

Welsh Assembly Government

## **Consultation Document**

### **Children Act 2002**

Consequences of Case Law Following the Court of Appeal Decision in Re A (A Child) [2009] EWCA 41

Guidance on the use of paragraph 19(1) in Schedule 2 to the Children Act 1989 in placing a child with relatives abroad prior to adoption.

Date of issue: **2 July 2010**  
Responses by: **2 September 2010**

<b>Overview</b>	This is a consultation on the draft statutory guidance which will support a local authority planning to place a child who is subject to an interim care order or a final care order with relatives or closely connected persons abroad who are being considered as potential adopters, but where no decision has been made by the authority to place the child for adoption. The guidance deals specifically with applications to the court under paragraph 19(1) in Schedule 2 to the Children Act 1989.
<b>How to respond</b>	Consultation responses should be completed using the consultation response form at the back of the document or by completing the online form.
<b>Further information and related documents</b>	The Guidance should be read in conjunction with the Adoption Agencies (Wales) Regulations 2005 Guidance and Intercountry Adoption Guidance and Information on Processesq
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<b>Data Protection</b>	<p>How the views and information you give us will be used</p> <p>Any response you send us will be seen in full by Welsh Assembly Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Assembly Government staff to help them plan future consultations.</p> <p>The Welsh Assembly Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and</p>

address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Assembly Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

# WELSH ASSEMBLY GOVERNMENT GUIDANCE ON PLACING A CHILD IN CARE WITH RELATIVES ABROAD PRIOR TO A POSSIBLE ADOPTION <sup>1</sup>

## Summary

1. This Guidance will be issued by the Welsh Assembly Government under section 7 of the Local Authority Social Services Act 1970. Section 7 of the 1970 Act requires Welsh local authorities in carrying out their social services functions to act under the general guidance of the Welsh Assembly Government. This Guidance should be complied with by local authorities when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation.
2. The Guidance should be read in conjunction with the Adoption Agencies (Wales) Regulations 2005 Guidance and ~~the~~ Intercountry Adoption Guidance and Information on Processes ~~both~~ issued by the Welsh Assembly Government in 2006, Both Guidance documents are available at <http://wales.gov.uk/topics/childrenyoungpeople/publications/intercountryadoption/?lang=en> and <http://wales.gov.uk/topics/childrenyoungpeople/publications/adoptionguidance2005/?lang=en>
3. Corresponding Guidance on placing a child with relatives abroad prior to possible adoption was published in relation to England in March 2010 by the Department for Children, Schools and Families.

## Background

4. This Guidance follows the Court of Appeal decision in Re A (A Child) [2009] EWCA Civ 41 which held that the requirement under section 84(4) of the Adoption and Children Act 2002 (~~the~~ 2002 Act) for the child to have his or her home with the prospective adopters for 10 weeks before the court can make an order for parental responsibility under section 84(1) of that Act, could be partly or fully fulfilled by time spent with the prospective adopters in their home abroad. The Court of Appeal also held that a placement for

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<sup>1</sup> The Welsh Assembly Government comprises the First Minister, Welsh Ministers, Counsel General and the Deputy Welsh Ministers (s45 Government of Wales Act 2006)

assessment abroad which might lead to adoption was not a placement for adoption and was therefore a legitimate use of paragraph 19(1) of Schedule 2 to the Children Act 1989 (~~the 1989 Act~~).

5. This Guidance is to support a local authority planning to place a child who is subject to an interim care order or a final care order with relatives - or, in certain circumstances, other persons who are closely connected to the child (see paragraph 9 below) who are being considered as potential adopters, but where no decision has been made by the authority to place the child for adoption with those relatives. The Guidance deals specifically with applications to the court under paragraph 19(1) of Schedule 2 to the 1989 Act (~~a paragraph 19(1) application~~) for approval to place a child in care with relatives abroad under a fostering arrangement prior to a possible adoption. It outlines the steps and issues local authorities need to consider before making such an application.
6. A local authority should only seek to make a paragraph 19(1) application to place the child with relatives abroad where adoption by those relatives is one of a range of possible outcomes for the child. Such a placement would allow the local authority to assess whether the placement is the right one, particularly in cases where those relatives are unable to come to England or Wales for part or all of the required 10 week period under section 84(4) of the 2002 Act.
7. Paragraph 19(9) of Schedule 2 to the 1989 Act is clear that the provisions of paragraph 19 do not apply where a local authority is placing a child for adoption with prospective adopters and therefore this Guidance does not cover procedures relevant to adoptive placements. Where the local authority is placing a child abroad for adoption, or where there is authority to place a child for adoption (either by a placement order or parental consent), the authority should consider the relevant provisions of the 2002 Act, the Adoptions with a Foreign Element Regulations 2005, the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry adoption (~~the Hague Convention~~), and accompanying Guidance. Particular attention will need to be paid to the requirements of

sections 42, 84 and 85 of the 2002 Act.

### **Children not subject to a care order**

8. In cases where a child is provided with accommodation under section 20 of the 1989 Act (i.e. not subject to an interim or final care order), the local authority may place that child abroad under paragraph 19(2) of Schedule 2 to the 1989 Act with the agreement of all those with parental responsibility for the child. However, paragraph 19(6) makes it clear that the requirements of section 85 of the 2002 Act are only disapplied where a child is to live outside England and Wales with the approval of the court. This means that where there is no court approval, the local authority will need to consider whether an offence may be committed under section 85 if the child is placed abroad with relatives under paragraph 19 prior to a possible adoption without those relatives first having obtained an order for parental responsibility under section 84 of the 2002 Act.

### **People closely connected to the child**

9. There may be circumstances in which the local authority is considering placing a child with persons abroad who are not relatives, but are closely connected to the child. The local authority should only do so where special circumstances exist, such as cases where the child is being placed for assessment with potential adopters who had previously adopted the child's birth sibling(s), or where there is an existing close attachment between the child and the potential adopters. In all cases, the local authority will need to be satisfied that the placement abroad with those persons is in the child's best interests.

### **Reasons for the child being placed for an assessment outside England and Wales**

10. The local authority will need to consider the child's best interests in deciding whether it is appropriate for all or part of the placement for assessment to take place outside England or Wales. In particular, the local authority

should plan to minimise any risks of the placement disrupting whilst the child is abroad.

11. The local authority should explore the possibility of the relatives coming to England or Wales for a shorter period or, if a couple, for one of them to come for some of the time. The Court of Appeal decision in *Re G (A Child)* [2008] EWCA Civ 105 held that it was not necessary for both prospective adopters to live with the child for the full 10 week period to satisfy the requirement of having a home under section 84(4) of the 2002 Act, provided the local authority has sufficient time to complete a satisfactory assessment.
  
12. In particular, the following issues should be considered by the local authority when considering where the placement should be:
  - Whether it is practical for the relatives to move to England or Wales for 10 weeks or more. Any application for a Convention Adoption order<sup>2</sup>, section 84 order or adoption order cannot be made until after the 10 week period has elapsed. The relatives will need to wait for their application to be dealt with before taking the child out of England or Wales. Alternatively, they may have to return to the receiving State without the child. This may not necessarily be in the child's best interests
  
  - The most suitable place for a helpful assessment which can provide the maximum information and material for an assessment of the relatives' ability to provide a successful permanent placement for the child
  
  - Whether proper arrangements can be made for a full assessment to be conducted in the relatives' home country
  
  - Potential disruption to the child's education if the placement were to take place abroad

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<sup>2</sup> An adoption order that is made as a Convention Adoption order in accordance with regulation 50 of the Adoptions with a Foreign Element Regulations 2005.

## Planning for the placement abroad

13. The local authority must ensure that any placement under paragraph 19(1) of Schedule 2 to the 1989 Act prior to a possible adoption has been carefully planned. In particular, the following issues should be considered as part of the plan for placement:

- Whether the child is in care i.e. subject to an interim care order or final care order
- Whether there are relatives within England or Wales with whom the child can be placed
- Whether a placement order will be necessary and, if so, the timing of any placement order application, (taking into account that paragraph 19(1) approval can only be obtained in respect of a child in care and that a care order ceases to have effect when a placement order is in force)
- Whether there is a bond/close attachment between the child and the relative/connected person
- The impact of placing the child abroad on arrangements for contact with the birth family
- The wishes and feelings of the child
- The wishes and feelings of the birth parents
- The legal basis for the placement in the short-term and in the long-term
- Approval of relatives as local authority foster parents under the the Fostering Services (Wales) Regulations 2003
- At what point the relatives will need to be assessed as prospective adopters by the authorities in the receiving State
- Identifying and forming good links between the local authority

professionals and the professionals in the receiving State.

- The immigration rules and visa arrangements for the child to go abroad for assessment and subsequently to be permitted to enter and reside permanently in the receiving State (see paragraphs 17 . 21 below)
- Plans to facilitate secure attachments between the child and relatives to help ensure stable placements
- How the placement will be monitored (see paragraphs 22 . 26 below)
- What support services, including accommodation and financial support, will be provided by the local authority
- At what stage the child might be placed for adoption or other type of placement for permanence. How this will impact on panel dates/court proceedings/court dates/visits and reports
- Where any adoption proceedings might take place (in England or Wales or in the receiving State)
- Attendance of relatives at court proceedings in England or Wales; or whether the relatives will accompany the child if he or she has to return to England or Wales until a section 84 or adoption order is made
- If adoption proceedings are to take place abroad, whether the adoption order will be recognised in England or Wales
- If adoption proceedings are to take place in England or Wales, whether the child will need to return to the UK following the assessment placement (for example, for the purposes of obtaining a visa granting indefinite leave to remain in the receiving State)

**Article 56 of the Council Regulation (EC) No 2201/2003 (Brussels IIa)**

14. Local authorities will need to consider whether the provisions of Article 56 of Council Regulation (EC) No 2201/2003 (known as Brussels IIa) are

relevant. Article 56 applies to all Member States of the EU (except Denmark) and, in particular, requires that where a court is considering the placement of a child with a foster family in another Member State where public authority intervention is required for domestic placements, it should first consult the relevant authority in that Member State. The relevant authority is usually the Central Authority, but this will vary from country to country.

### **The care plan**

15. Local authorities will need to include, as part of their paragraph 19(1) application, the care plan for the child. The care plan should include information about why the fostering arrangement under paragraph 19(1) is appropriate and how it will meet the child's needs. The care plan should include the range of options the local authority is considering for the child, along with detailed reasons why the local authority's preference is to place the child with the relatives abroad. There should be a strong case for the child being considered for possible adoption abroad rather than domestic adoption, such as an existing and close connection between the child and the relatives/connected persons. The local authority should make clear what the legal basis of that placement might be in the short-term and in the long-term, and demonstrate that it has considered the appropriateness of contact with birth parents/other relatives and how this will be managed whilst the child is placed abroad.

16. The care plan should specifically address the following issues, some of which are covered in more depth below:

- The reasons for the fostering placement being outside England or Wales
- The immigration rules of the country where the child is to be placed (See paragraphs 17- 21 below)
- The relatives' legal right to bring a child into the receiving State as a visitor and/or for adoption

- The wishes and feelings of the child
- The wishes and feelings of the birth parents
- Plans to facilitate secure attachments etc
- Arrangements for monitoring and supervising the placement (see paragraphs 22 -26 below)
- Managing parental responsibility and statutory duties whilst the child is abroad
- The arrangements for the child's return to England or Wales and the alternative care arrangements for the child if the placement is unsuitable or breaks down
- Whether the relatives are expected to return to England or Wales and obtain a section 84 order or to proceed to adoption by applying for a Convention adoption order in the receiving State if adoption becomes the preferred option
- What support services will be available following the making of an adoption order
- The requirement for post-placement/adoption reports

17. The local authority should prepare a detailed timetable of the steps in the assessment and court process, taking into account the requirements of Hague Convention, the ten week requirement under section 42(2) or section 84(4) of the 2002 Act as applicable, the sufficient opportunities requirement under s42(7) of the 2002 Act, fostering approval under the Fostering Services (Wales) Regulations 2003, the requirements of the Adoptions with a Foreign Element Regulations 2005, Adoption Agencies (Wales) Regulations 2005, the court timetable, and immigration requirements.

## **Immigration Rules of the Receiving State**

18. The local authority should seek specialist adoption/immigration advice in the receiving State to clarify immigration and citizenship issues in relation to the child entering and settling in the receiving State. The local authority should consider whether the relatives' status permits them entry into England and Wales or whether they need to satisfy visa requirements and whether they can sponsor the child to stay as well as to be adopted in the receiving State. The local authority should also consider what needs to be done to facilitate the child's entry and whether the immigration rules would allow the child to remain for an indefinite period without the child having to return to England or Wales.
  
19. The local authority should plan for the period the child is permitted to stay in the receiving State under that country's immigration rules, including consideration of the period, terms and conditions under which the child is permitted to stay in the country.
  
20. Where the local authority is considering placement plans other than adoption it should obtain advice on the recognition and effect of any proposed order (obtained in England or Wales) in the receiving State and how it will affect the status of the child in the receiving State both in the short term and as an adult.
  
21. The local authority should consider any visa requirements for social workers accompanying the child and the length of time required to acquire the necessary permits for social workers to enter, remain and/or work in the receiving State. For example, a social worker may need a work permit to carry out an assessment abroad. It is important to ensure that the social worker will not breach the immigration rules of the receiving State. Future plans for contact between the child and social worker should include exploring possible immigration issues to resolve immigration problems that might inhibit contact at a later stage.

22. Local authorities should consider whether social workers are required to be registered with a professional body in the receiving State as well as whether their professional indemnity cover extends to such activity.

### **Monitoring the placement**

23. Under section 22 of the 1989 Act, the local authority has a duty to safeguard and promote the welfare of any child who is looked after by them which includes, in particular, a duty to promote the child's educational achievement. In addition, the local authority has parental responsibility for the child (shared with the birth parents) when a care order is in place under section 31 of the 1989 Act.
24. Local authorities will need to consider the requirements of the Fostering Services (Wales) Regulations 2003 and the Review of Children's Cases (Wales) Regulations 2007 in relation to the supervising, and reviewing, of the placement. The above 2007 Regulations will be superseded by the Care Planning, Placement and Case Review (Wales) Regulations.
25. Prior to making a paragraph 19(1) application, the local authority will need to consider how these duties and requirements will be discharged during the child's placement abroad and, in particular, should include in the care plan details of the arrangements made for supervision of the child's placement. The local authority will need as part of the paragraph 19(1) application to be able to satisfy the court that there are suitable arrangements in place for the child's reception and welfare whilst abroad.
26. The local authority will also need to ensure that they have sufficient opportunities to assess the placement whilst the child is with the relatives in the home environment abroad.
27. Local authorities should consider whether agencies in the receiving State may be able to assist in supervising and monitoring the child's placement abroad, particularly where an agency abroad has already conducted an assessment of the relatives and will therefore have knowledge and information about them.

### **Planning for the outcome of the placement**

28. There are a number of possible outcomes following the fostering placement abroad, including returning the child who remains subject to a care order to live in England or Wales; an adoption under the Hague Convention or a non-Convention adoption where the receiving State is not a Convention country (both may involve adoption proceedings in either England, Wales or the receiving State); a long-term fostering placement, a residence order or a special guardianship order. These orders or placements may involve the child living in England or Wales or abroad with the relatives.
29. Local authorities should include in any application under paragraph 19(1) plans to reintegrate the child into their previous or a new environment in England or Wales if the placement is unsuitable or breaks down during or after the period abroad, including the arrangements for returning the child to England or Wales. The local authority should establish whether the receiving State is a signatory to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, and if not, whether the receiving State's authorities will recognise and support the local authority's parental responsibility and right to the return of the child to England or Wales if necessary.

### **Where adoption becomes the preferred option**

30. Where adoption by the relatives with whom the child has been placed becomes the preferred option, the local authority will need to consider the relevant legislation and procedures (as set out in paragraph 6 above).
31. Where the child is to be adopted by the relatives abroad, consideration will need to be given to whether it is appropriate for the child to return to England or Wales prior to beginning the placement for adoption. If the child is to return, then the local authority should be aware of the need for those relatives to obtain a section 84 order.

32. Hague Convention adoptions will either involve adoption proceedings in the receiving State (a Convention adoption) or adoption proceedings in England and Wales (a Convention adoption order). An adoption should proceed under the Convention in all cases where the Convention is in force between the UK and the receiving State. Local authorities must contact the Welsh Assembly Government's Intercountry adoption casework team about these cases.

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33. Local authorities should consider section 49 of the 2002 Act and establish the residence and domicile status of the prospective adopters, as well as considering the immigration laws of the receiving State. These factors might influence the decision as to whether adoption proceedings will be commenced in the receiving State or in England, or Wales following a section 84 order or whether it is more appropriate to commence Convention adoption order proceedings in England or Wales or in the receiving State. An example of the processes to be followed if a decision is made to proceed to a Convention adoption is at Annex A.

## **Annex A**

### **An Example Of The Processes To Be Followed If A Decision Is Made To Proceed To A Convention Adoption.**

The child's fostering placement for an assessment is with relatives abroad; Convention Adoption where adoption proceedings are contemplated in the receiving State

This case study is an example applicable where the receiving State has ratified the Hague Convention. It is not intended to be prescriptive as to best practice and may not be an appropriate model in all cases.

Note: The Welsh Ministers are the Central Authority for Wales under the Hague Convention. The Central Authority functions are delegated to the Intercountry Casework Team in the Department for Health and Social Services (DHSS) of the Welsh Assembly Government

#### **Phase 1**

1. A child in the care of the local authority is being considered for Intercountry adoption with relatives abroad.
2. The local authority contacts the DHSS, to inform them that the child is being considered for Intercountry adoption.
3. DHSS inform the Central Authority in the receiving State about the case and requests advice on roles, responsibilities and procedures for the receiving State's Convention cases.
4. The relatives travel to the child's home in Wales, where they are introduced to the child and observe the child's routine in the child's current environment. The child might be placed with those relatives under regulation 38 of the Fostering Services (Wales) Regulations 2003 (FSR 2003) (subject to the prescribed checks) or with sufficient time, this could be a foster placement.

5. The local authority should seek advice from an immigration/adoption law specialist in the receiving country to clarify immigration and citizenship issues in relation to the child entering and settling in the receiving State.
6. The local authority files an application at court for approval under paragraph 19(1) of Schedule 2 to the Children Act 1989. Evidence is filed in support of the application; the application is heard and approval granted.
7. The child travels to the receiving State with the relatives, a carer known to the child and a social worker for a placement assessment.
8. Further introductions take place with the family and the child within 1-2 weeks, after which the present carer will return. The social worker will remain for a period of up to 4 weeks and then return to Wales.
9. The child remains with the relatives and their family for the statutory period - at least 10 weeks.
10. Whilst in the receiving country, the social worker will commence assessment pursuant to Regulation 32(3) of the Adoption Agencies (Wales) Regulations 2005 (AAWR 2005) and section 43 of the 2002 Act (in respect of an application for a section 84 order).

## **Phase 2**

1. DHSS receive the Article 15 report (Home Study Report) from an accredited adoption agency in the receiving country.
2. DHSS checks the Article 15 report for completeness and compliance and send it to the local authority.
3. The local authority set Adoption Panel for match following Prospective Adopters being approved in the Article 15 report.
4. The social worker sends the 'adoption placement report' pursuant to Regulation 32(3) (d) AAWR 2005 to the relatives 10 working days in

advance of the proposed Adoption and Permanency Panel. The social worker completes the child's permanency report (to include a summary of possibilities for placement of the child within the United Kingdom) and an assessment of whether adoption by the relatives abroad is in the child's best interests pursuant to Regulation 38 of the Adoption with a Foreign Element Regulations 2005 (AFER 2005).

5. The child returns to Wales. If the report recommends adoption by the relatives they come with the child.
6. If it is then thought necessary and appropriate the local authority will pursue an application for a placement order pursuant to Section 18 of the 2002 Act.
7. Pursuant to Regulation 44 of AFER 2005 the local authority's Adoption and Permanency Panel will consider the matching report and Article 15 report.

### **Phase 3**

1. If taking into account the Adoption Panel's recommendations, the agency makes the decision that the placement should proceed, the local authority will notify the DHSS (Reg 40 AFER 2005) and prepare a report in accordance with Article 16 (Reg 46 AFER 2005), including the reasons for their decision. The local authority will provide details to DHSS in respect of any placement order or consent provided by the birth parent.
2. The local authority sends the Article 16 report to the DHSS who will forward it to the Central Authority of the receiving country.
3. The prospective adopters decide to adopt in the receiving State rather than in Wales (this is the latest point at which this decision should be made).
4. The adoption agency confirms to DHSS that

- (i) it has met the prospective adopter and explained the requirement to make an application for an order under section 84 of the 2002 Act before the child can be removed from the UK for the purpose of adoption
  - (ii) the prospective adopter has visited the child
  - (iii) the prospective adopter is content for the adoption to proceed
5. The Central Authority of the receiving State confirms the matters set out in regulation 47(1)(a) . (e) AFER 2005.
  6. DHSS and the Central Authority of the receiving State agree that the adoption may proceed (in accordance with Article 17(c)).
  7. The adoption agency places the child for adoption with the prospective adopter (as long as authority to place for adoption has been obtained by agreement of each parent or guardian or a placement order) and provides the prospective adopters with a placement plan
  8. The prospective adopter files an application for an order under section 84 of the 2002 Act and evidence in support of the application, including evidence to satisfy the requirement in regulation 48(a) and (f) of the AFER 2005
  9. The adoption agency files evidence in respect of the section 84 application, to include evidence to satisfy the requirements of regulation 48 (b) . (e) of the AFER 2005.

#### **Phase 4**

1. The application under section 84 of the 2002 Act for parental responsibility is determined by the court. If that is granted the care order and any other Children Act 1989 orders will be automatically discharged. The local authority will arrange for goodbye visits for the child with the child's family- (note that after grant of a section 84 order the local authority will no longer have parental responsibility and will need the consent of the prospective adopters for the visits).

2. Subject to the court granting a parental responsibility order the relatives will travel with the child to the Receiving State and will apply for a Convention Adoption within the Receiving State .
  
3. The Central Authority in the Receiving State will issue an Article 23 certificate to the UK Central authority when the adoption order is made. DHSS will record and forward Article 23 certificate to the local authority.

## Consultation Response Form

### Placing A Child In Care With relatives Abroad Prior To A Possible Adoption

<b>Name:</b>	
<b>Organisation (if applicable):</b>	
<b>Email / telephone number:</b>	
<b>Address:</b>	

#### Consultation Question 1

**Do you agree that the use of paragraph 19(1) in this guidance applies to others connected to the child as well as relatives? Are there any additional criteria that should be met before deciding to place a child with a connected person?**

**YES**

**NO**

**COMMENTS**

**Consultation Question 2**

**Do paragraphs 1-7 adequately describe the circumstances in which the local authority should seek to make an application under paragraph 19(1)**

YES	NO	COMMENTS
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**Consultation Question 3**

**3a Is the list in paragraph 13 and 16 enough to facilitate the plans for the child's placement?**

**3b What else would you include or suggest be removed from the list of issues?**

YES	NO	COMMENTS
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#### **Consultation Question 4**

**Are there other immigration issues for a local authority or voluntary adoption agency to consider? If yes, what would these be?**

YES

NO

Comments

#### **Consultation Question 5**

**We welcome comments on monitoring the placement abroad in relation to the practical issues that require planning by the local authority.**

Comments

### **Consultation Question 6**

**6a We welcome comments on whether paragraph 30 adequately addresses the follow on plans after the child has been placed.**

**6b Are there other issues that local authorities need to consider as part of their plans following the placement?**

**Comments**

### **Consultation Question 7**

**We welcome comments on additional information to:**

- **support local authorities monitoring placements and;**
- **where necessary to ensure local authority arrangements facilitate the return of children where the [placement is unsuitable**

**Comments**

### Consultation Question 8

Please indicate whether there are other key points you would like included in this guidance.

Comments

### Consultation Question 9

**Question 9: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

Comments

Responses to consultations may be made public . on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: