

# Relinquished Babies

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## SCOPE OF THIS CHAPTER

The term "relinquished baby" is used to describe a child under the age of 6 weeks whose parents are making the choice of adoption for the child.

This chapter deals with the first stage of the adoption process for relinquished babies (i.e. identifying that a child should be placed for adoption). It also summarises the counselling and support that will be made available to the birth family in these circumstances.

## 1. Introduction

Statutory adoption guidance sets out a process to be followed in the case of relinquished children under the age of six weeks. This is based on the supposition that the agency is approached in the early stages of the expectant mother's pregnancy and that her intention to relinquish does not waver. Experience has shown, however, that this does not match the reality, which includes concealed pregnancies and/or late decisions to relinquish a child for adoption. Nor does it recognise that many birth mothers may change their mind about adoption once the child has been born. The balance between the right of the birth mother to request adoption and the right of the child to be brought up within his/her birth family is often challenging for social workers. Nevertheless, it is clear that the local authority is under a duty to do whatever it can to ensure that children are brought up within their birth family if at all possible, and that the child's welfare must be paramount in all its considerations. The focus of Knowsley Metropolitan Borough Council Children & Family Services' work with relinquishing birth mothers is based on the principle that adoption is a service for children and not a service for adults. Whilst the circumstances of mothers who have expressed a wish for their baby to be adopted must be carefully and sensitively considered, every effort will be made to explore the possibility of the mother or father caring for the child, or of the child being cared for within the extended birth family. The process to be followed in such circumstances reflects this approach.

## 2. Responding to an Enquiry

Referrals for mothers wanting to relinquish their babies for adoption can be received from hospitals, midwives, other health professionals or directly from the relinquishing mother herself. Upon receiving this referral, a separate referral on the electronic case record should be opened for the birth mother and her child, even if this child is unborn at time of referral. If the birth mother is already known to Knowsley Metropolitan Borough Council Children & Family Services and there is an existing referral, all subsequent information should be added to this and a new referral should be opened for the baby.

On receipt of a referral the Duty Team Manager will allocate the case to a child social worker for the unborn/baby. They will also contact the AIM Team Manager who will allocate the case to an adoption social worker with the skills and knowledge necessary to

counsel birth parents on the implications of adoption for the child, themselves and their wider family. Both workers will work in support of each other to guide the family through the process.

A Single Assessment will be undertaken and will be entered on the electronic record by the allocated child social worker in a timely manner so as to avoid any delay in planning for the child. At the social workers request, an adoption case file will also be set up and the documents listed in the Adoption Agencies Regulations (AAR) 12 will form part of this record.

### 3. Pre-birth Counselling

As soon as possible following receipt of the referral the allocated social workers will arrange to jointly meet with the relinquishing mother and provide her with pre-birth counselling. The focus of this interview will be a general discussion of adoption and its legal and emotional implications and a discussion of available alternatives which should include:

- Staying with the parent or parents, with close support where possible;
- Short term foster care, with the aim of returning the child with support;
- Long term placement within the child's wider family;
- Placement for adoption.

The social workers will need to get to know the parent/s properly so that they can plan for the child. Any questions asked by the parents need to be answered honestly with plenty of reassurance, particularly if there are other children in the family, that they will not be meeting.

So far as is reasonably practicable, the mother should be given an explanation of the procedures for placement for adoption, the legal implications of adoption; and the agency should ascertain her wishes and feelings, including her wishes and feelings about the child's religious and cultural upbringing, and issues of contact, must be ascertained and taken into account. The social worker should explain to the birth mother that it is possible to place a baby direct with prospective adopters if the birth mother gives written agreement to place under the Foster to Adopt. The mother should also be made aware that she may be given the opportunity to meet with any prospective adopters identified. Agreement to place will also be needed from a father with parental responsibility. It should be made clear that this agreement is not the same as giving formal consent to the child being adopted which can only be given once the child is six weeks old, and must be witnessed by a CAFCASS officer. The birth mother should also be informed, however, that where it is not possible to place directly with prospective adopters, the child will be placed with foster carers until suitable prospective adopters can be identified.

It is usual to include the father of the child in the counselling process. The birth mother should be encouraged to provide the father's name. His consent to adoption will be required if he has parental responsibility. When determining whether to contact a father without Parental Responsibility when the mother does not wish to disclose his identity, the following criteria must be considered:

- The nature of the child's relationship with the father;
- The nature and extent of the father's relationship with the mother and any siblings;
- Whether failure to disclose to the father would constitute a contravention of Article 8 of the Convention (concerning respect for private and family life);
- The child will require background information, including health information regarding his/her father.

Reasons for not involving the father must be discussed with the Children's Team Manager, AIM and legal services. Any decision must be recorded on the electronic record. Where the father's identity cannot be established or the case is complex, legal advice must be sought as soon as possible to ensure that there is no unnecessary delay for the child.

Every effort must be made to elicit comprehensive family health background information - using CoramBAAF medical forms. Information from both parents needs to be obtained.

If the plan remains adoption (50% of mothers do change their minds during counselling or in the week after the baby's birth) explain to the parents that the child is likely to remain in placement with the Foster to Adopt carers for at least six weeks in order that counselling can continue and the child's medical can be arranged.

The emphasis upon urgent planning is strong: In some cases it may be feasible with enough preparation for the adoption panel to be ready to consider the case within a day or so of the birth and the agency decision maker to make the decision the same day. Upon the child's birth, additional counselling must be offered to ensure adoption remains the plan; and if so, whether the child should be placed with particular adopters.

## 4. Arrangement of a Placement

The child will either be placed with the prospective adopters if already identified in a foster for adopt placement and with the signed agreement of the birth mother or with foster carers. A request should be made to the placements team for a fostering placement. It is important that such foster carers have experience of caring for children in this situation, and are sensitive to the emotional turmoil of the birth mother in the weeks following birth. Prospective adopters and foster carers should be committed to working closely with social workers and the birth mother to explore the possibility of the child remaining with the birth mother or within the birth family, or moving on to adoption if appropriate.

In the absence of available approved adopters, if the mother has signed her consent to place pre-six weeks the social worker will make a referral to fostering team for a fostering placement. Once a foster carer is identified, offer the birth parents an opportunity to meet the foster carer if appropriate.

The placement must conform to the Care Planning, Case and Placement Review (England) Regulations 2010 and the appropriate Children Looked After forms should be completed. The mother needs to give consent for the child to be accommodated by signing the placement plan which also gives consent for all necessary medical treatment for the child

whilst accommodated. These should be signed by the placing social worker and distributed to all concerned. A copy of the placement plan should also be placed on the child's file.

## 5. Once the Child is Born

Following the birth of the baby the mother can decide whether to care for the baby or request segregation from the baby whilst in hospital. It is usual for the mother to opt for the latter arrangement. The adoption social worker should see the mother separately and privately as soon as possible after birth.

The parent/s should be encouraged to see the baby but must not be forced to (alternative arrangements can be made for the parent/s to see the baby). The parent/s does not need to provide anything for the baby but can and may wish to do so. On discharge the mother will leave the baby in the hospital. The birth parent/s must be advised of the services of Berkshire Adoption Advisory Service.

Prior to or on discharge CoramBAAF medical forms M and B should be presented to the ward for completion by the paediatrician or senior nurse responsible for the child and the mother. These should be presented with the consent form signed by the birth parent. Often mother and baby are placed on different wards and so different medical professionals may need to complete the forms.

When the child is born, the birth mother should be encouraged and supported to register the birth and name the child.

The baby will be placed with either the prospective adopters identified, with the signed agreement of the birth mother, or with foster carers. The social worker will counsel the mother to confirm whether she still wishes to place the child for adoption. The mother will be given an explanation of all procedures relevant to adoption, and the legal implications of adoption. The agency will ensure that her wishes and feelings are ascertained. A father with Parental Responsibility has equal rights to the mother and, so far as is reasonably practicable, the obligations to counsel and inform apply to him as they do to the mother. Like the mother, his wishes and feelings regarding the child, the child's placement for adoption and his adoption, including his wishes and feelings about the child's religious and cultural upbringing, and issues of contact, must be ascertained and taken into account.

Where the identity of a father without Parental Responsibility is known to the agency, and the agency is satisfied it is appropriate to do so, it must carry out the same requirements that would apply if he were a father with Parental Responsibility. The agency must also ascertain if possible whether he wishes to acquire Parental Responsibility for the child or intends applying for a Residence or Contact Order. The local authority is not bound to inform and consult a father without Parental Responsibility in all circumstances. It may sometimes be inappropriate to do so. Legal advice should always be sought before a decision is made about informing and consulting a father without Parental Responsibility. If a father's identity cannot be established, the agency should seek legal advice. The social worker must maintain close contact with the birth mother throughout this time. Every encouragement should be given to her to visit

her child if placed in foster care and to attend reviews. Such arrangements should be as flexible as possible so that no barriers are put in the way of the birth mother developing a relationship with and sense of responsibility for her child. If the child is placed with adopters, arrangements should be put in place similar to fostering to adopt placements to ensure birth parent(s) is given the opportunity to maintain contact and attend reviews.

At the first Statutory Review all the options for best meeting the child's welfare, including the child's needs for permanence, should be discussed. If there is still felt to be scope for the child to return home at this stage or members of the extended birth family are being explored, a further review should be convened within an agreed timescale

To avoid delay for the child, statutory guidance states that an appropriate permanence plan should be identified no later than at the second (four month) Statutory Review. If at this point there still remains a chance that the child will return home or be placed with possible family members, the review should record the reasons for extending this timescale, and set a further date. Once a decision for adoption has been made by the birth parent/s, and shortly after the baby is born the social worker will request an adoption panel date which should fall within 8 weeks of the statutory review the plan for adoption was confirmed.

The child social worker will also collect the information required for the child permanence report and medical report. It is advisable to gain as much information as soon as you can whilst the birth parent is continuing to engage. The report should be discussed with the birth parent/s and their wishes clearly recorded. The report content must be read and signed by the Manager supervising the case.

The social worker should also immediately liaise with the AIM Adoption Advisory Service to refer the birth mother and if known birth father with parental responsibility for independent counselling prior to referral to CAFCASS to witness consent. Issues to be explored within the counselling would include:

## Counselling Checklist

- Gain an understanding of the parent(s) specific needs i.e.:
  - Communication requirements;
  - Literacy skills;
  - Cultural issues;
  - Disabilities;
  - Immigration concerns.
- Gain an understanding of the reasons for requesting the child be placed for adoption and, if not from both parents, information about the father. Explain other options to the parent(s) and guardians and advise if there are any other support services that could be offered to allow the child to remain with parent(s) or guardians;
- Discuss the knowledge, views of the extended family i.e.: siblings, grandparents, and any consequences of them not knowing about the child's birth, especially if the identity of the father remains unknown to the LA;
- Discuss the birth father, if not known or not part of the relinquishing process, in relation to his:

- Identity;
- Address;
- Wishes and feelings;
- Whether he has parental responsibility or intends to acquire it, his role and potential rights in the process if he has or acquires PR.
- If the identity of the birth father without parental responsibility is known to the local authority it must make a judgement as to whether it is appropriate to counsel and advise him;

Be aware that the birth father could challenge this judgement and therefore the reasons for the judgement that it is not appropriate, should be carefully discussed and recorded. (AAR14);

- To discuss the meaning of adoption:
  - Life long implications;
  - Legal consequences of consenting to placement for adoption Section 19 and the advanced consent to the making of an adoption order Section 20 of Adoption and Children Act 2002 and the legal effects of adoption;
  - Contact issues, e.g. including the parents and guardians wishes about possible future involvement in the child's life, and wishes and views of the child (if of sufficient understanding);
  - The need for information for later life for the child;
  - Whether the relinquishing parents wish to be involved in selecting the new parents for the child and/or give their consent to placement with particular adopters;
  - Entitlement to adoption support services and the processes for searching for the child when they become 18 years of age;
  - Support available to the birth parents and family beyond the child's adoption;
  - The rights of the child to obtain information about and search for his or her birth parent(s) once they reach the age of 18;
  - The role of CAFCASS in ensuring that consent is given unconditionally and with full understanding i.e. without any conditions attached, including contact;
  - Giving the written information.

## Competency

If, during the counselling sessions, (prior to referral to CAFCASS ) the social workers considers that the parent is not capable of understanding the giving of consent and the local authority decides that the child should be placed for adoption without consent, the local authority must initiate care and /or placement proceedings.

If the parent(s) seems to have characteristics which could impede some level of the understanding of giving consent because of i.e.:

- Moderate learning disabilities;
- Mental health issues (not severe);
- Cultural, ethnic or faith issues;

- Consent not being given unconditionally (parents only willing to consent with conditions attached e.g. contact).

**N.B.** If consent is to be given in respect of a particular placement; this not a conditional consent. Then further information about the parent(s) understanding may need to be sought from another professional person, preferably someone who knows the parent i.e.:

- Adult learning disabilities social worker;
- Approved mental health worker;
- Mid wife, health visitor;
- General practitioner.

Birth parent/s should be involved in discussions around suitable adoptive families. They should have the opportunity to share views on what they would like in a family and if appropriate be shown profiles of possible families.

Following recommendation at adoption panel and confirmation from the agency decision maker that the child should be placed for adoption, the birth parent/s should be advised that if they still wish plans for adoption to be made, a CAFCASS officer will contact them to witness formal consent.

## 6. Involving CAFCASS

Formal witnessing of consent when a child who is not in care proceedings is relinquished for adoption must be done by a CAFCASS practitioner if the parent is in England or Wales. This procedure takes place after the period of counselling.

The father's formal consent to adoption will also need to be sought if he has parental responsibility for the child.

Where there is parental consent to the child's adoptive placement and/or advance parental consent to the child's adoption, and the child is more than 6 weeks old, the child's social worker must arrange for a written request to be sent to CAFCASS to appoint an officer to witness the consent.

Where there is parental consent to the child's placement and the child is less than 6 weeks old, the social worker should ask the parents to sign a written agreement in the prescribed form to facilitate an early placement. Advance notice can then be sent to CAFCASS.

Usually CAFCASS will not be contacted until the local Authority has decided, after panel recommendation and agency decision that the child should be placed for adoption as any other plan does not require section 19 or Section 20 consent. However, the law permits consent to be given before the Adoption Panel has met and the 'should be placed for adoption' decision has been made. This would be in circumstances where, for example, a parent is anxious to sign Section 19 consent as soon as her child reaches 6 weeks of age, and/or there is a risk she will no longer be available to sign thereafter. If the Local Authority is satisfied that as much effort as possible has been made to counsel and advise

the parent in these circumstances, an urgent request for a CAFCASS practitioner to witness consent should be made and acted upon by CAFCASS before the Adoption Panel meeting and agency decision.

This urgency is necessary because the local authority must apply for a Placement Order if the mother does not sign the consent and a very considerable delay to the child's placement for adoption may ensue. Where this situation arises and there is likely to be delay as court proceedings are likely to be instigated consideration will be given to a foster to adopt placement.

## Section 19 Consent to Placement for Adoption

Section 19 of the Adoption and Children Act 2002 provides for parents or guardians to give their consent to their child being placed for adoption. This consent can be specific to placement with particular adopters, or for placement with any adopters chosen by the agency.

Consent under section 19 is given in writing on a prescribed form and must be formally witnessed by a CAFCASS practitioner, at the request of the child's Social Worker, who must ensure consent is given with full understanding and unconditionally.

## Section 20 Advance Consent to the Making of an Adoption Order

At the same time as giving this consent, or subsequently, formal consent may also be given under Section 20 to the making of an adoption order. This may be in relation to any adopters chosen by the agency or to adopters specified in the consent.

Consent under Section 20 is given in writing on a prescribed form and must be formally witnessed by a CAFCASS practitioner, at the request of the child's Social Worker, who must ensure consent is given with full understanding and unconditionally.

## Statement with Section 20 Consent

At any time after giving consent under Section 20 (including when interviewed by the CAFCASS practitioner), the parent or guardian can make a statement that they do not wish to be notified of the subsequent application for an adoption order. If they don't do this, the court will notify them of the application for an adoption order.

If this statement is made to the CAFCASS practitioner it should be recorded in writing and forwarded to the child's social worker. This situation could arise where a parent has requested their child be adopted and is clear that they wish to have no further involvement with the plans for the child. If such a statement is made, AAR 12 requires that this is recorded on the child's adoption record and at the same time, a copy is filed at court.



## 7. CAFCASS Procedure

### STAGE 1 - Actions for Adoption Service

On receiving a request from parent(s) and/or guardians that their child be placed for adoption, the child's social worker should send an advanced notice (see Advanced Notification Letter) to the CAFCASS office that is nearest to the home of the relinquishing parent(s) and/or guardians. The advanced notification will give an expected date of the Adoption Panel and a date when the Schedule 2, Adoption Agencies Regulations (AAR) 2005 information for CAFCASS will be completed (see STAGE 4 - Completion of Schedule 2 (AAR 2005) Information and Documents by Adoption Service, for further information).

The CAFCASS office addresses can be obtained from the CAFCASS Website.

### STAGE 2 - Actions for CAFCASS

On receipt of the above information, CAFCASS will plan for provisional allocation to a practitioner.

### STAGE 3 - Subsequent Actions for Adoption Service

Counselling should take place as described in Section 3-pre-birth counselling taking into account the issue of competency.

If the child's social worker is aware at an early stage that issues of competency may require further considerations they should not request a CAFCASS practitioner to witness consent until full enquiries have been completed and the Adoption Service is sure that the parent or guardian has competence to consent with full understanding within their capabilities and is willing to do so unconditionally.

If, during these counselling sessions the child's social worker considers that the parent is not capable of understanding the giving of consent and the local authority decides that the child should be placed for adoption without consent, the local authority must initiate care and /or placement proceedings.

### STAGE 4 - Completion of Schedule 2 (AAR 2005) Information and Documents by Adoption Service

Schedule 2, (AAR 2005), states that the child's social worker should send the following to the CAFCASS office closest to the parents' address:

- A certified copy of the child's birth certificate;
- The name and address of the parent;
- A Chronology of the actions and decisions made by the local authority;

- If the child is accommodated and in foster care;
- If the child has been placed for adoption under six weeks of age after parental agreement;
- The date on which the local authority decided that the child should be placed for adoption, or the projected date for the Adoption and Permanence Panel hearing;
- Confirmation that the parents have received counselling and written information on the legal implications of giving consent to the placement/adoption;
- Whether they consider the parent/guardian to be competent;
- Whether any other professional's views were sought about competency;
- Which birth relative are aware of the child's birth or adoption plans; and
- What steps should be taken by the CAFCASS practitioner in arranging to meet the consenting parent/guardian to preserve their confidentiality.

## STAGE 5 - Adoption Service Notification to CAFCASS

The child's social worker should send a notification of relinquished baby notice (see Notification of Relinquished Baby Letter) to the CAFCASS office that is nearest to the home of the relinquishing parent(s) and/or guardians, enclosing the Schedule 2 information, requesting CAFCASS to appoint a practitioner.

All letters, Reports, Schedule 2, birth certificate etc. should be sent by recorded delivery, and copies should be uploaded onto the child and parent's Case Record.

## STAGE 6 - Actions for CAFCASS

There are 3 possible outcomes from interviewing the parent/guardian:

### i. Countersigning Section 19 Form

On satisfaction that consent to placing the child for adoption has been properly given and the parent/guardian fully understands its implications then the Countersigning Consent Forms for Adoption Letter is completed and this is returned along with the original signed form to the child's social worker in the Adoption Service by recorded delivery;

### ii. Countersigning Section 19 & Section 20 Forms

On satisfaction that consent to placing the child for adoption and advanced consent to the making of an Adoption Order is given with full understanding and unconditionally then the Countersigning Consent Forms for Adoption Letter is completed and this is returned along with the original signed forms to the child's social worker in the Adoption Service by recorded delivery;

### iii. Inability to Countersign the Form(s)

If there are issues about the parent(s) competency to give consent with full understanding and unconditionally that prevent the CAFCASS practitioner from countersigning the form(s) then the Inability to Countersign Consent Forms for Adoption - Section 19 and 20 Letter should be completed giving a full explanation

of the reasons as to why the form(s) cannot be countersigned and sent to the child's social worker in the Adoption Service by recorded delivery.

**(N.B. CAFCASS should send the original signed consent forms to the Adoption Service by recorded delivery.)**

## STAGE 7 - Later Consent under Section 20

If the parent/guardian is not willing to consent to Section 20 when signing Section 19 consent, but later changes their minds, the child's social worker sends the Countersigning of Advanced Consent for Adoption Letter to the original CAFCASS practitioner with any additional information required.

The CACASS practitioner will re-interview the parent/guardian and, if satisfied that consent is given with full understanding and unconditionally, will send the countersigned Section 20 form and the Countersigning Consent Forms for Adoption Letter to the child's social worker in the Adoption Service.

On receipt of all parental consent witnessed by the CAFCASS practitioner, the original must be placed on the child's Case Record (as it will be required for the future adoption application).

## 8. Concealed Pregnancies / Involving the Birth Father and Extended Family Members

If the birth mother does not want the father involved, the Social Worker will need to consult with the legal department as recent case law re C, in Adoption and Fostering, Volume 31:4 (2007), has clarified that a woman should be encouraged rather than forced to reveal the name of the father.

If the father's identity is known and the birth mother does not want him involved, Directions may need to be sought from court about this. The nature of the relationship and whether there may be any safety issues will be considered as part of this court Direction.

If, upon being contacted, the birth father does wish to care for the child himself or with his family this can be arranged with the support of the birth mother. However, if the birth mother is against this, the birth father will need to apply to the court for further assistance.

Where the parents wish to conceal from members of their family the fact of the child's existence or the fact that they are seeking their adoption, the local authority will be faced with a conflict between the parents' right to privacy and the child's right to know, and perhaps the chance of being brought up by their extended family. Where the local authority considers that it is likely to be in the child's interests to be given this opportunity, it should encourage the parents to consider the matter from the point of view of the child.

Generally, the courts have been reluctant to override a parent's determination for the extended family not to be informed but, as with fathers without parental responsibility, social workers should avoid giving parents any undertaking that the birth or the proposed adoption will be kept secret, unless such an action would pose a risk to the mother of the child or the child themselves, for example in cases involving the risk of honour-based violence. Each case will have to be considered on its own facts. See the cases of *Z County Council v R* (2001) 1 FLR 365 and *Re C (A child) v XYZ County Council* (2007) EWCA Civ 1206.

## 9. Withdrawal of Consent

The child's parent or guardian is able to withdraw their consent to the child's placement for adoption at any time up to the point where the prospective adopters apply for an Adoption Order by writing to the agency.

On receiving the notice of withdrawal of consent the authority is required to immediately review its decision to place the child for adoption. The authority may decide to apply for a Placement Order, having taken legal advice to ensure that the conditions for this are satisfied. This would prevent the child's removal until such time as the court has decided whether to make the Placement Order.

Where consent to placement has been given and withdrawn but the child is not yet placed for adoption, then the child must be returned to the parents within seven days unless the authority decides to apply for a Placement Order.

Where the child is placed for adoption by consent under section 19 of the Act and that consent is withdrawn, the child must be returned to the agency by the prospective adopters within 14 days, and the agency must return the child to the parents, unless the authority decides to apply for a Placement Order.

It is an offence for anyone other than the agency (in sections 33 and 34 cases, only a local authority) to remove a child where the child:

- Is placed for adoption with the parents' consent under section 19 of the Act;
- Is placed for adoption and either the child is less than six weeks of age or the agency has at no time been authorised to place the child for adoption;
- Is not yet placed for adoption and is being accommodated by the local authority and the authority has applied for a placement order and the application has not yet been disposed of;
- Is not yet placed but the agency is authorised under section 19 of the Act or would be if consent to placement had not been withdrawn;
- It is the responsibility of the child's worker and the prospective adopter's adoption officer to ensure that the prospective adopters are fully aware of the implications should consent be withdrawn. This must be explained before the child is placed.

## 10. Information for the Child in Later Life

The social worker should explain the importance of the child having information about their family of origin for a clear and positive sense of identity. The birth mother and other members of the birth family should be encouraged to provide background information and photos. Birth mothers may also write a letter explaining their reasons for relinquishing the child for adoption. They should be made aware that their child will have a right as an adult to access information about their adoption and to trace their birth family.

## 11. Adoption Information for Birth Parents

### What exactly is Adoption?

Adoption is a way of providing a child with new legal parents. It ends the legal relationship between the child and the birth parents and establishes a new one with the adoptive parents.

Adoptions are arranged by adoption agencies but are made legally binding by the granting of adoption orders. Once granted an adoption order is final and cannot be over turned.

How do I find out about Adoption?

It is a good idea to get advice as soon as possible. You can get this advice from:

- Social workers from the Social Services Department of your local authority;
- A voluntary adoption agency;
- Hospital social workers who work with maternity clinics.

### How is an Adoption arranged?

If you decide that adoption is right for your child or just want some help with considering it further, a social worker and/ or other adoption worker will spend some time with you to help you with your decision.

You will, in due course, need to give some personal information about yourself, your family and your family's health, for the adopters to be able to share with the child as s/he grows up.

Preparations for the adoption can begin before your child is born, however, nothing will be definitely arranged until after the birth. You will be free to change your mind up until the time when you sign consent to placement of your child for adoption.

### Must the Father of the baby give his permission?

It is very important for children to grow up having information about both their parents; therefore the adoption agency will ask you about the father of the child. If the father of

your child does not have parental responsibility his permission for your child to be placed for adoption is not necessary. The social worker will need to contact him, if considered appropriate, as the adoption agency will want some information about the father's health, family and medical history so they can pass it on to the adopters and the child.

If you are married but your husband isn't the father, the law will still consider your husband the legal father unless he has signed a declaration otherwise. In this case your husband's consent to placement for adoption is necessary. The adoption agency will also want, if possible, some information on the birth father so they can pass it on to the adopters and the child.

The baby's father may not agree with your adoption plan and may want to bring up the child himself or within his own family, if this is the case the adoption agency and the court will need to know about it.

If you and he are unable to agree the court will have to decide whether it thinks adoption or a life with the father is likely to be best for the child in the long term.

## What Sort of People will Adopt my child?

There are so many people who want to adopt young children that it should be possible to find an excellent home for your child. The social worker will discuss with you the kind of family you want your child to grow up in.

You should talk to the social worker about the possibility of meeting the family, if you want to, or about other sorts of contact such as exchanging letters and photographs.

## What happens after my baby is born?

Before you leave the hospital you will be asked to sign a form to agree to your child going to foster carers (this is not a consent form for adoption). In most cases the baby will be looked after by a temporary foster carer until you sign consent to placement for adoption when your child is six weeks old. If you wish your baby to be placed for adoption under six weeks of age you can agree with your social worker that this should happen and you will be asked to sign a written agreement. Your social worker will make regular visits to the child to check everything is going well and offer support. You will be kept up to date with your child's progress.

## When your baby is at least six weeks old

The social worker will arrange for you to be interviewed by a CAFCASS officer who will make sure that you understand what adoption involves, they will ask you to sign a formal document consenting to your child's placement for adoption and you may also give advance consent to an adoption order being made when the adopters apply for it. You can, if you wish, be involved in the process of deciding what kind of family your child should grow up with and with putting together a record of your family for your child. This is really important for your child to have for the future.

Once the child has been placed with adopters and has lived with them for 10 weeks they can apply for an adoption order, if you wish to oppose the making of the adoption order you will need to ask the court for permission to do so. The agency will provide a report to the court about the child's circumstances, and if the court is satisfied that an adoption order is in the best interests of the child then an adoption order will be granted.

You will be notified about the adoption application and when and where it will be heard unless you request specifically not to be.

## Can I Arrange the adoption myself?

No, unless you place your child with a close relative.

To protect the child, all other adoptions must be arranged by an approved adoption agency, which can make full enquiries about the new parents.

All adoptions orders must be granted by the courts.

## What if I change my mind?

Once you have signed your consent to your child's placement for adoption your right to change your mind will be limited and may be lost altogether. You will be able to withdraw your consent at any time until the people who want to adopt your child start an adoption application in the court. If you do withdraw your consent and want your child to be returned you will need to notify the adoption agency that you have changed your mind. However it will not be automatic that your child will be returned to you.

If the adoption agency has not placed your child with prospective adopters and agrees that your child should be returned to you they will return the child within seven days. If they have already placed the child with prospective adopters and they agree that your child should be returned to you they will return the child within fourteen days. However if the adoption agency considers that your child ought still to be adopted they will have to apply for a placement order and the court will decide whether your child should be returned to you.

When the people who want to adopt your child have made an application to the court for an adoption order you will not be able to ask for your child to be returned. Unless you have said that you do not wish to be informed you will be told when they make their application but you will have to ask the court for permission to oppose the application. You will have to show the court that there has been a change of circumstances since you gave your consent to your child being placed for adoption and that permission to oppose is in your child's best interests.

## Will I see my child again?

Once you have given consent to the child being placed with prospective adopters it may be possible to have contact with your child through arrangement with the adoption agency or by getting a court order but you will not have an automatic right to contact.

You will have a right to apply to the court for an order for contact with your child at any time until the adoption order is granted. Adoption can sometimes involve continuing contact between the birth parents and the adoptive family, either face to face or by letter.

The agency will usually try to find a family for your child who are happy with having the sort of contact that you would like, as long as this is also in your child's best interests, although it would not be usual for a very young child to have face to face contact with his/her birth parents on an on-going basis.

The contact you have with your child may change over time depending on the child's needs.

## Can I keep it a secret?

Adoptive parents are advised to tell children from an early age that they are adopted. As they grow up, most adopted people are curious to know something about their background.

Adopted people can obtain their original birth certificate when they are 18 years old (16 in Scotland), and if you were registered as a parent, your name will be on the certificate.

Using that information the adopted person could try to trace you.

There are special post-adoption counsellors in local authorities and voluntary organisations who can discuss your particular situation with you.

There are adoption contact registers covering England and Wales, Scotland and Northern Ireland to facilitate contact between adult adopted people and their birth relatives.

## Making the decision

The decision you make about your baby's future is so important that you should not be tempted to rush into it.

Get all the advice you can before you make up your mind.

You need to be sure that you are doing the best for your child so that you will feel comfortable that your decision was a responsible and caring one.

## Will I get support?

You will be encouraged to see a counsellor to assist you in making your decision but there are also services available for birth parents after their child has been adopted. Agencies such as 'After Adoption' provide support groups and workers who know a lot about adoption. You can ask the social worker for details about this and other support services available.



Local authorities also provide support to every-one involved in adoption throughout a child's childhood and beyond. They will be there to assist if any difficulties arise in relation to contact with your child or if you have any queries at all.

## Can I contact my child again when they become an Adult?

You can request an adoption support agency or a local authority or voluntary adoption agency to act as an intermediary for you once your child becomes an adult. They will have a responsibility to make an attempt to contact your child on your behalf. There may be circumstances which mean it is not appropriate to do this and contact would only be re-established if it is what the adopted adult wants.

## Relinquished Babies: Agency Decision

Where the child is less than six weeks old, the agency is required to notify in writing the parent or guardian of its decision, if their whereabouts are known to the agency. Where the father of the child does not have parental responsibility for the child and his identity and whereabouts are known to the agency – and the agency considers it appropriate – it is also required to notify him in writing of its decision.

Where the child is less than six weeks old at the time the agency makes its decision, the agency should not seek to obtain consent to placement for adoption or to adoption. The Adoption & Children Act states that any consent given by the mother to the making of an adoption order is ineffective if given when the child is aged less than six weeks.

Unless an application has been made for a Care Order and has not been determined by the court, the agency should seek to ascertain whether the parent or guardian is prepared to agree to the baby being placed for adoption either with prospective adopters identified in any agreement or with any prospective adopters who may be chosen by the agency. If the parent or guardian is prepared to make such an agreement, they should be asked to sign the Agreement to Place a Child for Adoption where the Child is less than 6 Weeks Old agreement form.

The signed agreement form must be placed on the child's case record.

Additional counselling must be provided for the parent or guardian where their signed agreement to the placement for adoption of their child aged less than six weeks of age is being sought.

The agency should make it clear orally and in writing that:

- The parent or guardian retains full parental responsibility until:
  - They give their consent under section 19 of the Act, after the child reaches the age of six weeks;
  - A placement order is made; or
  - An adoption order is made.
- The parent or guardian may only have contact with the child by agreement with the agency or by order of the court;

- If the parent or guardian asks for the child to be returned, the child must be returned by the agency unless any of the following orders are applied for or made in relation to the child:
  - An emergency protection order or a care order under the 1989 Act;
  - A placement order or an adoption order.
- After the child is six weeks old, the agency will seek to arrange for them to give their formal consent to the child being placed for adoption.

The social worker must try to maintain contact with the child's parent and ascertain whether they are prepared to consent once the child reaches the age of six weeks. The signing of the consent to placement form must be witnessed by an officer from CAFCASS to ensure that consent is properly given, and that the parents fully understand the implications.

The request for a CAFCASS officer to witness consent should be made in writing to the CAFCASS office that is nearest to the parents' address.

When an application for an adoption order is made to the court, it must be accompanied by the original, signed and witnessed consent form. A photocopy will not be accepted by the court.

Where formal witnessed consent is given, the agency is authorised to place the child for adoption. The agency should consider whether it can rely on the parents' consent remaining in place.