



Lunchtime Presentation International Social Work

Children and Families
Across Borders
2019

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About Us

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Format

- **Introduction to CFAB and ISS**
- **Conducting overseas assessments**
- **Placing children overseas**

CFAB in one slide

Intercountry social work since 1955

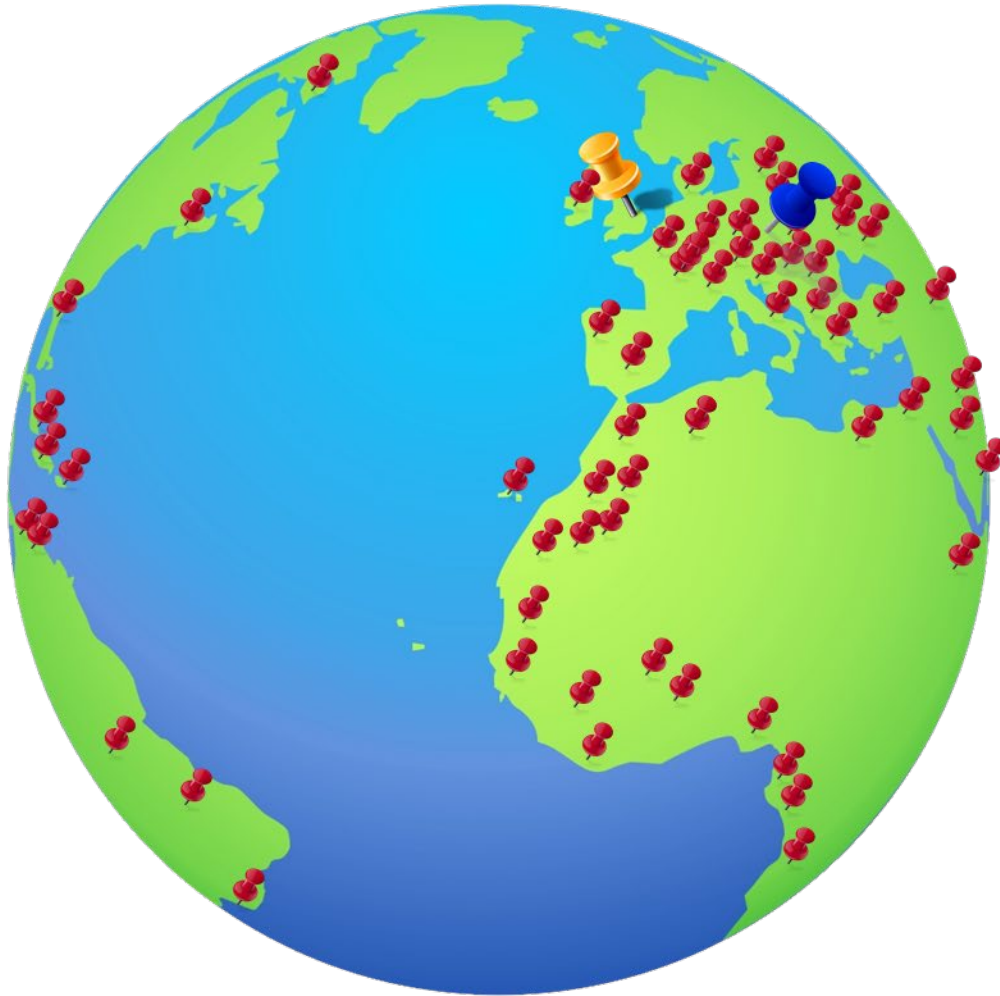
- Advice Line
- International social work services
- Training & advocacy

In 2018 CFAB worked with 52 countries, 74 Local Authorities, 264 new cases and took 1,848 calls on our national advice line.

CFAB OPERATES A FREE ADVICE LINE FOR ANY
INTERCOUNTRY SOCIAL WORK ENQUIRY (Mon-Fri 9:30 – 4:30)

Call us on 020 7735 8941 or email info@cfab.org.uk

International Social Service (ISS)



ISS UK since 1955



ISS Headquarters



Over 120 ISS Partners

Conducting Overseas Assessments



Initial Considerations

1. Identify (as early as possible) potential carers and who to assess. Initial screening assessment.
2. Consider Nationality and Immigration status of the child and potential carer
 - May impact on ability to place overseas
 - May determine type of assessment required (kinship vs adoption assessment)



Options for seeking an assessment from aboard

1. ICACU – Central Authority
2. Direct request for cooperation to relevant statutory agency
3. CFAB / ISS
4. ISW or SW travelling abroad

Pros and Cons of Local Assessment

Pros

- Understanding of local context –cultural, politics and security
- Knowledge of local resources
- Ability to access records and verify information
- Local language skills

Cons

- Quality can vary
- Less knowledge of the child and case circumstances
- Less knowledge of UK procedures, laws and regulations
- Timescales – assessments are prone to delay

Can UK social workers travel abroad for assessments?

- Is it legal?
- What are the risks?
- Is it ethical?

So then what?

Other possible approaches:

- Split assessments
- Joint assessment

Specific considerations

- Contingency planning
- Transitioning child into care of prospective carer
- Arranging post placement visits and any specialised support services

Placing Children with Kinship Carers Overseas: Achieving the Recognition of a Domestic Order

Legal Frameworks for the Recognition of Overseas Placements

1. Child is moving to a Brussels IIa Member State or 1996 Hague Convention Contracting State?

a) Rely on domestic order being recognised by operation of law under BIIa / 96HC, or

b) Application can be made for specific recognition under BIIa/96HC.

2. Child moving to a 'third state'

Mirror order may be required

- **Brussels IIa** = EU Member States (except Denmark)
- **1996 Hague Convention** = All EU Member States (including Denmark) + Contracting States below
 - Albania
 - Armenia
 - Australia
 - Cuba
 - Dominican Republic
 - Ecuador
 - Fiji
 - Georgia
 - Guyana (*from 1 December 2019*)
 - Honduras
 - Lesotho
 - Monaco
 - Montenegro
 - Morocco
 - Nicaragua (*from 1 December 2019*)
 - Norway
 - Paraguay (*from 1 December 2019*)
 - Russia
 - Serbia
 - Switzerland
 - Turkey
 - Ukraine
 - Uruguay

Where a state uses both instruments
BIIa takes priority over
96HC for the recognition of orders

Recognition 'by operation of law' – BIIa/96HC

- Article 39 Annex II Certificate Certifies order is enforceable in UK and therefore **should be** recognised in Member State (no equivalent in 96 HC)
- Make the order watertight – anticipating a challenge to recognition....

Making an order watertight 96HC/BIIa

- ✓ Has the child been given an opportunity to be heard? If not – was this a case of urgency?
- ✓ Has everyone with PR had an opportunity to be heard?
- ✓ Was the order made in default of appearance? Was the person in default properly served with proceedings and had an opportunity to be heard?
- ✓ Consent obtained from Competent Authority for this overseas placement? (*placement with 'foster family' / 'institutional care' / 'kafala'*? – see Art 33 96HC / Art 56 BIIa)
- ✓ Appropriate jurisdictional basis for order?
- ✓ Other grounds - Order inconsistent with subsequent judgment concerning the child? Could the order be seen as 'manifestly contrary to public policy'?

Going the extra mile – achieving recognition

Placement in B11a
Member State

- Carer can apply for specific recognition
- Article 21 (3)

Placement in
1996 HC
Contracting
State

- Can ask for 'advance recognition'
- Article 24

Child is moving to a 'third state' - Mirror Orders

- May need expert evidence from foreign lawyer about procedure for obtaining a mirror order overseas.
- Carers may need to be supported to make this application
- In all cases (inc B11a/96HC Cases) spell out rights and responsibilities esp. for SGOs (s 14C CA89)

Key messages – International Placements

- ✓ Address the child's immigration status
- ✓ Consider what type of assessment is required
- ✓ Consider practical issues of arranging an assessment abroad – who is best placed to complete it? How should it be managed?
- ✓ Consider the legality and risks in sending a social worker abroad to complete an assessment.
- ✓ Take into account longer time frame needed
- ✓ Consider how the order will be recognised abroad
- ✓ Notify and seek permission to place a child abroad, if necessary
- ✓ Consider post placement support and services to support the child and prospective carer

... Last questions

& thank you...!



Call our FREE Advice Line



Call us on 020 7735 8941

Monday to Friday - 9.30 am to 4.30 pm.

Contact us

www.cfab.org.uk

info@cfab.org.uk



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