

Appendix 1- Legal Basis for Parent and Child Fostering

There are four basic legal scenarios that apply to parent and child fostering, with different implications depending on the regulations that apply.

1. Where the parent is under 18 and is looked after by the local authority and the child is looked after by the local authority, each will be subject to all the requirements of the 2010 Care Planning and 2011 Fostering Regulations. In this scenario, the regulations in relation to placement with parents [2010, 15-20] will not apply.
2. Where the parent is under 18 and is looked after by the local authority it may be that their looked after child is placed with them under regulations in relation to placement with parents [2010, 15-20]. Under this scenario the requirements of the 2010 Care Planning Regulations will apply to both parent and child, but the 2011 Fostering Regulations will apply only to the parent.
3. Where a parent is under 18 but is not looked after, or over 18, but their child is looked after by the local authority, only the child will be subject to all the requirements of the 2010 Care Planning and 2011 Fostering Regulations. In this scenario, regulations in relation to placement with parents [2010, 15-20] will not apply, and the parent will be considered as part of the fostering household.
4. Where a parent is under 18 but is not looked after, or over 18, and the local authority takes the view that the child is being cared for by their parent and does not need to be looked after, then both may reside in what would normally be a foster home, but neither the 2010 Care Planning nor the 2011 Fostering Regulations will apply to either the child or parent.