



ADOPTION SUPPORT SERVICES REGULATIONS 2024

Index

Regulation	Page
PART 1 – INTRODUCTION	3
1 Title	3
2 Commencement	3
3 Interpretation.....	3
PART 2 – PROVISION OF INFORMATION	5
4 Circumstances in which information need not be provided	5
PART 3 – PROVISION OF ADOPTION SUPPORT SERVICES	6
5 Prescribed services.....	6
6 Persons to whom adoption support services must be extended	6
7 Adoption support services adviser	7
PART 4 – PROVISION OF FINANCIAL SUPPORT	8
8 Circumstances in which financial support is payable	8
9 Payment of financial support.....	9
10 Cessation of financial support	9
11 Conditions.....	9
PART 5 – ASSESSMENTS AND PLANS	10
12 Request for assessment	10
13 Procedure for assessment	11
14 Assessment for financial support	11
15 Plan	12
16 Notice of proposal to provide adoption support services	12
17 Notification of decision as to adoption support services.....	13
PART 6 – REVIEWS	14
18 Reviews: general procedure	14
19 Review of financial support payable periodically	14
PART 7 – MISCELLANEOUS	15
20 Urgent cases.....	15

21	Notices	15
22	Recovery of expenses by another Department or a Statutory Board from the Department.....	16
ENDNOTES		17
TABLE OF ENDNOTE REFERENCES		17



Statutory Document No. 2024/0156



Adoption Act 2021

ADOPTION SUPPORT SERVICES REGULATIONS 2024¹

Laid before Tynwald: 19 June 2024
Coming into Operation in accordance with regulation 2

The Department of Health and Social Care makes the following Regulations under sections 5(3) and (4), 13, 14 and 125(1) of the Adoption Act 2021.

PART 1 – INTRODUCTION

1 Title

These Regulations are the Adoption Support Services Regulations 2024.

2 Commencement

These Regulations come into operation immediately upon the coming into operation of sections 5, 13, 14 and 125 of the Act.¹

3 Interpretation

(1) In these Regulations —

“**the Act**” means the Adoption Act 2021;

“**adoptive child**” means —

(a) a child who has been adopted or in respect of whom a person has given notice of their intention to adopt under section 27 of the Act;
or

(b) a child whom an adoption agency has matched with a prospective adopter or placed for adoption;

“**adoptive parent**” means —

¹ Under section 123(1) of the Adoption Act 2021 these Regulations are subject to section 32 of the Legislation Act 2015 (negative procedure). Section 71 of the Interpretation Act 2015 allows a power in an Act to make a public document to be exercised notwithstanding that that enabling power has not yet commenced. By virtue of section 71(4) of the Interpretation Act 2015, any public document so made cannot commence before the enabling power is itself commenced.

- (a) a person who has adopted a child or has given notice under section 27 of the Act of their intention to adopt a child; or
- (b) a person with whom an adoption agency has matched a child or has placed a child for adoption;

“agency adoptive child” means —

- (a) a child who has been adopted after having been placed for adoption by an adoption agency;
- (b) a child whom an adoption agency has matched with a prospective adopter or placed for adoption; or
- (c) a child whose adoptive parent has been an official foster parent, within the meaning of section 102 of the Children and Young Persons Act 2001, in relation to them (unless the Department opposes the adoption);

“child” means (subject to paragraph (2)) a person who has not attained the age of 18;

“incapacity benefit” means incapacity benefit under Part II of the Social Security Contributions and Benefits Act 1992² as that Act of Parliament is applied to the Island³;

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992 as that Act of Parliament is applied to the Island;

“jobseeker’s allowance” means jobseeker’s allowance under the Jobseekers Act 1995⁴ as that Act of Parliament is applied to the Island⁵;

“related person” in relation to an adoptive child (“A”) means —

- (a) any person who (but for A’s adoption) would be related to A by blood (including half-blood), marriage or civil partnership; or
- (b) any person with whom A has a relationship which appears to the Department to be beneficial to the welfare of A having regard to the matters referred to in paragraphs (a) to (c) of section 16(5) of the Act.

(2) In any case where —

- (a) a person has attained the age of 18 years and is in full-time education or training; and
- (b) immediately before they attained the age of 18 years —
 - (i) they were an adoptive child; and
 - (ii) financial support was payable in relation to them,

² 1992 c.4.

³ See SD 505/94.

⁴ 1995 c.18.

⁵ See SD 8/96.

the definition of “child” shall, for the purposes of the continued provision of financial support and any review of financial support, have effect in relation to the person as if they had not attained the age of 18 years.

- (3) For the purposes of these Regulations a child has been matched with a prospective adopter if an adoption agency is considering placing the child for adoption with that person.

PART 2 – PROVISION OF INFORMATION

4 Circumstances in which information need not be provided

- (1) The Department is not required to provide information specified in, or prescribed under, section 14(2) of the Act to a person who –
 - (a) has already received that information from the Department within the preceding twelve months and the information has not changed substantively in that time; or
 - (b) has informed the Department that they do not want to receive that information,

unless the Department is satisfied that there are valid reasons for providing the information.

- (2) Where –
 - (a) a person listed in section 14(1)(a) of the Act makes a request for information about adopting a child; or
 - (b) a person listed in section 14(1)(d) of the Act makes a request for any of the information listed in section 14(2) of the Act,

and the Department refuses that request, the Department must give that person reasons for its refusal.

- (3) Where a person who is a parent of an adopted child requests any information listed section 14(2) of the Act and that information is about a particular adoption support service, the Department must –
 - (a) ask that person if they would like any of the other information listed in section 14(2) of the Act; and
 - (b) if appropriate, only provide information about the particular adoption support service requested.

PART 3 – PROVISION OF ADOPTION SUPPORT SERVICES

5 Prescribed services

- (1) For the purposes of section 13(1)(b) of the Act the following services are prescribed as adoption support services (in addition to counselling, advice and information) –
- (a) financial support payable under Part 4;
 - (b) services to enable groups of adoptive children, adoptive parents and natural parents or former guardians of an adoptive child to discuss matters relating to adoption;
 - (c) assistance, including mediation services, in relation to arrangements for contact between an adoptive child and a natural parent, natural sibling, former guardian or a related person of the adoptive child;
 - (d) services in relation to the therapeutic needs of an adoptive child;
 - (e) assistance for the purpose of ensuring the continuance of the relationship between an adoptive child and their adoptive parent, including –
 - (i) training for adoptive parents for the purpose of meeting any special needs of the child; and
 - (ii) subject to paragraph (3), respite care;
 - (f) assistance where disruption of an adoptive placement, or of an adoption arrangement following the making of an adoption order, has occurred or is in danger of occurring, including –
 - (i) making arrangements for the provision of mediation services; and
 - (ii) organising and running meetings to discuss disruptions in such placements or arrangements.
- (2) The services prescribed in paragraph (1) do not include any services that might be provided in the case of an adoption of a child by their natural parent or the partner of their natural parent.
- (3) For the purpose of paragraph (1)(e)(ii) respite care that consists of the provision of accommodation must be accommodation provided by or on behalf of the Department.

6 Persons to whom adoption support services must be extended

- (1) This regulation prescribes, for the purposes of section 5(3)(a) of the Act, the description of persons to whom the provision of adoption support services must be extended.
- (2) Counselling, advice and information must extend to –

- (a) children who may be adopted, their parents and guardians;
 - (b) persons wishing to adopt a child;
 - (c) adopted persons, their parents, natural parents, and former guardians;
 - (d) children of adoptive parents (whether adopted or not);
 - (e) children who are natural siblings (whether full or half-blood) of an adoptive child;
 - (f) related persons in relation to adoptive children.
- (3) Financial support under Part 4 must extend to an adoptive parent of an agency adoptive child.
- (4) The services mentioned in regulation 5(1)(b) (services to enable discussion) must extend to —
- (a) an adoptive parent of an agency adoptive child;
 - (b) an agency adoptive child;
 - (c) a natural parent or former guardian of an agency adoptive child.
- (5) The services mentioned in regulation 5(1)(c) (contact) must extend to —
- (a) an adoptive parent of an agency adoptive child;
 - (b) an agency adoptive child;
 - (c) a child who is the natural sibling (whether full or half-blood) of an adoptive child.
 - (d) a natural parent, former guardian or related person in relation to an agency adoptive child.
- (6) The services mentioned in respect of regulation 5(1)(d) (therapeutic services) must extend to —
- (a) an agency adoptive child;
 - (b) an adoptive child in the case of a Convention adoption⁶.
- (7) The services mentioned in regulation 5(1)(e) to (f) (services to ensure the continuation of a relationship and services to assist in cases of disruption) must extend to —
- (a) a child mentioned in paragraph (6);
 - (b) an adoptive parent of such a child;
 - (c) a child of such an adoptive parent (whether adopted or not).

7 Adoption support services adviser

- (1) The Department must appoint a person (an “adoption support services adviser”) to carry out the functions specified in paragraph (2).
- (2) The functions of the adoption support services adviser are to —

⁶ See section 83(1)(b) of the Act for the meaning of “Convention adoption”

- (a) give advice and information to persons who may be affected by the adoption or proposed adoption of a child, including as to –
 - (i) services that may be appropriate to those persons; and
 - (ii) how those services may be made available to them; and
 - (b) give advice, information and assistance to the Department, including as to –
 - (i) the assessment of needs for adoption support services in accordance with Part 5;
 - (ii) the availability of adoption support services;
 - (iii) the preparation of plans required under section 13(7) of the Act.
- (3) The Department must not appoint a person as an adoption support services adviser unless it is satisfied that their knowledge and experience of –
- (a) the process of adoption; and
 - (b) the effect of the adoption of a child on persons likely to be affected by the adoption,
- is sufficient for the purposes of the work that they will perform.

PART 4 – PROVISION OF FINANCIAL SUPPORT

8 Circumstances in which financial support is payable

- (1) Financial support is payable under this Part to an adoptive parent for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made.
- (2) Such support is payable only in the following circumstances –
 - (a) where it is necessary to ensure that the adoptive parent can look after the child;
 - (b) where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
 - (c) where it is necessary for the Department to make any special arrangements to facilitate the placement or the adoption by reason of –
 - (i) the age or ethnic origin of the child; or
 - (ii) the desirability of the child being placed with the same adoptive parent as their brother or sister (whether of full or half-blood) or with a child with whom they previously shared a home;

- (d) where such support is to meet recurring costs in respect of travel for the purpose of visits between the child and a related person;
- (e) where the Department considers it appropriate to make a contribution to meet the following kinds of expenditure —
 - (i) expenditure on legal costs, including fees payable to a court in relation to an adoption;
 - (ii) expenditure for the purpose of introducing an adoptive child to their adoptive parent;
 - (iii) expenditure necessary for the purpose of accommodating and maintaining the child.

9 Payment of financial support

Financial support under this Part may be paid —

- (a) periodically, if it is provided to meet a need which is likely to give rise to recurring expenditure; or
- (b) in any other case, by a single payment or, if the Department and adoptive parent agree, by instalments.

10 Cessation of financial support

Financial support ceases to be payable to an adoptive parent if —

- (a) the child ceases to have a home with the adoptive parent;
- (b) the child ceases full-time education or training and commences employment;
- (c) the child qualifies for incapacity benefit, income support or jobseeker's allowance in their own right; or
- (d) the child attains the age of 18 unless they continue in full-time education or training, when it may continue until the end of the course or training they are then undertaking.

11 Conditions

- (1) For the purpose of this regulation "P" means an adoptive parent or, in the case of adoption by a couple, each adoptive parent.
- (2) Where financial support is to be paid periodically, it is not payable until P has agreed to the following conditions —
 - (a) that P will inform the Department immediately if —
 - (i) the child changes their address;
 - (ii) the child dies;
 - (iii) any of the changes mentioned in regulation 10 (cessation of financial support) occurs; or

- (iv) there is a change in P's financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to P,
and, where the information is given orally, that P will confirm it in writing within seven days;
- (b) that P will complete and supply the Department with an annual statement as to the following matters –
 - (i) P's financial circumstance;
 - (ii) the financial needs and resources of the child;
 - (iii) P's address and whether the child still has a home with P.
- (3) The Department may provide financial support subject to any other conditions it considers appropriate, including the timescale within which and purposes for which any payment of financial support should be utilised.
- (4) Subject to paragraph (5), where any condition imposed in accordance with this regulation is not complied with, the Department may –
 - (a) suspend or terminate payment of financial support; and
 - (b) seek to recover all or part of the financial support it has paid.
- (5) Where the condition not complied with is a failure to provide an annual statement in accordance with an agreement referred to in paragraph (2), the Department shall not take any steps under paragraph (4) until –
 - (a) it has sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and
 - (b) 28 days have expired since the date on which that notice was sent.

PART 5 – ASSESSMENTS AND PLANS

12 Request for assessment

- (1) The following persons are prescribed for the purposes of section 13(3)(d) of the Act (persons at whose request an assessment must be carried out) –
 - (a) a child of an adoptive parent (whether adopted or not);
 - (b) a child who is the natural sibling (whether full or half-blood) of an adoptive child;
 - (c) a related person in relation to an adoptive child.
- (2) Where the request of a person falling within paragraphs (a) to (c) of section 13(3) of the Act or paragraph (1) for an assessment relates to a particular adoption support service, or it appears to the Department that the person's needs for adoption support services may be adequately assessed by reference to a particular adoption support service, the Department may carry out the assessment by reference only to that service.

- (3) In assessing a person's needs for adoption support services the Department is not required to assess the person's need for a service if that person is not within the description of persons to whom provision of the service must be extended by virtue of regulation 6.

13 Procedure for assessment

- (1) Where the Department carries out an assessment of a person's needs for adoption support services it must have regard to such of the following considerations as are relevant to the assessment —
 - (a) the needs of the person being assessed and how these might be met;
 - (b) the needs of the adoptive family and how these might be met;
 - (c) the needs, including developmental needs, of the adoptive child and how these might be met;
 - (d) the parenting capacity of the adoptive parent;
 - (e) wider family and environmental factors;
 - (f) in the case of a child who is, or was, placed for adoption or matched for adoption, the circumstances that led to the child being so placed or matched; and
 - (g) any previous assessment of needs for adoption support services undertaken in relation to the person in question.
- (2) In paragraph (1) "adoptive family" means the family consisting of the adoptive child, the adoptive parents and any other child of the adoptive parents (whether or not adopted).
- (3) The Department must —
 - (a) where it considers it appropriate to do so, interview the person and, where the person is an adoptive child, their adoptive parents; and
 - (b) prepare a written report of the assessment.

14 Assessment for financial support

- (1) This regulation applies where the Department carries out an assessment of a person's needs for financial support.
- (2) In determining the amount of financial support, the Department must take account of any other grant, benefit, allowance or resource which is available to the person in respect of their needs as a result of the adoption of the child.
- (3) Subject to paragraph (4) the Department must also take account of the following considerations —
 - (a) the person's financial resources, including any benefit, which would be available to them if the child lived with them.

- (b) the amount required by the person in respect of their reasonable outgoings and commitments (excluding outgoings in respect of the child);
 - (c) the financial needs and resources of the child.
- (4) The Department must disregard the considerations in paragraph (3) where it is considering providing financial support in respect of —
- (a) legal costs, including fees payable to a court, where an adoption order is applied for in respect of an agency adoptive child; or
 - (b) expenditure for the purpose of introducing an agency adoptive child to their adoptive parents.

15 Plan

- (1) This regulation applies in relation to the requirement in section 13(7) of the Act for the Department to prepare a plan in accordance with which adoption support services are to be provided.
- (2) The Department must prepare a plan if they propose to provide adoption support services to a person on more than one occasion and the services are not limited to the provision of advice or information.
- (3) The Department must nominate a person to monitor the provision of the services in accordance with the plan.

16 Notice of proposal to provide adoption support services

- (1) Before making any decision under section 13(6) of the Act as to whether to provide adoption support services, the Department must allow the person an opportunity to make representations in accordance with this regulation.
- (2) The Department must first give the person notice of the proposed decision and the time allowed for making representations.
- (3) The notice must contain the following information —
 - (a) a statement as to the person's needs for adoption support services;
 - (b) where the assessment relates to the person's need for financial support, the basis upon which financial support is determined;
 - (c) whether the Department proposes to provide the person with adoption support services;
 - (d) the services (if any) that are proposed to be provided to the person;
 - (e) if financial support is to be paid to the person, the proposed amount that would be payable; and
 - (f) any proposed conditions under regulation 11(3).

- (4) In a case where the Department proposes to provide adoption support services and are required to prepare a plan under section 13(7) of the Act, the notice must be accompanied by a draft of that plan.
- (5) The Department shall not make a decision until —
 - (a) the person has made representations to the Department or notified the Department that they are satisfied with the proposed decision and, where applicable, the draft plan; or
 - (b) the period of time for making representations has expired.

17 Notification of decision as to adoption support services

- (1) After making its decision under section 13(6) of the Act as to whether to provide adoption support services to a person, the Department must give the person notice of that decision, including the reasons for it.
- (2) Where the Department is required to prepare a plan under section 13(7) of the Act, the notice must include details of that plan and the person nominated under regulation 15(3).
- (3) If the Department decides that financial support is to be provided, notice given under paragraph (1) must include the following information —
 - (a) the method of the determination of the amount of financial support;
 - (b) where financial support is to be paid in instalments or periodically —
 - (i) the amount of financial support;
 - (ii) the frequency with which the payment will be made;
 - (iii) the period for which financial support is to be paid;
 - (iv) when the first payment of financial support is to be made;
 - (c) where financial support is to be paid as a single payment, when the payment is to be made;
 - (d) where financial support is to be paid subject to any conditions imposed in accordance with regulation 11, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions;
 - (e) the arrangements and procedure for review, variation and termination of financial support;
 - (f) the responsibilities of —
 - (i) the Department under Part 6 (reviews); and
 - (ii) the adoptive parent pursuant to any agreement mentioned in regulation 11.

PART 6 – REVIEWS

18 Reviews: general procedure

- (1) This regulation applies where the Department provide adoption support services for a person other than financial support payable periodically.
- (2) The Department must review the provision of such services –
 - (a) if any change in the person’s circumstances which may affect the provision of adoption support services comes to its notice;
 - (b) at such stage in the implementation of the plan as it considers appropriate;
 - (c) in any event, at least annually.
- (3) Regulations 13 and 14 apply in relation to a review under this regulation as they apply in relation to an assessment under Part 5.
- (4) If the Department proposes to vary or terminate the provision of adoption support services to any person, before making any decision as a result of the review, it must give the person an opportunity to make representations and for that purpose it must give them notice of the proposed decision and the time allowed for making representations.
- (5) The notice must contain the information mentioned in regulation 16(3) and, if the Department proposes to revise the plan, a draft of the revised plan.
- (6) The Department shall, having regard to the review and after considering any representations received within the period specified in the notice –
 - (a) decide whether to vary or terminate the provision of adoption support services for the person; and
 - (b) where appropriate, revise the plan.
- (7) The Department must give the person notice of its decision (including the reasons for it) and, if applicable, details of the revised plan.

19 Review of financial support payable periodically

- (1) This regulation applies where the Department provides financial support payable periodically.
- (2) The Department shall review the financial support –
 - (a) annually, on receipt of the statement from the adoptive parent mentioned in regulation 11;
 - (b) if any relevant change of circumstances or any breach of a condition mentioned in regulation 11 comes to its notice;
 - (c) at any stage in the implementation of the plan that it considers appropriate.

- (3) In paragraph (2) a relevant change in circumstances is any of the changes that the adoptive parents has agreed to notify under regulation 11.
- (4) Regulations 13 and 14 apply in relation to a review under this regulation as they apply in relation to an assessment under Part 5.
- (5) If the Department proposes, as a result of the review, to reduce or terminate financial support or revise the plan, before making that decision the Department must give the person an opportunity to make representations and for that purpose it must give the person notice of the proposed decision and the time allowed for making representations.
- (6) But paragraph (5) does not prevent the Department from suspending financial support pending that decision.
- (7) The notice must contain the information mentioned in regulation 16(3) and, if applicable, a draft of the revised plan.
- (8) The Department must, having regard to the review, and after considering any representations received within the period specified in the notice –
 - (a) decide whether to vary or terminate payment of the financial support or whether to seek to recover all or part of any financial support that have been paid out; and
 - (d) where appropriate, revise the plan.
- (9) The Department must give the person notice of its decision including the reasons for it and, if applicable, the revised plan.

PART 7 – MISCELLANEOUS

20 Urgent cases

Where any requirement applicable to the Department under these Regulations in relation to carrying out an assessment, preparing a plan or giving notice would delay the provision of a service in a case of urgency, that requirement does not apply.

21 Notices

- (1) Any notice required to be given under these Regulations must be given in writing.
- (2) If the person to whom notice is to be given is a child and –
 - (a) it appears to the Department that the child is not of sufficient age and understanding for it to be appropriate to give the child such notice; or
 - (b) in all the circumstances it is not appropriate to give the child such notice,

the notice must be given to their adoptive parent or to the adult that the Department considers most appropriate.

22 Recovery of expenses by another Department or a Statutory Board from the Department

- (1) Subject to paragraph (2), where a Department other than the Department or a Statutory Board provides adoption support services to any person following a request under section 13(11) of the Act from the Department, the other Department or the Statutory Board may recover the expenses of providing those services from the Department.
- (2) Paragraph (1) shall not apply where the service provided by the other Department or the Statutory Board is advice or information under section 13(1)(a) of the Act.

MADE 10 MAY 2024

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.