



JUDICIARY OF ENGLAND AND WALES

**GUIDANCE IN RELATION TO CHILDREN RELINQUISHED FOR ADOPTION**

**INTRODUCTION**

The Adoption Subcommittee for Greater Manchester is aware of the “Good Practice Guidance for Adoption Agencies and Cafcass: Children Relinquished for Adoption” issued in 2007 and subsequently revised in 2011.

We are concerned that it is now somewhat outdated and does not reflect recent authority and procedures. There are now only a limited number of relinquished children and professionals do not encounter such cases with regularity. However, when the circumstances do arise, the issues can be complex and will often require particular sensitivity alongside a clear focus upon the child’s welfare.

A small working group has produced this revised guidance, which, subject to consultation and the approval of the President of the Family Division and the Family Division Liaison Judge, will be implemented in Greater Manchester.

**Members of the working group**

HHJ Lesley Newton, Designated Family Judge  
HHJ Andrew Berkley  
Sharon Dyche, Cafcass  
Colette McGarrigle, Manchester City Council  
Lorraine Ashton, Manchester City Council  
Caroline Leggeat, Barrister  
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## **STAGE 1 THE INITIAL REFERRAL TO THE ADOPTION AGENCY – ACTIONS REQUIRED**

### **1.1 Allocate a social worker**

On receiving a request from parent/s that they wish their child or unborn child to be placed for adoption, the Adoption Agency will allocate a suitably qualified social worker with the requisite adoption experience or who will be supervised by someone with the requisite experience.

### **1.2 Counselling**

Ideally, counselling should be offered and take place pre-birth. However, it is recognised that this cannot always be the case. During the counselling period the adoption agency social worker must ensure, as far as possible, that:

- Issues of competency, capacity and vulnerability have been considered
- The life-long meaning of adoption is clearly understood by the parent/s
- The parent's specific needs are clearly identified e.g. communication requirements, literacy skills, disabilities
- Cultural issues have been considered e.g. is the mother at risk if the pregnancy becomes known?
- In respect of foreign national parents, the impact of adoption on questions of the nationality and status of the child have been established
- The implications of social media are understood by the parent/s
- There is no practicable form of support that would enable the parent to care for the child
- Written information about the legal consequences of giving section 19 and 20 consent has been given to the parent/s. One helpful example is found at Annexe G and another may be obtained at modest cost from [www.corambaaf.org.uk](http://www.corambaaf.org.uk).

### **1.3 Establish identity of birth father where feasible**

The allocated social worker should ask about the birth father, if he is not already part of the relinquishment process. It is important for the child that the social worker should investigate as far as possible his identity, and consider, if he does not have parental responsibility, whether he and his family should be notified about his child being relinquished.

Consider with mother if there are issues about notifying birth father or members of the extended family of either parent. This may be particularly delicate and complex, for example, if mother is married and her husband is unaware of the pregnancy, the mother is the victim of serious domestic abuse, the child is the result of an alleged rape, or the mother is at risk of honour-based violence if the pregnancy is discovered.

If the mother does not wish the father to be informed, the social worker should seek urgent legal advice. If a declaration is to be sought authorising the adoption agency not to give notice of the child's birth and the intention to relinquish, an early application to the court should be made – see section 4.2 post.

#### **1.4 Where the mother consents, also discuss all matters with birth father**

Where the mother agrees to the birth father being contacted, consideration must be given regarding all the realistic placement options for the child, including support services that could be offered to allow the child to remain with him or extended family members.

#### **1.5 Understand the reasons for the child being placed for adoption**

Where possible, it is important for the child that the reasons for the parent/s requesting that the child be placed for adoption are known. When discussing this, the social worker must make sure that each of the consenting parents are aware of:

- The lifelong implications of adoption;
- The legal consequences of consenting to placement and the adoption order;
- Contact issues, for example: including the parent/s' 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 the later life letter and life story book for the child;
- Whether the relinquishing parent/s wish(es) to be involved in selecting the new parents for the child and/or give their consent to placement with particular adopters;
- The availability of adoption support services and intermediary services for help in 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 his or her birth parent(s) once they reach the age of 18;
- The potential role of social media in later life e.g. Facebook being used as a tool to trace birth family members.

#### **1.6 Consider support services and explain other options**

It is incumbent upon the adoption social worker to explain the other realistic options to the parent/s, if any, and advise if there are any other support services that could be offered to allow the child to remain with her/them.

#### **1.7 Consider competence or capacity to give consent**

In order to give effective consent, any parent under the age of 16 must be competent to do so and any parent over the age of 16 must have the capacity to do so.

Guidance in respect of the competence of a parent under 16 years and the approach to be taken in such cases can be found at paragraph 62 of the **Re S (Child as Parent: Adoption: Consent) [2017] EWHC 2729 Fam.**

The capacity of a parent over the age of 16 is specifically to be determined by reference to the **Mental Capacity Act 2005, sections 1 to 3.**

If, during the counselling sessions or otherwise, the issue of competence or capacity arises, a specialist assessment may be needed from another professional, such as a treating psychiatrist or a social worker from the Learning Disability team.

It is a matter of professional judgment as to whether a parent is competent/has capacity to give consent unconditionally and with full understanding of what is involved. If the social worker concludes that the parent is not capable of understanding the implications of the giving of consent and the local authority is satisfied that the child ought to be placed for adoption, the local authority must apply to the court for a placement order (s.21/22 Adoption & Children Act 2002)

If the social worker is aware at an early stage that issues of competence/capacity may require further consideration they should not request a CAFCASS officer to witness consent until that issue has been clarified. Full enquiries must first be completed, and the Adoption Agency must be satisfied that the parent/s has competence/capacity to consent with full understanding within their capabilities and is willing to do so unconditionally.

## **1.8 Register birth**

The child's birth must be registered at the earliest opportunity and the birth certificate checked to establish if an unmarried birth father has acquired PR by being named on the birth certificate. The AA social worker should encourage the parent to register the birth and, if they are unable or unwilling to do so, consider whether alternative arrangements need to be made.

## **1.9 Consider placement options including "foster to adopt" placement**

The possibility of a "foster to adopt" placement should always be considered but especially for relinquished babies who might thereby be spared the need to move placement in their infancy.

## **STAGE 2 COMPLETION OF SCHEDULE 2 INFORMATION AND DOCUMENTATION BY THE ADOPTION AGENCY/NOTIFICATION OF CAFCASS**

### **2.1 Alert Cafcass**

Cafcass should be alerted to the possibility of a child being relinquished for adoption as soon as possible. A draft letter is found at Annexe A.

### **2.2 Provide information to Cafcass**

A schedule of the information set out in Schedule 2, Adoption Agencies Regulations 2005 must be provided to Cafcass. A draft letter and Schedule 2 pro forma is found at Annexe B .

It is very helpful to the Cafcass practitioner if as much relevant information as possible can be provided.

### **2.2 Consider timing of the request for a Cafcass officer to witness consent**

If the child is at least six weeks of age the law permits consent to be given before the adoption panel has met and the agency decision has been made that the child should be placed for adoption. If the agency is satisfied that as much effort as possible has been made to counsel and advise the parent and a birth certificate has been obtained, an urgent request for a Cafcass practitioner to witness consent should be made and acted upon by the Cafcass practitioner before the panel meeting and agency decision.

It is important for the Cafcass practitioner to arrange to witness consent as soon as possible after receipt of the required documents in order to avoid the risk of losing contact with the mother and proceedings having to be issued.

Cafcass office addresses can be obtained from the Cafcass website: [www.Cafcass.gov.uk](http://www.Cafcass.gov.uk). However, it may assist the speed of the process if the adoption social worker first telephones or emails a public law manager in the Cafcass team that covers their area. As Cafcass operates a paperless system, it is then quicker to email the required documents to the local office, including a scanned copy of the child's birth certificate.

If the parent is no longer in the geographical area of the agency, the social worker will need to speak to a Cafcass manager to establish which team the required documents should be sent to.

## **STAGE 3      ACTIONS FOR CAFCASS**

3.1 On receipt of the Schedule 2 information from the Adoption Agency, Cafcass will allocate the case to a suitably qualified practitioner with the requisite adoption experience or a practitioner who will be supervised by someone with the requisite experience. The sole duty of the Cafcass practitioner is to witness consent from the mother and anyone else with parental responsibility, and notify the Adoption Agency if it cannot be obtained. It is not, for example, to counsel or advise the parent/s.

### **3.2 Section 19 consent to placement for adoption**

Consent under section 19 is given in writing (usually a signature) by the parent on the prescribed form and must be formally witnessed by a Cafcass practitioner. When witnessing consent, the Cafcass practitioner must ensure it is given with full understanding and unconditionally. The options will include:

- Consent to placement for adoption with any prospective adopters chosen by the Adoption Agency
- Consent to the placement for adoption with identified prospective adopters
- Consent to the placement for adoption with identified prospective adopter(s) and, if the placement breaks down, with any prospective adopter(s) chosen by the adoption agency.

### **3.3 Section 20 advance consent to the making of an adoption order**

During the same interview the parent/s will usually also give advance consent under section 20 to the making of an adoption order. This written consent must also be formally witnessed by a Cafcass practitioner appointed at the request of the Adoption Agency.

### **3.4 Statement with section 20 (4) consent**

At any time after giving consent under section 20 (including when interviewed by the Cafcass practitioner), the parent/s can make a statement that they do not wish to be notified of the application for an adoption order under section 20 (4).

During their interview with the parent the Cafcass practitioner should always ask if they wish to make such a statement and, if so, it should be recorded in writing and forwarded to the Adoption Agency. A proforma for this is provided at Annexe F of this guidance.

### **3.5 Counter-signing**

If the Cafcass Officer is satisfied that consent to placing the child for adoption/ advanced consent to the making of an Adoption Order has been properly given and the parent fully

understands its implications, then the letter at Annexe C must be completed. This document along with the original signed form should be scanned for Cafcass's records and then both returned, using a secure form of delivery, to the Adoption Agency social worker.

If there are issues about the parent/s' competency and capacity to give consent with full understanding and unconditionally that prevent the Cafcass practitioner from countersigning the form(s), then the letter at Annexe D must be completed, giving a full explanation of the reasons as to why the form(s) cannot be countersigned, and sent to the AA officer.

If, after discussions with the Cafcass practitioner, any parent is unwilling to provide their section 19 or 20 consent, the practitioner should notify the AA social worker as a matter of urgency.

If any parent is not willing to consent to section 20 when signing section 19 consent, but later changes their mind, the Adoption Agency must notify the original Cafcass practitioner with any additional information required. A draft letter is found at Annexe E

The Cafcass practitioner will re-interview the parent and, if satisfied that consent is given with full understanding and unconditionally, will send the countersigned section 20 form and the letter at Annexe C to the Adoption agency. The letter will need to be annotated according to whether the parent has given notice to the Cafcass practitioner that they do not wish to be notified when the application for an Adoption Order is made (see Annex F). If the Cafcass practitioner is unable to countersign the consent form, then they should proceed as above.

## **STAGE 4 APPLICATION TO THE COURT WHERE NECESSARY**

### **4.1 Legal advice**

Where there are potential issues about notifying the birth father or relevant extended family members, or a relevant consulate, the agency must seek legal advice. An early “pre-emptive” application is preferable to leaving issues to be raised during the adoption application, with all the potential for delay and distress to prospective adopters and birth family that involves.

### **4.2 Application under Part 19 of the Family Procedure Rules 2010**

Part 19 and r14.21 FPR 2010 provide a helpful mechanism for the adoption agency to seek directions and/or declarations in circumstances where, for example:

- The mother declines to identify the father
- The agency requires directions/declarations about whether a father without parental responsibility is given notice of the intention to place a child for adoption – for guidance see paragraph 19 **Re A (Relinquished baby: Risk of domestic abuse) [2018] EWHC 1981 Fam**
- The agency is in doubt about the need to investigate and/or assess family members
- The mother is married and the presumption of legitimacy is engaged
- The child is a foreign national and the agency is in doubt about its obligations to notify the relevant consulate
- There are other circumstances upon which the agency seeks guidance.

**Please note – Part 19 applications should be made without delay. Failure to apply expeditiously is likely to adversely impact the welfare of the child.**

The application should be supported by a short statement setting out briefly the circumstances within which the directions/declarations are sought and should be sent by email to [manchesteradoptions@justice.gov.uk](mailto:manchesteradoptions@justice.gov.uk) .

When submitting the application, reference should be made in the subject line of the email that the application is ‘urgent’ and relates to a ‘relinquished child’.

Upon such an application being received by the court

- It will be issued promptly
- Cafcass will be notified immediately
- The application will be listed for directions within 14 days, before a judge of the Family Division or a duly authorised Section 9 judge



### **4.3 Care proceedings**

The institution of care proceedings should be regarded as a last resort. This may however prove necessary, for example: if parent/s, having agreed to relinquish their child, and the child having been placed with foster carers, do not subsequently provide timely consent under Sections 19/20 nor seek to assume care of the child; or alternatively, where a mother changes her mind about relinquishing her baby but the local authority assesses the risks of the child being placed in her care reaches the threshold for the issue of care proceedings.

### **4.4 Placement order applications**

Where the local authority is satisfied that the child ought to be placed for adoption but it appears that a parent lacks competence or capacity which precludes them from understanding the implications of giving consent, it is likely to be necessary to make an application for a placement order pursuant to sections 21 and 22 ACA 2002. Delay should be avoided in the making of such an application.

### **4.5 Recent caselaw – click on link below to access decision**

[Re JL and AO \(Babies Relinquished for adoption\) \[2016\] EWHC 440 Fam; Baker J](#)

[Re RA \(Baby Relinquished for Adoption: Case Management\) \[2016\] EWFC 25; Cobb J](#)

[Re RA \(Baby Relinquished for Adoption\) \[2016\] EWFC 47; Cobb J](#)

[Re TJ \(Relinquished Baby; Sibling Contact\) \[2017\] EWFC 6; Cobb J](#)

[Re M & N \(Twins: Relinquished Babies; Parentage\) \[2017\] EWFC 31; Cobb J](#)

[Re S \(Child as parent: Adoption: Consent\) \[2017\] EWHC 2729 Fam; Cobb J](#)

[Re A \(Relinquished baby: Risk of domestic abuse\) \[2018\] EWHC 1981 Fam; Cobb J](#)

[Re C \[2018\] EWHC 3332 Fam; Cohen J](#)

## **5 REVIEW**

The Adoption Subcommittee will review the operation of this guidance at its biannual meetings, the next being held on 11 July 2019.

Any constructive comments or suggestions will be gratefully received.

**Annexe A**

AA logo & address

Case reference no

Service Manager

Cafcass

Office nearest to parent/guardian

Dear

**Re: Advance Notification of child to be relinquished for adoption**

**Sections 19 and 20 Adoption and Children Act 2002**

I am writing to inform you that the following parent(s) has requested their child be placed for adoption:

Name of mother:

Name of father *[if known and whether he has PR]*

Addresses for correspondence: *[confirming whether or not this address can safely be used for correspondence]*

Mother:

Father:

Home addresses: *[confirming whether or not this address can safely be visited]*

Mother:

Father:

Date of birth *[including expected date]:*

Name of child *[if known]:*

March 2019 v3

This agency believes that the parent(s) is competent to give consent unconditionally and with full understanding.

The mother is expected to be competent 6 weeks after the birth. The child will be 6 weeks of age on the *[insert date]* and the mother will be competent to give consent on this date *[insert date]*

The projected date for the adoption panel recommendation, agency decision and completion of the Schedule 2 Information for Cafcass is *[insert date]*

Yours sincerely

*Name of officer*

**Annexe B**

AA logo & address

Case reference no

Service Manager

Cafcass

Office nearest to parent/guardian

Dear

**Re: Notification of child to be relinquished for adoption**

I enclose the completed Schedule 2 Information with associated documents and request the appointment of an officer to witness Section 19 consent and advance consent to the making of an adoption order Section 20 consent: *[delete as appropriate]*

- a) with specific adopters
- b) with any adopters chosen by the agency

And confirm the parent(s): *[delete as appropriate]*

- a) wish to give advance consent to the making of an adoption order
- b) do not wish to be notified of the adoption order application in respect of their child

Name of mother: *[if willing to consent]*

Name of father: *[whether he has PR and is willing to consent]*

Addresses for correspondence: *[confirming whether or not this address can safely be used for correspondence]*

Mother:

Father:

Home addresses: *[confirming whether or not this address can safely be visited]*

Mother:

Father:

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Name and date of birth of child:

March 2019 v3

I have enclosed the Schedule 2 Information, which contains the following

- certified copy of the child's birth certificate
- names and addresses or preferred contact addresses of the child's parents/guardians who are willing to give consent
- mobile telephone number(s) and confirmation that this can be used to contact the parent(s)
- chronology of actions and decisions taken by the agency, including the date or projected date when the agency decided or will decide, that the child should be placed for adoption.

I confirm that:

- the agency has counselled and explained to the parent(s) the legal implications of both consent to placement under section 19 of the Act and consent to the making of an adoption order under section 20 of the Act
- a copy of the above written information has provided to the parent(s)/guardian(s)
- all such other additional information as the AA considers the officer of the service needs to know has been provided to Cafcass.

At the time of writing there are no known unresolved concerns about the parent's or guardian's competency or capacity to give consent unconditionally and with full understanding of what is involved.

Yours sincerely

*Name of officer*

## Schedule 2 proforma

### Section 19 or Section 20 Consent – Adoption Agencies Regulations 2005

Name of Agency:

Address:

Telephone Number:

Fax Number:

Date form completed:

Name of Social Worker completing this form

Telephone Number:

E-mail address:

Name of Team Manager:

Telephone Number E-mail:

Signature and date .....

Date (or projected date) of adoption panel recommendation that the child should be placed for adoption;

Date (or projected date) of agency decision that the child should be placed for adoption:

**N.B. A certified copy of the child's birth certificate MUST be attached**

#### The child

Surname:

First Names:

Other names child is known by:

Gender:

Date of Birth:

Information about the parent(s) whose consent is to be witnessed:

Mother

Surname:

First Names:

Date of birth:

Marital Status:

Address for contact by Cafcass:

Tel no:

Father *[and whether or not the father has Parental Responsibility]*

Surname:

First names:

Date of birth:

Address for contact by Cafcass:

Tel No:

**Additional information:**

- Is the child accommodated (section 20 Children Act 1989)? Yes/No
- Is the child in foster care? Yes/No
- Is the child placed with identified carers who may wish to adopt? Yes/No
- Confirmation by AA that it has counselled or attempted to counsel the consenting parent(s)/guardian(s) and explained the legal implications of consent to placement under section 19 and section 20, and provided the parent(s)/guardian(s) with the information in writing. A copy of the information must be attached to this document
- Chronology of actions and decisions taken by agency. This should include actions and decisions taken in relation to extended family and birth fathers without PR.

**Other relevant information, including:**

- If another professional's views were sought about competency, confirmation that they considered the parent/guardian to be competent to make the request for adoption.
- Issues about the non-awareness of relatives about the child's birth, e.g. a concealed pregnancy
- If the birth of the child or plan for adoption is not known to the parent(s)/guardian(s)' relatives what steps should be taken by the Cafcass officer in arranging to meet parents/guardians giving consent to preserve their confidentiality?
- Issues around, for example, aggression, hostility, cultural or ethnicity issues, child conceived by rape or any other risk issues
- Any other information about the parent(s)/guardian(s) or any information the adoption agency considers the officer of the service may need to know.

## Annexe C

Cafcass & address

Name of officer [AA]

Address

Case reference no

Dear

### Relinquished child

#### Re: Countersigning Consent Forms

With reference to your request for the appointment of an officer to witness consent to placement for adoption and advance consent to the making of an adoption order *[delete if not appropriate]*. I am writing to inform you that I have witnessed and countersigned the following.

Section 19 consent Form *[delete if not appropriate]*

Section 20 consent Form *[delete if not appropriate]*

The parent/guardian gave me notice that they do not wish to be notified of the adoption order application in respect of their child *[delete if not appropriate]*

The original signed consent forms and notice are enclosed and relate to:

Name of mother:

Name of father:

Name of child:

Yours sincerely

*Name of officer*



**Annexe D**

Cafcass & address

Name of office [AA]

Address

Case reference no

Dear

**Relinquished child**

**Re: Inability to Countersign Consent Forms – Section 19 and 20**

With reference to your request for the appointment of an officer to witness consent to placement for adoption and advance consent to the making of an adoption order *[delete if not appropriate]*, I write to inform you that I have not been able to countersign the following:

Section 19 consent Form *[delete if not appropriate]*

Section 20 consent Form *[delete if not appropriate]*

In relation to:

Name of mother:

Name of father:

Name of child:

The reasons that I do not consider that the parent(s)/guardian(s) are able/willing to give consent unconditionally and with full understanding of what is involved are:-

Yours sincerely

*Name of officer*

**Annexe E**

AA logo & address

Case reference no

Service Manager

Cafcass

Office nearest to parent/guardian

Dear

**Relinquished child**

**Re: Countersigning of Advance Consent for Adoption**

With reference to your correspondence of *[insert date]* witnessing the signing of a Section 19 consent form in relation to:

Name of mother: *[if appropriate]*

Name of father: *[if appropriate]*

Addresses for correspondence: *[confirming whether or not this address can safely be used for correspondence]*

Mother:

Father:

I am writing to request that you witness the signing of a Section 20 advance consent to the making of an adoption order and, if it is given to you by the parent(s)/guardian(s), receive from them notice that they do not wish to be informed about the adoption order application in respect of their child.

I have enclosed an addendum to the Schedule 2 Information previously sent to you on *[insert date]*

Yours sincerely

*Name of officer*

March 2019 v3

**Annexe F**

**Statement That I do Not Wish to be Notified of the Application for an Adoption Order for my Child**

**Section 20 (4) Adoption and Children Act 2002**

**Before signing this form you are advised to seek legal advice about consenting to adoption and the effect on your parental rights. Publicly funded legal advice may be available from the Community Legal Service. You can get information about this or find a solicitor through CLS Direct on [www.clsdirect.org.uk](http://www.clsdirect.org.uk) or by telephoning 0845 345 4 345**

Name of child:

Child's Date of Birth:

Name and Address of Adoption Agency:

I have given my consent in advance to the making of an adoption order for my child.

I understand that I must be informed by the court when the application for an adoption order is made unless I give this notice that I do not wish to be informed of the application.

I give notice that I do *not* wish to be informed of the application.

I also understand that I may withdraw this notice at any time by telling the Adoption Agency and that I will then be informed when the adoption order is applied for.

I understand that the court will notify me when the adoption order is made.

Name

Signature .....

Date .....

## Annexe G

### 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;
- Websites like [www.coram.org.uk](http://www.coram.org.uk), [www.gov.uk](http://www.gov.uk), [www.adoptionuk.org](http://www.adoptionuk.org)
- 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 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.