

Statutory Document No. 2024/0152



Adoption Act 2021

SUITABILITY OF ADOPTERS REGULATIONS 2024¹

Approved by Tynwald: 19 June 2024
Coming into operation in accordance with regulation 2

The Department of Health and Social Care makes the following Regulations under sections 10(1) and 28(4) of the Adoption Act 2021.

1 Title

These Regulations are the Suitability of Adopters Regulations 2024.

2 Commencement

If approved by Tynwald¹, these Regulations come into operation immediately upon the coming into operation of sections 10 and 28 of the Adoption Act 2021².

3 Interpretation

In these Regulations, unless the context otherwise requires, a reference to a regulation is to the regulation bearing that number in the Adoption Agency Regulations 2024³.

4 Making reports in respect of the suitability to adopt a child

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 31(2) (the prospective adopter's report) and 35(4) (the prospective adopter's review report), the matters to be taken into account by an adoption agency are —

¹ By virtue of section 123(2)(b) of the Adoption Act 2021, these Regulations are subject to the "approval" Tynwald procedure, being the procedure described in section 30 of the Legislation Act 2015.

² Section 71 of the Interpretation Act 2015 allows a power in an Act to make a public document to be exercised notwithstanding that that enabling power has not yet commenced. By virtue of section 71(4) of the Interpretation Act 2015, any public document so made cannot commence before the enabling power is itself commenced.

³ SD 2024/0149.

- (a) any information obtained as a consequence of the preparation for adoption required in accordance with regulation 25 (requirement to provide counselling, information and preparation for adoption);
- (b) any information received as a consequence of obtaining an enhanced criminal record certificate in accordance with section 28(2) of the Adoption Act 2021 (suitability of adopters);
- (c) any information or reports obtained under regulation 24 (prospective adopter's case record); and
- (d) any information received as a consequence of the interviews in accordance with regulation 27(c) (other pre-assessment information).

5 Determining the suitability to adopt a child

- (1) Subject to regulation 6 of these Regulations, in determining the suitability of any person to adopt a child in accordance with regulation 33 (adoption agency decision and notification), the matters to be taken into account by an adoption agency are —
 - (a) the prospective adopter's report prepared in accordance with regulation 31(2) (the prospective adopter's report);
 - (b) the written report obtained in accordance with regulation 27(b) (medical report);
 - (c) the written report of each of the interviews in accordance with regulation 27(c) (personal references);
 - (d) the recommendation of the adoption panel made in accordance with regulation 32(1) (function of the adoption panel);
 - (e) any other relevant information obtained by the adoption agency as a consequence of regulation 32(2)(b); and
 - (f) the prospective adopter's support network.
- (2) For the purposes of paragraph (1)(f), support network may include family members and friends of the prospective adopter, including an adoption support group or others who have previously adopted, and any other persons deemed appropriate by the adoption agency.

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

In a case where regulation 31(3) applies, the matters to be taken into account by the adoption 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 27, or other information 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.

7 Matters to be taken into account in assessing whether a person poses a risk to a child

- (1) The matters to be taken into account by an adoption agency in assessing whether a person poses a risk to a child are whether that person or any member of that person's household aged 18 or over —
 - (a) has been convicted of a specified offence committed at the age of 18 or over;
 - (b) has been cautioned by a constable in respect of any such offence which, at the time the caution was given, was admitted; or
 - (c) has had a domestic abuse protection order made against them over the Domestic Abuse Act 2020.
- (2) In paragraph (1) “**specified offence**” has the meaning given in regulation 26(2) (person not to be considered suitable to adopt a child: specified offences, etc.).

MADE 10 MAY 2024

ENDNOTES

Table of Endnote References

¹ 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.