

Statutory Document No. 2002/0875

*Children and Young Persons Act 2001*

## PRIVATE FOSTERING (NOTIFICATION) REGULATIONS 2002<sup>1</sup>

*Approved by Tynwald:* 22 January 2003  
*Coming into Operation:* 1 February 2003

In exercise of the powers conferred on the Department of Health and Social Security by section 60(1) and (2) of the Children and Young Persons Act 2001<sup>1</sup>, and of all other enabling powers, the following Regulations are hereby made: —

### 1 Citation, commencement and interpretation

- (1) These Regulations may be cited as the Private Fostering (Notification) Regulations 2002 and, subject to section 104(2) of the Act, shall come into operation on 1<sup>st</sup> February 2003.
- (2) In these Regulations —  
“**the Act**” means the Children and Young Persons Act 2001;  
“**address**” includes a temporary address.

### 2 Notifications by prospective and actual foster parents

- (1) Any person who proposes to foster privately a child for whom he is not already caring and providing accommodation shall notify the Department not less than 6, nor more than 13, weeks before he receives the child, unless he receives him in an emergency.
- (2) A person who is privately fostering a child —
  - (a) whom he received in an emergency; or
  - (b) for whom he was already caring and providing accommodation when he became a foster child,shall notify the Department not more than 48 hours after the fostering arrangements began.
- (3) A notice under paragraph (1) or (2) shall specify —

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<sup>1</sup> 2001 c.20

- (a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;
  - (b) the name and address of the person giving the notice and any previous address within the last 5 years;
  - (c) the purpose and intended duration of the fostering arrangement;
  - (d) the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child was, or is to be, received;
  - (e) the name and address of any person, other than a person specified in sub-paragraph (d), who is involved directly or indirectly in making the fostering arrangement; and
  - (f) the intended date of the beginning of the fostering arrangement or, as the case may be, the date on which the arrangement actually began.
- (4) A person giving notice under paragraph (1) or (2) shall include in the notice particulars of —
- (a) any offence of which he has been convicted;
  - (b) any disqualification or prohibition imposed on him under section 58 or 59 of the Act or by virtue of section 5 of the Child Protection Act 1959<sup>2</sup>; and
  - (c) any such conviction, disqualification or prohibition imposed on any other person living in, or employed at, the same household.
- (5) Any person who is fostering a child privately shall notify the Department of —
- (a) any change in his address;
  - (b) any person who begins, or ceases, to be part of his household; and
  - (c) any further conviction, disqualification or prohibition as mentioned in sub-paragraphs (a) to (c) of paragraph (4).
- (6) A notice under paragraph (5) shall be given —
- (a) in advance if practicable; and
  - (b) in any other case, not more than 48 hours after the change of circumstances.

### 3 Notifications by former foster parents

- (1) Subject to paragraphs (2) and (3), any person who has been fostering a child privately, but has ceased to do so, shall notify the Department within 48 hours and shall include in the notice the name and address of the person into whose care the child was received.

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<sup>2</sup> XVIII p.1096

- (2) Where the reason for the ending of the fostering arrangement is the death of the child the foster parent shall notify forthwith the Department and also the person from whom the foster parent received the child.
- (3) Paragraph (1) shall not apply where the foster parent intends to resume the fostering arrangement after an interval of not more than 27 days but if —
  - (a) he subsequently abandons his intention; or
  - (b) the interval expires without his having given effect to his intention,he shall thereupon give notice to the Department within 48 hours of his abandoning that intention or the expiry of the interval, as the case may be.

#### **4 Other notifications**

- (1) Any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostered privately shall notify the Department not less than 6, nor more than 13, weeks before the fostering arrangement begins, unless the fostering arrangement is made in an emergency, in which case the notification shall be not more than 48 hours after the fostering arrangement begins.
- (2) A parent of a child, and any other person who has parental responsibility for the child, who knows that it is proposed that the child should be fostered privately shall notify the Department not less than 6, nor more than 13, weeks before the fostering arrangement begins, unless the fostering arrangement is made in an emergency, in which case the notification shall be not more than 48 hours thereafter.
- (3) Any notice under paragraph (1) or (2) shall specify —
  - (a) the information mentioned in regulation 2(3)(a) to (c);
  - (b) the arrangements for the care of any brother or sister of the child who is not included in the fostering arrangement;
  - (c) the name and address of any other person involved (whether or not directly) in the fostering arrangement;
  - (d) where the notice is given under paragraph (1), the relationship to the child of the person giving the notice and also the information specified in regulation 2(3)(d).
- (4) Any parent of a privately fostering child, and any other person who has parental responsibility for the child, shall notify the Department of —
  - (a) the ending of the fostering arrangement; and
  - (b) any change in his own address.

#### **5 Form of notifications**

Any notice required under regulations 4 to 6 shall be given in writing and may be sent by post.

**MADE**

**20 DECEMBER 2002**

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> 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.