

Guidance and letter template for applying for Enhanced Rights - under Sections 43A and 43B of the Child Care Amendment Act 2007.

Foster parents who meet certain criteria can apply to the Local District Court for Guardianship Rights. The following per-conditions must be met:

- Tusla must give consent in advance of the application.
- The child has been under the care of the foster carer for a period of not less than 5 years.
- The granting of the Order is in the best interest of the child.
- The Child's Birth parents have been notified.
- The child has been consulted to hear his or her views having regard to their age and maturity.

The first step involves discussing your intention with the Fostering Link Worker and notify the Principal Social Worker in writing seeking their support and advice in making the application. See template below as example of letter below: *Letter Template Enhanced Rights 2023....*

Note: While the application can be done without a solicitor on the day, independent legal advice is recommended for any foster carers pursuing these rights. Once you have started the process the Fostering Link Worker will provide you or your solicitor with the information required to draft the application. Finally, the application will be brought to a hearing where a judge will provide their decision. Where a solicitor is engaged a request for support with legal costs of up to €500 can be claimed if approved by the relevant Tusla Area Manager.

Link to policy which is on the IFCA website under the FAQ section is as follows: - <https://ifca.ie/wp-content/uploads/2021/05/Enhanced-Rights-Policy-Tusla.pdf>.

For further queries or support in relation to Enhanced Rights please contact the Support Helpline @ 01 4585123.

Letter Template Enhanced Rights 2023

Name and Address

Phone number

For the Attention of: Name

Principal Social Worker

Tusla Address

Date:

Dear (Insert Principal Social Worker Name),

Re: Notification in relation to intention to make an application for Enhanced Rights under Sections 43A and 43B of the Child Care Amendment Act 2007.

We/I wish to apply for Enhanced Rights as Foster Carers of (name of child/children), who have been in our care for 5 years continuously, for the purpose of the following: - (can be amended as appropriate)

- Applying for passports
- Consenting to medical treatment and assessments
- Making day to day decisions around care of the child and school, activities etc

We/I have also notified the Fostering Team and Child/Children's Social Work Team, who are fully supportive of our wish to apply for Enhanced Rights, and we/I believe this to be in the child/children's best interest(s) in supporting them in their daily care.

We/I would be grateful if you could confirm in writing your consent for us/I to continue with the Notice of application and look forward to hearing from you soon.

Your sincerely,

Signature(s): _____

Print Name(s): _____