

WELSH STATUTORY INSTRUMENTS

2004 No. 1011

The Adoption Support Services (Local Authorities) (Wales) Regulations 2004

PROSPECTIVE

Amount of financial support

11.—(1) Any financial support payable is to be of such amount as the local authority determines in accordance with paragraphs (2) to (5).

(2) In determining the amount of financial support the local authority must take into account —

- (a) any recommendations, in relation to the adoptive parent or the adoptive child, made by the adoption panel to the local authority on a matter referred to in regulation 10(1)(a) or (c) of the 1983 Regulations;
- (b) the financial resources available to the adoptive parents including child tax credit and any other financial benefit which would be available in respect of the child when adopted;
- (c) the amount required by the adoptive parents in respect of their reasonable outgoings and commitments (excluding outgoings in respect of the child); and
- (d) the financial needs and resources of the child;
- (e) expenditure for the purposes of facilitating the placement of the child with the adoptive parents for adoption, including —
 - (i) expenditure for the purpose of introducing the child to his or her adoptive parents;
 - (ii) initial expenditure necessary for the purpose for accommodating the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home where the child is accommodated, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child;
 - (iii) legal costs, including court fees payable to a court, in relation to the adoption of the child;
 - (iv) cost of equipment in relation to any special needs of the child;
 - (v) cost of damage or wear and tear in the home where the child is accommodated where such cost arises out of special behavioural difficulties of the child;
 - (vi) the cost of placing a child in a boarding school where the placement is necessary to meet the special needs of the child;
 - (vii) the cost of meeting the special needs of the child, including needs arising out of a serious disability or illness;
 - (viii) expenditure on travel for the purpose of visits between the child and persons referred to in regulation 3(1)(c).

(3) Except where paragraphs (4) and (5) apply, the financial support payable by the local authority must not include any element of remuneration for the care of the child by adoptive parents.

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Adoption Support Services (Local Authorities) (Wales) Regulations 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) This paragraph applies where —
- (a) the adoptive parent is or has been a foster parent in respect of the child;
 - (b) it appears to the local authority that any financial assistance or allowances given to the adoptive parent in respect of his or her fostering of the child has ceased or will cease;
 - (c) the local authority has decided in accordance with regulation 11(1) of the 1983 Regulations that the adoptive parent would be a suitable adoptive parent for the child; and
 - (d) before the adoption order is made the local authority decides to pay financial support and determines that such financial support is to be paid periodically.
- (5) This paragraph applies —
- (a) at any time until the day (“the second anniversary”) occurring two years after the date of the adoption order in respect of the child; and
 - (b) at any time after the second anniversary, in a case where any of the circumstances specified in regulation 10 (2)(a), (b), (e), (f) or (g) existed on the date on which the local authority decides, in accordance with paragraph (4)(d), to pay financial support.

Commencement Information

II Reg. 11 in force at 1.10.2004, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2005/1512 reg. 18\(1\)](#)
- reg. 11 coming into force by [S.I. 2004/1011 reg. 1\(1\)](#)