

Contents

Preface	ix
Summary of main statutes, regulations, rules, guidance and standards	1
Abbreviations and terms used	12
A Parental responsibility and private family life	14
A1 Which birth parents have parental responsibility?	14
A2 Birth fathers without parental responsibility	15
A3 Guardians and parental responsibility	15
A4 Special guardians and parental responsibility	16
A5 Relatives and parental responsibility	16
A6 Step-parents and parental responsibility	17
A7 Other individuals and parental responsibility	17
A8 Parental responsibility and local authorities	18
A9 Parental responsibility and assisted conception or surrogacy	19
A10 Children's rights and parental responsibility	21
B Private arrangements for the care of children	22
B1 Caring for children at home	22
B2 Children at home alone	22
B3 Private fostering	22
B3.1 Notification to the local authority	23
B3.2 Welfare of privately fostered children	23
B4 Voluntary organisations	24
B5 Orders under the Children Act 1989	25
B5.1 Principles to be applied by the court	25
B5.2 Section 8 orders	26
B5.3 Child arrangements orders	26

B6	Special guardianship orders	29
B6.1	Who may apply for special guardianship orders?	29
B6.2	Notice to the local authority	30
B6.3	Local authority investigation and court report	30
B6.4	Special guardianship orders made on the court's own initiative	31
B6.5	Special guardianship support services	31
B6.6	Leaving care provisions and special guardianship	31
B7	Wardship and the inherent jurisdiction of the High Court	32
B8	Child abduction	32
B9	Obligation to maintain children financially	33
C	Local authority responsibilities to children and families	34
C1	The general duty of support for children in need	34
C2	Provision of services	34
C3	Accommodation	34
D	Child protection	36
D1	Duty to investigate	36
D2	Emergency protection order	36
D3	Interim care and supervision orders	38
D4	Police protection	39
D5	Child assessment orders	39
D6	Care and supervision orders	41
D6.7	Discharge of care order	43
D6.8	Discharge of supervision order	44
D6.9	Legal advice and representation for parents in court proceedings	44
D6.10	Representing the child in care proceedings	44
E	Children looked after by local authorities	46
E1	Powers and duties of local authorities	46
E2	Principles to be followed	47
E3	Care planning for looked after children	47
E3.1	Placement of looked after children	48
E4	Foster care for looked after children	48
E4.3	Independent fostering service providers	49
E4.4	Temporary approval of connected persons	50
E4.5	Temporary approval of prospective adopters	50

E5	Residential care of looked after children	51
E6	Contact for looked after children	51
E6.2	Contact and emergency protection orders	51
E6.3	Contact for children in care	52
E6.4	Orders for contact	52
E6.5	Refusal of contact	52
E7	Secure accommodation	53
E8	Children leaving care or ceasing to be looked after	53
F	Reviews of looked after children	54
F1	The first review	54
F2	Permanence planning	54
F3	Children who are looked after for short breaks	55
F4	Independent Reviewing Officers	55
F4.1	Problem-solving role for IROs	56
G	Representations, complaints and advocacy services for children	57
G2	Advocacy services and representations procedure	58
H	Adoption	59
H1	The welfare of the child is paramount	59
H2	The legal effect of an adoption order	59
H3	Prohibition of private placements	60
H4	Who can be adopted?	60
H5	Who can adopt?	60
H5.1	Age	60
H5.2	Adoption by a couple	61
H5.3	Adoption by one person	61
H5.4	Adoption by a step-parent	61
H5.5	Domicile or habitual residence	61
H5.6	Eligibility to adopt from overseas	62
H6	Adoptions arranged by adoption agencies	62
H6.1	Authorising placement for adoption	62
H6.2	Parental consent to placement for adoption – section 19	63
H6.3	Placement orders	64
H6.4	Legal consequences of authorisation to place	65

H7	Placement for adoption of a child under six weeks old	66
H8	Consent and dispensing with consent	67
H8.1	The meaning of parent or guardian in adoption law	67
H8.2	Birth fathers without parental responsibility	68
H8.3	Dispensing with parental consent to the making of an adoption order or a placement order	69
H9	The court procedure	69
H9.1	Children as parties to proceedings	69
H9.2	The confidentiality of applicant adopters	70
H9.3	The confidentiality of court reports	70
H9.4	Alternative court orders	70
H10	Contact and adoption	71
H10.1	Agency adoption placements	71
H10.2	Contact after adoption	71
H11	Non agency adoptions	72
H11.1	Step-parent adoption	72
H11.2	Applications to adopt by relatives and private foster carers	73
H11.3	Adoption by local authority foster carers	73
H11.4	Application following an unlawful private placement	74
H12	Intercountry adoption	74
H12.1	Adoption of children from abroad in the UK	74
H12.2	Removal of a child for the purposes of adoption from the UK	75
H13	Adoption support	75
H14	Birth records and contact between adult adopted people and birth relatives	76
H14.1	Access to birth records	76
H14.2	Disclosure of information to an adopted adult about his/her adoption	76
H14.3	Adoption Contact Register	77
H14.4	Intermediary services	77
	Further reading	78