



STATUTORY INSTRUMENTS.

S.I. No. 170 of 2020

CHILD CARE (PLACEMENT OF CHILDREN IN FOSTER CARE)
(EMERGENCY MEASURES IN THE PUBLIC INTEREST - COVID-19)
(AMENDMENT) REGULATIONS 2020

CHILD CARE (PLACEMENT OF CHILDREN IN FOSTER CARE)
(EMERGENCY MEASURES IN THE PUBLIC INTEREST - COVID-19)
(AMENDMENT) REGULATIONS 2020

I, KATHERINE ZAPPONE, Minister for Children and Youth Affairs, in exercise of the powers conferred on me by sections 39 (as amended by section 75 of the Health Act 2004 (No. 42 of 2004)) and 68 of the Child Care Act 1991 (No. 17 of 1991) and the Child Care (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 488 of 2011), hereby make the following regulations:

1. (1) These Regulations may be cited as the Child Care (Placement of Children in Foster Care) (Emergency Measures in the Public Interest - Covid-19) (Amendment) Regulations 2020.

(2) The Principal Regulations and these Regulations may be cited together as the Child Care (Placement of Children in Foster Care) Regulations 1995 to 2020 and shall be construed together as one.

2. In these Regulations:

“Covid-19” has the same meaning as it has in the Emergency Measures in the Public Interest (Covid-19) Act 2020; and

“Principal Regulations” means the Child Care (Placement of Children in Foster Care) Regulations 1995 (S.I. No. 260 of 1995).

3. The Principal Regulations are amended by inserting after the definition of “authorised person” in Regulation 3 the following definition:

““Emergency period” means the period of three months commencing on the making of the Child Care (Placement of Children in Foster Care) (Emergency Measures in the Public Interest - Covid-19) (Amendment) Regulations 2020 (S.I. No. 170 of 2020).”.

4. The Principal Regulations are amended by inserting after Regulation 5 the following Regulation:

“Assessment of foster parents - emergency measures in the public interest – Covid-19.

5A. (1) Regulation 5 shall not apply for the duration of the emergency period.

(2) The Child and Family Agency shall establish and maintain one or more panels (“emergency placement foster care panel”) of persons who are willing to act as foster parents.

(3) The Child and Family Agency may, for the duration of the emergency period and having due regard to all public health notifications and obligations, place a person on a panel referred to in sub-paragraph (2) of this Regulation where:

(a) the following has been submitted to the Child and Family Agency:

(i) the names and addresses of two referees for the person seeking approval as a foster parent (“the applicant”) who are not related to the applicant and with whom the Child and Family Agency may consult as to the suitability of the applicant to act as a foster parent, and

(ii) an up-to-date vetting disclosure from An Garda Síochána, in respect of:

(A) each applicant, and

(B) each individual in the applicant’s household aged 16 years or over.

(b) an authorised person, following assessment, is satisfied as to the suitability of the applicant and the applicant’s home.

(c) a report in writing as to the suitability of the applicant has been considered by a committee established under sub-paragraph (4) of this Regulation and the committee is satisfied, having regard to the report and the information furnished to or obtained by the Child and Family Agency pursuant to this sub-paragraph, that they are suitable persons to act as foster parents on behalf of the Child and Family Agency.

(d) those persons have received appropriate advice, guidance and training in relation to the foster care of children.

(4) The Child and Family Agency shall establish one or more committees to examine applications from persons wishing to be placed

on a panel maintained by the Child and Family Agency under subparagraph (2) of this Regulation.

(5) A committee established under sub-paragraph (4) of this Regulation shall be composed of persons with expertise in matters affecting the welfare of children, including persons who have training or experience in relation to foster care.

(6) The membership of a committee established under subparagraph (4) of this Regulation may include persons who are not employees of the Child and Family Agency.

(7) Persons who apply to the Child and Family Agency to be placed on a panel maintained by the Child and Family Agency under subparagraph (2) of this Regulation shall be informed in writing by the Child and Family Agency of the outcome of their application.”.

5. The Principal Regulations are amended in Regulations 7, 8 and 9 by substituting “Regulation 5 or 5A, as appropriate,” for “Regulation 5” in each place where it occurs.

6. The Principal Regulations are amended by inserting the following Regulation after Regulation 17:

“Supervision and visiting of children – emergency measures in the public interest - Covid-19.

17A. (1) Regulations 17(1), (2) and (3) shall not apply for the duration of the emergency period.

(2) Subject to sub-paragraph (3), a child who has been placed in foster care by the Child and Family Agency shall be visited by an authorised person as often as the Child and Family Agency considers practicable, having regard to the plan for the care and upbringing of the child prepared by the Child and Family Agency under Regulation 11 of these Regulations and to any review of such plan pursuant to Regulations 18, 19 or 20 of these Regulations.

(3) Where a child has been placed in foster care by the Child and Family Agency, and:

(a) the Child and Family Agency has not previously placed a child with the foster carer in question, or

(b) the child is placed in accordance with this Regulation, that child shall be visited within 4 weeks of the commencement of such placement.

(4) Any visit to a child placed in foster care, referred to in subparagraph (2) or (3) shall, at all times, have due regard to all public health notifications and obligations.

(5) A child who has been placed in foster care by the Child and Family Agency shall be contacted by the Child and Family Agency as often as necessary, having regard to the plan for the care and upbringing of the child prepared by the Child and Family Agency under Regulation 11 of these Regulations and to any review of such plan pursuant to Regulations 18, 19 or 20 of these Regulations, but in any event—

(a) at intervals not exceeding three months during the period of two years commencing on the date on which the child was placed with the foster parents, and

(b) thereafter at intervals not exceeding six months.

(6) A child who was placed in foster care by the Child and Family Agency not earlier than two years before the commencement of these Regulations shall be contacted at intervals not exceeding three months until the second anniversary of the date of the placement and thereafter at intervals not exceeding six months.

(7) A child who was placed in foster care by the Child and Family Agency earlier than two years before the commencement of these Regulations shall be contacted at intervals not exceeding six months.”.

7. The Principal Regulations are amended in Regulations 13(2)(g) and 18(5)(b) by substituting “Regulation 17 or 17A, as appropriate,” for “Regulation 17” in each place where it occurs.

8. Nothing in these Regulations shall affect the assessment of a foster carer which commenced under Regulation 5 of the Principal Regulations immediately prior to the coming into operation of these Regulations.



GIVEN under my Official Seal,
12 May, 2020.

KATHERINE ZAPPONE,
Minister for Children and Youth Affairs.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations amend the Child Care (Placement of Children in Foster Care) Regulations 1995 to provide for the suspension of normal foster care approval processes, having regard to the obligations and restrictions required by the State for the safeguarding of public health, and to allow for the introduction, on a temporary basis, of a more flexible approval process. These Regulations also suspend the statutory time-periods for the visiting of children in foster care and allow for any visits required to take place in accordance with all public health notifications and obligations. In addition, contact must be maintained, outside of visits, by the Child and Family Agency with children in foster care, in accordance with the frequency set out in these Regulations.

These Regulations may be cited as the Child Care (Placement of Children in Foster Care) (Emergency Measures in the Public Interest - Covid-19) (Amendment) Regulations 2020.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2,
D02 DR67.

Tel: 076 110 6834
r-post: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2,
D02 DR67.

Tel: 076 110 6834
E-mail: publications@opw.ie

€ 3.00

