we think about adoption.



Adoption gives a child a new family when living with their own family is not possible.

An Adoption Order cuts all legal ties with the first mother and father (the birth parents) and gives rights and responsibilities to the new adoptive parents. The birth parents no longer have any legal rights over the child.



The child becomes a full member of their new family taking on their surname and having the same rights as if they had been born into the family.

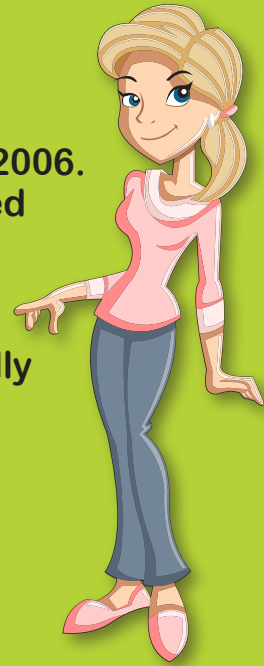
The law on adoption in the north of Ireland hasn't been changed for some years. We now want to bring it up to date so that it matches developments in other areas and to make sure that more children can benefit from an adoption system that is good quality and provides the necessary support for everyone involved.



We asked people for their thoughts about adoption in 2006. Based on what they said, we prepared a new law, called the Adoption and Children Bill.

However, some things have changed since then so there are more ideas we want to ask about before finally making this new law.

This booklet sets out our ideas.



We want to hear what YOU think of our ideas.

Where possible please tell us the reasons behind your thinking.

You can contact us, by 10th April 2017 at:
adoption@health-ni.gov.uk



Our ideas

1

It is important that all the systems for things like adoption and fostering are checked regularly by an independent organisation to make sure that good decisions are being made and that children's rights are protected.

In the north of Ireland we already have an organisation called the Regulation and Quality Improvement Authority (RQIA) - and we have advocacy services to speak up for children in care - so there are protections already in place here.

What do you think?

Should we set up a new review service by law or allow flexibility for our Trusts to make sure the work is done under their own systems?



2

In some other places the law provides for Adoption Support Services dedicated to supporting people involved in adoption. They also have Adoption Support Advisers who provide advice and information to people who may be affected by adoption and who make sure that staff have good plans and work well with other agencies.

We don't think we need to make a law to do the same thing here for two reasons. First of all there are not many people living here - and so there are fewer adoptions. Secondly, it is hard to justify setting up separate organisations to provide adoption support only. We already have a number of organisations here who provide adoption support - we will make sure that they also provide advice and information.

What do you think?

Should we have Adoption Support Advisers here?



3

In some places the law says that local authorities must provide adoption support services, if they are needed, to: people who are or may have been adopted, adoptive parents, people who are trying to adopt and birth families.

What do you think?

Should we make a law that services must be provided when they are needed?

If we do - should the support be for everyone?

If not for everyone - who should be able to get support?



4

Adoption isn't always an option for children. You can also have something that isn't quite adoption (it doesn't cut off the link with birth parents) but is more secure than other types of care - it is called Special Guardianship.

It can work in some cases e.g. when there is a really strong relationship with foster carers and the child no longer needs to be "in care"; or for children who need secure homes but their parents live overseas and can't come here.

With Special Guardianship, children get more security and the family they are with can get support services - including financial support if that is needed.

We want to bring Special Guardianship in here but we want to do some things to make it better.

We could make sure that Special Guardianship only happens after the child has been living with the family for a certain amount of time.

We could make a law saying that an independent panel of experts, like the panel that decides if adoption is best for a child, will decide if Special Guardianship is the best option for the child.

What do you think?

Should we make sure that the child has been living with the family for a certain amount of time before Special Guardianship is agreed?

Should we make a law saying that an independent panel of experts will decide if Special Guardianship is the best option for the child?



5

Courts look at the child's care plan before deciding what should happen to a child. We want to make the court look only at the part of the care plan that is about the child's long term future.

What do you think?

Should courts only have to look at the part of the care plan that is about the child's long term future?



6

Sometimes Trusts provide accommodation for young people with disabilities so that they can have a short break. This involves taking the young person "into care" of the Trust during their break. We want to change this.

What do you think?

Should we be able to provide short breaks for children with disabilities without having to take them "into care"?



7

Sometimes Trusts are able to help families who are in need by giving them some cash - but the law says this should only happen in exceptional circumstances. We feel this sometimes prevents Trusts from helping families and that we should be able to give cash payments more often - if money is really needed to help the family.



What do you think?

Should we change the law so that Trusts can give cash payments to families who really need them?

8

We know that children in care here do less well at school than other children. We want Trusts to do more to help children in care with their education.

We also want Trusts to make sure that the child's education or training is not disrupted if they have to change where they live while they are in care.

Children in care have Personal Education Plans which focus on all aspects of their education. The child's hopes and views are an important part of the plan. Everyone involved with the child e.g. teachers, parents and social workers help make the plan work.

We are thinking of making Personal Education Plans part of the law here.

What do you think?

Should we make a law that says Trusts should do more to help children in care with their education and to make sure that their education or training is not disrupted?"

Should we make Personal Education Plans part of the law here?

Are there other ways we can help children in care to do better at school?



9

Trusts are expected to make sure that children in care can have contact with their birth parents. Yet, sometimes the courts tell Trusts not to allow contact because it would not be in the child's best interests. We need to change the law to make it absolutely clear that the safety and well being of the child comes first in any decisions about contact.



What do you think?

Should Trusts no longer have to support contact when a court has already refused permission for a parent to be in contact with a child in care?

10

When a child has been adopted it is up to the new family to decide whether or not to allow contact with the birth family. The birth family can go to court and ask for a contact order to make the adoptive family agree to contact - although this rarely happens.

Sometimes the birth family can force contact with the adopted child and their new family. This may not be in the child's best interests.

We want to make a new "no contact order" - this will allow adoptive parents to get a court order that prevents unwanted, contact between the adopted child and the birth family.



What do think?

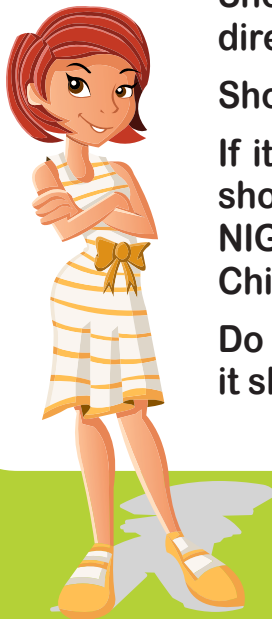
Do you agree that we should have both "contact orders" and "no contact orders"?



The Northern Ireland Guardian Ad Litem Agency (NIGALA) provides people to speak up for young people during court cases to do with care and adoption. They are called Guardians Ad Litem (GALs). We want the Agency to be able to act as the GALs employers.

The Voice Of Young People In Care - which is an organisation that supports and speaks out for young people in care - asked young people what they think of the name "Guardian Ad Litem". The young people suggested that it should be changed to "Children's Court Guardian". This means that NIGALA would become the "Northern Ireland Children's Court Guardian Agency".

What do think?



Should NIGALA be able to employ GALs directly?

Should the name Guardian Ad litem be kept?

If it should be changed, do you agree that it should be "Children's Court Guardian" (and NIGALA will become the "Northern Ireland Children's Court Guardian Agency")?

Do you have any other suggestions for what it should be called?



12

Fostering panels are groups of professionals and ordinary people involved in fostering. They make decisions about who should be allowed to foster children. We want to make a law to cover what they do.

It is also important that the way they are run and the decisions they make can be independently checked. We think this checking system should be the same as the new checking system for adoption decisions.

What do you think?

Should we make a law to cover the operation of fostering panels?

Should their decisions be independently checked?



13

People who adopt or are hoping to adopt children should get information about

the support services they are entitled to.

We want to make a law to make sure that Trusts provide this information. They could provide the information themselves or pay another agency to do it for them.

What do you think?

Should we make a law to make sure that Trusts provide information about adoption support services?



14

Voluntary organisations like Barnardo's used to provide accommodation to children on their own - without the Trust being involved. We had laws to cover this. Now, when a child needs accommodation, the child is looked after by the Trust and it decides where the child is going to live so these laws are no longer necessary. We want to end the old laws.

What do you think?

Should we end the laws about voluntary organisations that are no longer needed?



15

People who have been adopted sometimes want to find out about and possibly make contact with their birth relatives. If they have no information there is an agency that acts as a "go between" to find out if their birth family is willing to be contacted.

We want to change the law so that the children or grandchildren of someone who was adopted can also go to the agency for help in finding out about the birth family.

What do you think?

Should we make a law to allow the children or grandchildren of an adopted person to ask for help from the agency that may have information about the birth family?



16

People who want to adopt a child have to go through a process which includes going to court. This can take a very long time. Sometimes Trusts can be clear that it is best for a child to be adopted by particular parents. While waiting for the adoption to go through, the parents can apply to foster the child, which is a quicker process. This is called dual approval (the parents are approved as both foster and adoptive parents at the same time).

We want to make a law to make sure that adoption agencies consider placing children with carers who have dual approval.



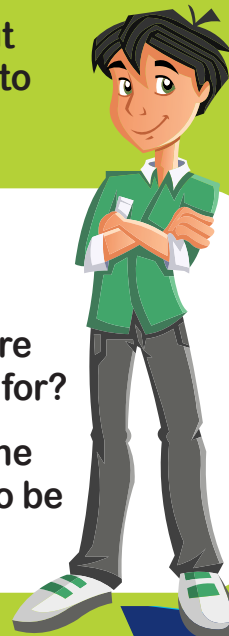
What do you think?

Should we make a law to make sure that adoption agencies consider placing children with carers who have dual approval?

17

Sometimes children are fostered through private arrangements rather than through Trusts. These children are not “looked after children” however, Trusts still have a duty to make sure these children are being well looked after. We want to give Trusts more powers to make sure that children in private fostering are well cared for.

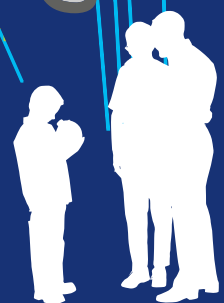
We also want to give Trusts the power to check out the situation of children who they know are going to be privately fostered.



What do you think?

Should we give Trusts more powers to make sure that children in private fostering are well cared for?

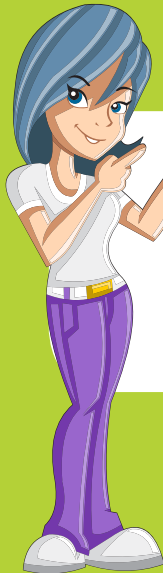
Should we give Trusts the power to check out the situation of children who they know are going to be privately fostered?



18

In the north of Ireland we have a database with information about all the children here who are suitable for adoption. In other places people who have been approved as adoptive parents can search a database to see if there might be a child who they would like to think about adopting.

We don't think this would be a good thing to do in the north of Ireland because we are such a small place that it might be easy to identify individual children. But we want to know what you think before we make a final decision.



What do you think?

Should we allow people who have been approved for adoption in north of Ireland to search a database of children who are suitable for adoption here?

19

Kinship carers are relatives or friends who have agreed to look after a child full-time. We want to change the law to improve the support kinship carers can get. The support will be given to families who are having difficulties, and the type of support will depend on the families circumstances. Providing good support to kinship carers could help to stop a child becoming looked after.

What do you think?

Should we change the law so that kinship carers can get more support?



20

In some places the organisations who are responsible for children in care (like Trusts here) are sometimes called the "Corporate Parent". This is to underline that they should be like a parent to the child. We are thinking of putting the idea of a Corporate Parent into law. The law will say that the Corporate Parent must:

- Act in the child's best interests and make sure they are healthy and well
- Encourage the child to express their feelings and views



- Listen to and act on the child's views
- Help them get the best services
- Work to get the best results for the child
- Help the children to stay safe, and to have good homes, friendships, education and jobs
- Help prepare the children to live independently



What do you think?

Should we have a law about Corporate Parents here?

21

In the north of Ireland young people can get leaving and aftercare services until they are 21 years old. A scheme called "Going the Extra Mile" supports some young people to stay with foster families until they are they are at least 21.

In some places care leavers are supported up to the age of 25 years old, if the young person wants that.

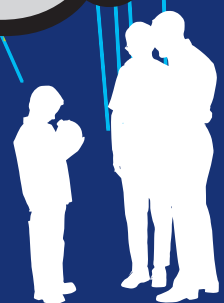
What do you think?

Should we put the Going the Extra Mile scheme into law?
Should we provide support to care leavers up to the age of 25 if they want it?



And finally
do YOU have any ideas about
how we can improve
adoption and children's
legislation
in north of Ireland?

**Thank you
for your help!**





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