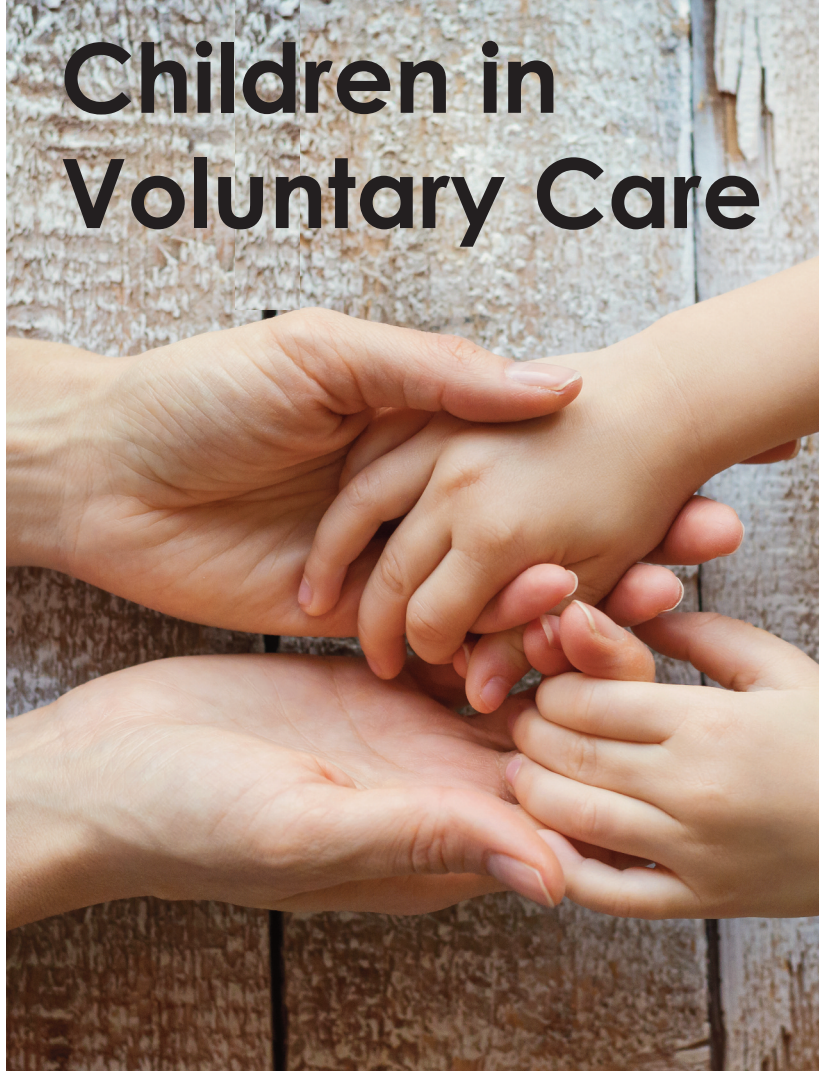




**Community
Law & Mediation**



Children in Voluntary Care



**Information for parents and guardians
about voluntary care**

What is a care plan?

A care plan describes how your child will be looked after when they are in care. It will contain all the information on the decisions that have been made about your child like where they will live, their education, the supports they will receive, and the contact they will have with their families. You should ask the social worker for a copy of the plan.

What if I am unhappy about the care my child is receiving?

Tusla must hold meetings called 'child in care reviews'. These will give you the chance to let everyone know how you feel about your child's future and how they are being looked after now. If you are unhappy about how your child is being looked after, you should let the social worker know and you can ask for a review to be held.

Will my child come home?

In most cases the best place for a child is in their own home. For this reason, Tusla will work with you to help improve your situation so that you can plan for your child to come home. For example, they might suggest that you do a parenting course. Sometimes Tusla might suggest that your child would come home for a trial period first, to see how things work out. This will only happen when it is in the best interests of your child to return home.

Discuss any worries you may have about your child coming home with the social worker and ask about available supports.

Helpful tips

- Bring someone with you for support to meetings with the social worker.
- Ask for decisions about your child to be sent to you in writing.
- If you have any questions or concerns about voluntary care, seek legal advice. You may be entitled to legal aid.

What is Voluntary Care?

Voluntary care means that you agree to share care of your child with the Child and Family Agency (also known as Tusla). This can happen when you are unable to cope with caring for your child due to illness, homelessness or other problems. Sometimes this can happen when you ask Tusla to help you to care for your child if you are unable to do so.

Tusla will organise care for your child. In most cases, Tusla will tell you what type of care will be provided. The most important consideration for Tusla and any other person involved in your child's care will always be what is in the best interests of your child. Your child's wishes may also be considered.

How is voluntary care different to statutory care?

Voluntary care is where you give permission for your child to be taken into care. Statutory care is when Tusla apply to court for an order to place your child in care. A social worker cannot take your child from your care without your consent (voluntary care or a court order (statutory care)).

What am I agreeing to when I give consent to voluntary care?

You give Tusla permission to look after your child for as long as you agree. Tusla will decide where your child will live, however, they will ask you about how you would like your child to be cared for.

If you have a relative or a friend who you'd like your child to live with, you can suggest this. Where possible, Tusla prefer to place your child with a family in a familiar environment.

You may be asked to sign a consent form. You should make sure you understand it fully. If you are not sure about anything, ask the social worker to explain it or get advice. Make sure you keep a copy of this form.

What if I'm asked to place my child in voluntary care and I don't consent?

If you don't give permission for your child to be taken into care, the Social Worker may tell you that they are going to go to court to get permission to do so. If the court agrees that it is in the best interests of your child to be in care, it will grant an order to place your child in care.

If this happens, there are three types of statutory care orders that can be made:

- an emergency care order which can only last for 8 days,
- an interim care order which usually lasts for 29 days, and
- a full care order that could last until your child is 18 years.

If Tusla decide to apply to court for an order, you have the right to be legally represented in court. The court can only make orders if they hear evidence and accept that it is in your child's best interests to be cared for by Tusla. The judge must listen to everyone before making a decision. If you are not happy with a judge's decision, you may be able to appeal the order.

Can I change my mind if I give consent?

Yes. You can change your mind and ask for your child to come home. If it is in your child's best interest, the social worker will arrange this. If the social worker decides it is not in the best interests of your child to be at home, you must be told why that decision has been made. You should ask for this information in writing. If you disagree with the decision, Tusla may decide to go to court to get an order to keep your child in care.

Are there alternatives to voluntary care?

If you have a relative or a friend who would be capable of taking care of your child, it may be possible to have them appointed as a guardian or temporary guardian instead of putting your child in voluntary care. You should get legal advice about this. You may be able to get free legal advice. Please see the end of this leaflet for organisations that might be able to help you.

Where will my child live and who will look after my child?

Your child may live:

- at a relative's home,
- with non-relative foster-carers,
- in a residential children's home,
- in supported accommodation.

If your child goes to live with a relative, the relative will be assessed either before your child moves into the house or soon afterwards.

If your child lives with non-relative foster carers, it means they will move in with a family which will have done special training and have been approved to look after children.

A residential children's home is a house which may have a number of children from other families and will employ professionally trained childcare staff.

Supported accommodation helps your child to prepare for living on their own when they are older. Your child will live with a family who will provide care for them. It is similar to foster care except your child needs to be 16 years old. Ordinary people who have been assessed and trained will help your child to learn to live independently and give them emotional and practical support.

Can I play a part in my child's life?

Yes, as long as you are your child's legal guardian you have the right to be consulted as much as possible on decisions about how your child will be looked after. The social worker must include you in any major decisions involving your child, like medical or dental treatment, unless it's an emergency situation and something needs to be done very quickly.

You should stay involved with your child so that they don't feel cut off from you and the family. Your child may be able to come home on visits. Visits and phone calls to your child will usually be arranged in advance. The level of involvement you have with your child will be written into your child's care plan.



Community Law & Mediation



There are a number of organisations which provide free confidential legal information and advice:

Community Law & Mediation

Phone: Limerick (061) 536100
Dublin (01) 847 7804

Website: www.communitylawandmediation.ie

Email: info@communitylawandmediation.ie

FLAC (Free Legal Advice Centres)

Phone: 01 874 5690/ 1890 350 250

Website: www.flac.ie

Citizens Information

Phone: 076 107 9000



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