

*These notes refer to the Children Act 2004 (c.31)  
which received Royal Assent on 15th November 2004*

# CHILDREN ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4 – Advisory and Support Services for Family Proceedings**

##### **Private fostering**

##### *Section 49: Payments to foster parents*

213. This section relates to payments made to foster carers in England and Wales.
214. *Subsection (1)* enables an order to be made making provision for the level of payments to be made to foster parents caring for looked after children placed with them by local authorities (including those with whom children are placed through independent fostering agencies) and to foster parents caring for children placed with them by voluntary organisations. *Subsection (2)* provides for such an order to be made by the Secretary of State in relation to England and by the Assembly in relation to Wales.
215. *Subsections (3) and (4)* amend the Children Act 1989 to ensure that the discretion given to local authorities and voluntary organisations to decide rates of payment to foster carers is subject to an order under this section.
216. *Subsection (4)* of section 66 provides that the first order by the Secretary of State making provision for payments to foster carers must be approved by resolution of both Houses of Parliament.