

Subsidiary Legislation made under ss. 9(1), 40(1) and (2).

## **Adoption (Suitability of Adopters) Regulations 2024**

**LN.2024/049**

*Commencement*

**18.4.2024**

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### **ARRANGEMENT OF REGULATIONS**

#### Regulation

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*In exercise of the powers conferred on the Minister by sections 9(1), 40(1) and (2) of the Adoption Act 2023 and all other enabling powers, the Minister has made these Regulations-*

**Title.**

1. These Regulations may be cited as the Adoption (Suitability of Adopters) Regulations 2024.

**Commencement.**

2. These Regulations come into operation on the date of publication.

**Interpretation.**

3.(1) In these Regulations, “the Foreign Element Regulations” means the Adoption (Foreign Element) Regulations 2024.

(2) In these Regulations, unless the context otherwise requires, a reference to a regulation is to the regulation bearing that number in the Adoption (Care Agency) Regulations 2024.

**Making reports in respect of the suitability to adopt a child.**

4. Subject to regulation 6 of these Regulations, in making any report in respect of the suitability of any person to adopt a child in accordance with regulations 22(4) and 26(4), the matters to be taken into account by the Agency are-

- (a) any information obtained as a consequence of providing a counselling service for the prospective adopter in accordance with-
  - (i) regulation 18; or
  - (ii) regulation 15(1) of the Foreign Element Regulations;
- (b) any information obtained as a consequence of the preparation for adoption required in accordance with regulation 21;
- (c) any information received as a consequence of obtaining a criminal record certificate in accordance with regulation 20(1)(a) and (b);
- (d) the information about the prospective adopter obtained as a consequence of regulation 22(2);

- (e) in a case where regulation 13 of the Foreign Element Regulations applies, any additional information obtained about the prospective adopter as a consequence of regulation 16(4) of the Foreign Element Regulations; and
- (f) the written report-
  - (i) obtained from the registered medical practitioner about the health of the prospective adopter in accordance with regulation 22(3)(a); and
  - (ii) of each of the interviews with the persons nominated by the prospective adopter to provide personal references for the prospective adopter in accordance with regulation 22(3)(b).

**Determining the suitability to adopt a child.**

5.(1) Subject to regulation 6 of these Regulations, in determining the suitability of any person to adopt a child in accordance with regulation 24, the matters to be taken into account by the Agency are-

- (a) the prospective adopter's report prepared in accordance with regulation 22(4);
- (b) the written report obtained in accordance with regulation 22(3)(a);
- (c) the written report of each of the interviews in accordance with regulation 22(3)(b);
- (d) the recommendation of the adoption panel made in accordance with regulation 23(1);
- (e) any other relevant information obtained by the Agency as a consequence of regulation 23(2)(b); and
- (f) in a case of a person falling within regulation 13 of the Foreign Element Regulations, any additional information obtained as a consequence of regulations 13 to 35 of those Regulations.

(2) The Agency shall, in determining the suitability of a couple to adopt a child, have proper regard to the need for stability and permanence in their relationship.

**Cases in which a person is unlikely to be suitable to adopt a child.**

6. In a case where regulation 22(6) applies, the matters to be taken into account by the Agency in determining, or making any report in respect of, the suitability of any person to adopt a child may be limited to any information received under regulation 22(2) or (3), or other information

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received as a consequence of which the Agency is of the opinion that the prospective adopter is unlikely to be considered to be suitable to adopt a child.