

RESOLUTION & FAMILY LAW CONFERENCES

THE POTATO GROUP:
Legal Support Guidelines for
helping POTATO families

RESOLUTION FAMILY LAW CONFERENCE: 2016

WHEN DO ADOPTERS NEED LAWYERS?

The Potato Group represents 300 adoptive families across the UK who now have teenage or twenty-something adoptees. We may have adopted our children as young babies or older children, either as a single child or as a sibling group. Most have been removed from Birth Families because they have been neglected or abused or due to abuse of previous siblings.

Our children have complex needs usually for multifactorial reasons

- Genetics – family history of learning disabilities or mental health issues
- In-utero alcohol, substance or cortisol exposure
- Neglectful or abusive care often with multiple moves between birth family members
- After being taken into the care by the LA, they may have had multiple moves of Foster Carer before being placed for adoption

Many of our children show symptoms of attachment and trauma difficulties/ developmental trauma disorder:

Developmental Trauma Disorder, A new, rational diagnosis for children with complex trauma histories.
Bessel A. van der Kolk

http://traumaticstressinstitute.org/wp-content/files_mf/1276541701VanderKolkDvptTraumaDis.pdf

EDUCATION

Many of our children struggle in school; we may need legal help to ensure our child's right to a full-time education. Pupil premium is now available to adopted pupils.

Many of our children have special educational needs. We may need to appeal against refusal to issue an Education Health Care Plan.

LAs seem to ignore statutory guidance in a number of areas with impunity, right to full time education, carer's rights to work, education and leisure, access to records etc.

School refusal due to anxiety is common in adoptees, often starting in adolescence. LAs may see this as poor, negligent, parenting rather than emerging mental distress of the child/YP. Parents can face prosecution and the YP can be at risk of being taken into care.

SPECIALIST ADOPTION THERAPY & MENTAL HEALTH SUPPORT

Many of our children need long-term therapy more specialized than local NHS CAMHS departments can provide. We may need to challenge refusal to refer to, or fund, specialist therapy. The Adoption Support Fund ASF is starting to help in this area (England only). ASF is not available in Wales nor Scotland, neither is pupil premium and where there is no specialist Post-Adoption SW service, families needing high level support are dealt with by Children and Families SW with a child protection emphasis rather than a child trauma based / family preservation focus.

We may need help getting the adult mental health services our young people need.

In 2014 Julie Selwyn et al published their report on long term outcomes of adoption, this showed the resilience of adopters often dealing with extreme challenges including child to parent violence. Only a small number of adoptive families 'disrupted' – though this is a poor term as in most cases the adopter was still in regular contact and supporting their child who was living separately – 'parenting from a distance'.

Beyond the Adoption Order: challenges, interventions and adoption disruption

Research report April 2014: Julie Selwyn, Dinithi Wijedasa, and Sarah Meakings - University of Bristol School for Policy Studies Hadley Centre for Adoption and Foster Care Studies Department for Education

[Link to the Beyond the Adoption Order report here.](#)

Beyond the Adoption Order: An Investigation of Adoption Disruption in Wales :

Research Report - May 2014 - Dinithi Wijedasa and Julie Selwyn

[Link to the Beyond the Adoption Order in Wales report here.](#)

CRIMINAL JUSTICE SYSTEM

Troubled children can be troubling for society and our children may have involvement with the police and criminal justice system.

Our children's challenging behaviours may lead to safeguarding investigations of us the parents as 'we must be to blame' or police involvement for our children e.g. public order offences when a trauma triggered melt down is deemed 'affray', or criminal damage is caused at home or school.

We may face **Child to Parent Violence** and struggle to keep younger siblings and ourselves safe. We may need advice on taking out an injunction. Our children may repeatedly go missing and be at risk of sexual exploitation, sometimes after unplanned contact with the Birth Family from which they were removed and who may still include Persons Posing Risk.

We may have to make difficult decisions about requesting our child is accommodated (Section 20), or declare them homeless. The local authority may then act as if they have a Care Order and effectively exclude us from our parental role – deeming this a 'disrupted placement' rather than a family whose complex child needs to live separately for reason of their trauma. We may still be the only safe base this child has ever had and their main daily source of support.

We may face safeguarding investigation or Care Proceedings when the LA does not understand the hidden disability and long-term effects of developmental trauma and believes our parenting is to blame for the young person's current presentation 'beyond parental control'. If a Care Order is obtained it is hard to get it discharged; LAs do not work towards re-unification of the child with the adoptive family with a package of support acknowledging the complex needs of the child.

We may need help getting the benefits our children are entitled to DLA/PIP etc. This can become even harder after the age of 18 years when our young people may be emotionally immature yet are expected to manage ESA, Housing benefit, PIP applications etc.

ACCESS TO RECORDS

We often have too little information about our children's early lives and their extended birth family, relevant to understanding our children's behaviours and/or mental health problems. Too often information can be accessed by professionals but not by adoptive parents. Our children may want their full records before or after reaching 18 years of age. In our experience LAs do not provide records within the timeframe of 30 calendar days, and when they are provided they can be so heavily redacted as to be useless.

CICA CLAIMS

CICA can be claimed by individuals or SWs but this only really works in clear cut cases with police, court or medical evidence. It is possible with good legal representation to get CICA on the basis of disclosures by the child/YP and profs assessments of the behaviours/MH issues the child exhibits. CICA can help to fund lifelong therapy when needed.

LAWYERS – WE NEED YOU

Can you offer us free training or invite us to speak to you?

Can you advise or represent individuals pro bono?

Can you raise money for us?

Bank Transfer: 09-01-28 Santander account number 90254012

(If you pay into this account we won't be charged)

THE POTATO GROUP

We offer parent-to-parent peer support.

We contribute to planning and strategy forums nationally and locally.

We are developing a Potato Parent Mentor system to ensure that parents do not have to face difficult meetings alone.

For more information about our group visit <https://thepotatogroup.org.uk>

Or email parentingadoptedteens@gmail.com