

**AN BILLE UM           , 2017**

**Child Care (Aftercare) Amendment BILL 2017**

*Mar a tionscnaíodh*

*As initiated*

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ACTS REFERRED TO

Child Care (Amendment) Act 2015 (No. 45)

Child Care Acts 1991 to 2015

AN BILLE , 2017  
CHILD CARE (AFTERCARE) AMENDMENT BILL 2017

# Bill

*entitled*

AN ACT TO AMEND THE PROVISIONS FOR THE PREPARATION OF AFTERCARE PLANS BY THE CHILD AND FAMILY AGENCY TO ENSURE THE AGENCY MEETS THE NEEDS OF CERTAIN PERSONS WHO HAVE BEEN IN THE CARE OF THE AGENCY; TO AMEND THE CHILD CARE ACT 1991; AND TO PROVIDE FOR RELATED MATTERS

**Be it enacted by the Oireachtas as follows:**

## **Interpretation**

1. In this Act “Act of 2015” means the Child Care (Amendment) Act 2015.  
“Principal Act” means the Child Care Act 1991  
“the Agency” means the Child and Family Agency;

## **Amendment of Section 2 of Principal Act**

2. Section 2 of the Principal Act is amended by the substitution of the following definitions in subsection (1):

the definition of ‘eligible adult’ shall be deleted and replaced with the following:

“subject to subsections (1A) and (1B), means a person aged between 18 and 27 years who was in the care of the Child and Family Agency for a period of not less than 6 months in the 5 year period immediately prior to the person attaining the age of 18 years;”

## **Aftercare Plans**

3. (1) The Principal Act is amended by the substitution of the following subsection for section 45, *subsections* (3), (4) and (5):

“(3) The assistance that may be provided by the Agency to an eligible child or an eligible adult, as the case may be, in accordance with an aftercare plan

referred to in subsection (1) or an updated aftercare plan referred to in subsection (2) may be provided for so long as—

- (a) the Agency is satisfied as to his or her need for the assistance, and
- (b) he or she has not attained the age of 27 years

(4) No provision of this or any other Act shall lead to the removal of any supports or assistance from an eligible child sole by reason of the deferral of a course of education for a period not exceeding 12 months

(5) (i) Any person eligible under the act to receive aftercare, shall be entitled to it, and the Agency shall implement an aftercare plan or an updated aftercare plan, where sought by the eligible person.

(ii) The Agency shall ensure that at all times a named official will be responsible for the implementation of the plan as well as for creating timelines for implementation of the plan

(iii) An Aftercare plan developed under this section shall be reviewed on at least an annual basis and such review shall be carried out in consultation with the eligible adult or child as appropriate

(iv) The Agency shall engage with eligible adults as defined in section 2 of this Act at regular intervals and at least every six months if engagement has lapsed.”

(2) The Principal Act is amended by the insertion of the following subsections in section 45 after the conclusion of *subsection (5)*:

(6) (i) The Child and Family Agency shall inform an eligible child of their right to an aftercare plan and what such a plan shall entail once the child reaches the age of 16 and shall ensure the child kept informed on the development of the plan thereafter.

(ii) The Child and Family Agency shall ensure that the aftercare plan is developed in consultation with the eligible Child, and that the development of the plan reflect the wishes of the child as far as is practicable.

(7) The Child and Family Agency shall ensure that an eligible child is provided with supported accommodation upon leaving the care of the Agency.

### **Aftercare Plan – Eligible Child**

4. Section 45 B of the Principal Act is amended by the substitution of the following in place of subsection 10 of that section:

“45B(10) The Child and Family Agency shall have the power to deem a young person to be an ‘eligible child’ in exceptional circumstances having had regard to the needs of that young person.”

**Short title and Commencement**

5. (1) This Act may be cited as the Child Care (Aftercare) Amendment Act 2017.
  - (2). This Act shall be included in the collective citation “Child Care Acts 1991-2017”.
  - (3) This Act shall come into operation on the date of its passing.